

Legionella Policy 2024-2027

Version Control

Version	Changes	Approval Stage	Date
1	Original Draft	Internal	19/06/2024
2	-	Tenants/Public Consultation	Completed 01.11.2024
3	Leadership Team 29.10.2024	Head of Service sign off	18.11.2024

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Relevant Legislation, Codes of Practice & Guidance	<ul style="list-style-type: none">• The Management of Health and Safety at Work Regulations 2006.• Health and Safety at Work Act 1974.• Housing Act 2004.• Housing Health and Safety Rating System (HHSRS).• Control of Substances Hazardous to Health Regulations 2002 (COSHH).• Approved Code of practice (ACoP) L8 - Legionnaires' disease: the Control of Legionella bacteria in water systems• HSG274 Part 2 - Legionnaires disease: The Control of Legionella bacteria in hot and cold-water systems.• Social Housing Act 2023• Regulator of Social Housing - Consumer Standards April 2024
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1.0 Purpose of the Policy

This policy details the Council's overarching approach to managing Legionella for residential and other accommodation held and managed through the Housing Revenue Account and this sits alongside the Corporate arrangements for legionella testing. The management process is designed to ensure that the Council takes all reasonable and practical steps to ensure that hot and cold-water systems are appropriately maintained.

The policy aims to demonstrate that the Council is working to fulfil its duties under "Approved Code of Practice L8 – Legionnaires' disease: The control of Legionella bacteria in water systems" (ACoP L8) and "HSG274 Part 2 - Legionnaires' disease: The control of legionella bacteria in hot and cold-water systems" (HSG274 Part 2), and in doing so is minimising the risk of Legionella exposure to its staff and residents.

2.0 Scope of Policy

This policy relates to all buildings and properties that the Council has a maintenance and repair responsibility for under the Health and Safety at Work Act 1974, COSHH 2002, MHSWR 1999 and the HSE Approved Code of Practice L8 'The control of legionella bacteria in water systems' 2013. This includes all residential buildings and communal areas of residential and commercial properties that the Council hold as assets under the Housing Revenue Account.

Where buildings and properties are managed by third parties or are let under leases (e.g., the Council office accommodation, commercial property including shops) the management of Legionella will fall under the scope of this policy so far as the Council statutory responsibilities detailed in the terms of the management agreement and lease agreements.

3.0 Definitions

Approved Codes of Practice (ACoP) – documents approved by the HSE that give practical advice and recommendations on how to comply with regulations. ACoPs have "special legal status" meaning in the event of prosecution for a H&S breach you must evidence how you have complied with the ACoP.

Health & Safety Executive (HSE) - Non-departmental public body in the United Kingdom responsible for the encouragement, regulation and enforcement of workplace health, safety and welfare, and for research into occupational risks in England and Wales and Scotland.

Duty Holder – the owner, person and/or organisation that has responsibility for the building and water systems, with accountability for the safety of employees and staff.

Legionella Water Risk Assessment (WRA) – a physical survey of all water related plant and storage systems to check whether conditions are present which could encourage Legionella bacteria to multiply.

Written Scheme – a risk management document identifying measures to be taken to control water systems and reduce the risk of Legionella bacteria.

Legionella Management Plan (LMP) – a document designed to register and detail how water systems will be managed and what activities will be undertaken to ensure people remain safe from Legionella exposure.

Legionella Control Association (LCA) – a voluntary organisation for which members have to demonstrate their adherence to a recommended Code of Conduct for the control of Legionella bacteria in water systems.

4.0 Consultation

Consultation has taken place with the following. Their feedback has been considered and the policy update:

- Resident Engagement Focus Groups, a focus on relevant scheme residents where Water Hygiene measures are required.
- Compliance Officer, the Compliance team, Tenancy Service Manager, Chief internal Auditor & Risk Manager, Housing Maintenance Manager
- Senior Leadership Team
- External Consultants

The Equality and Diversity Impact Assessment has been undertaken and shared as part of the consultation process.

