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Dear Mr Smith

**Inquest into the death of Ashley Mark Holden – Regulation 28 report.**

Thank you for your letter dated 20 April 2020 to Inspector ██████████ and the associated Regulation 28 report dated 17 April 2020. I lead a team that sets HSE operational policy in relation to the agriculture sector and this includes safe use and stacking of bales in farm work.

Vehicle loading and load securing cross over two areas of legislation: road traffic which is enforced by the Driver & Vehicle Standards Agency (DVSA) and police forces, and workplace safety which is enforced by HSE and local authorities. As such, HSE works closely with DVSA, the police, Highways England, and the Office of the Traffic Commissioner to ensure that guidance is available to vehicle operators and drivers to help them comply with their duties on the road and in the workplace (e.g. farm or factory).

I understand you have sent a similar letter and report to the Department for Transport (DfT).

HSE recognise that unstable loads present a serious risk of harm during loading and unloading. In 2013 we worked with DVSA to introduce a new enforcement approach for vehicle loading, and produce updated on-road [guidance on load securing for vehicle operators](#), which was published in 2015. We continue to work closely with DVSA and police forces, providing training on vehicle loading for frontline personnel alongside specialist technical support. We also provide loading and load securing advice through wider forums to the agricultural sector.

The risk of fatal and serious injury when working with bales in agriculture is well known and guidance has been in place in various forms for decades. Recently, between 2014 and 2019, 6 people were killed by falling bales. We continue to monitor and adapt our guidance in light of

incidents and modern farming practices. For example, [INDG125\(rev3\)](#) was revised in 2012 to provide updated guidance to the industry on safe working practices, including the safe loading and unloading of bales. The DfT guidance Code of Practice: Safety of loads on vehicles is already referenced in INDG125 under the 'Find out More' section of the leaflet on page 10. We are grateful for your comments and we will take them into account at the next review.

The overarching legal framework in place for workplace safety includes the Health and Safety at Work etc. Act 1974 and this applies to work with bales. The Act, and Regulations made under the Act, require employers to assess the risk from work operations, including loading activities, and provide control measures to reduce these risks, so far as is reasonably practicable. Of relevance to loading are the Lifting Operations and Lifting Equipment Regulations 1998 (LOLER) which set out what duty holders involved in any lifting operation must do to comply with the law. Every lifting operation is different, but the heart of LOLER requires all lifting work to be properly planned and organised.

When handling and loading bales, control measures would normally include the following:

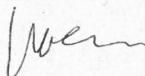
- Planning the configuration of the load and the loading operation. The configuration of the load will vary depending on a number of factors including but not limited to the type of vehicle, the type of bale and the number of bales.
- Using a competent person who is able to stack bales safely. The competent person should understand the risks when loading bales, including that bales shift when they get compressed and settle.
- Using suitable lifting machinery to load bales. The machinery should be operated by a trained and competent person.
- Keeping pedestrians and all other people out of the way during loading.
- Not overloading the trailer.
- Not stacking bales beyond the edge of the trailer.
- Only allowing securing of the load to take place after the load has been assessed by a competent person as being stable.

The guidance contained in INDG125 is intentionally broad and sets out the principles of safe loading that meet the Act and LOLER. It has never been our intention to cover every possible configuration but the combination of suitable and sufficient assessment, planning and use of competent people allows for loads of many types to be loaded and transported safely within a robust legal framework.

The duty rests on employers and those in control of the loading operations to identify risks associated with the loading operation, implement effective controls to ensure the safety of persons who may be affected, and keep these controls under review.

We keep guidance, including INDG125, under periodic re-evaluation. When INDG125 is next reviewed we will consider whether improvements can be made.

Yours sincerely



  
**Acting Head of Health, Engagement, Livestock and Pesticides  
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