

Appendix A

**RUNNYMEDE
BOROUGH COUNCIL
HOUSING**

**Legionella Risk Management Policy -
Draft**

Contents

Introduction

Policy Statement

Legislation and Guidance

Control

Confidentiality, Safeguarding and Equality Duty

Responsibilities

Organisation

Monitoring, Training and Review

Introduction

Legionnaires Disease is a potentially fatal form of pneumonia caused predominantly by the *Legionella pneumophila* bacteria. *Legionella pneumophila* and related bacteria are common in natural water sources such as rivers, lakes and reservoirs, but usually in low numbers.

Legionnaires' disease is normally contracted by inhaling *Legionella* bacteria in tiny droplets of water (aerosols), deep into the lungs; there is no documented evidence of the disease passing from person to person.

Under general health and safety law, RBC is required to consider the risks from *Legionella* that may affect staff, residents or members of the public and take suitable precautions

This is Runnymede Borough Council's (RBC) statement of general Policy with respect to the management of the risk posed by *Legionella* bacterium.

It defines how the RBC will identify and manage the risks arising from exposure to *Legionella* bacteria in water systems.

The Policy also takes into account the formal requirements to manage risk contained in the Health and Safety at Work etc. Act 1974, the Control of Substances Hazardous to Health Regulations 2002 (as amended), the Management of Health and Safety at Work Regulations 1999 (as amended), and the requirement to report any legionella incident under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR).

The arrangements are based on the requirements contained in the Approved Code of Practice (L8) 'Legionnaires disease, and the control of legionella bacteria in water systems Approved Code of Practice', and HSG 274: Legionnaires' disease: Technical Guidance. The fourth edition of the ACOP main changes are removing Part 2, the technical guidance, which is published separately as HSG274 and giving the following issues ACOP status:

- risk assessment;
- the specific role of an appointed competent person, known as the 'responsible person';
- the control scheme;
- review of control measures;
- duties and responsibilities of those involved in the supply of water systems.

This Policy should not be considered a definitive guide to the management of legionella and the requirements of the Regulations. Where any doubt exists as to the action to be taken, or advice or assistance is required, contact should be made with the Compliance Manager.

Copies of those documents referred to above and other useful reference materials are available from the Responsible Person (or Housing Technical Services Team), and information is available on the [Health and Safety Executive website](#).

The Policy requires full compliance and applies to:

- RBC employees;
- Interim and temporary staff;
- Residents;
- Consultants working directly for RBC or through an agency;

- Contractors to RBC.

Contractors, consultants and others working on the organisation's premises will be expected to comply with the RBC Legionella Risk Management policy and procedures and all relevant statutory provisions, Approved Codes of Practice and relevant guidance.

We will, wherever necessary, work with our contractors to assist them in developing Legionella Risk management procedures within their own organisations to help them achieve the standards required by RBC, although the responsibility for doing so remains entirely theirs.

Policy Statement

RBC is committed to providing safe and healthy working conditions for all its employees, and to provide safe premises, facilities and services for residents, visitors, contractors, and others who may be affected by its activities so far as is reasonably practicable.

RBC aims to achieve Legionella safety performance that not only complies with the law but is also the best in its sector. To support this aim, RBC will ensure full compliance with the requirements of the ACoP L8 and related legislation.

All employees of RBC and others who work for, and with, RBC are expected to co-operate with management to help ensure the effective implementation of this Policy and all employees, consultants and contractors are regularly reminded that failure to comply with this Policy by either action or inaction may result in the termination of contracts and cancellation of agreements, and may, in very serious cases, result in civil or criminal prosecution.

Control – What RBC Housing Technical Services must do

Whilst there is a duty to assess the risk from exposure to Legionella to ensure the safety of RBC tenants, this does not require an in-depth, detailed assessment. The risks from hot and cold-water systems in most residential settings are generally considered to be low owing to regular water usage and turnover.