5.0 Background and Context

Legionnaire's disease is a form of pneumonia which if not diagnosed and treated promptly can lead to organ failure, brain damage and death in some cases. The disease is contracted when airborne droplets of water containing Legionella bacteria are inhaled and penetrate the lungs infecting the alveoli (air sacks).

Anyone can contract Legionnaire's disease however there are certain "at risk" groups which are more susceptible, this includes those with a weakened immune system, the elderly, smokers, alcoholics, and those with existing respiratory conditions. Statistically men over 50 years are more susceptible than women of the same age, children are rarely affected.

Low numbers of Legionella bacteria are commonly found in natural water sources such as rivers and lakes and can make its way into manmade water systems. If conditions are favourable the bacteria will multiply, increasing the risk of exposure.

Favourable conditions include those where the temperature of the water is within a certain range, there are nutrients in the water for the bacteria to feed off and/or where water becomes stagnant. The risk of exposure is heightened further where there are water systems that create a spray of water, e.g., showers.

ACoP L8 and HSG274 Part 2 provide guidance on the measures to be undertaken to identify and assess sources of Legionella risk, manage the risk, prevent, or control the risk; and periodically check that control measures continue to be effective. The aim of the control measures is to remove or reduce the favourable conditions for Legionella bacteria growth and therefore reduce the risk of Legionella exposure.

Possible sources of Legionella risk, and therefore the systems and components that require assessing and managing include:

- Mains cold water services,
- Cold water storage tanks & cold-water distribution systems,
- Hot water storage systems including Calorifiers or hot water cylinders,
- Non-storage hot water systems,
- Water outlets such as taps, showers or aerosol generating sources,
- Thermostatic mixing valves (TMV's),
- Any other plant and systems containing water which is likely to exceed 20C and which may release droplets of water during operation or when being maintained.

ACoP L8 places several requirements on Employers and Duty Holders as to the action they should take to appropriately manage Legionella. ACoP L8 is supported by several Health & Safety Executive (HSE) guidance documents which translate the requirements within ACoP L8 into specific actions that should be undertaken to evidence compliance with the ACoP. For the Council the most relevant guidance document is HSG274 Part 2.

A Duty Holder in the context of ACoP is the person or organisation that is in control of a premises and is responsible for maintenance and repair. The Council therefore has both Employer and Duty Holder responsibilities under ACoP L8.

The Council's duties under ACoP L8 can broadly be considered to be:

- To take reasonable steps to assess hot and cold-water systems to identify possible sources of Legionella risks. This is most achieved through a Legionella Water Risk Assessment (WRA).
- To ensure that if the WRA shows that there is a reasonably foreseeable Legionella risk a "Written Scheme" is produced. This will detail the actions required to remove, reduce, or control the risk.

- To take all reasonable and practicable action to remove the risk, where this is not possible a Legionella management regime should be in place. The nature and frequency of which will be in line with HSG274 Part 2 and the Written Scheme.
- To ensure that the effectiveness of the Legionella management regime is periodically checked, and that action is taken in the event of non-conformity with ACoP L8.
- To maintain records of all activity undertaken to identify and assess sources of Legionella risk, remove the risk and the management regime in place to manage the risk.
- Ensure the roles and responsibilities for Legionella Management are clearly defined, and that those with responsibilities are competent to do so.

6.0 Policy Detail

The following section details the actions taken and measures that are in place and/or will be taken to ensure the Council fulfils its requirements under duties under ACoP L8 as set out above.

These actions and measures demonstrate the Councils commitment to ensuring a safe environment within which our residents can live and within which our staff can work, as well as satisfying our legal obligations.

The Legionella Management Policy will be supported by a Legionella Management Plan (LMP)

Legionella Water Risk Assessments (WRAs)

The purpose of a WRA is to identify and assess the risk of exposure to Legionella bacteria from the hot and cold-water systems on the premises and any precautionary measures needed to remove, reduce, or manage the risk.

