

16 November 2015

David Hinchliff  
Senior Coroner  
West Yorkshire (Eastern Area)  
Coroner's Office  
71 Northgate  
Wakefield W1F 3BS

Dear Sir

3144 + 3145/06 W. Inq 13-5-15

**Inquest touching the deaths of Christianne Shepherd and Robert Shepherd (deceased) held from 27<sup>th</sup> April 2015 concluding on 13<sup>th</sup> May 2015**

Thank you for your Regulation 28: Report to Prevent Future Deaths dated 18 September 2015 (your "Report").

Your Report requires a response from Thomas Cook by 16<sup>th</sup> November 2015 which explains the action we have taken or propose to take (setting out a timetable for action), or otherwise provides an explanation as to why no action is proposed.

We would like to point out at the outset that, following the Inquest, we commissioned an independent review of our customer health, safety, welfare, relations and crisis management processes. This review was carried out by Justin King, the former Chief Executive Officer of J Sainsbury plc, and he published his report on 2<sup>nd</sup> November 2015. There is overlap between his recommendations and yours, for instance regarding the sharing of information within the travel industry and the provision of information to customers about carbon monoxide risks. We are, of course, working through both reports and considering each and every recommendation carefully, some of which require further review, dialogue with third parties and analysis. As the purpose of this letter is to provide you with a formal response to your Report, we only address herein the recommendations set out in your Report.

**Action by the industry (paragraphs 1, 2, 5, 9 and 10)**

Your Report contains various recommendations that would require members of the travel industry to work together in order to implement, namely:

- The introduction of an on-line and publicly accessible Central Register where all tour operators are compelled to record and maintain up-to-date information relating to energy sources and the annual service history for all hotels, apartments and holiday premises used by tour operators, with this information taken from forms completed by tour operators at the time of contracting with the hotelier or other holiday premises provider. Your recommendation also calls for tour operators to carry out an audit at least once in a 12-month period. (Paragraph 1)
- The development and introduction of a system for all tour operators to work in collaboration, communicate and actively share information pertaining to health and safety issues. (Paragraph 2)

- Together with owners and controllers of hotels, apartments and holiday premises, tour operators should devise and/or subscribe to suitable health and safety accreditation ratings. (Paragraph 5)
- Tour operators should endeavour to self-regulate the industry by introducing industry-wide initiatives and improvements in the health and safety of holidaymakers, particularly with regard to carbon monoxide issues, until such time as appropriate legislation may be introduced. Your recommendation also calls on Thomas Cook to be at the forefront of these initiatives. (Paragraph 9)
- ABTA (the Association of British Travel Agents) should consider and incorporate the recommendations contained in your Report, where relevant, when it next reviews its Technical Guide for Accommodation Suppliers (the "**Technical Guide**"). (Paragraph 10)

Although the recommendations above are primarily and necessarily directed towards the travel industry generally, and a copy of your Report has been provided to ABTA for this purpose, we are eager to do all that we can to ensure that your recommendations are considered appropriately by all involved. Set out below is our response to your recommendations calling for action by the travel industry, in reverse order of the paragraphs contained in your Report.

**Paragraph 10.** ABTA, which we understand will be responding separately to your Report, has informed Thomas Cook that it will consider and, where relevant, incorporate the recommendations contained in your Report when it next reviews its Technical Guide, which is expected to occur in 2016.

**Paragraph 9.** We agree with you – and many others, including UK and EU MPs such as Mary Creagh and Linda McAvan – that the most effective way to address health and safety issues in the travel industry is for appropriate legislation to be introduced. This would undoubtedly be the best way to protect holidaymakers.

We note that the EU published a Green Paper on safety of tourism accommodation in 2014, after a prolonged period of lobbying by the travel industry, led by ABTA and a number of leading tour operators, including Thomas Cook. That consultation received 88 responses from various interested parties; however, the European Commission feedback on the consultation on its website states:

*"...From the feedback received, no connection has been established between the existing regulatory framework across Member States, the absence of EU level regulation due to subsidiarity and risks to consumers. No evidence therefore points at this moment to a need for further consideration of consumer protection issues from a European perspective in the specific area of tourism accommodation."*

Regrettably, the EU's reluctance to take action appears to be supported by the UK government. In a debate organised by Mary Creagh MP in July 2014, the Parliamentary Under-Secretary of State for Culture Media and Sport, Tracy Crouch, commented:

*"In response to this publication, the previous Government determined that current UK legislation does make necessary safety provision.....we need to keep this issue under constant review. There is no room for complacency. Although the Government do not think that there is a need to amend the primary legislation at the moment, there is a strong case for considering how effectively the laws are enforced".*

In the absence of legislation, tour operators have, for many years, endeavoured to self-regulate the industry by introducing industry-wide initiatives and improvements in the health and safety of holidaymakers, individually and via industry bodies such as ABTA and the Federation of Tour Operators (the "**FTO**"), which is now part of ABTA.

The FTO is an active body of which we are a member, and where we have long taken an active and leading role. The FTO has a Safety Committee which meets on a bi-monthly basis under the guidance of an elected Chair. These meetings are attended on behalf of Thomas Cook by our Group Head of Health, Safety & Security. The role of the FTO Safety Committee is to provide members (who collectively take around 15 million holidaymakers overseas annually, around one-third of the total British holidaymakers travelling overseas each year) with a forum within which to discuss key health and safety developments and to enable FTO members to work together on a regular basis to improve and adopt appropriate health and safety standards for the wider industry. This involves sharing safety intelligence, seeking to achieve consistent standards of health and safety amongst the active FTO member tour operators, and encouraging a consistent standard of health and safety from their suppliers.

The FTO has also long produced what is now called the Technical Guide for Accommodation Providers (such as hoteliers) and destination governments. The Technical Guide provides information relating to tourism accommodation safety and the key safety issues that should be considered by suppliers. The members of the FTO Safety Committee share the task of dispatching the Technical Guide to the suppliers they use in resorts. There are also associated audit forms available to FTO members if they wish to audit their properties in relation to accommodation safety. These forms, and indeed the Technical Guide itself, were designed by external safety consultants.

