



# 5 LEGIONELLA COMPLIANCE MISTAKES THAT COST FM MANAGERS THE MOST

And how to avoid them before they become an HSE investigation,  
a legal liability, or worse.

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In over 20 years working in water hygiene and Legionella compliance — across care homes, hotels, sports venues, schools, offices and industrial sites — I have seen the same mistakes made again and again. Not by careless people. By busy FM managers who assumed someone else had it covered.

These are the five that create the most risk, the most legal exposure, and — when things go wrong — the most difficult conversations with the HSE.

***None of these mistakes require negligence. They require only that nobody checked. Read each one and ask yourself honestly: could this be us?***

## MISTAKE #1

# 1

## No Written Scheme of Control — or one nobody has looked at in years

A Written Scheme of Control (WSC) is not optional. Under HSE's L8 Approved Code of Practice, every building with a water system that presents a Legionella risk must have one. Yet in over 20 years of visiting new client sites, a missing, generic or hopelessly out-of-date WSC is the single most common finding. A WSC written for a different building, copied from a template, or filed away and forgotten is not compliance — it is paperwork that will work against you in a legal investigation.

### ■ The consequence

In the event of an outbreak or HSE inspection, an absent or inadequate WSC is treated as evidence of systemic management failure. Enforcement notices, prosecution and civil liability all become significantly more likely.

### ✓ What to do instead

Commission a site-specific WSC written by a competent consultant who has physically surveyed your building and systems. Review it whenever the building or water system changes.

## MISTAKE #2

# 2

## Legionella risk assessments that are out of date — or were never done

HSE guidance is clear: Legionella risk assessments must be carried out by a competent person and reviewed regularly — or whenever there is reason to believe the original assessment may no longer be valid. Buildings change. Systems are extended, mothballed, repurposed. New dead legs appear. TMVs fail. A risk assessment from five years ago for a building that has since been refurbished is not fit for purpose. Neither is a tick-box survey carried out by someone without the technical knowledge to identify real risks.

### ■ The consequence

An outdated risk assessment provides false assurance. In a legal context, it demonstrates that you knew the assessment existed but failed to keep it current — which is harder to defend than never having had one.

### ✓ What to do instead

Ensure risk assessments are carried out by a qualified, competent assessor. Schedule a review date and stick to it. Any significant change to the building or system should trigger an immediate review.

### MISTAKE #3

## 3 Staff with no Legionella awareness training — including the Responsible Person

Under L8, the appointed Responsible Person must be competent. That means having sufficient knowledge, authority and resource to manage Legionella risk effectively. It does not come automatically with a job title. Many FM managers are appointed as Responsible Person with no formal training and no understanding of the legal exposure that role carries. The same applies to in-house maintenance staff who interact with water systems daily without understanding the risks they are managing.

#### ■ The consequence

An untrained Responsible Person is a significant liability. 'I didn't know what my responsibilities were' is not a legal defence — it is evidence that the organisation failed to take its duty of care seriously.

#### ✓ What to do instead

Ensure the Responsible Person has received documented, relevant Legionella awareness training, refreshed periodically. Any staff interacting with water systems should receive basic awareness training appropriate to their role.

### MISTAKE #4

## 4 No independent oversight of your water treatment contractor

You have a contractor. They visit. They send reports. Surely that is enough? It is not. Your contractor has a commercial interest in retaining your account. Their reports are self-assessed. Nobody is independently verifying that the programme they have designed is appropriate for your systems, that the chemistry is correct, that monitoring frequencies meet L8 requirements, or that remedial actions are genuinely necessary. Without independent oversight, you have no way of knowing whether your contractor is excellent, adequate, or dangerously complacent.

#### ■ The consequence

Contractors who are never audited become complacent. Programmes drift. Documentation gaps appear. Monitoring frequencies slip. By the time a problem surfaces, months or years of inadequate treatment may have preceded it — all visible to an HSE inspector reviewing your records.

#### ✓ What to do instead

Commission periodic independent audits of your water treatment contractor's programme, documentation, monitoring results and site performance. An independent consultant has no commercial interest in the outcome — only in giving you an accurate picture.

# 5

## MISTAKE #5

### Treating Legionella compliance as a once-a-year exercise

Legionella compliance is not an annual event. It is a continuous management process. Water systems change constantly — temperatures fluctuate, usage patterns shift, equipment ages, buildings are partially occupied. A risk assessment and a contractor visit once a year does not reflect the reality of how water systems behave. The FM managers most exposed to risk are those who assume that because they haven't had a problem yet, the system is working. Legionella doesn't send a warning.

#### ■ The consequence

Reactive compliance — doing the minimum until something goes wrong — is the single biggest driver of serious Legionella incidents in managed buildings. The cost of prevention is a fraction of the cost of an outbreak, an enforcement notice, or a fatality inquiry.

#### ✓ What to do instead

Build a compliance calendar with review points throughout the year. Monitor contractor performance continuously. Treat any deviation from expected results as a trigger for investigation, not a box to note and move on.

## NOT SURE IF YOUR BUILDINGS HAVE THESE GAPS?



Book a free 30-minute compliance review call with Matthew Dukes.  
No sales pitch. No obligation. Just an honest assessment of where you stand.

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This guide is provided for awareness purposes only and does not constitute formal legal or compliance advice. Always consult a competent specialist for site-specific risk assessment and management.