

For the purposes of this case you are a fully qualified EHP and are available to respond to the issues raised in this file. You do not have to be working as an enforcement officer and can instead be part of a consultancy team working for the airport (Chadwick Airport), the operator (Caledonian Airport Ltd.), the airline (Eurojet), the in-flight caterer or the hotel (The Hive Hotel) to advise them accordingly. Your advice must take account of the law, the relevant powers available to enforcement agencies and the duties of employers.

CASE FILE

Chadwick Airport is a medium-sized regional airport roughly dividing two residential populations with the wealthier, home-owners to the west, and a 1960s estate of council houses to the east. It has two runways and has been expanding its operations in line with the general increase in international air traffic. The airport has a thriving cargo import business as it has good links to the motorway system. For this reason it has become a hub for the import of food - this is mainly fresh and perishable.

One of the vehicles frequently seen on the road is a customised catering truck that delivers catering trolleys to the aircraft. These resemble a normal lorry on the road but are designed with a 'scissor-lift' system that allows the body of the trailer to be lifted up to the level of the aircraft. Loading food onto the aircraft is always a 'race against time' with a tight 'window' between the truck arriving alongside the aircraft 45 minutes before take off, and moving away 15 minutes before doors are closed and pre-flight checks begin. With the first flight at 07.00, and a travel time of 15 minutes from the catering unit, trucks must depart the caterers by 06.00 for the first flight of the day.

Within the airport perimeter road is a private hotel – The Hive Hotel – which is mainly used by passengers taking early flights and those needing to stay overnight to pick up travel connections the following day. With approaching 100% occupancy, it works to capacity throughout the year and is always busy. Because of its location, hotel guests invariably eat in the hotel's restaurant, though at weekends it has become busier still as local residents are drawn by the excellent food and competitive prices.

Port Health

Over the years Caledonian Airport Ltd. has developed lucrative contracts with some of the major food importers. This has enabled supermarkets to fly fresh produce from all over the world directly to the area from whence they will be distributed. The main import is food of non-animal origin from non-EU countries. Some of these are considered to be 'high-risk' and as such can only enter the UK through specific ports and airports approved as Designated Points of Entry (DPEs). To facilitate this operation, the airport operator was assigned DPE status by the Food Standards Agency in 2008.

Food imported through the airport is unloaded from the aircraft hold and taken directly to a purpose-built warehouse where the import controls take place. A small team of Port Health Inspectors undertake the necessary official controls required at a DPE, checking consignments for illegal imports of foods that do not have the appropriate documentation. In addition, an extensive sampling regime is in place testing for the presence of contaminants and/or undesirable substances such as aflatoxins, Sudan dyes, Salmonella or pesticides in line with Commission Regulation (EC) 669/2009, as amended by Commission Regulation (EU) 187/2011.

A significant proportion of the imports passing through Chadwick Airport are now bulk and packaged consignments of fresh herbs, spices and vegetables from Thailand. This is being imported through two agents: 'Herbal Imports' and 'Dylan Distributors'. Detailed below is part of the sampling plan for products from Thailand devised by the port health team:

Product	Country of origin	Test	Frequency
Coriander leaves Basil Mint	Thailand	Salmonella	Every consignment
Basil Aubergines Brassica vegetables	Thailand	Pesticide residues analysed	Once every 6 months

The frequency of sampling has been recently increased so that every consignment of herbs from Thailand is sampled because of concerns regarding the presence of Salmonella. Although, to date, no positive results have been received from samples submitted, other DPEs have reported positive results from the same destination.

The Airport operator: Caledonian Airports Ltd.

The airport has developed many quality control systems, having obtained ISO 9001 certification for its operations and is proud of its safety standards and history. Visits undertaken by the many and various regulators including the Civil Aviation Authority and the Health and Safety Executive (HSE) have passed without cause for complaint; indeed, there was praise for the way in which the airport worked in partnership with the various contractors with whom it delivers its services, particularly in respect of the resources invested in airport safety and training. One training scheme that the HSE commented positively on was the advanced driving instruction whereby all drivers who brought vehicles onto the airport perimeter were trained in health and safety.