Members of the FTO already regularly share a great deal of information about safety. This may be generalised, in the form of discussions regarding the best way to deal with a particular risk. Alternatively, information may be more specific, such as a particular concern with a specific hotel. For instance, whenever an FTO member decides to withdraw from a hotel on grounds of a health and safety concern, an FTO Change in Status Notification is circulated by that tour operator (via the FTO) to all FTO members so that each tour operator is aware of the concern and can then make its own decision on whether it should also withdraw. There are many relevant FTO notification forms in use, e.g. Change in Status Notification, Consultant Inspection Advice, Fire Incident Report, Sickness Outbreak and Illness Notification, and Meningitis Notification.

In addition to the centralised FTO involvement described above, there are also on-the-ground liaisons to enable FTO members to benefit from close cooperation in resort. For example, there are FTO Resort Committee meetings which are attended by FTO members with a presence in resort. The aim of these meetings is to discuss issues of common concern, including health and safety matters, and to "join forces" in tackling a particular issue.

All of this self-regulating activity, however, may not be enough. We must recognise that FTO members only exercise a level of policing over the properties they work with, which amount to a small number of the total hotels chosen by UK holidaymakers. Without appropriate legislation introduced by the UK and other EU governments, truly effective measures to ensure in-resort compliance may not be achievable. As mentioned previously, safety in accommodation has been on the EU agenda since 2003, without any progress.

We sincerely hope that your Report will act as the catalyst for renewed attempts by the UK government to introduce EU-wide legislation. We will continue to actively engage with the UK and other EU governments as well as UK and EU MPs, both directly and via our participation in industry bodies such as ABTA and the FTO, to support the introduction of EU-wide legislation. In this regard, we note our cooperation since this past July with Mary Creagh MP (discussed further below under our response to your recommendation in respect of awareness raising, including mention of the event at Westminster we have helped organise for 16<sup>th</sup> November 2015), where we have demonstrated our willingness and ability to be at the forefront of these initiatives. We also note our active participation alongside ABTA, Linda McAvan MEP and other leading tour operators in the upcoming roundtable discussion in Brussels on safety in tourism accommodation, which is being held on 18<sup>th</sup> November 2015. Moreover, we would like to note our leadership in respect of the Tourism Safety

Accommodation Campaign (TASC), which we encouraged the FTO to establish in 2007, with us having been an active member ever since.

In the absence of future legislation, however, we wish to make it clear that we will continue to be at the forefront of initiatives to self-regulate the industry, both directly and via our participation in industry bodies such as ABTA and the FTO.

**Paragraph 5.** We have commenced an in-depth review to determine the extent to which it is feasible for tour operators, together with owners and controllers of hotels, apartments and holiday premises, to devise and/or subscribe to suitable health and safety accreditation ratings. We expect this review, along with its resultant conclusions, to be complete by 30<sup>th</sup> April 2016.

As of today, the only precedent of which we are aware in the UK for a similar scheme is the Food Standards Agency's food hygiene rating scheme, which operates in England, Wales and Northern Ireland. Although instructive, such a scheme for health and safety could be problematic in terms of defining a single system capable of being subscribed to by all tour operators and owners and controllers of hotels, apartments and holiday premises internationally. For example, the European hotel industry, through their trade association, HOTREC, has for some years opposed the implementation of a pan-European hotel rating system. Although EU legislation could be helpful, even if brokered, many of the hotels used fall outside of the EU as they are located in Turkey, North Africa, Asia, the Caribbean and North America. For any such scheme to be effective, it would need to be comprehensive, in the sense that it would need to cover all hotels which UK holidaymakers may choose to book, whether directly or through a tour operator, as well as private homes, villas and apartments. This obviously entails numerous challenges, which we will examine in our review.

**Paragraph 2.** We have described above the system already in existence for tour operators to work in collaboration, communicate and actively share information pertaining to health and safety issues through the FTO. FTO members including Thomas Cook also work with ELDSNET (European Legionnaires Disease Surveillance Network) concerning legionella issues in common with all other tour operators, sharing any adverse findings and specialist audit costs. This also extends to any other areas where health and safety issues are identified, making this course of action appropriate (e.g., gas, swimming pools, food safety, etc.). Moreover, there is collaboration through the FTO Safety Committee's bi-monthly meetings. We will continue to take an active leadership role in collaborating, communicating and actively sharing information pertaining to health and safety issues, both directly and via our participation in industry bodies such as ABTA and the FTO.

**Paragraph 1.** We have commenced an in-depth review to determine the extent to which it is feasible to introduce an on-line and publicly accessible Central Register where all tour operators are compelled to record and maintain up-to-date information relating to energy sources and the annual service history for all hotels, apartments and holiday premises used by tour operators – and if it is so feasible, whether it would be effective in achieving the objective of preventing deaths by carbon monoxide poisoning. We expect this review, along with its resultant conclusions, to be complete by 30<sup>th</sup> April 2016.

### **Awareness raising (Paragraph 3)**

Your Report recommends that there should be awareness raising and health and safety promotion activities undertaken to make travellers aware of the dangers of carbon monoxide poisoning and to promote the benefits of travelling with a portable carbon monoxide detection device, possibly effectively being linked to the promotion of the E111 European Health Insurance Card Scheme.

