

Eating Safely:

Owen's Law - Telling the server isn't enough? - Episode 3

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CLAIRE MCGUIGAN: Hello, and welcome to your third and final episode of The Eating Safely podcast, why telling the server isn't enough? And today, we continue the conversation exploring what a truly holistic systems change approach to managing food allergies and hospitality could look like.

In our previous episode, we discussed how Owen's law requiring all businesses to declare food allergies upfront at the point of ordering and writing and without the customer having to ask, is not just a legal step forward, but a necessary foundation for improving food allergen safety.

We also hear from businesses that are currently creating safe and inclusive spaces, where people with food allergies can eat out confidently with their friends and families without anxiety or compromise. So these are great examples of what can be done and how the business community can adapt.

Today, we turn our attention to staff training, and we ask whether it holds the key to shifting business culture from one of avoidance to one of genuine welcome. There would better training finally move us forward. And beyond that, all too familiar response of, oh, sorry, we can't guarantee this food doesn't contain your allergens. Or does that phrase actually signal something deeper that training alone can't fix.

So these are a couple of the things we were going to discuss today. And crucially, could the right training actually make more places accessible and not become just a paper exercise or a compliance record. So lots to discuss. Let's find out and let's get started. Could I start with you, Paul. I wonder what your thoughts are on allergy training?

PAUL CAREY: For me is how well can you train someone. And it so much depends on the environment in which you work. And maybe Dominic Teague can tell us about his high end restaurant versus working in the likes of fast food. I'm not going to name a name, because I don't want to get sued for anything.

But just like the restaurant that I own ate in, is there a difference you've got a high turnover of staff? They may not be there for very long. Whereas in Dominic's place may have people that are there for years and have a very high level of training?

So I don't know whether Dominic Teague can fill us in on the training challenge, because that to me is part of it and it's part of our campaign. Our campaign isn't just about getting the written information in law, it's also about better training as well.

DOMIC JONES: Yeah. No, thank you. No, it is a challenge. I mean, obviously, because we're in a high end fancy hotel doesn't absolve us from any of those challenges. We still have a lot of them. But what we do have is perhaps-- we have more power to make change, perhaps, than some of maybe a lesser chain where the-- not lesser chain, but a chain of restaurants where the turnover of staff is extremely high.

And as you said, they might just be popping through London or a city to learn English for a few months before moving on again. And it's not a career choice or whatever. So we do still have some of those challenges.

Obviously, staffing is a big problem, but I think the problem is we can actually in our scenario, we can maybe throw a bit more weight at it just because the nature of the beast of what we are.

But what I would say, I think Dominic touched on something there about the server making a mistake. And I think that's where, again, I do use this word a lot, but it's the cultural shift is that the problem happens is if you don't explain or train the thing properly or correctly, then they get very confused and worried.

And I've seen it with my team. We had a situation where this guy was so-- he'd been through the training and we'd take him out stuff. And he was so nervous about serving his guest with I think it was a child had I think it was a dairy allergy actually the child.

And we knew we were good. We knew we were covered. He'd done the training. He did the-- everything was good. But the parent was challenging to such a degree that he thought we were doing something wrong. And he's just got all panicky. And he kept coming back to the kitchen. And then there's this big kerfuffle.

So it's really about-- yes, the training is important, but sometimes training can be just a tick box for some places, perhaps. And I'm not saying it's not fit for purpose, but it needs to be done correctly. It needs to be done-- and it's just about empowering the team. And that is down to the culture of the business as well, and making sure that everybody he understands why they're having the training and the bigger picture.

So again, alluded to it, we could all talk for hours about different things we've got. But from my experience, one of the things I say a lot because obviously we're in the theater land, so we have a lot of people coming in and they need to be out by 7 o'clock. They've got a show to go to.

So sometimes we do have a pressure point of half an hour, an hour of service where it can get a little bit pushy and we have to speed it up a little bit. But I say to the guys, I do not care. I do not mind if somebody is complaining because they're going to be late to the theater or they're going, they need to rush out the door if it's taking time and the whole team, front and back are aware of that because we talk about it a lot. We talk about in briefings. And there's different processes we go through.