A typical 'low risk' example may be found in a small building (e.g. housing unit) with small domestic-type water systems, where daily water usage is inevitable and sufficient to turn over the entire system; where cold water is directly from a mains supply (no stored water tanks); where hot water is fed from instantaneous heaters or low volume water heaters (supplying outlets at 50 °C); and where the only outlets are toilets and wash hand basins.

A simple assessment may show that there are no real risks and minor risks are being properly managed and no further action is needed. It is important to review the assessment in case anything changes in the system.

Implementing simple, proportionate, and appropriate control measures will ensure the risk remains low. For most domestic hot and cold-water systems, temperature control is the most reliable way of ensuring the risk of exposure to Legionella bacteria is minimised i.e., keep the hot water hot, cold water cold and keep it moving. Other simple control measures to help control the risk of exposure to Legionella include:

- flushing out the system prior to letting the property

- avoiding debris getting into the system (e.g., ensure the cold-water tanks, where fitted, have a tight-fitting lid)
- setting 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 (or isolated).

The risk is further lowered where instantaneous water heaters (for example combi-boilers and electric showers) are installed because there is no water storage.

The Health & Safety at Work Act 1974 and COSHH require employers to conduct their work in such a way that their employees will not be exposed to health and safety risks and provide information to other people about their workplace, which might affect their health and safety. RBC will comply with its duties under the Act by:

- effectively reducing associated risks to the lowest level reasonably practicable for all customers, visitors, staff and contractors
- reducing to the lowest reasonably practicable level the spread of Legionella disease from any RBC Housing premises

RBC Housing Technical Services will comply with the Management of Health & Safety Regulations 1999 by ensuring that a monitored programme of adequate controls is in place.

This will be implemented through:

- identification, assessment and regular review of risks
- preparation of a written scheme to reduce, eliminate or control the risks identified
- implementation and management of the written scheme by appointing adequately trained people who have managerial responsibility
- maintaining all relevant records and monitoring controls

The risk assessment programme will be prioritised according to the vulnerability of service users and the water systems likely to present the highest risks.

RBC Housing Technical Services will comply with the Control of Substances Hazardous to Health Regulations 2002 by taking reasonable steps to safeguard people from hazards associated with water supplies, particularly waterborne bacteria.

RBC Housing Technical Services will comply with the duties of the Approved Code of Practice L8 and Guidance HSG274 by:

- Undertaking an initial risk assessment to identify the risk level of each property. This will identify whether the possibility exists of conditions suitable and liable to facilitate the growth of legionella bacteria and this will determine where a site-based water risk assessment is required.
- This site-based risk assessment will determine for each property the inspection frequency, remedial works and management actions required.
- Only suitably competent and experienced legionella/water treatment persons will be permitted to carry out risk assessments and remedial works.
- Appointing a Responsible Person for the prevention and control of risk from Legionella.

What the Water Hygiene Services Provider must do

- Delivering a comprehensive water hygiene and control of Legionella bacteria service to ensure RBC complies with the Legionella Approved Code of Practice (ACOP L8)
- Carrying out routine testing, monitoring, flushing and cleaning of all systems on a regular basis as agreed in the contract specification.
- Updating all existing risk assessments as required under the contract.
- Providing a water hygiene and control of Legionella bacteria records management system which complies with the regulations and Legionella Approved Code of Practice (ACOP L8)
- Agreeing and implementing prioritised corrective actions with the Responsible Person;
- Attending monthly meetings with the Housing Technical Services Team (Compliance) to report progress and highlight any concerns.

What RBC tenants need to know

Tenants should be advised of any control measures put in place that should be maintained e.g., not to adjust the temperature setting of the calorifier, to regularly clean showerheads and tenants should inform the landlord if the hot water is not heating properly or there are any other problems with the system so that appropriate action can be taken.

Where showers are installed, these have the means of creating and dispersing water droplets (aerosols) which may be inhaled causing a foreseeable risk of exposure to Legionella.

If used regularly (as in the majority of most domestic settings) the risks are reduced, however, tenants should be advised to regularly clean and disinfect showerheads. Instantaneous electric showers pose less of a risk as they are generally cold water-fed and heat only small volumes of water during operation.