As you are aware, we are pleased that we have had the opportunity of working with the families of Christianne and Robert Shepherd since the conclusion of the Inquest to examine ways of improving the safety and welfare of holidaymakers. I, along with certain of my colleagues, have met with Mrs

Wood and Mr Shepherd on a number of occasions. Moreover, Mrs Wood has provided us with the suggestion and advice around the production of a "bereavement guide", intended for people dealing with a tragic incident involving a family member or close friend whilst on holiday. In addition, Mrs Wood has agreed to serve as a trustee for the Safer Tourism Foundation (the Foundation), which was incorporated on 3<sup>rd</sup> July 2015, with Thomas Cook agreeing to underwrite the Foundation with an initial investment of up to £1 million. The objects of the articles of the Foundation include the public awareness campaign of the sort mentioned in your Report, and are set out below:

*"For the public benefit, the preservation and protection of the health and safety of tourists in order to promote awareness of and limit the risks associated with travel through public campaigns and other initiatives within the tourism industry, working with other charitable organisations, academic institutions and members of the tourism industry to fund research relating to and promote awareness of such risks associated with travel and the promotion of legislation, including, but not limited to, advancing the education of the public regarding the risks associated with carbon monoxide in the tourist industry and more generally and funding research relating to limiting such risks."*

An application for approval of the Foundation as a charity has been submitted to the Charities Commission, and we are awaiting their determination so that the Foundation may officially commence operations, independently from – but with the support and engagement of – Thomas Cook. We are currently recruiting an executive director for the Foundation, whom we hope to secure in the coming months. In any event, we expect that the Foundation will hold a series of external engagements and campaigns across its first year, as determined by the Foundation's executive director and its trustees. We expect the Foundation will work with academia and wider stakeholders within the fields of public safety, gas safety and related areas. In furtherance of establishing the Foundation, representatives of Thomas Cook have already met with MPs, Lords and members of various All-Party groups to set out what the Foundation generally plans to do over the next year and how they can work together.

To date, there have been informal discussions with the Gas Safety Trust, Cranfield University, Dr Ben Croxford at UCL, Dr Robert Dickinson and Rebecca Ghosh at Imperial College and Dr Rachel McCloy at the University of Reading. All are experts in their field and have an interest in the issues surrounding carbon monoxide. Meetings have also been held with Lord Hunt of Kings Heath, Baroness Hayter, Mary Creagh MP, ABTA and Consumer Safety International.

In raising awareness over the issues relating to carbon monoxide deaths and poisoning incidents when it comes to holidaymakers, via the Foundation, we will look to work with all politicians and other parties to raise awareness at both a UK and EU level in relation to the need for legislation to protect holidaymakers. Research undertaken by the Foundation will be made available to all UK and EU politicians for their use in their ongoing campaigning for a change in the law and for more pressure to be applied by the UK Government on European legislators to adopt such changes. All parties campaigning on this issue acknowledge that this data and information is currently missing from the debate.

In addition, we have taken an active and integral role in working with Mary Creagh MP since July 2014 to help organise a Westminster event on 16<sup>th</sup> November 2015, to launch carbon monoxide week. The aim of the event is to raise awareness surrounding the issues associated with carbon monoxide, and both Mrs Wood and I – amongst others – will be speaking.

In relation to the deployment of carbon monoxide monitors and the promotion of the benefits of travelling with a portable carbon monoxide detection device, we have commenced an in-depth review to determine the extent to which this recommendation is feasible and, if so, whether it would be effective in achieving the objective of preventing deaths by carbon monoxide poisoning. We expect this review, along with its resultant conclusions, to be complete by 30<sup>th</sup> April 2016.

We should note that Justin King also recommended consideration of the promotion of portable carbon monoxide detectors. Page 20 of his report states:

*"...I recommend that Thomas Cook Group source an affordable and portable carbon monoxide monitor and make it available to purchase by travellers via their website using a simple click-through in the order confirmation process or from the "health advice/travel check list" drop box."*

It should be noted that there is concern throughout the industry – and amongst gas safety experts and other interested parties – that the recommendation set out in your Report may have unintended consequences, e.g., placing the onus for safety on the holidaymaker. In addition, numerous existing reports in respect of this issue have highlighted concerns about the efficacy of a monitor when placed in a room given that there are a number of potential issues in terms of location and placement. We will, of course, consider these and other issues as part of our review.

#### **Responsibility for health and safety checks (Paragraph 4)**

Your Report recommends that responsibility for health and safety checks should not be delegated to tour operator representatives, but to suitably qualified health and safety specialists. This paragraph also recommends that, where appropriate, experts in specific risks should be brought in, e.g., a gas safety expert, and the report of this expert should be made publicly accessible. As to the recommendation to make the reports publicly accessible, this is being considered as part of the in-depth review we have commenced in respect of introducing a Central Register.

You received evidence during the Inquest from me and Peter Welsh, our Group Head of Health, Safety & Security. We explained that the health and safety system of Thomas Cook has changed substantially since 2006 and that the auditing of the hotels sold by Thomas Cook is now carried out by external health and safety experts, namely SGS, a leading independent auditor of tourism accommodation health and safety.

In his independent review, Justin King recognised these improvements by noting that Thomas Cook Group's *"health & safety function and its leadership has been much improved within the last 2 years"*. He adds that Thomas Cook has *"made great strides in professionalising and systemising the Group's approach to health & safety"*. He also states that the resources that SGS is *"able to draw on market by market, means that they are able to far exceed the level of reach and professional expertise than the Thomas Cook Group could with an internal approach"*.

We can also confirm that it is already a part of our policy that, where specific safety issues are identified which warrant further investigation, we engage experts in that particular field to carry out a specialist inspection. For instance, in relation to gas safety, if SGS identifies an issue with a gas water heater, which requires further investigation, it is our policy to instruct a UK qualified gas expert to inspect that gas water heater.

Although your recommendation is already a part of our health and safety system, of course, health and safety systems must continue to evolve and improve, led by health and safety policy. In that regard, we have, since the Inquest, examined in detail our policy in respect of gas water heaters across all our source markets in Europe and, by year-end, will be presenting proposed changes in this area to our plc board's Health, Safety & Environmental Committee.

#### **Health and safety system for hotels (Paragraph 6)**

Your Report recommends that all accommodation owners should have in place robust safety systems. We agree with this recommendation. Ultimately it is the accommodation owner that owns and operates the relevant property (whether itself or through a third party operating company). It is obviously in the best position to ensure that its properties are safe for holidaymakers. It is only the

owner / operator that can implement changes. It is also the owner / operator that has staff on site 24 hours a day. The role of the tour operator is, in practice, to provide some oversight of the safety measures being taken by the accommodation owner, not to implement their own safety standards, as in most cases, a tour operator will provide only a proportion (that is sometimes very small) of the total holidaymakers staying at any hotel. For example, at present only approximately 40% of UK holidaymakers book their holiday through a tour operator.

