

	<p>REGULATION 28 REPORT ON ACTION TO PREVENT FUTURE DEATHS</p> <p>THIS REPORT IS BEING SENT TO:</p> <ol style="list-style-type: none"> 1. [REDACTED] Group General Counsel and Company Secretary for Thomas Cook, South Building, 200 Aldersgate Street, London, EC1A 4HD 2. Grupo de Turismo Gaviota S.A, Business Center Alameda de Paula, Office 504, Desamparados, Haban Vieja, Cuba, gaviota@gaviota.cu
1	<p>CORONER</p> <p>I am Anne Mary Christine Pember, Senior Coroner for the coroner area of Northampton.</p>
2	<p>CORONER'S LEGAL POWERS</p> <p>I make this report under paragraph 7, Schedule 5 of the Coroners and Justice Act 2009 and regulations 28 and 29 of the Coroners (investigations) Regulations 2013.</p>
3	<p>INVESTIGATION and INQUEST</p> <p>On 27/07/2016 I commenced an investigation into the death of Andrea McHugh whose date of birth was 10/07/1988. The investigation concluded at the end of the inquest on 31/01/2018. The medical cause of death was:</p> <p>1a) Drowning</p> <p>The conclusion was Accidental death</p>
4	<p>CIRCUMSTANCES OF THE DEATH</p> <p>Andrea Marie McHugh went on holiday to Cuba in June 2016. She was a young lady who was diagnosed in 2006 with epilepsy. In 2015 she was diagnosed with temporal lobe epilepsy and had a brain operation. Following the surgery she continued to experience seizures around once per month.</p> <p>Andrea booked her holiday with Thomas Cook. She arranged to go on a boat trip on 17th June 2016 to swim with the dolphins and later snorkel which was organised by Grupo Turismo Gaviota S.A.</p> <p>Whilst snorkelling it was noted that Andrea was floating in the sea. She was brought onto the boat where resuscitation measures were attempted and she was later conveyed to hospital where her death was confirmed on the same date at 11.20 hours.</p>
5	<p><u>CORONER'S CONCERNS</u></p> <p>During the course of the inquest the evidence revealed matters giving rise to concern. In my opinion there is a risk that future deaths could occur unless action is taken. In the circumstances it is my statutory duty to report to you.</p> <p>The MATTERS OF CONCERN are as follows. –</p> <ol style="list-style-type: none"> 1) Marinas Gaviota S.A allegedly require participants in the boat and snorkelling trip to sign a waiver. (copy attached). The waiver does not mention the dangers of swimming in the sea if a participant suffers from epilepsy. 2) Additionally the waiver does not request details of participants past medical history.

6	<p>ACTION SHOULD BE TAKEN</p> <p>In my opinion action should be taken to prevent future deaths and I believe you AND/OR your organisation, have the power to take such action.</p>
7	<p>YOUR RESPONSE</p> <p>You are under a duty to respond to this report within 56 days of the date of this report, namely by 25/04/2018. I, the coroner, may extend the period.</p> <p>Your response must contain details of action taken or proposed to be taken, setting out the timetable for action. Otherwise you must explain why no action is proposed.</p>
8	<p>COPIES and PUBLICATION</p> <p>I have sent a copy of my report to the Chief Coroner and to the following Interested Persons:-</p> <ol style="list-style-type: none"> 1. Mother of Andrea McHugh 2. Thomas Cook <p>Similarly, you are under a duty to send the Chief Coroner a copy of your response.</p> <p>The Chief Coroner may publish either or both in a complete or redacted or summary form. He may send a copy of this report to any person who he believes may find it useful or of interest. You may make representations to me, the coroner, at the time of your response, about the release or the publication of your response.</p>
9	<p>[DATE] 28 February 2018</p> <p>[SIGNED BY CORONER]</p> <p style="text-align: center;"><i>A.M. Pender</i></p>