Identification and Assessment of the Risk

RBC will employ suitably qualified and competent persons to carry out a risk assessment of every building. The assessment will comply with the BS 8580 2010 Water Quality, Risk Assessments for Legionella Control, Code of Practice and the HSE publication 'Legionnaires' disease: The control of Legionella bacteria in water systems, Legionella Approved Code of Practice (ACOP L8)'.

Reviews of risk assessments will take place when:

- There are changes to the water system or its use;
- There are changes to the use of the building in which the water system is installed;
- New information about risks or control measures becomes available;
- The results of checks indicating that control measures are no longer effective;
- A case of legionnaires' disease/Legionellosis is associated with the system.

In new buildings, the Project Delivery Team should ensure that whoever designs, manufactures, imports or supplies water systems, that may create a risk of exposure to Legionella bacteria, so far as reasonably practicable;

- a) The water system is so designed and constructed that it will be safe and without risks to health, when used at work;
- b) Provide adequate information for the user about the risk and measures necessary to ensure that the water systems will be safe and without risks to health when used at work.

This will take the form of a risk assessment which will be provided on completion of works or at handover.

Controlling and Monitoring the Risk

RBC will employ suitably qualified and competent persons to implement a control and monitoring scheme for all potential sources of risk.

The service provider employed will carry out assessment; monitoring and control as a member of an accredited body i.e. The Legionella Control Association.

Housing Technical Services will operate an electronic water management system logbook for each building, which will contain records of all monitoring checks and the control measures to be adopted. The electronic system will be maintained by the Compliance team.

RBC services and departments will ensure that departmental equipment is serviced (to include inspection, cleaning and disinfection) and maintained to the standard required to control Legionella bacteria within RBC.

Individual RBC departments will ensure records of servicing and maintenance of equipment are retained, along with a log detailing flushing regimes.

Audits of the management system and associated records will be carried out annually by the current water hygiene service provider.

RBC adopts a temperature regime for Legionella control in water systems.

RBC departments must maintain and keep records of flushing regimes for infrequently used outlets.

The Legionella Written Control Scheme

The Legionella Written Control Scheme is a water management system which is set up to control the risk of exposure to legionella bacteria in the system. The scheme will specify the various control measures and how to use and carry out those measures. It will also describe the water treatment regimes and the correct operation of the water system plant. It will include the following information:

- Risk assessment information.
- A schematic drawing showing the layout of the water systems and their location within and around the premises.
- The correct and safe operation of the system.
- Precautions in place to prevent or minimize risk associated with the system.
- Analytical tests, other operational checks, inspections and calibrations to be carried out, their frequency, and any resulting corrective actions.
- Remedial action to be taken in the event that the scheme is shown not to be effective, including control scheme reviews and any modifications made.

- Health and safety information including details on biocide, storage, handling, use and disposal of any disinfectant used in both the treatment of the system and testing of the system water.
- Incident plan which covers the following situations:
 - major plant failure e.g. chemical system failure
 - very high levels or repeat positive water analyses for legionella

Long term Void properties

It is important that water is not allowed to stagnate within the water system and so there should be careful management of properties left vacant for extended periods. As a general principle, outlets on hot and cold-water systems should be used at least once a week to maintain a degree of water flow and minimise the chances of stagnation. To manage the risks during non-occupancy of long-term voids, the systems should be drained down and refilled just prior to re-occupation.

Testing (or sampling) the water system for legionella

Testing or sampling for Legionella is not usually required for domestic hot and cold-water systems, but only in very specific circumstances ([HSG274](#) Part 2, para 2.120). Testing for Legionella is different to temperature monitoring, which is a reliable method for confirming the water system is under control. Health and safety law does not require landlords to obtain or produce a 'Legionella test certificate'.

However, it is appropriate to monitor for legionella in areas where there is a population with increased susceptibility such as RBC's Independent Retirement Living schemes.