Together with other large tour operators, we have sought to persuade and assist accommodation owners to improve safety standards at their properties. One of the ways in which this has been done is through the creation of the Technical Guide, which is described in more detail above. The FTO also holds seminars which reach out to suppliers directly, and we support them. The FTO also holds summer campaigns to promote specific issues. Although this should be a matter for regulators to address through national or pan-European legislation, we will continue to take an active leadership role in seeking to persuade and assisting accommodation owners to improve safety standards at their properties, both directly and via our participation in industry bodies such as ABTA and the FTO.

### **Provision of health and safety information to consumers (Paragraph 7)**

Your Report recommends that all holiday brochures, travel promotional literature and health and safety information should be written in clear language and make specific reference to carbon monoxide risks and safeguards which travellers should adopt.

We currently highlight and will continue to highlight health and safety risks that customers may experience on their holidays. As to carbon monoxide specifically, we have commenced an in-depth review of our materials and content and will be updating them in line with your recommendations. Relevant health and safety information will be available for customers, in printed and digital formats, by year-end.

Following this summer's terrorist attack in Tunisia and the recent crash of a Russian airliner travelling from Sharm el Sheikh – and the resultant Foreign and Commonwealth Office travel advice, we have already made sure that additional information regarding alerts and analysis of emerging threats are clearly communicated to customers. This demonstrates our genuine commitment to ensure that our customers are receiving the latest and most comprehensive information affecting their health and safety.

### **Introduction of EU safety legislation (Paragraph 8)**

Your Report recommends that the UK Government should lead the way on EU safety legislation, specifically concerning the safety of gas installations and carbon monoxide risks. We agree with this recommendation. It would clearly improve safety standards across Europe for there to be European legislation which requires hotel owners (and other holiday accommodation providers) to install carbon monoxide detectors in bedrooms that have individual gas water heaters (whether those gas water heaters are inside guest bedrooms or immediately adjacent to the bedrooms). As discussed above, without appropriate legislation introduced by the UK and other EU governments, truly effective measures to ensure in-resort compliance may not be achievable. As mentioned previously, safety in accommodation has been on the EU agenda since 2003, without any progress.

We will continue to actively engage with the UK and other EU governments as well as UK and EU MPs, both directly and via our participation in industry bodies such as ABTA and the FTO, to support the introduction of EU-wide legislation, specifically concerning the safety of gas installations and carbon monoxide risks. In the absence of future legislation, however, we wish to make it clear that we will continue to be at the forefront of initiatives to self-regulate the industry, both directly and via our participation in industry bodies such as ABTA and the FTO.

We note that your Report has been sent to The Secretary of State for the Department for Culture, Media and Sport and The Secretary of State for the Foreign and Commonwealth Office, which we hope will be the catalyst for UK government action to lobby for EU safety legislation. We wholeheartedly support your recommendations in this regard.

We hope that this response to your Report is helpful, and we remain at your disposal if you would like clarification of any aspect of this letter or if we can be of any further assistance.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Peter Fankhauser', with a long horizontal flourish extending to the right.

**Peter Fankhauser**  
**CEO**



For the attention of David Hinchliff

Coroner's Office and Court  
71 Northgate  
Wakefield  
WF1 3BS

Dear Sir

**Re: Report under Regulation 28 of the Coroners (Investigations) Regulations 2013**

We write further to your letter with enclosed report dated 18 September 2015.

This was a tragic case involving two children which caused a great deal of sadness to all involved at our hotel. We cannot begin to fathom the extent of loss to the family.

As you are aware we took the decision given the long criminal trial in Corfu not to take an active part in the inquest but to provide documents and information requested from us by you which could assist you in conducting the inquest. We understand that you already had the documents supplied by us to the Greek authorities at the time of their investigation in 2006/7. We assume that the transcripts from the Greek criminal proceedings were made available to you. As you may be aware we settled the Greek Proceedings with the family at an early stage and had to deal with the civil proceedings brought against our company in the UK.

Whilst we were not at the inquest we were surprised to see the finding that the hotel lied or misled the Tour Operator about gas being supplied to hotel bungalows. Whilst it was accepted at an early stage that the contract between Thomas Cook and Grecamer SA referred to Electric heaters this was an error in the paperwork. There was no such representation at the pre contract or indeed any other stage. This was evidenced in a letter from the hotel manager (who is no longer employed by us) which referred to the mistake in the paper work. The hotel was inspected by Thomas Cook's appointed representatives several times prior to the incident. The resort clearly had gas boilers all over the hotel including the main areas and the kitchen. All other Tour Operators were aware of the presence of gas and also inspected the hotel and always referred to it in their health and safety inspection forms in writing.

#### **Matters of concern**

We have considered the matters set out in your report to prevent future deaths from Carbon Monoxide and can advise as follows

1. Following this incident we conducted a thorough investigation and it was found that all bungalow boilers at the hotel had been bypassed by the contractors Kormios.

Whilst they were all tested and found not to be defective/ emitting harmful levels of carbon monoxide the decision was taken on health and safety grounds to replace all bungalow boilers with electric heaters.

2. This decision was taken in November 2006 and all the gas boilers at the Louis Corcyra Beach hotel in Corfu were removed from the outhouses and replaced with electric heaters over the period December 2006 and January 2007.
3. There are no gas boilers on the hotel premises connected to guest accommodation.
4. There are no gas boilers at any of our other hotels in Greece or Cyprus which have gas boilers either in or adjacent to accommodation of guests.
5. We do not intend at any time in the future to install gas boilers in or adjacent to guest accommodation.
6. As there are no gas appliances which can cause carbon monoxide poisoning we have completely eliminated the risk of this tragic case occurring again at one of our hotels in the future.
7. Health and safety of our guests and employees at our hotels is our paramount consideration. The hotel has implemented stringent health and safety policies which it has ensured that all management and staff adhere to in its implementation regularly.
8. Independent and external health and safety professionals carry out regular audits and checks at the hotel in order to monitor the strict implementation of health and safety laws and regulations.
9. These policies are continuously reviewed by risk assessments carried out by us and third parties.
10. These policies follow and comply with the requirements of industry standards and the contractual obligations we have to the various Tour operators. The hotel management and staff work closely with tour operators to ensure that all safety issues are monitored and implemented on a regular basis.
11. Management and staff at the hotels are adequately trained to pick up on any safety issues and take appropriate steps to remedy any issues of concern immediately.
12. Tour operators carry out stringent audits by competent contractors.

