

Company failed to manage legionella risk as prisoner dies

A company has been fined after it failed to manage the risk of legionella bacteria in the hot and cold water systems at HMP Lincoln.

The Health and Safety Executive (HSE) investigation followed the death of an inmate.

Amey Community Limited has now been fined £600,000 after pleading guilty to a health and safety offence.

Graham Butterworth died on 5 December 2017 after contracting Legionnaires' disease while serving a prison sentence at HMP Lincoln.

Water samples from Mr Butterworth's cell and nearby shower blocks tested positive for legionella days after the 71-year-old died.

HSE guidance states any risks of exposure to legionella needs to be identified and managed. Further guidance can be found at: [Legionella and Legionnaires' disease – HSE](#).

The investigation, carried out by HSE inspector Aaron Rashad, found Amey Community Limited, which provided facilities management services at HMP Lincoln, failed to act on a risk assessment carried out in 2016, failed to put in place a written scheme for preventing and controlling legionella risks, failed to ensure that appropriate water temperatures were maintained and failed to monitor water temperatures in the water system in October and November 2017. This allowed legionella bacteria to multiply rapidly.

Amey Community Limited, of Furnival Street, London, pleaded guilty to breaching Section 3(1) of the Health and Safety at Work etc. Act 1974. The company was fined £600,000 and ordered to pay £15,186.85 in costs at Lincoln Magistrates' Court on 3 December 2024.

HSE inspector Stacey Gamwell said: "There is a legal duty to keep workers and inmates safe in prisons. The occupants of HMP Lincoln had been put at risk of legionella bacteria and developing Legionnaires' disease because of Amey Community Limited's failures.

"Companies such as Amey Community Limited need to ensure they have identified any risk of legionella and have suitable and sufficient arrangements in place for managing the risk and control measures they have implemented."

This HSE prosecution was brought by HSE enforcement lawyer Andy Siddall and supported by HSE paralegal officer Helen Jacob.

Further information:

1. [The Health and Safety Executive](#) (HSE) is Britain's national regulator

for workplace health and safety. We are dedicated to protecting people and places, and helping everyone lead safer and healthier lives.

2. More information about the [legislation](#) referred to in this case is available.
3. Further details on the latest [HSE news releases](#) is available.
4. HSE does not pass sentences, set guidelines or collect any fines imposed. Relevant sentencing guidelines must be followed unless the court is satisfied that it would be contrary to the interests of justice to do so. The sentencing guidelines for health and safety offences can be found [here](#).