The Council will ensure a WRA is carried out to the hot and cold-water system at all the following buildings in addition to any other building which may at a later date fit into the identify property types also noted:

Block code	Address	Street	Area	Postcode
BLKC361A	001-020 Longford Court	BIDEFORD WAY	CANNOCK	WS11 1QB

BLKC502A	001-030 Caxton Court	CAXTON STREET	CANNOCK	WS11 0EA
BLKC501A	001-021 Grace Moore Court	CECIL STREET	CANNOCK	WS11 5HS
BLKC458A	001-026 St Barbara House	JOHN TILL CLOSE	RUGELEY	WS15 2AG
BLK09999	The Highfields Centre	Smalley Close	CANNOCK	WS11 5TY

- Any multi occupancy blocks with a hot and/or cold-water system serving multiple dwellings, e.g., a block with a tank fed cold water system.
- Any building classed as a workplace, e.g., Offices, Community Centres, Agency Managed schemes.

The format and content of the WRAs should be in line with the guidance in ACoP L8 and BS 8580-1: 2019 Water Quality - Risk Assessments for Legionella Code of Practice and as a minimum should include:

- Name of the risk assessor, site responsible person and duty holder,
- A description of the water system,
- The risk identified with recommended actions, including a risk category and recommended timeframe for completion,
- A schematic drawing of the water system identifying all relevant assets and pipe runs.

ACoP L8 advice includes that WRAs should be regularly reviewed but does not define a specific review period. For consistency the Council will ensure all WRAs are reviewed every 2 years as a minimum. Procedures will be in place to ensure all WRAs are reviewed in time.

The WRA should be reviewed sooner if it is believed the content of the assessment may no longer be valid. This may result from:

- Changes in the water system or its use,
- Changes in the use of the building in which the water system is installed,

- The availability of new risks or control measures,
- The results of management regimes indicating that control measures are no longer effective,
- A case of Legionella is associated with the system.

Where the WRA shows that there is a reasonably foreseeable Legionella risk, it should be supported by a Written Scheme that details the actions required to remove, reduce, or control the risk. The Council will have procedures in place to detail how actions are managed, logged and tracked through to completion.

The current version of ACoP L8 guides Duty Holders towards carrying out a WRA in single occupancy domestic dwellings, though provides no clear guidance on the percentage that should be completed and within what timeframe. The Council will consider working towards the completion of some form of WRA to domestic dwellings to identify any Legionella risks associated with water temperature and/or system design.

- All of the four Independent Living Schemes, due to the residents being considered a Legionella “at risk” group.
- Highfield Centre, Community Building
- A percentage per archetype of properties with electric heating (e.g., storage heaters) and some form of stored water (e.g., hot water cylinder)
- Void properties.

This approach will be detailed further in the LMP.

Legionella Management regime

Where the WRA shows that there is a reasonably foreseeable Legionella risk, it should be supported by a Written Scheme that details the actions required to remove, reduce, or control the risk. Where even through all reasonable and practicable action it is not possible to remove the risk a Legionella management regime should be put in place. The nature and frequency of which will be in line with HSG274 Part 2 (specifically Table 2.1 Checklist for Hot and Cold-Water Systems) and the Written Scheme and will include measures such as water temperature monitoring and system clean and disinfection.

The Council Compliance Team will manage the delivery of the Legionella management regime with processes in place to ensure the correct nature and frequency of control measures. The day-to-day processes will be carried out and recorded by Staff at schemes.

When a property is void, a WRA will be carried out at the beginning of the Void works period. The WRA will indicate appropriate actions for remedial and monitoring works to be undertaken throughout the period of the property being empty. Housing Repairs

will manage this process within their void schedule of works and provide all necessary evidence to the Compliance Team.

Non-conformity with ACoP L8

In the event of a non-conformity with ACoP L8 the Council have a duty of care to ensure appropriate and timely corrective action is taken. The timeframe within which the Council are notified and the timeframe for completing remedial actions will depend on the severity of the non-conformity. For non-conformities identified on a WRA these will be addressed within the timeframe recommended by the risk assessor.

Any suspected cases of Legionella will be reported by a medical practitioner to the relevant Local Authority. If a Council property or building is suspected to be the source of the infection, then the Council will be required to comply fully with the investigation. At the point of investigation notification, the Council will contact their appointed water hygiene contractor and where appointed Consultant for support and guidance on the procedure to follow.

