

UNDER INVESTIGATION **HARIBO** FACTORY



Teacher Instructions

This activity is a content essential resource designed to enable learners to apply their knowledge and understanding of the subject, specifically focusing on the duty of care aspect of tort law.

Students are placed into small groups, they are acting as a team of solicitors, it is their role to apply the law of duty of care to potential claimants, who wish to bring a claim against the Haribo factory. They must work their way through challenge and character cards to establish a duty of care for various claimants. The students must define the tests and stages and then apply these to the claimants in front of them. This will allow learners to build upon their knowledge and substantiate their ability to apply case law to exam style scenarios

This task is aimed to cover a 45 minute session.

Preparation & Conducting the Activity

Learners are placed into solicitor teams of between 2 – 4 learners, the tutor should explain to them that it is their role during this session to act as professional lawyers and advise potential claimants as to their ability to bring a claim in tort law.

Each set of learners will need:

A set of challenge cards cut up and in order (place face down on the table so the challenge side cannot be seen)

An answer sheet each

Optional: Haribo to eat whilst doing the task



Task

The tutor must explain to the learners that there has been a fire inside the Haribo factory and a meeting has been set up with a number of potential claimants, they must advise them as to whether they satisfy each stage of the duty of care test.

They must take it in turns to pick up the challenge card and read to the group, they must then complete the challenge and complete the answer sheet to reflect their discussion and knowledge.

Task 1 requires learners to explain and apply the *Donoghue v Stevenson* judgement

Task 2 requires the learners to apply the reasonably foreseeable and proximity to a number of characters, these characters vary in difficulty so support differentiation

Task 3 learners must apply and explain why it is fair, just and reasonable to impose a duty on Neil.

The tutor should then use directed questioning to go through each challenge and claimant.



The scenario

Haribo have a machine that has broken down they send their engineer Neil to fix the machine. He gets the ring machine up and running again but was in a rush when packing up and left his spanner inside the machine which in the first instance caused oil to leak into the rings but later started a huge factory fire.



Challenge No 1

Apply the Donoghue v Stevenson judgement to the scenario and the actions of Neil.



Challenge No 2

Now we are going to look at proximity, we need to take it in turns and take on the role of a potential claimant. After one person has read out the character card as a team we must decide if the harm/injury to the character is

- 1 Reasonably foreseeable
- 2 They are in a proximate relationship to Neil



Character Number 1

My name is Connie I am an 87 year old starmix fan, I buy a bag of starmix each week and eat them whilst watching Corrie. I recently bought a contaminated bag of starmix and suffered a severe stomach bug due to eating the contaminated rings.



Character Number 2

My name is Simon, I work at the Haribo factory, I usually work on the ring machine. Two weeks after it had been fixed I went to service the machine, I noticed that the machine was sparking electric, I put my hand inside and received an electric shock. I later found out this was due to the spanner.



Character Number 3

My name is Miguel I am a health and safety inspector, I work for the Government. I was sent to the Haribo factory to review the safety procedures. When I was walking to the workers near the Ring machine there was a loud bang and the machine set on fire. I ran outside the factory and sprained my ankle, meaning that I had to have one week off work and lost my income for that week.



Character Number 4

My name is Sophia I live two streets away from the Haribo factory, on the day of the fire I heard a bang and rushed to see what had happened. I saw the most awful scenes, as a result I now suffer from anxiety and panic every time I hear loud bangs. I can not go to work



Character Number 5

My name is Clive, I am the managing director of the Haribo factory. As a result of the fire I had to close down the factory for repairs for 3 weeks. I have lost millions of pounds in lost income.



Character Number 6

My name is Lucy I am the wife of one of the workers, we no longer live together but he pays weekly child support for our 3 children. He has not been paid for three weeks as the factory has been closed meaning that I have lost 3 weeks of child support.

