Legionella risks – 10 things you should know

- Your property-owning customers are responsible for protecting their tenants from health and safety hazards such as the legionella bacteria – which can cause serious illnesses.

- We offer expert guidance to help you and your customers separate the legionella myths from reality with this list of 10 things that you should know:

1. What causes legionella to spread?
   Poor maintenance or poor management of a water system can create the conditions for legionella to thrive. Examples of poor maintenance include corroded, dirty water tanks in a warm loft space, or ‘dead legs’ in the pipework, where stagnant water has nowhere to go.

   For example, poor management could be a situation where a flat has been left empty over a long, hot summer and the water has been left stagnant for too long.

2. Do I need to regularly test for legionella?
   No – there is no legal requirement for legionella testing other than in exceptional circumstances.

3. Do I need to carry out a risk assessment for legionella?
   Yes – you are legally required to assess the risk of potential health and safety hazards in your properties, including legionella.
4. Do I need to carry out a risk assessment for legionella?
This largely depends on the nature of the water system – the more complicated
the system, the more rigorous the assessment should be. The HSE states that a
legionella risk assessment needs to identify whether:

- Water is stored or re-circulated as part of your system
- The water temperature in some or all parts of the system is between
  20–45 °C
- There are sources of nutrients such as rust, sludge, scale and organic
  matters
- Conditions are present to encourage bacteria to multiply
- It is possible for water droplets to be produced and, if so, whether they
could be dispersed over a wide area

Sources of risk can be identified by sight or by consulting the property’s
schematic diagram, which shows the layout of all water systems within the
property.

Certain types of property may require a more rigorous assessment – for example,
student properties that are left unoccupied over the summer, or those with water
tanks in a warm loft space.

5. Who should carry out a legionella risk assessment?
You can do it yourself, if you are confident that you have the necessary expertise.
However, many landlords choose to employ a specialist contractor.

Regardless of who carries out the assessment, responsibility for ensuring it is
completed to the required standards remains with whoever has been appointed
as the competent person responsible for managing your health and safety risks.
Download a legionella risk assessment checklist for landlords here.

6. Do I need to keep a record of my risk assessment, and how
regularly should I review it?
You are not required by law to keep a written record, but a failure to do so could
make it harder to defend any subsequent claim. Risk assessments should be
reviewed whenever there is a change within a property that could affect the level
of risk – for example, if there are alterations to the water system, if the property
has been unoccupied for a long period, or if there are new tenants who may be
more vulnerable to the effects of legionella, such as elderly people and those with
pre-existing health conditions."

7. What should I do if I identify a risk?
Assess the risks appropriately, take any appropriate remedial action, for example,
draining the water system while the property is unoccupied, removing redundant
pipework, and testing the water to ensure the hot water runs above 60°C and
the cold water runs below 20°C. Remember to keep a record of what you have
done - this will support the claims team in their handling of a claim.

8. What should my tenants do?
Take simple, practical steps to reduce the risk of legionella, for example cleaning
and descaling showerheads every six months. Their obligations should be clearly
set out in tenancy agreements.
9. Can I be prosecuted if legionella is found in my property? What should my tenants do?

Under section 3 of the Health and Safety at Work Act, you could be prosecuted for failing to take reasonably practicable steps to avoid exposing your tenants to health and safety risks, including legionella. The maximum penalty for a breach of this section of the act is either an unlimited fine, up to two years in prison, or both.

10. What simple measures can I take to avoid exposure to Legionella?

- Flush out the system prior to letting the property
- Avoid debris getting into the system (e.g. ensure the cold water tanks, where fitted, have a tight fitting lid)
- Set control parameters (e.g. setting the temperature of the hot water cylinder (calorifier) to ensure water is stored at 60°C)
- Make sure any redundant pipework identified is removed
- Use instantaneous water heaters such as combi boilers and electric showers that do not store water.

Where to go for further help?

You and your customers can find out more about the myths and realities surrounding legionella on the HSE’s mythbuster page.

The Housing Health and Safety Ratings System also offers further guidance to help landlords and other property professionals understand their responsibilities.

Zurich can offer D&O cover for residential property owners to protect directors should any claims be made against them for negligent property management.

To find out more about how we can help your property-owning customers, speak to your usual Zurich contact..