We hope the above illustrates that we have taken responsible steps by removing gas boilers to eliminate the risk of carbon monoxide harming individuals. We support the general ethos of your recommendations to the tourist industry of working with tour operators to secure the health and safety of all guests.

Yours faithfully

  
**Louis Hotels**



Department  
for Culture  
Media & Sport



Foreign &  
Commonwealth  
Office

David Hinchliff  
Senior Coroner  
Wakefield Coroners Court  
71 Northgate  
Wakefield  
West Yorkshire  
WF1 3BS

Our Ref 275180/asg  
16<sup>th</sup> November 2015

Dear Mr Hinchliff

Thank you for sending us a copy of your report and recommendations following the inquest into the tragic death of Christianne and Robert Shepherd in Corfu in October 2006.

Much of the report's recommendations are aimed at Tour Operators. While this response will briefly touch upon these, we will be responding specifically to those recommendations seeking action from the UK Government.

In respect of the recommendations aimed at tour operators, we are concerned that the recommendations do not reflect the rapidly changing way in which people now book and undertake trips abroad. There were some 60 million visits abroad by British residents in 2014 (38.5 million of which were holidays) to destinations both within and outside Europe. Over time the number of people travelling abroad outside the traditional package holiday, that is, where there is no responsible "organiser", has increased significantly. The number of holidaymakers still taking trips with the established tour operators is estimated to be 15.9 million per annum. With the growth of the internet and accommodation "sharing" businesses this represents far less a proportion than has been the case historically. While the tour operators can, and already do, do much of what is recommended, and notwithstanding that the recently agreed new package travel directive will extend the cover of that regime so that many online "dynamic packaging" models will be included, ultimate responsibility for ensuring accommodation safety – in all respects, not just carbon monoxide prevention – must fall to the suppliers (accommodation owners).



Government is already acting to raise awareness about the dangers of carbon monoxide poisoning through a range of channels/agencies, for example HSE Gas Safety Week, Department of Health/Public Health England awareness campaigns, Department of Communities and Local Government sponsored public service radio fillers.

An annual summary of Government action on carbon monoxide is published at the Health and Safety Executive website via the following link:

<http://www.hse.gov.uk/gas/domestic/cross-government-group.htm>

The next summary is due to be published shortly.

The Gas Safe Register (the official gas registration body for the United Kingdom appointed by HSE) website carries more detail – both on carbon monoxide and advice on gas safety while on holiday (see the websites below).

[http://www.gassaferegister.co.uk/learn/carbon\\_monoxide\\_poisoning.aspx](http://www.gassaferegister.co.uk/learn/carbon_monoxide_poisoning.aspx)

[http://www.gassaferegister.co.uk/advice/seasonal\\_advice/gas\\_safety\\_on\\_holiday.aspx](http://www.gassaferegister.co.uk/advice/seasonal_advice/gas_safety_on_holiday.aspx)

In respect of the recommendations directed at Government, we are happy to take into account recommendation 3: that there should be awareness raising and health and safety promotion activities undertaken to make travellers aware of the dangers of carbon monoxide poisoning.

FCO officials will be working with industry partners on this issue. We are looking at how to use our 'Know Before You Go' travel safety campaign, and our social media channels to highlight the dangers to the travelling public. This would build on the work already being done by the energy industry here in the UK, whose *Be Alarmed* campaign ([www.co-bealarmed.co.uk](http://www.co-bealarmed.co.uk)) has been raising awareness of this issue since 2008. We will use our social media channels to highlight *Be Alarmed's* national campaign. Our priority remains to raise awareness of the risks so that the travelling public can be properly informed, and make their own decisions.

In respect of recommendation 8 relating to legislation, we consider that the legislation in place in the UK is already strong. The number of deaths caused by accidental carbon monoxide in the UK is declining. There is more to do, but we do not believe that further legislation is the answer.

Our national building regulations require the safe installation of combustion appliances and the Smoke and Carbon Monoxide Alarm (England) Regulations 2015 came into force on 1 October 2015, setting minimum requirements for smoke and carbon monoxide alarm installation and testing for private sector properties. To support private landlords with the transition, DCLG provided a £3.2 million one-off grant to Fire and Rescue Authorities to distribute free smoke and carbon monoxide alarms.

The Regulatory Reform (Fire Safety) Order 2005 applies to non-domestic properties, but also the communal areas in residential buildings. Additionally, the Fire Safety Order applies if you have paying guests, e.g. bed and breakfasts, guesthouses, and self-catering accommodation.

Existing regulation clearly has a role to play and the UK already has gas regulations in place that require the safe installation, maintenance and use of gas systems and we also have national building regulations in place requiring the safe installation of fixed combustion appliances in buildings.

Building Regulations in England also require carbon monoxide alarms when new or replacement solid fuel burning appliances are installed, as these have the highest risk of accidental poisoning. Evidence currently shows that the costs of installing alarms would be disproportionate for other fuel types, for example modern gas boilers include in-built safety features that reduce the risk of accidental poisoning. For gas appliances, the use of carbon monoxide alarms is recommended as a useful precaution. However, this should not be regarded as a replacement for regular maintenance and safety checks by a registered engineer.

VisitEngland run a kitemarking scheme for tourism accommodation businesses that is voluntary and is based on awarding star ratings. One of the minimum standards under this scheme is to ensure that "all electrical and gas equipment is in good working order and regularly serviced to ensure guests' safety". VisitScotland and VisitWales run their own assessment schemes to the same common standard. The common standards are about to be reviewed, and we will be working to consider how we can build more explicit references to health and safety within them.

