

HM Coroner for Stoke-on-Trent and North  
Staffordshire

HM Coroner's Court & Chambers  
Stoke Town Hall  
Kingsway  
Stoke-on-Trent  
ST4 1HH

██████████  
HM Principal Inspector of Health  
and Safety  
Waste and Recycling Sector  
Priestley House  
Basingstoke  
HANTS  
RG24 9NW

**FAO Mrs Margaret Jones, Assistant Coroner**

29<sup>th</sup> September 2021

**Inquest touching on the death of ADAM FORRESTER**

**Response to Regulation 28 report on behalf of the Health and Safety Executive**

Dear Mrs Jones

I refer to your report of 11<sup>th</sup> August 2021 which has been passed to me for response as head of HSE's Waste and Recycling sector team. I have also consulted the Waste Industry Safety and Health forum (WISH) steering group who have many years of experience in the industry to clarify some of the issues. We have worked jointly to amend the guidance, ensure that it is fit for purpose and is as clear as it can be as to the risks and potential control measures. To save duplication, HSE has agreed with WISH that this letter should be regarded as a joint, composite response on behalf of both organisations. I trust this is acceptable.

The issue of people sleeping in bins has exercised HSE and the waste and recycling industry for many years. You mention the checklist on page 5 of WISH document 'Effective Proactive Monitoring in Waste and Recycling Collection Activities' (INFO 03), in particular, that it makes no mention of kicking bins or checking inside for persons.

It is important to distinguish between domestic and commercial type bins. The latter tend to be larger, with four wheels rather than two. They can also be found in communal locations (flats, community centres, schools, churches and 'bring site' locations for example). Because these are larger, they tend to be more attractive as a place to sleep. Their safe use is considered in WASTE 25 (Managing access to large waste and recycling bins).

As you note, there are various WISH documents which identify good practice to minimise the risks of both sleeping in bins and around bins e.g., under waste such as cardboard. (In the latter case, the risk tends to relate more to being run over by collection vehicles). These risks should be captured in the route risk assessments which waste and recycling contractors are obliged to carry out. Areas known to attract rough sleepers should be identified and extra steps identified to ensure operatives are vigilant for people sleeping in or around bins.

On the other hand, people sleeping in standard two wheeled domestic waste (wheelie) bins has been much less of an issue. They are typically too small and filled with contents that are too unpleasant for them to be attractive for sleeping in (even when intoxicated). A person in such a bin would also be very likely to be detected when an operative attempted to move the bin for emptying (the very significant additional weight would almost certainly prompt them to check what was in the bin). There is no conclusive evidence of such bins ever being involved in an accidental death 'body in the bin' event.

HSE tends to think of risk control measures in terms of a hierarchy – eliminating or reducing it by way of design is at the top, whilst relying on PPE or people following procedures (often in less-than-ideal circumstances) is at the bottom. With this in mind, the best way to prevent further accidents arising from sleeping in or around bins is this for the bin owners (those in control of the premises or undertaking) to take all reasonable steps to keep people out of and away from the bins e.g., by keeping them in locked

enclosures or locking the individual bins. This is reflected in WASTE 25. It is the view of both HSE and WISH that kicking bins is weak control measure for various reasons, in particular, because it will not rouse a heavily intoxicated person.

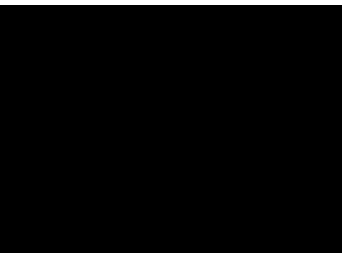
Having reviewed the guidance, we are content that the existing material and control measures are broadly sufficient and proportionate to the risk. However, we recognise the wording of WISH INFO 3 could be clearer – so we have drafted some modified text at line 13 on page 5 of INFO13 and with the addition of line 21 on page 6: “Crew check all large, four wheeled bins” (to distinguish from the smaller two wheeled domestic types).

I hope this addresses your concerns.

Yours faithfully



**HM Principal Inspector of Health and Safety**



**Chair, Waste and Recycling Health and Safety forum (WISH)**