Keeping a record of the assessment

Although as a Landlord RBC isn't required to record the findings of the assessment, under Health and Safety legislation, as an employer of five or more employees RBC is required to record the findings of the assessment.

Reviewing your risk assessment

It is important to review the assessment periodically in case anything changes but the law doesn't specify if this should be on an annual or bi-annual basis. RBC currently review our risk assessments bi-annually.

The risk assessment should include:

- management responsibilities, including the name of the competent person and a description of our system
- any potential risk sources
- any controls currently in place to control risks
- monitoring, inspection and maintenance procedures
- records of the monitoring results, inspection and checks carried out
- a review date

Confidentiality, Safeguarding and Equality Duty

Under the Data Protection Act 1998 and the Human Rights Act 1998 all personal and sensitive information, however received, is treated as confidential. Officers will ensure that they only involve other agencies and share information with the consent of the tenant or Leaseholder concerned unless required to by law, or where the information is

necessary for the protection of children and/or vulnerable adults in accordance with RBC's Safeguarding policy.

RBC is committed to fulfilling its Public Sector Equality Duty.

Responsibilities

Under the Corporate Manslaughter and Corporate Homicide Act 2008 an organisation can be found guilty of corporate manslaughter in situations where there has been a collective failure leading to a gross breach of the duty of care. If an incident occurs that leads to injury or death those making decisions within an organisation will be under significant scrutiny. This will include senior managers and elected members. It is therefore important that managers and members are familiar with the council's obligations and that they monitor the delivery of this policy.

While the responsibility for legionella risk management within RBC ultimately remains with the Chief Executive, the delegated responsibility for the delivery of legionella risk management within domestic properties owned and or managed by RBC is with the Corporate Head of Housing.

Organisation

Members are responsible through the committee structure for ensuring that adequate resources are made available for the Council to meet its statutory obligations and it is the Housing Committee who must consider any reasonable request for resources needed to ensure legionella risk management in the Council's housing properties is suitable and sufficient.

The Chief Executive is deemed to be the responsible person within the organisation and is ultimately responsible for ensuring the implementation of the policy at all levels within the Council.

The Compliance Manager, Technical Services is responsible for the production and review of the Housing Technical Services Legionella Risk Management Policy and is also the designated competent person to provide advice on the management of water safety for Housing.

The Corporate Head of Housing is responsible for provision of adequate resources to meet the requirements of, The control of legionella in water systems Approved Code of Practice L8 and any other relevant regulations and guidance within Housing by ensuring:

- i. Systems are properly assigned and accepted.
- ii. That sufficient financial resources are available for the implementation and administration of this policy and associated management systems.
- iii. That the responsibility for the implementation of and compliance with legionella risk management is relevant and in line with all current legislation and guidance.
- iv. The Council's policies and management system are complied with and properly assigned, understood and actioned by their staff

The Head of Technical Services is responsible for the implementation of the policy within Council owned and Council managed stock and the provision of adequate resources to meet the requirements of this policy. They must also ensure a coordinated approach is delivered through the assessment, maintenance and management of properties by:

- v. Ensuring that risk assessments are completed, and any actions noted are addressed through the appropriate process.
- vi. Ensuring that the legionella awareness training programme for their staff is followed and suitable records retained.
- vii. Liaising with consultants, other members of staff and enforcement officers over legionella risk management safety matters.
- viii. Ensuring that any contractors (including contract or agency staff) taken on are competent
- ix. Ensuring that contractors are adequately assessing and managing legionella risks in relation to maintenance, servicing, major works and improvements.
- x. Ensuring that incidents are reported to RBC in accordance with RBC policy and procedure.
- xi. Ensuring that contractors/ consultants report all RIDDOR reportable incidents to the HSE and informing the Compliance Manager as soon as possible.
- xii. Investigating legionella risk management incidents related to activities undertaken by the contractors or consultants and providing suitable reports in line with RBC procedures.
- xiii. Ensuring that contractors or consultants identify the legionella risk management training needs of their staff and fulfil; them accordingly.
- xiv. Ensuring communication and co-operation with contractors or consultants as appropriate to implement this policy
- xv. Ensuring that all employees of contractors or consultants are responsible for the reporting to their manager and or most appropriate or named person of any legionella risk management matter of a serious nature or one which may pose immediate danger to any person, or has resulted in injury, in a timely manner.