But that comes from the top and it comes from me giving the team the confidence for that. So they're not going to rush something if there was and because they're getting hassled, because the guest needs to go to the theater and pay quickly or whatever.

But that's an individual thing. That's the challenge we have. It's trying to how do you create a legislation around that or how do you put that into some formal whatever. That's the challenge we have, because we all have the ideas and there's lots of people doing great stuff.

But how do you live that out so that it's consistent around the business, whether it is a cafe or a takeaway or a high end? That's the challenge I think we face. But the training thing is obviously challenging for us, but at least we have a bit more-- we can put a bit more weight behind it because of where we are and what we-- and what we are.

IAIN FERRIS: Can I just jump in here Claire as well, just briefly. I've got a question really to pose to the rest of the panel here as well, that maybe they get their views on is this question of whether or not all food businesses should be capable of serving people with allergies or are there times when potentially the business should say no under some circumstances? And under what circumstances?

Because of course, as an enforcement officer, you often come across businesses where you go there. And when you look at the systems that they've got and the way they're handling things and maybe English language might be a problem and trying to get to explain what the laws require, and so on.

And then the officer actually thinks, well, actually, I'm not confident that this person. That if somebody with analogy comes in, I'm not confident that this business should be serving somebody. So many local authorities, for example, will actually tell the business not to serve

somebody with an allergy or words to that effect, essentially, that they shouldn't be able to guarantee that any of their foods are free from because they have-- because they have that concern.

And I've just got again, that question maybe to Emma and to Paul as to whether what's their-- what's their take on that? Is that a good thing? Because, of course, there is the accessibility side of things.

But in some cases, is it better than there's some restaurants that essentially that people shouldn't go to if the controls are not good enough? And would you like to be warned of those cases by people like the enforcement agencies?

EMMA KOCHER: My thinking on that goes back to I think it was one of the Dominic's that said that when they started out in their career, they didn't monitor the temperature in fridges.

So if we can go as far as to being able to monitor refrigerator temperatures, surely, we can go as far in not too much longer time to being able to monitor allergens in dishes even as they change.

And if an establishment isn't fit to serve under guidance or hopefully under the law, are they fit to be open? If they follow-- if they're able to follow procedures to keep bacteria levels low, surely, they're able to follow procedures to keep allergen levels in certain dishes safe for allergy sufferers.

And this goes back a little bit to whether the guidance is enough, the FSA guidance is enough or whether it should be enshrined in law. My theory or my thinking is that if it's enshrined in law, people have to-- restaurants and food businesses have to follow the law for fear of being prosecuted, and therefore everyone will very quickly catch up.

And the things that the procedures that are slightly annoying to begin with, will then become second nature, will then become the culture, and it won't take long for everyone to catch up and for it to be safe.

PAUL CAREY: And if I can jump in quickly, I don't think it's a human right that you can walk into a restaurant and demand to be fed. I don't think human rights legislation goes that far, but it's a marketing opportunity.

If you think about the 25% of the population that might have this problem, you are missing a big opportunity there in terms of your available market. Going back to the belt analogy, imagine a car manufacturer saying we're going to build the best car in the world, but we're not going to fit the seat belts. They wouldn't sell that many, would they? That's the way of looking at it. The law helps your business grow.

CLAIRE MCGUIGAN: I think what I've been hearing from you all is the idea that there are issues across and throughout the entire food service journey, and it will take more than the law. But the law is the bedrock of where-- and some of where we need to start.

I think as a food allergy parent, I think that much like Emma, that the holistic approach should be applied where I should be able to go to eat somewhere and expect to see the allergens there and be able to be served something that is safe.

I think what I struggle with is that the level of training or education for the staff is not mandatory, and that it hasn't progressed, I suppose, in a way that it covers human factors, all the things that you've described Dominic around it being too noisy, people feeling rushed, and all those things lead to what is in the FSA report from Rebecca Gibb around human errors account for over 70% of people being given the wrong food, and that's an issue.

