



Response to Regulation 28 Report to Prevent Future Deaths

Coroner	Michelle Brown, coroner for the area of Essex
Date of report	31 st July 2026
Name of deceased	Mrs Rhoda Freeman
Organisation submitting the response	AquaCert Ltd
Date of response	September 2026

Background

AquaCert have been undertaking legionella testing since 2019. These are the dates/results of the analysis prior to the death of Mrs Freedman in May 2024.

Legionella were found every time apart from the test in January 2023.

Date Sampled	Certificate Reference	Results
05-11-19	085064	1 of the 3 samples were found to contain legionella bacteria
24-11-20	101905	2 of the 3 samples were found to contain legionella bacteria
03-11-20	101655	3 of the 3 samples were found to contain legionella bacteria
20-10-21	106971	2 of the 3 samples were found to contain legionella bacteria
15-11-21	107262	2 of the 3 samples were found to contain legionella bacteria
24-11-22	113278	2 of the 3 samples were found to contain legionella bacteria
04-01-23	113732	None of the samples were found to contain legionella bacteria

AquaCert:-

- Have no input or control over the water systems at Wensley House.
- Have no input or control over the water quality risk assessments [legally] required at Wensley House.
- Have no input or control on any type of staff training at Wensley House.
- Have no input or membership of the water safety group (WSG) at Wensley House.
- Have no input in the development of a 'Scheme of Control' at Wensley House.
- Have no input in deciding the sample locations or testing frequency for legionella at Wensley House.

The results above would suggest that our current procedures don't significantly impact the accuracy of the sample results and the recovery of legionella bacteria. That said, Tom Makin is highly respected and his report has highlighted areas where we can improve.

The following matters were raised by the expert witness, [REDACTED]

DOCUMENT NAME:

AQC RF – [REDACTED] – Expert Water Treatment – Hygiene Report – dated 06.07.26.docx

1. Hot water samples only
2. Combination of multiple samples
3. Aseptic sample collection procedure
4. Pre/Post flush sample collection
5. Temperature measurement and recording
6. Shower sampling
7. Biocide neutralising agent mixing

1. Hot Water Samples Only

Response AquaCert do test domestic cold water in addition to domestic hot water. Legionella can and does grow in cold water (given favourable conditions) but the ratio of positives we see is approx. 20:1 (hot:cold).
Action Taken/Proposed AquaCert will advise clients that they should consider testing cold water locations in addition to their hot water ones.
Timescale This will be achieved in four ways:- 1. A mailshot to all existing clients informing them that cold water supplies can also harbour legionella (approx. 6 weeks to complete). 2. Amend our website to suggest prospective clients to consider testing both hot & cold water systems (approx. 6 weeks to complete). 3. Change the structure of the legionella web page to make clients individually choose either a “hot” or “cold” legionella test kit (approx. 12 weeks to complete). 4. Verbally advise this information to clients when they order test kits direct by telephone. (approx. 4 weeks to complete).
Monitoring We can review the ratio of hot:cold test kits on a 3 monthly basis, though it will take 9 months for the figures to be statistically valid.

2. Combination of multiple samples

Response AquaCert undertake “indicative” or “bulk” sampling in some situations but not for all. We provide further details on this in the Supporting Document section at the end of this document.
Action Taken/Proposed 1. AquaCert will amend its website to state that “bulk” sampling does not comply with BS 7592 2. AquaCert will add a comment on its certificates of analysis to state that “bulk” sampling does not comply with BS 7592
Timescale Website changes (approx. 12 weeks to complete) Certificate changes (approx. 6 weeks to complete)
Monitoring AquaCert routinely monitor all sales

3. Aseptic sample collection procedure

Response AquaCert provide gloves in many of our test kits such as Pseudomonas aeruginosa, potable etc. Gloves are not necessary for a “bulk” sample because water from different locations is being placed in the same bottle, i.e. cross contamination is being enforced.
Action Taken/Proposed 1. AquaCert will review documentation sent with kits and check for clarity. 2. AquaCert will consider if we should provide a web based training course or direct clients to existing material available from 3rd party companies.
Timescale Documentation review (approx. 12 weeks to complete). Decision on provision of an AquaCert web site training course (approx. 4 weeks to complete).
Monitoring AquaCert intend to hold a formal review in January 2027 to check progress against our stated commitments. This will be part of the review.

4. Pre/Post flush sample collection

Response
The instruction to run that tap prior to obtaining the sample was an office error when compiling the document.
Action Taken/Proposed
The document has been amended.
Timescale
Completed the same day as the error was reported.
Monitoring
AquaCert will check [again] that all staff are using the revised document during the review in January.

5. Temperature measurement and recording

Response
The sample submission form will be amended to include a box for temperature recording.
Action Taken/Proposed
This change needs to be done by an external supplier as it involves computer coding.
Timescale
(approx. 12 weeks to complete).
Monitoring
AquaCert intend to hold a formal review in January 2027 to check progress against our stated commitments. This will be part of the review.

6. Shower sampling

Response
The AquaCert instructions require minor revisions.
Action Taken/Proposed
The document will be amended.
Timescale
(approx. 4 weeks to complete).
Monitoring
AquaCert intend to hold a formal review in January 2027 to check progress against our stated commitments. This will be part of the review.

7. Biocide neutralising agent mixing

Response
The AquaCert instructions require minor revisions.
Action Taken/Proposed
The document will be amended.
Timescale
(approx. 4 weeks to complete).
Monitoring
AquaCert intend to hold a formal review in January 2027 to check progress against our stated commitments. This will be part of the review.

Conclusions

Primary

AquaCert have not provided false reassurances that the water system was safe and fit for purpose.

AquaCert were only responsible for testing the water for legionella bacteria. Each test during the period 2019 to 2022 was found to contain these bacteria.

As an example, on our certificate from 24th Nov 2022, the text read

INTERPRETATION

A significant number of Legionella bacteria have been detected in Bottles 2 and 3. Your system may be colonised and represent a real risk.

ACTIONS REQUIRED

In healthcare, the primary concern is protecting susceptible patients, so this detection of legionella must be investigated.

The system should be resampled and an immediate review of the control measures and risk assessment carried out to identify any remedial actions, including possible disinfection of the system.

Retesting should take place a few days after disinfection and at frequent intervals thereafter until a satisfactory level of control is achieved. We have sent further information to you via email.

Secondary

The expert report uncovered several areas where AquaCert could improve its documents and procedures. Our company is committed to making changes, as detailed earlier.

Supporting Documents

Why Indicative Sampling is Useful.pdf

Yours sincerely,



AquaCert Ltd