The Airport Hotel: The Hive Hotel

As the airport has expanded its business, so has the 'The Hive', though its clientele has changed in the last decade. Whereas, previously, the airport catered for people taking weekend breaks in the UK and Ireland, there has been a considerable increase in the number of transit passengers stopping-over. Accordingly, with more overseas guests using the hotel, the proprietor decided in 2009 to recruit a high-class chef, setting the appointee two objectives to meet within the first two years:

- to develop a more exciting menu with a range of international cuisine, whilst retaining a choice of traditional British fare, but with a focus on locally-sourced products; and,
- to achieve the maximum number of stars on the local authority 'Scores on the doors' hygiene rating system.

The chef relished the challenge and achieved his objectives within 18 months. It is clear that he has the proprietor's full support, and in return the proprietor is making the necessary improvements to the structure of the kitchen so that it can expand and develop its business. In most cases ingredients could be obtained from local suppliers and the chef has already built up a network of primary producers capable of supplying the hotel direct. Of course, with such a cosmopolitan menu there were limits to what could be obtained from local suppliers and so the chef has come to an arrangement with 'Herbal Imports' to supply herbs directly from the Airport.

The November menu is detailed below:

Starters:

1. Thai fish cakes (pre-prepared and baked to order and served with a sprinkling of coriander leaves)
2. Baked aubergines with a spicy mixed salad
3. Tomato with flaked salmon tartare

Main courses:

4. Chicken with a green Thai curry
5. Beef and Ale pie (made with local beef)
6. Papaya and melon stew (vegetarian option)

Desserts:

7. Pavlova with tropical fruits
8. Traditional Chocolate cake
9. Lemon tart with a hint of mint

The chef has used the *Safer Food Better Business* (catering pack) as a guide to setting up the kitchen hygiene systems and applied his knowledge of HACCP from his previous job as the executive chef for a company supplying cook-chill / cook-freeze meals.

Detailed below is the 'Scores on the Doors' report for The Hive Hotel relating to an assessment undertaken at the beginning of September 2011:

Observations

How hygienically the food is handled - how it is prepared, cooked, re-heated, cooled and stored

All food purchased from local vendors and temperature checking of perishable foods on receipt.

Food cooked by trained chefs (advice in SFBB followed). Chef has a thermometer and additional checks are completed and recorded.

Colour-coded chopping boards and knives are used and no indication of cross-contamination.

Vegetables are not washed as primarily blanched or cooked depending on the dish.

Personal hygiene standards very high with plentiful wash hand basins and facilities

The condition of the structure of the buildings - the cleanliness, layout, lighting, ventilation and other facilities

The floors, walls and ceiling are finished to a high standard through a major investment in upgrading the hotel kitchens

Cleaning of work areas is carried out by the chefs, while the remainder of the kitchen is completed by a trained team of kitchen assistants

The engineering department have a planned preventative maintenance programme that covers all the kitchen appliances

How the business manages and records what it does to make sure food is safe

Documentation follows the Safer Food Better Business templates. This has been completed satisfactorily and actions recorded.

Food safety training

Staff had joined a food safety training day organised by the local Chamber of Commerce. This was well attended and gave the staff an opportunity to meet other food handlers in the local area.

Given the very positive things that have emerged from the chef's appointment and the first-rate comments received in being awarded '5 Stars' on 'Scores on the Doors', it comes as a great shock to the Hotel to receive several complaints that 'stop-over' guests have apparently suffered symptoms of gastro-enteritis during their stay at The Hive. All arrived on flights on Tuesday, though not all from the same destinations.

You arrive at the Hotel and are given a typed sheet of paper with details of the guests, their room numbers, their symptoms (information collected by the chef) the items eaten from the menu on the Tuesday – lunch and dinner - (based on orders taken) and the flights on which they arrived. It is now Thursday, and all have departed en route to their final destinations.

Name (Room number)	Time of onset / Day	Symptoms	Hotel meals (all on Tuesday) - numbers refer to choices from the November menu	Flight No. / Time of arrival
Roy Clarke (101)	03.00 Wed	Diarrhoea & abdominal pain	Dinner at 19.00 Choices 1,4,7	Eurojet 222 Landed at 1100
Peter White (235)	15.00 Tues	Diarrhoea & vomiting	Lunch at 13.00 Choices 2,5,8 No dinner – too ill	Eurojet 224 Landed at 1200
Stephen Page (115)	10.00 Tues	Upset stomach	No food consumed at hotel	Eurojet 224 Landed at 1200
Mrs. Kay Plum (328)	04.00 Wed	Abdominal pain, diarrhoea	Dinner at 20.00 Choices 1,4,9	Eurojet 222 Landed at 1100
Andrew Charles (329)	05.00 Wed	Headache, diarrhoea	Dinner at 20.00 Choices 1,6,9	Eurojet 222 Landed at 1100

The chef is quite open about the situation; indeed, volunteers the information that two of his kitchen assistants have been off work for a week with stomach cramps and diarrhoea. However, he doesn't think that they have anything to do with this incident as neither have contact with open food, being confined to the wash-up and 'Goods Received' area. However, both are still off work.