The UK Government does not believe that further legislation at EU level is necessary to ensure that safety standards in accommodation are met. Existing health and safety regulation should be sufficient to prevent such tragic deaths. However, in some countries, there may be a problem with a lack of inspection and enforcement of existing regulations. This would not be addressed through additional legislation. Following the 2014 Green Paper on the safety of tourism accommodation services, the European Commission concluded that no connection had been established between the absence of EU level regulation and risks to consumers. As a result, we understand that the European Commission is not giving further consideration to consumer protection issues in the specific area of tourism accommodation. However, it is essential that Member States take responsibility for ensuring that health and safety regulations in tourist accommodation are upheld. We believe that the UK Government and the UK's tourism industry have a fundamental role to play in engaging with their counterparts in other EU Member States and beyond, on the importance of accommodation safety in all forms, not just carbon monoxide poisoning. Highlighting best practice in this area, and offering practical advice where appropriate should be part of this work.

As part of this, the Minister for Tourism, Tracey Crouch MP, as one of the signatories of this response, will raise this with EU Tourism Ministers and the Secretary-General of the UNWTO to highlight this tragic case, and urge awareness-raising on the dangers of carbon monoxide poisoning. The Tourism Minister also met with her Greek counterpart on Nov 4th to discuss accommodation safety. It is worth noting that Ms Crouch's counterpart said that since the tragedy in Corfu, accommodation providers in Greece have applied stricter standards and pride themselves in providing a high standard of service and protection for visitors to the country.

We hope that this response makes clear the importance that the Government attaches to accommodation safety, and our commitment to working with the tourism industry and tourism destination States to promote this.

We would like to take this opportunity to reiterate our deep condolences for the parents of Christianne and Robert. They have shown incredible resilience throughout the investigations, especially during such an extraordinarily difficult time. The Government will continue to support their campaign to raise awareness of this very important issue.

We are copying this letter to Mrs Sharon Wood, Mr Neil Shepherd, Mary Creagh MP, Linda McAvan MEP, Thomas Cook Group, Louis Group and ABTA.



**Tracey Crouch MP**  
Minister for Tourism



**Rt Hon David Lidington MP**  
Minister for Europe



17 NOV 2015

Mr David Hinchliff  
Senior Coroner  
Office of the Senior Coroner  
Coroner's Office and Court  
71 Northgate  
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Ref: DH/CS/3144/06/ & 3145/06

16 November 2015

Dear Mr Hinchliff,

**Re: Inquests touching the deaths of Christianne and Robert SHEPHERD (deceased)**

Thank you for your letter of 18 September enclosing your Regulation 28 Report. I have reviewed your matters of concern and welcome the opportunity to respond to the matters raised. Thank you for taking the time to meet with members of my team in forming your report.

I note that your matters of concern are addressed to the UK Government, Thomas Cook Group plc, and the wider travel industry. My response is on behalf of a UK trade association for the travel industry. For your ease of reference it might be helpful if I restate information about ABTA – The Travel Association and the Federation of Tour Operators. ABTA (trading as both ABTA and FTO) represents a significant part of the UK travel industry. Our membership comprises tour operators, who act as principals, travel agents, and companies which operate as both tour operators and travel agents. We provide services to our Members who sell a range of travel services including package holidays, flights and accommodation. ABTA also provides services directly to consumers through our customer support team who deal with a range of consumer issues, and through our provision of public service information. ABTA also fulfils a regulatory role in respect of our Members through our financial protection function. With regard to health and safety, ABTA provides guidance to Members and raises awareness on key issues with Members, consumers and destination authorities.

While ABTA Members represent a significant proportion of the UK travel industry, they are operating in an increasingly dynamic environment where the travelling public is able to choose tourism accommodation through a range of sales channels, not all of which are within ABTA membership. For example, the growth of online booking channels allows individual accommodation owners to market their accommodation through accommodation agencies, peer to peer selling sites, and home swapping sites, or directly through their own websites.

The internet has enabled an increase in cross-border purchasing of tourism accommodation whereby UK travellers will deal directly with accommodation providers located outside UK, and often EU, jurisdiction. The recently revised Directive on Package Travel and Linked Travel Arrangements aims to increase the ease with which travel companies can offer holidays and travel services across borders within the EU. The travel industry is evolving and changing, which while giving consumers a far greater range of travel options, increases complexity with regard to definitions of tour operators and travel providers, and reduces clarity of responsibility with regard



to matters such as health and safety. The proportion of holidays made up by inclusive tours within the UK has been in steady decline since the 1990s. In 2014, there were 60 million trips taken overseas by UK residents, of which around 64% (38.5m) were for the purpose of holidays and of these only 41% (15.9m) were inclusive tours, most of which will have been purchased from ABTA Members.

ABTA and our Members have taken a strong and active interest in the wellbeing and safety of customers for many years. In the absence of a common health and safety framework across Europe, which we believe would be hugely beneficial in delivering consistent protection for all consumers, regardless of their booking method, ABTA, FTO and our Members have been driving forward health and safety initiatives. I shall highlight a number of these initiatives in addressing your specific matters of concern, and identify where we can consider action on additional measures.

Addressing the matters of concern:

- 1. The introduction of an on-line and publicly accessible Central Register where all tour operators are compelled to record and maintain up-to-date information relating to energy sources and the annual service history for all hotels, apartments and holiday premises used by tour operators, with this information taken from forms completed by tour operators at the time of contracting with the hotelier or other holiday premises provider. Your recommendation also calls for tour operators to carry out an audit at least once in a 12-month period.*

As you identify, there is no central register for tour operators or accommodation providers across the EU or in the UK. There are a number of practical impediments which would need to be overcome in order to create such a register. The number of tour operators and accommodation providers is unknown. Travel providers do not contract in a standardised manner; some may contract on an annual basis whilst others may take rooms at short notice for a specific opportunity, rather than contract for an extended period. Many accommodation suppliers do not currently share their safety data with travel providers. Customers buy accommodation through a wide range of different channels, often without using a tour operator. We believe that a central register would need to be a register not solely for tour operators, but covering anyone selling tourist accommodation, if it is to have consumer utility.