And that's an ongoing issue without having you have the law, then you have the regulation to enforce the law. But there has to be some way of training that is much more respondent and

actually takes on board the challenges and the near Mrs. And being able to change the culture as they go along.

And yes, of course, they probably need some enabling money to do that. But as an allergy community, I think from some of the research that I have done, some of the people with food allergies have said that whenever you have the scores on the door and they're rated 1 to 5, if one of those was turned purple, the allergy community would know.

Well, actually, the staff in here have been trained to this satisfactory mandatory level, and there's every chance my risk is lower in here. And then we would have all of the allergens laid out. And then we have the start in the beginning of a more welcoming and encouraging journey of inclusivity for safe spaces to eat.

I don't know what anybody else thinks of that, maybe that's too hopeful, but I think that's where we should be heading is that this is not difficult to do. There are lots of models around education.

We take examples from the aviation industry, from health-- from my background and health. If you were going to get an operation, there's lots check points in that. And to make sure that you get the right operation. So the same procedures could be transferred over with the same ideas of how those educational systems are built.

So I suppose my question is, why is the education not up to date in terms of meeting the needs that are there within the system, looking at systems-- looking at system failures, all those things. And why is it not mandatory? So that's the question I posed.

EMMA KOCHER: So my thinking is that because it's not the law to have allergen information, people don't have to educate their staff. Obviously, education here is key. If the law was to be enforced, Owen's law was to be enforced, then people would be forced to educate their staff. There already are training schemes out there.

Owen's law has been involved in one which is very thorough on allergy training, so that model could be rolled out across all businesses. I'm sure other companies would be able to copy that style.

I don't think it would take long for people to catch up. The issue is that no one is being forced to take responsibility for this, and by having the guidance enshrined in law, it would force people, force businesses to-- it would hold them accountable for fear of prosecution.

And also on your point, Claire, it's not just the allergy sufferers who are being penalized here.

It's everyone that would be eating out with them. Four or five or six people would be impacted by the risk taken by one person. It's not just allergy sufferers, it's intolerances. It's autoimmune diseases like celiac. You have to have a restricted diet. It's actually much bigger than what we're just talking about.

CLAIRE MCGUIGAN: Yeah. Dominic did you want to come in?

DOMIC JONES: Yes. I just wanted to add that I agree with Emma that this legislation will absolutely would make things safer. But of course, there is a requirement at the moment to provide that information, not in writing. And we still have challenges.

And indeed, if I look at my own experience, we didn't have legislation in Jersey, but we followed the FSA guidance many years ago. We did everything right. We ticked the boxes, we had allergen matrices, et cetera, but we carried on getting which you will get errors, human errors from process breakdown, from miscommunications.

And the only way that we have reduced those up to 0 now, in fact, we have the hundreds of thousands of people that we serve. Since we brought in our new holistic approach, we've had two exposures and both have been being to do with suppliers putting hidden allergens in a

product and not letting us know about it because they substituted them or didn't label them properly.

But it is that holistic approach that really creates the safety, if you like. And I think the other thing I would add is that a lot of this is about transparency. I always teach our team that we don't have-- we don't need to respond to a question, can you guarantee to keep me safe?

What we need to say, because everybody has different levels of food allergy, of tolerance, for risk, et cetera. And what we need to do is be transparent. We need to communicate very clearly what it is that a food service is doing in their Kitchens, et cetera. And then the customer makes the choice about whether they want to order.

So cross-contamination, very good point. We make it very clear that we fry certain foods in the same fryers for instance. And other foods we have a fryer that's not we make that clear. And then the customer can make that choice.

And I think it's those things that come from education. But also process. And Paul was absolutely right to point out that in higher end restaurants, training is easier, but actually you can achieve the same objective in more casual, fast service restaurants with process.

And there are lots of tricks and things that you can do to make it safe for people, because you can't expect people to be trained and never make a mistake, and particularly, people whose English is not their first language, who are working temporarily in hospitality, et cetera.

So you need to-- if you have that type of situation, you need to design the process to make it safe. And it's absolutely possible. I think we've proved that and many other restaurants have proved that as well. And that's the bigger challenge if you like, that we have once the legislation is in place, which is fundamental.