Certification & Documentation

The Council shall keep appropriate and up to date records and certification relating to the management of Legionella for a period of at least 5 years.

The records that are to be kept shall include (but are not limited to):

- An up-to-date list of properties and buildings that require a WRA and management regime, including previous completion dates and next due dates,
- WRAs,
- Written Schemes,
- Temperature monitoring records,
- TMV servicing records,
- Shower head clean records,
- Clean and Disinfection Certificates,
- Results of any Legionella sampling,
- Up to date building schematic drawings,
- Records evidencing the review and action of any non-conformities.

All records of activity undertaken by the water hygiene contractor will be available to the Council via a web-based portal that all relevant staff have access to. All other records will be held within the Council systems.

Asset Data & Reconciliation

The Council will hold and maintain an accurate record within the NEC Housing Management

System of all buildings that require an WRA and that form part of the Legionella Management regime. Until such time as the NEC Housing Management System is fully operational additional detail will be held in TIO - data base and logbook recording system. The record will include the completion date and next due date of the WRA, and specific details of the Legionella Management regime activity carried out at each site, again with the completion date and next due date.

Processes will be in place to ensure NEC records are updated to reflect any property divestments, acquisitions (including new builds), equipment installations and removals and any changes to maintenance and repair responsibility.

The Council will work toward ensuring that should and where the responsibility of Legionella management falls to a third party (e.g., Commercial property - shops, Agency Managed Supported Scheme,) action is taken to ensure evidence is obtained that the necessary regime is being delivered.

Contractor Competence, Quality Control and Performance

The Council must be able to satisfy themselves that all those carrying out WRAs and the Legionella Management regime are competent to do so.

The Council will employ a water hygiene contractor to complete WRAs and Legionella management regime activities directly or in cases where operations are undertaken by the Council staff undertake audit and compliance checks on the Council staff operations and recording. To give assurance on competency the appointed water hygiene contractor should as a minimum be a member Legionella Control Association (LCA).

The water hygiene contractor will be required to evidence that all operatives working on the Council properties are appropriately qualified and competent. The Compliance Team will maintain a record of all operatives and their qualification details.

The performance of water hygiene contractor will be managed by the Compliance

Officer managing the contract under the direction of Assistant Manager Compliance, supported by a suite of internal metrics and KPIs set out in the contract. In accordance with the contract, Operational Meetings are held with the contractor within which performance is discussed and documented, with procedures in place to take more formal action to address performance issues if required.

The Council will work to ensure that the appointed water hygiene contractor has an internal audit regime in place to undertake rotational audits on the schemes subject to

the contract, the results of which will be shared and discussed as part of operational contract review meetings.

In addition, the Council will also undertake a desk top accuracy and completeness assessment on all completed WRAs, with any errors or missing information being referred to competent contractor, for resubmission.

Training

Suitable and sufficient Legionella awareness training will be maintained for all relevant employees and where there are specific tasks that the Council staff are required to undertake, e.g., temperature recording, flushing, completion of WRA in void, the training will cover practical guidance on how to complete these tasks. The frequency and content will be detailed within the LMP.

7.0 Responsibility under this Policy

The roles and responsibilities for key stakeholders across the Council is detailed below.

Note - these are the roles and responsibilities in specific relation to the delivery of this policy only. The LMP will provide further details on the roles and responsibilities of all staff with day-to-day responsibility for the management of Legionella, including the role of the Duty Holder and Competent Responsible Person/s, and Authorised Deputies

The Competent Responsible Person/s must have sufficient authority, competence and knowledge of the installation to ensure that all operational procedures are carried out effectively and in a timely way.

Authorised Deputies may be given the authority by the Responsible Person to act on their behalf to oversee the day-to-day management of Legionella control. This person(s) can have responsibility for overseeing and coordinating the Legionella Policy and Procedure.