The Airline Caterer

With the development of the airport there had been an associated growth in support services, one of which was the building of a purpose-built catering unit. This is situated 4 miles away from the airport and built on a 'green field' site. As part of the contract with the airport they have had to undergo special training with the airport operators, Caledonian Airports Ltd, on how to manoeuvre their catering trucks up to the side of an aircraft so that the lifting mechanism is in the correct position.

The in-flight caterer has recently had to double its throughput to service the demands of an 'up-market' short-haul operator, called Eurojet. The business model for this company is to distance itself from the low-cost airline sector by providing a cold, buffet-style meal service for its 'economy' customers on all flights, free of charge.

Recent increases in the cost of food has made it necessary for the Chief Executive of Eurojet to look at ways of cutting costs, whilst maintaining the same level of service. To achieve this he has made the decision to stop his contracts with caterers in the destination airports and cater both the outbound journey and the return journey from the UK.

The airline uses the In-flight Food Service Association (IFSA) HACCP process, details of which are provided in the 'reading pack'.

When you ask about how this change has impacted on the food production process, the catering manager describes a number of problems:

- whereas, previously, it had been possible to store all the dry products in the dry goods store; now, with the increased throughput, some of the dry good products have to be stored in a free-standing container in the yard area. These containers are of the kind used in containerized cargo transport on board ship. This area is un-shaded and has periodic problems with rats;
- although oven capacity in the catering unit has been sufficient for the increased demand of cooked buffet items, there is insufficient 'blast chilling' capacity. So, instead of achieving a target temperature of 10°C within 4 hours of cooking, on some occasions, it is necessary to cool foods in a standard refrigerator maintained at 5°C. This can take up to 8 hours; and,
- food handling staff had complained that the increased volumes had made it difficult for them to wash their hands as frequently as suggested during their training some months ago.

The buffet meals are assembled and 'trayed-up' at the catering unit and placed in catering trolleys with solid slabs of 'dry ice' as a coolant. This is because the smaller aircraft in the Eurojet fleet do not have refrigerators installed, though they still have hot-holding units in place which are largely redundant. The slabs of 'dry ice' are placed in a specially designed tray at the top of the trolley and under normal circumstances these will keep the food cold for up to 6 hours. Recent complaints from passengers on out-going flights have drawn attention to the fact that their meals were part-frozen. Accordingly, the amount of dry ice loaded onto each trolley had been reduced.

Further matters that emerge from your conversation with the catering manager include:

- the furthest destination is 3 hours flying time from Chadwick Airport;
- the buffet meals will normally be served within an hour of take off;
- the aircraft are turned around within an hour; and,
- the on-board storage of food is not considered a CCP.

In response to the increased volume of food being handled, the company has leased two additional catering trucks to convey food from the depot to the aircraft which work perfectly well, air-side, in loading the food on to the aircraft. However, as a result of an accident reported to the recent health and safety committee it is alleged that the platform of the catering truck cannot be lowered sufficiently for it to 'line up' with the loading dock. Accordingly, there is a significant gap and height difference between the platform and the dock.

Apparently, the company's engineering department came up with a solution, albeit a temporary one, of a metal plate to bridge the gap, though this was never meant to be permanent. The diagram below shows a catering vehicle loading food on to an aircraft.



Unfortunately, the inevitable has happened, and 56-year old Terry Benson, working on the early shift at the depot and loading food for the first flights out of Chadwick Airport, fell with his trolley off the 'bridge' and into the gap between dock and the catering truck. A report from the union representative to the company's health and safety committee reads:

The accident happened when Terry fell from the height of the dock edge (approx. 3m) into the space between the edge of the dock and the new catering truck that was being loaded at the time. The platform of the catering truck was at a higher level than the dock and a 'bridge' had been placed between the platform and the dock. Other trolleys had been successfully loaded with the plate in place and a colleague, Kevin Meaden, was just about to load his, when he saw Terry's trolley shift to one side and the bridging plate distort. In trying to prevent the trolley falling, Terry held on and he fell with it. He was extremely lucky in only straining muscles in his arm and badly bruising an ankle, as he could have been crushed by the trolley and its contents.