IAIN FERRIS: As an educator, I'd also like potentially to add that of course, there's a difference between training, I guess, and understanding. And also we have to consider the type of training and how it's approached.

So there are a variety of different training courses that are available, even in things like basic food hygiene gene and various degrees of quality that we'd that-- that you would see.

And of course, then, of course, then you have tests, for example, that are just multi-choice tests. And we have to be careful not to approach things like training as a tick box exercise that just complies with the law.

So if the law says you need adequate training, I go online, do a quick test, get a printed certificate off that ticks the box for my staff being trained. And this, again, it goes back again to that thing of that culture and whether they understand allergies.

So rather than simply ticking the box, do they get it? Do they really know the challenges and how to deal with allergy requests? And that's more than just a simple tick box exercise on an online website.

CLAIRE MCGUIGAN: Thank you all so much. Wow, what a wonderful discussion. We could talk for hours and days about food allergies. We are learning so much from each other, and I thank you all for being so generous sharing your knowledge, and your practice and your experiences to allow other people to contribute to the conversation, and to maybe start to think about changes in their own practice and how they can be part of the change to keep people safe-- people with food allergy safe when they're eating out of home.

So that brings us to the end of our podcast. So thanks so much for being part of this conversation that honors own story and pushes forward the change his family is fighting for. I hope you are a little bit more convinced now that why relying on asking the server is simply not enough.

From our discussion, it is clear that we need action from government. We need laws to change, and we need hospitality systems to reform so that they can put the safety of those with food allergies at the heart of what they do.

And we have heard examples of how that can be done. People with food allergies should not have to rely on luck. Safety, it should not depend on who takes your order or how busy the kitchen is, or whether someone remembers a detail that should never be left to memory.

We've heard from families and we've heard from chefs, from industry experts, and from campaigners. And every one of them has shown that safer dining it's not just possible, it's entirely achievable.

And I suppose, the question is no longer you can this, be done. But I suppose the question now is rather, why isn't it happening everywhere right now? And I think that's an important reflection to take from the podcast.

So before we close, I want to thank everyone who made these episodes possible. It has been a pleasure to record these podcasts with you. So a very special thanks to you all and a special thanks to Emma, Emma Kocher for bravely sharing her own story and reminding us what is truly at stake when you're living with food allergies.

And to Paul, Paul Carey, Owen's father and co-founder of the Owen's law campaign. For your determination you to turn the unimaginable loss that you and your family have experienced into this life saving advocacy work that you're following through with your campaign. I know as an allergy family, it's important to me, and to other allergy families it's important to them. So we wish you all the best with that.

And then to Dominic Jones, we have two Dominic's. So to Dominic Jones for showing us how practical systems and processes can be adapted into business models in hospitality and they can protect lives.

And I think that's a wonderful message for anyone who's listening from hospitality. As you know, you can do something important in your system, in your change, in your ingredients, to help keep people with food allergy safe and open up the option for them to eat out of home safely.

And then to Dominic, to Dominic Teague for your wonderful insights. You've shared with us the very practical aspects where you have demonstrated that you know what safe-- what allergen safe dining would look like in real kitchens. That's amazing when you think of how busy the environments are. So that's lovely so that people can see that it can be done. So thank you so much for sharing that.

And then last but not least to Iain, to Iain Ferris. Iain thanks so much for helping us understand the regulatory landscape and the aspects around training and the gaps that still need to be addressed.

So I suppose we all agree there's so much more work to do. This is the start of a conversation that we're all having together, and we hope others that are listening and will join. So to each of you, thank you for your honesty and your expertise and your commitment to change.

And to all of you listening, thanks for being here. Your voice and your reflections and your experiences matter deeply. So do share them in the comments. Perhaps you have already developed a new way working in your restaurant or hotel, or maybe you have suggestions for change that would make it more accessible for people with food allergies to eat out in hospitality. So whatever your ideas are, feel free to share them in the comments.

If you're interested in learning more about Owen's law campaign, or you want to get involved and be part of the change, go ahead and you'll find it online. It is www.owens-law.co.uk. Thank you.