The Compliance Manager is responsible for ensuring the risk assessments are reviewed bi-annually or following any incident and the testing and maintenance regimes for detection and prevention for the Council's owned and Council's managed housing stock by:

- I. Identifying the properties requiring a risk assessment for Legionella Control in accordance with ACOP L8 and creating a programme of inspections.
- II. Creating a programme relating to the action plans arising from the risk assessments.
- III. Ensuring that all planned maintenance activities and contractors carrying out work in any housing stock are adequately monitored and controlled.

- IV. Providing advice on legionella risk management.
- V. Supporting implementation of the RBC Legionella Risk Management Policy.
- VI. Advising and developing appropriate policies and procedures to provide RBC with necessary guidance for achieving compliance with legislative requirements.
- VII. Reporting to the organisation any actions relating to water safety taken by enforcement agencies, both formal and informal, and monitoring progress made by RBC in complying with those actions.
- VIII. Monitoring legionella incidents within Housing where staff, residents or visitors are involved.
- IX. Monitoring reporting of water safety RIDDOR incidents to the HSE
- X. Ensuring that adequate arrangements are made to provide appropriate legionella awareness training at all levels.
- XI. Will act as the lead officer for legionella risk management and act as the responsible person in accordance with ACOP L8.

Housing Maintenance Inspectors and staff are responsible for:

- I. Undertaking inspections which incorporate an element of water safety checks, ensuring premises, facilities and equipment under their control are safe, clean and tidy.
- II. Ensuring safety inspections and regular housekeeping inspections are completed.

The Senior IRL Manager and IRL Managers are responsible for:

- i. Encouraging all their team members to be water safety conscious.
- ii. Ensuring that the Legionella Risk Management Policy is distributed and communicated to all members of their teams.
- iii. Ensuring that the responsibility for the Legionella Risk Management Policy operation is properly assigned, accepted and understood by the relevant staff they manage.
- iv. Ensuring that premises inspections which incorporate an element of water safety checks are completed and appropriate action is taken by their staff.
- v. Supporting their staff and providing guidance on how to respond to any reported concerns to ensure they are monitored, reviewed and that appropriate action is taken.
- vi. Ensuring their staff manage their premises and equipment in a safe way.
- vii. Liaising with consultants, enforcement officers and other member of staff about water safety matters and ensuring their staff notify the Compliance Manager of any such visits.

The Head of Housing Services is responsible for the dissemination of any water safety information relevant to property, either generic or specific, at the time of

letting that property. If these responsibilities are delegated to another member of staff, then that person must be deemed competent through the completion of appropriate training or briefings.

Monitoring, Training and Review

The Head of Technical Services is responsible for the auditing of the risk assessment and legionella risk management programme to ensure compliance. The Compliance Manager is responsible for the regular review and management of the delivery of the outputs resulting from the risk assessments relating to the housing stock. The Compliance Manager is responsible for ensuring that all 'urgent' remedial works identified through the risk assessments, or through the regular inspection processes, are completed in a timely fashion to ensure compliance.

Reviews of individual training requirements, including legionella awareness safety, will form part of the regular appraisal process. New members of staff will receive legionella awareness safety training as part of their induction, and it will be the responsibility of the relevant line manager to ensure the delivery of this is relevant to the position held. The Compliance Manager is responsible for ensuring all staff with premises management responsibility receive detailed and specific legionella awareness training. The training will include awareness of the hazards associated with Legionella, relevant legislation, requirements for surveys and risk assessments and the Legionella safety policy and procedures.

This policy will be subject to periodic audit and reviewed as necessary through the authorised process to ensure that the procedures relating to legionella risk management are kept up to date and relevant. The procedures will be made accessible to all staff and to all other interested parties on request.