On inspection I found that the bridging plate was a flat piece of metal that under the weight of the trolley might buckle and so become unstable. On questioning the engineer responsible for the bridging plate, he said that he'd designed it for a standard trolley weight but had not realised with the increase in product needed to be boarded, due to catering the round trip, that the trolleys were now up to 80% heavier than previously.

Whilst waiting for the ambulance Terry's supervisor (Steve Taylor) asked him what had happened and Terry apparently said that he had found it a struggle to push the heavier trolleys up the incline, but, aware that the job had to be done on time, and instead of waiting for help, he had 'taken a run at it' hoping his momentum would take him up the 'bridge' and into the back of the catering truck.

I have checked the training records and found that Terry had been trained in loading the trolleys onto the aircraft by the airport operator, Caledonian Airports. This had been taken to be sufficient training by the catering company.

Signed: Harry Williams - Safety Rep.

Date: 4th November 2011

TASKS

The CIEH will assess your response to the questions contained within the examination in accordance with the three-banded marking scheme described in detail within the Examination Regulations.

Percentage marks are not used. Time management is a key professional skill and, unless it is stated to the contrary, you should consider all questions to be equally important and plan your work to ensure that you leave an appropriate amount of time for each question.

Task 1

Due to changing business patterns at the in-flight caterers, a number of changes to food production have taken place.

Referring to the 'Food Safety Process Table' in the 'Reading Pack – Part 1' and considering the pro forma Table accompanying this Task (which already identifies the stages of production and how these have altered in light of the new practices detailed in the 'Case File'), and taking each stage in turn, complete the Table under the column headings:

- Has the risk remained the same, increased or decreased?
- What new measure(s) is/are necessary (if any)?
- What justification is there for any new measure indicated?

Task 2

You will note from Stage 25 of the 'Process Flow Diagram' in Appendix 1 of the Reading Pack - Part 1 ('Storage on Board') that this had not been considered a CCP by the airline caterer supplying Eurojet.

Compose a report to the production manager of the in-flight caterer, describing the additional risk accompanying the decision to source the food for the return flight from the caterers at Chadwick Airport, and whether this stage should now be reconsidered as a CCP. Your report should justify the decision to make Stage 25 a CCP and detail the measures that will now need to be taken to ensure that the food is supplied to customers in a safe and palatable state, stating the 'critical limits', 'monitoring', 'corrective action' and 'audit measures' appropriate to the advice given.

Task 3

Having informed the authorities of the incident, you have been asked to conduct a preliminary investigation to determine the possible sources and causes of the suspected outbreak of food-borne illness identified by the hotel, which includes the information collected by the chef.

Ahead of a meeting of the hotel's management, you have been invited to give them your observations on the incident and what possible sources and causes may have been responsible. In addition, you have been asked to advise the hotel on what form the internal investigation should take, detailing the information that would be of use to this investigation. Accordingly, draft a 'briefing note' to this effect, bearing in mind the management's limited understanding of the technical issues involved.

Task 4

Having considered the circumstances of the accident that befell Mr. Benson at the in-flight caterers, you have been asked to write to the company secretary of the catering company.

Draft a letter in which you clearly detail:

- the underlying causes of the accident, with the emphasis on the risks that might have been preventable;
- the steps required to prevent a recurrence of the incident.
- the action available to an enforcement authority; and,
- the possible legal implications for the company.

MARKING ADVICE

Task 1

Stage 5: Storage – ambient

Risk: **Increased**

New measures (if any)? **Need to review ambient storage overall, freeing-up space internally for food that is likely to deteriorate due to higher temperature / humidity until such time as purpose-built storage can be constructed with immediate and direct access to the building, thus overcoming rodent pest problem**

Justification? **Wherever the container is placed – in the shade or not – the ambient internal temperature and humidity will vary, with resulting condensation and potential mould damage to add to bacterial spoilage. Even if rat-proof when doors closed, rodents may enter whenever doors are opened.**

Stage 11: Cooking

Risk: **Same**

New measures (if any)? **All other things being equal this cannot carry any additional risk, though the increased throughput may put added pressures on the plant and staff.**