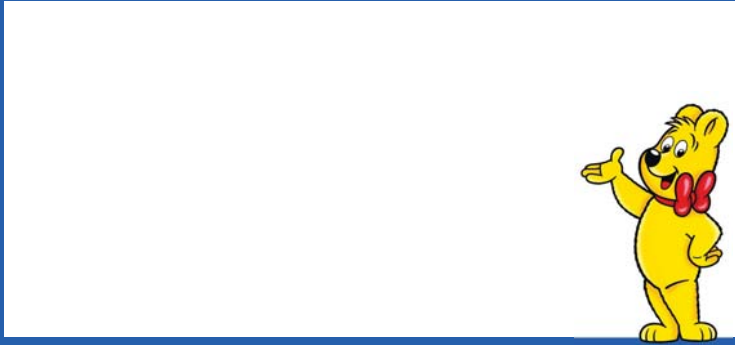


Challenge No 3

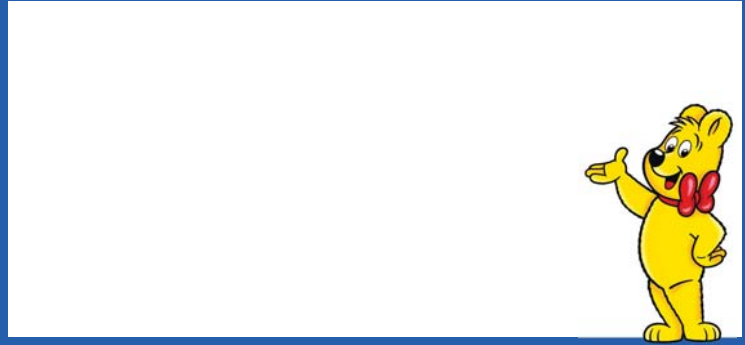
Decide if it is fair just and reasonable to impose a duty on Neil for the damage that he caused, explain why.



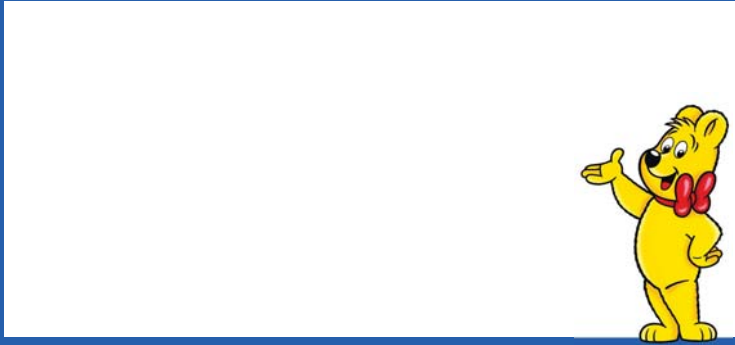
The scenario



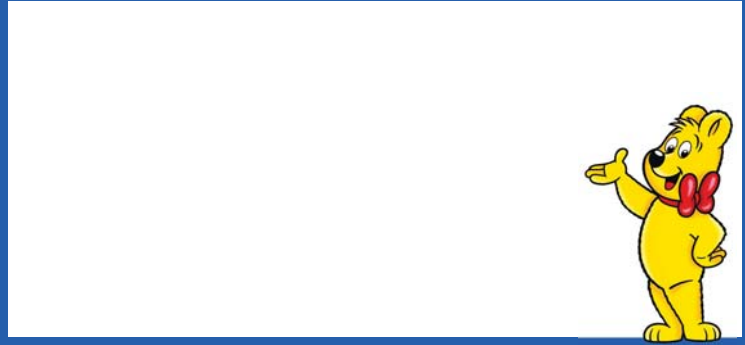
Challenge No 1



Challenge No 2



Character Number 1



Character Number 2



Character Number 3



Character Number 4



Character Number 5



Character Number 6



Challenge No 3





The Haribo Investigation

Donoghue v Stevenson: Held

Apply to the scenario and Neil:

Character Name:

Explain why the reasonable person would foresee that a person in the claimants position might be injured.

Explain if there is a proximate relationship between the claimant and the defendant Neil.

Challenge 3: explain why it is fair, just and reasonable to impose a duty upon Neil