In addressing the suggestion of a central register I believe further work is required to establish whether a register could be established that is based on the suppliers' providing appropriate information. It would need to address the issue of who would be responsible for managing the effectiveness of such a register. Any marshalling of suppliers of tourism accommodation operating within such a diverse marketplace to conform to industry-wide standards or initiatives would need to be driven by a central body such as the EU, with effective enforcement mechanisms.

I would like to draw your attention to one important risk in the suggestion of a central register, which applies also to the provision of customer information in brochures that you allude to in your letter. As is obvious, health and safety issues arise and are managed on a day to day basis, while entries on a register, or information in a brochure can only provide an assessment at a moment in time, periodically updated. It is important that we do not convey a false sense of security either to travel organisers or to their customers, whereby if an accommodation is not evidenced as unsafe, it must therefore be safe. The proper management of the health and safety of customers requires constant vigilance by suppliers, and an unintended consequence of more structured reporting might be relaxation of attention between reports.

- 2. In most situations a hotel, apartment or other holiday premises will be used by more than one Tour Operator. In this event a system should be devised for Tour Operators to work in collaboration with communicate and actively share information pertaining to Health and Safety issues.*



In the absence of European-wide standards or a Directive on tourism accommodation safety, the major UK tour operators came together, originally as the Federation of Tour Operators (FTO) and now within ABTA, to collaborate, communicate and develop a framework to address health and safety issues. This collaboration led to the development of the Tourism Accommodation Health and Safety Technical Guide. The first edition of the Guide was developed in 2000/1 and the current edition (3) in 2012 as ABTA/FTO. The guidance enables tour operators to have a common framework when dealing with suppliers on a non-competitive issue such as safety. The guidance covers key health, safety, and security issues for accommodation suppliers. Each chapter has been consulted on and developed with experts in their field. The purpose of the guide is to provide destination governments and tourism accommodation suppliers such as hoteliers, apartment owners, and villa owners with safety information relating to tourism accommodation. This guidance can form part of an accommodation provider's own safety and risk management programme. The guidance has been distributed free of charge to destination governments, Ministers of Tourism and more than 40,000 accommodation suppliers around the world by ABTA/FTO and our Members.

The guidance is reviewed every five years and, when new or emerging themes arise, the guidance is updated to reflect these changes. We shall be conducting a review of our guidance in 2016 in association with a variety of safety specialists, including fuel safety experts, and shall as appropriate include any new accommodation safety developments, since the previous edition, which can help our Members' suppliers work more effectively in this area. We shall also commit to creating a wider awareness of our guidance amongst our Members, supporting them to encourage their suppliers to adopt the Guidelines as part of their safety management process and continuing our safety awareness programmes with destination authorities.

ABTA has also developed an Operational Bulletin for health and safety issues which is sent to Members when new issues arise or specific information is required to handle a situation. For example, this year Members have received information on Ebola, Chikungunya, ELDSNet notifications and a nightclub fire. This bulletin is in addition to the Technical Guide.

- 3. There should be awareness raising and Health and Safety promotion activities undertaken to make travellers aware of the dangers of carbon monoxide poisoning and to promote the benefits of travelling with a portable carbon monoxide detection device. This could effectively be achieved by being linked to promotion of the E111 European Health Insurance Card Scheme.*

The risk of carbon monoxide poisoning is not restricted to travellers, and certainly not to overseas travellers. We support your call for more general awareness of the risks of carbon monoxide and see that this is a public health issue rather than a specific travel industry issue. ABTA will explore opportunities to raise the awareness of these risks and other safety related matters with Gas Safety Trust and other interested and relevant parties.

Whilst I support your call for increased awareness of the risks of carbon monoxide poisoning, I do not believe that a campaign focused on travellers taking portable detectors on holiday is appropriate. There is still widespread debate and uncertainty about the benefit of taking a portable detector overseas; issues range from the impact on the effectiveness of a detector once it has been placed in an aeroplane's luggage hold, to the difficulties of the correct siting and fitting of the detector within a property or room. ABTA strongly believes that safety and risk management should be the responsibility of the accommodation provider and not the responsibility of the consumer. A campaign to encourage travellers to equip themselves with carbon monoxide detectors could be seen to be shifting the burden of responsibility from the accommodation provider to the consumer, which would not improve risk management.

- 4. The responsibility for Health and Safety checks should not be delegated to Tour Representatives who are often inexperienced and overworked and will lack the time, knowledge, and commitment to carry out this task. The responsibility for this should be by suitably qualified specialists in Health and Safety. Furthermore, and where appropriate, this should include suitably qualified and experienced specialists, in particular experts of Health and Safety, e.g. gas safety. Such specialists should visit the*

*relevant accommodation and carry out full and detailed Health and Safety checks, the reports from which should be publicly accessible. In organisations that do not have suitable in-house personnel for this purpose then suitably qualified and experienced Consultants should be instructed.*

Whilst I understand the motivation underlying this suggestion, the practicalities could pose significant challenges. I shall investigate this recommendation with our Members; however, I would like to provide some general context:

- Travel providers manage their safety obligations in a variety of ways;
- There is no legal requirement for travel providers to carry out audits; ABTA Members may carry these out as part of their general due diligence and use a range of methods appropriate to the situation;
- Resort staff are the key personnel in the destination and are the eyes and ears of the operators in between these audits.

I would be concerned that there are insufficient qualified health and safety experts to deliver reliable results; current processes that utilise qualified personnel where required allow for greater consistency.

5. *Arising from recommendation (4) above, Tour Operators and the owners and controllers of hotels, apartments and holiday premises should devise and/or subscribe to suitable Health and Safety accreditation ratings.*

I believe that the safety aspect of tourism accommodation does not lend itself to a rating system in a similar way to the rating of guest facilities. Safety should have a common framework of standards that all suppliers work to and consumers should not have to make judgments on complex safety issues. Furthermore, an accreditation scheme would not mirror the way in which many tour operators manage their potential risks - for example an overall accommodation rating would not reflect precisely where operators implemented their risk management processes, and where they may have made specific choices in regard to using certain areas of an accommodation.