Justification? **None required**

Stage 12: Cooling

Risk: **Increased**

New measures (if any)? **Need to review the sensitivity of the range of cooked foods to the need for it to undergo rapid chilling (may be more important for some than others) but thereafter provision of rapid chilling – ideally, through 'blast chillers' – for all sensitive foods.**

Justification? **Aside from any quality implications, by ensuring core temperatures of at/below 10°C within 4 hours or at/below 5°C within 6 hours (followed by chill storage) any spores activated during cooking will be prevented from germinating, and so eliminating the possibility of subsequent multiplication of vegetative cells**

Stage 20: Preparation / Assembly / Trayset

Risk: **Increased**

New measures (if any)? **Assuming that the three activities carry the same risk of contamination (if there were then might be some relaxation of the regime), and it is not an issue of installing more wash hand basins so that there are more of them or that they are more readily accessible, review staffing arrangements or consider alternative hand-sanitisation such as bactericidal gels.**

Justification? **Must maintain hand sanitisation as a focus for personal hygiene since risk of contamination with *Staphylococcus aureus* must be minimised**

Task 2

'Report on the current health risk associated with the refrigerated storage of in-flight meals, with recommendations for measures to remedy the risk'

To: The Catering Manager

From: A Candidate

Date: 4th November 2011

You will be aware that a consequence of the decision to source, prepare and load meals here at 'home' has been to extend the period of time that food is held outside of regulated refrigerated storage and before service and consumption; so, potentially, 6 hours – one hour before flying, 3 hours in flight, 1 hour turnaround, and an hour before service on the return flight. This might be extended further by delays caused by weather and operational difficulties.

In the unlikely event that it might be possible to make some immediate and simple adaptation to the galley arrangements on board the aircraft (this issue is outside the control of the catering company and may require the carrier to secure complex sanctions from the aircraft manufacturer) and however simple the adaptation sounds, conversion to cold holding might take months to complete. If this is the case it is important to initiate a review of the status of on-board storage of meals in terms of its criticality to health and palatability. This should involve the HACCP 'Decision Tree' and since this new arrangement may lead to a greater opportunity for bacterial multiplication, and there is no measure such as cooking to follow, then Step 25 should be considered to be a 'Critical Control Point'.

A consequence of arriving at such a judgment, and with the prospect of an extended period before the problem can be controlled through the installation of on-board docking points for powering refrigerated trolleys, is the need for you to recommend to the company (again, in close consultation with the airline) the options available for dealing with the problem or otherwise asserting control measures.

Perhaps the most obvious is to revert to the previous arrangement and source food for the return flight from the country of destination for the return flight. There is no indication that this was anything more than a cost issue, and for ease of mind one is tempted to disregard the cost as it may only be for a few months. Alternatively, since there are the means of hot-

holding food on the aircraft, it might be feasible to offer a hot food snack on the flights, which given the time of year might be well received by the passengers.

Beyond this you will need to consider improving the current arrangement, though thing about finding an alternative to 'dry ice' to act as a solid state refrigerant. This would seem to be too unstable and subject to the vagaries of ambient temperature, whereas refrigerant blocks placed under the food containers might serve as a better option. In addition, one might consider improving the insulating properties of the trolleys.

Were this a storage arrangement at a fixed point the possibility of monitoring the temperature of the food at different points in its history would be entirely possible and desirable. However, in this case your responsibility for the food ends upon it being loaded on to the aircraft and it really isn't feasible to expect cabin staff to probe the food in transit. Since you can put absolute limits on the 'life' of the food from the point that it leaves fixed refrigeration at the production unit, I would suggest that a series of 'test runs' could be undertaken with a in situ thermometer capable of continuously recording the temperature fluctuations during a 'typical' return flight. So long as any fixed temperature gauge installed thereafter gives a reasonably representative measurement, then for the purposes of this exercise one might be reasonably confident that it provides a fair representation for the temperature of the food.

Critical limits

If such an arrangement could be agreed, then I would suggest that Stage 25 is subject to the control regime CCP2, where the critical limits for holding the food is at/below 8oC (minimum: 5oC)

Monitoring

Monitoring would be by recording the time and gauge temperature upon up-loading the trolley onto the aircraft, and inviting the cabin staff upon beginning service on the out-bound flight. The same procedure would be expected on the in-bound flight with cabin staff expected to record time and temperature upon departure.

Corrective action

If 8oC is exceeded at the point of up-loading on to the aircraft then the trolley would be returned to the deport unopened and the contingency of a ambient snack and a voucher offered. Similarly, if the temperature exceeds 8oC on departure on the in-bound flight then the same contingency measure should be employed.