- **Chief Executive** has overall responsibility for ensuring the Council's Housing Stock is safely managed. They will have ultimate accountability for the proper implementation of this policy as 'Duty Holder' and 'Competent Responsible Person' for the Legionella Management Plan however may discharge their responsibilities for the delivery of services and Health and Safety Duties to the Deputy Chief Executive, Place and Head of Housing & Corporate Assets however the Chief Executive will retain an oversight on progress/performance.
- **Deputy Chief Executive, Place and Head of Housing & Corporate Assets** will be responsible and accountable for the overall implementation and regular reviews of this policy ensuring its objectives are achieved. They will ensure adherence to the policy and procedures for managing Water Hygiene ensuring

timely action is taken to complete inspections and works within specified timescales. They will maintain an oversight of the water Hygiene programme and seek assurances from the Assistant Manager Compliance that appropriate action is being taken to maintain a safe environment. They will ensure that any compliance and/or Health & Safety related issues are brought to the attention of the Council's Cabinet and provide regular updates on service delivery against budget to the Housing Board, and the Chief Executive.

- **Housing Board Members** will review reports and/or performance indicators to assure themselves that the measures detailed in the policy and LMP are being followed and provide progress updates to the Council's Cabinet to ensure that the Council is meeting the requirements of its regulatory obligations and the policy measures.
- **Housing Property Services Manager** will work closely with the Assistant Manager Compliance to ensure that regulatory obligations, implementation of this policy and LMP are undertaken and to continue to seek assurances that legal obligations and policy measures are being adhered to and in line with budget. They will carry out quarterly strategic performance reviews of contractors to ensure compliance with their contractual obligations.
- **Assistant Manager Compliance** will be responsible for delivering the overall implementation and undertaking regular review of this policy and ensuring its objectives are achieved. They are also responsible for compliance performance reporting to the Housing & Property Services Manager. They will manage the Compliance Officers and team members responsible for the day-to-day operational delivery and contract management of external operational Contractors, internal staff and Consultants delivering the inspection, testing, servicing and maintenance regimes.
- **Tenancy Service Manager** will, working with the Independent Living Managers at schemes ensure that an appropriate flushing regime is carried out to all Guest apartments.
- **Housing Maintenance Manager** will, working with the Maintenance Team ensure that an appropriate flushing regime is carried out to all empty properties during void works. They will **ensure** that that any required remedial works are undertaken in timely fashion and that all activities carried out are recorded appropriately.
- **Compliance Officers as appropriately** will be responsible for the day-to-day operational delivery of all aspects of this policy and the LMP. They will manage the performance of the service delivery contractors, including their ongoing competence, and proactively monitor service delivery against targets. They will be responsible for monitoring the quality of work undertaken by the contractor and inhouse staff and ensuring all inspection, testing, servicing and maintenance regimes are undertaken and certification is received and verified. They will act as the organisations technical lead for water hygiene ensuring that the Council continue to work in line with the most up to date regulations and industry guidance.

8.0 Risk Management

Delivering the framework and actions set out in this policy, the Council will comply with the requirements of ACoP L8 and legislation relating to legionella management. leading to a potentially detrimental impact on the safety of residents and staff. The delivery of the framework and actions will assist in managing risks and impacts associated with;

- Prosecution by the Health and Safety Executive under Health and Safety at Work Act 1974.
- Prosecution by the Local Authority under the Housing Act 2004.
- Prosecution under Corporate Manslaughter and Corporate Homicide Act 2007.
- Reputational damage.
- Loss of confidence by stakeholders in the organisation.
- Regulator of Social Housing - acting in accordance with Consumer Standards April 2024 and Social Housing Act 2023

9.0 Performance and Management of this Policy

The completion of WRAs in line with their due date. This should form part of the “Health & Safety reporting regime presented monthly to the Head of Housing & Corporate Assets and Housing & Property Services Manager as part of the KPI performance information’

Reports will be made to Senior Leadership Team, the Housing Board and Cabinet in line with Governance requirements.

10.0 Approval

Strategic Lead: Nirmal Samrai, Head of Housing and Corporate Assets



Sign/Date:

18/11/2024

11.0 Contact

To find out more about this policy please contact:
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