6. *Within the structure and hierarchy of every provider of hotels, apartments and holiday premises there should be a robust internal structure for a system of management, supervision support and training in respect of Health and Safety issues.*

I support your call for tourism accommodation providers to have robust internal structures for a system of management, supervision, support, and training in respect of health and safety issues. In the absence of a common framework across Europe, ABTA's Tourism Accommodation Health and Safety Technical Guide has been the tool used to promote this to suppliers. Many Members will also have their own systems in place for the management of health and safety issues. Our call for a Europe-wide Directive supports this too, as we believe a common framework for all suppliers of accommodation is the most appropriate and effective solution.

7. *All holiday brochures and travel promotional literature and Health and Safety information should be written in clear, easy to understand language and should make specific reference to the dangers of carbon monoxide poisoning, and make reference to safeguards that travellers should adopt.*

ABTA provides updated health and safety information to our Members and also to consumers. We shall review our existing literature and website information to identify with safety experts if we can add additional information for the benefit of consumers. We shall address this in line with our Technical Guide review to ensure that potential risks to consumers are reflected in the latest expert guidance. Any updated collateral would then be available for Members to use with their customers, as appropriate, although I would urge caution in respect of the risk alluded to under Point 1. above, of creating an unintended false sense of security.

*That the relevant UK Government department should consult, draft, instigate and implement EU legislation on gas installations and carbon monoxide safety, and introduce common minimal standards for all hotels, apartments and other holiday premises.*

*That the Government should do its utmost to encourage and promote through legislation and improvement of safety standards across Europe, which would require hotel owners and other holiday accommodation providers to install carbon monoxide detectors in accommodation, which has individual gas appliances, whether or not the said appliances are inside guests' sleeping accommodation or immediately adjacent thereto. I am aware that recent attempts to introduce such legislation has not progressed. It is my desire that this recommendation should produce a renewed initiative for EU legislation requiring the installation of carbon monoxide detectors by Tour Operators and holiday accommodation providers.*

I would like to highlight that ABTA and our members have been calling for a European Tourism Accommodation Safety Directive to create a common framework for all travel accommodation across Europe. Whilst this would not cover global safety standards, we have seen that where European Standards are developed, these can subsequently be adopted in other tourism destinations. This is a core policy objective and we were hopeful that the Green Paper from the European Commission would address all areas of safety, including fuel safety, to enable common standards. Unfortunately, it would appear that the Commission has chosen not to pursue further activity in this area at this time. I support your call for the Government to do its utmost to encourage and promote through legislation the improvement of safety standards across Europe by tourism accommodation providers and for those tourism accommodation providers to subscribe to appropriate health and safety standards. To further ABTA's calls for minimum standards underpinned by legislation in Brussels, we are working with Members of the European Parliament – jointly hosting a roundtable in Brussels on 18 November 2015 – to ensure that the Commission does not lose sight of this policy imperative.

*I acknowledge that to introduce legislation as recommended herein may be a slow and tedious procedure, which may, as has previously happened, fail. .... The industry should, nevertheless, endeavour to regulate itself by introducing industry wide initiatives and improvements in the Health and Safety of holiday makers, particularly with regard to carbon monoxide poisoning issues. Thomas Cook, one of the largest providers of holiday accommodation in the world should be at the forefront of such initiatives to create industry wide protocols and initiatives on the lines that legislation would introduce, should that ever occur.*

In the absence of legislation, the industry through ABTA/FTO has been self-regulating for many years. The creation of the Technical Guide was the first industry-led initiative supported then by common auditing documentation and training on safety management. I believe that the industry takes health and safety seriously and in many areas goes above what the legislative requirements stipulate. What is needed in a changing travel landscape is reliable basic standards for all providers of holidays and tourism accommodation, which ABTA shall continue to call for. Whilst this is slow progress, we shall continue to review and update our Members' suppliers with the Technical Guide and supporting documentation and training.

8. *It is my understanding that ABTA, The Travel Association, to whom this report is being sent, produces the ABTA Technical Guide for Accommodation Suppliers, which has a section dedicated for fuel management, and is reviewed every five years. This will next be reviewed in 2016. These recommendations, where relevant to ABTA's review, are timely and I recommend that where relevant my concerns listed at (1) to (9) herein, should be considered and incorporated in the next edition.*

As identified the ABTA guidance is reviewed every five years and, when new or emerging themes arise, the guidance is updated to reflect these changes. We shall be conducting a review of our guidance in 2016. As highlighted in point 2, we shall be carefully reviewing our guidance in association with a variety of safety specialists. We shall also commit to creating a wider awareness of our guidance amongst our Members,

supporting them to encourage their suppliers to adopt the Guidelines as part of their safety management process and continuing our safety awareness programmes with destination authorities.

As we look at measures to reduce the likelihood of future carbon monoxide deaths, we have to remain mindful of other tourist accommodation risks, and maintain the pressure at a European level for a comprehensive Tourism Accommodation Safety Directive. As previously discussed, deaths from swimming, the use of quadbikes, balcony falls, and road incidents represent the greatest risks for consumers while on holiday, and ABTA shall continue to raise awareness of these and other risks with consumers.

Yours sincerely,



Mark Tanzer  
CHIEF EXECUTIVE  
ABTA – The Travel Association



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17 November 2015

*See Mr Hinchliff*

Thank you for your letter of 18 September addressed to Secretary of State, enclosing a copy of your report on the inquest touching the deaths of Christianne and Robert Shepherd. I have been asked to respond as the Minister responsible for Package Travel Regulations and the Package Travel Directive.

You will have received a letter from Tracey Crouch MP, Minister for Sport, Tourism and Heritage, and the Rt. Hon. Philip Hammond, Secretary of State for Foreign and Commonwealth Affairs, responding to your letters to their respective departments.

I am writing to confirm that I have nothing further to add to that letter, which reflects advice from the Department for Business, Innovation and Skills on the forthcoming extension of the Package Travel Regime. Please consider that letter to be our response.

*W. Hinchliff*

*Nick Boles*

**NICK BOLES MP**

19 NOV 2015