Audit

Records of the routine temperature monitoring conducted should be maintained for inspection for a minimum of 6 months.

I think that it needs to be acknowledged that the status quo is not an option here, and whilst the situation remains whereby the trolleys cannot be refrigerated the food will remain vulnerable to fluctuations in temperature and thus at risk to microbial growth .

Task 3

To: The General Manager

cc Head Chef & Company Secretary

From: A Candidate

In recommending the initiation of an internal investigation, I should emphasise the need for the Hotel to co-operate fully with the investigators from the local authority or Health Protection Agency / Health Protection Unit as their investigation might require information that we can gather now. However, it should be recognised from the outset that these suspected cases of what appear to be a similar illness do not necessarily indicate that the Hotel is responsible for an outbreak of gastro-enteritis as these cases may be unrelated to each other or to anything that the people ate at the Hotel. Nevertheless, we must accept that there is an association between them in terms of time, place and common exposure.

Although we should be concerned that the illness that befell the kitchen assistants might have introduced the infection, their exclusion over the last 2 weeks makes this less likely, and eliminates this as an on-going source. Alternatively, there may be a food handler who is symptomatic or otherwise, who continues to expose food to contamination, or else someone involved in service passing on infection, person-to-person.

Beyond this, the Hotel could have been the unwitting recipient of contaminated ingredients which were served subsequently. At this stage we could not tell which of the foods might be the source, there is circumstantial evidence to suggest that herbs and spices sourced from the airport itself might be responsible. If so, one might view with suspicion the dishes that might have been cooked or garnished with the coriander and mint from Thailand, since sampling of imported batches in the past had revealed the presence of Salmonella. However, there is nothing to suggest that this is an on-going problem, though even a succession of negative results would serve to eliminate the possibility of Salmonella being present in the deliveries made to the Hotel.

Considering, for a moment, the possibility that four of the five people who were ill were infected as a result of food eaten at the Hotel on Tuesday, which of the menu items are implicated on what we know the guests ate that day? From the evidence collected by the Head Chef, all nine items could have been responsible since someone ate at least one of them, though there does seem a slightly greater association with the dishes incorporating coriander and mint, though this need be no more insidious than more people ate of the Thai fishcakes (and lemon tart with mint). However, for our purposes we need to give them

equal consideration, so this means collecting information on source, date of delivery, whether any of the original ingredients still exist etc. Any provisional hypothesis needs also to admit that on the very limited information we have on symptoms, onset periods and foods eaten, the pathogen responsible might be any one from a list including Salmonella, *B. cereus* or *Clostridium perfringens*.

Mr Page's illness, onset, and the fact that he didn't eat at the Hotel, raises the possibility that the 'outbreak' is not connected at all with the Hotel or its food but might be associated with the flight, and in particular, the airline food. We know that the company supplying the meals for in-flight service are possibly encountering problems keeping the temperature of the food in the 'safety zone' (at/below 8°C) and so Eurojet and its contractor will almost certainly be involved in the investigation to see whether they have had cases reported to them. It might be useful to make contact with the airline to check what flights other guests arrived on, and between us and them produce a list for the LA/HPA investigation team to use, should the need arise.

Finally, it is important not to discount the cause of the illness as having nothing to do with food and instead consider the role of air-borne viruses, the most frequently encountered being norovirus. Although we have been considering in the context of food relatively short onset periods, had these people been exposed to an infectious agent on the aircraft or in a departure lounge at a remote airport, the onset times concerned would be quite feasible.

Turning now to the information that the Hotel might consider acquiring or assembling ahead of any investigation initiated by the LA/HPA, one would stress the importance of focusing this on any 'intelligence' that is likely to be 'lost' if it is not collected now. So, in no particular order other than this, here is what might be collected:

- remnants of food (whether or not from meals consumed on Tuesday) together with any unused ingredients that might have come from the same consignment as the suspect food;
- the names and addresses of all the guests that might still be at the hotel and who might have been exposed on Tuesday (whether or not they were ill, including their ages and any involvement in the food industry);
- as much detail from those guests still in residence on 'who eat where, what and when', using a questionnaire to assist in the process, but paying equal heed to those who were not ill as were ill.
- Names and addresses of food suppliers, together with the consignment numbers and batch numbers if the foodstuffs were supplied open and in bulk;
- Names and contact details of all the people that might be able to assist in the enquiry, including The Hotel, the airline ('Eurojet') and the airport authority ('Caledonian Airports')

- The Hotel's SFBB documentation demonstrating the controls in place at the Hotel, but making no attempt to alter these as this would be considered 'obstruction' and for which the Hotel might be severely punished.

In conclusion I would just say that we should do everything we possibly can to assist the authorities in their investigation. As far as I can tell the Hotel has sought to implement all reasonable controls and it might well turn out that we, as a Company, have done nothing 'wrong'.

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Task 4

Letter to the Company Secretary – fictitious address, reference, location of incident, name of victim, salutation etc.

Following appropriate reference to the physical circumstances surrounding the accident, the point should be made that rather than this being a simple failure there were several causative factors. These included: the nature of the task had changed due to the change in weight of the trolley and its content; the unpredictability of the plate under load; the lack of guarding at 3m from the ground; the physical strength, fitness and general capability of the operative; and, the application of a 'temporary measure' that was considered at the outset as unacceptable on a long-term basis. Instead, the company should have first initiated some kind of risk assessment which if it had been conducted correctly would have prompted questions about why the company had hired equipment that was 'not fit for purpose' in that it when in its lowered position the platform did not line up with the height of the dock. Even if this had not prompted the re-hiring of a piece of plant that was fit for purpose, the immediate alternative was to find a way of increasing the height of the dock.

In this respect the failure to carry out a risk assessment under the Management of Health and Safety at Work Regulations 1999 was a serious omission on the part of the contractor, though the airline might be considered to be the root cause of the problem (even if not actually culpable) in terms of the pressure they put on the contractor to load the additional meals for in-bound flights. Certainly, one would have hoped that the general assessment of risk would have detected the nature, and, to some degree, the extent, of the problem, even if this didn't reveal the imminence of the risk. However, the whole process of the operative pushing the trolley (a 'load') up an incline (the 'task'), then over a 'bridge' that was inadequate in terms of strength and lack of side-guarding ('the 'environment') at what was, for Mr Benson, at the limit of his 'physical capability', should have been seen by the company as a 'manual handling operation' and so subject to an interim and detailed risk assessment under the Manual Handling Operations Regulations 200x.

Beyond this, one might have indicated that the failure to line up the platform up with the height of dock created a situation where a temporary measure had to be employed and so

the plate forming the 'bridge' was a piece of work equipment and, by its position, 3m from the ground, that this amounted to 'working at height'. However, were the platform to have lined up properly then these would not have been at issue, so it seems to come down to the fact that the company failed to provide Mr Benson and his colleagues with a 'safe system of work', which went beyond finding a 'safe' means of bridging a gap 3m from the ground and overlooking the pressure that the delivering and loading of additional meals had on staff working early in the morning.

Having reminded the Company Secretary (who is possibly a person trained in the law) of the company's obligations under RIDDOR to report the incident and injury to Mr Benson if he is prevented from doing his normal work for 'more than three days' (which seems likely), you need to impress upon him/her that the immediate consequence of the discovery by the LA of the nature and cause of the accident will likely demand Prohibition Notice action for the imminent risk under Section 22, HASAWA. In addition, it is difficult to see how the enforcing authority might not regard the company, as the employer, as having breached Section 2, in that it failed to ensure, so far as was reasonably practicable, the safety of its employees. Accordingly, the company may need to prepare itself for the resulting negative publicity, be mindful that the airline and airport might see this as potentially damaging to them so jeopardising the contract, and that the civil courts might find for Mr Benson in an action in negligence, and so be entitled to compensation.

Finally, you might need to remind/invite the company to be as co-operative as possible in furnishing the EHO/local authority undertaking any subsequent investigation with all necessary information, and once agreement had been reached, to go about an immediate assessment of the operation, making such arrangements as were necessary to remedy the circumstances that lead to this incident. One might suggest in this regard: securing the use of a vehicle where the platform exactly lined up with the height of the dock; making such structural alterations to the dock that the platform of the existing vehicles lined up with it (so obviating the need for a 'bridge'); reviewing the 'load' (the fully laden trolleys) the 'task' (using physical force to push the trolleys between loading area-dock-vehicle-aircraft hold) and the 'physical capabilities' of the operatives. If, then, the operation was still considered to carry an unacceptable risk of musculo-skeletal injury, then consideration would need to be given to providing some kind of mechanical assistance to the operatives.