

MANAGEMENT OF LEGIONELLA

Cabinet Member(s): Cllr Nikki Woollatt, Cabinet Member for Working Environment and Support Services

Cllr Simon Clist, Cabinet Member for Housing and Property Services

Responsible Officer: Andrew Busby Group Manager for Corporate property and Commercial assets.

Reason for Report: To provide Members with an update on the procedures for ensuring compliance with managing the risk of Legionella.

RECOMMENDATION: For Cabinet to adopt the updated policy for the management of Legionella for both our Corporate and Housing Assets.

Financial Implications: The costs for Legionella management including any cost of repair have been included in the 2020/21 financial year budget for both the General Fund and the Housing Revenue Account.

Budget and Policy Framework: Remedial works for Legionella have been budgeted for in the general fund for both corporate Assets and Housing. This policy supports the overarching Health and Safety policy.

Legal Implications: The Management of Health and Safety at Work Regulations 1999 requires employers to make a suitable and sufficient assessment of the risks to the health and safety of their employees while at work. Where this general assessment indicates the possibility of risks to employees and others from Legionnaires disease the Control of Substances Hazardous to Health Regulations 2002 is taken into account.

Risk Assessment: If the Council does not implement procedures and policy, further enforcement action could be undertaken by the HSE in the event of legionella failure.

Equality impact assessment: There is no negative impact as a result of this policy

Relationship to Corporate Plan: Property assets are linked to the delivery, vision and priorities of the Council. The way that the Council manages its land and property assets has a direct impact on the quality of services delivered, as well as maximising the value derived from our property holdings for the on-going contribution in balancing the Council's budget. To maximise the value derived from all Council property for its stakeholders, by delivering an efficient and fit for purpose corporate property solutions service.

Impact on Climate Change: The supply chain will be challenged to confirm that they operate an energy efficient fleet to control our scope 3 emissions. Routine

inspections are being undertaken by our Public Health team and is combined with asbestos testing.

1.0 Introduction/Background

- 1.1 Following the internal audit, this policy has been updated and shared with the Health and Safety committee. Improvements were recommended and have been actioned working with colleagues in Environmental Health and Building Services. As part of that audit, it was recommended that this policy is reviewed by committee.
- 1.2 The Council will, as far as is reasonably practicable, take appropriate precautions to reduce the risk of ill health caused by exposure to Legionella. This will be achieved through providing a framework of actions designed to assess, prevent or control the risk from the Legionella bacteria. To achieve this it will use the practical guidance contained in the Approved Code of Practice and guidance documents outlining assessing sources of risk, preparing a scheme to prevent or control risk, implementing, managing and monitoring precautions, keeping records of precautions and appointing a manager to be responsible.
- 1.3 The Council as a landlord also has legal responsibilities to ensure the health and safety of tenants (including housing stock tenants) by keeping the properties let safe and free from health hazards including Legionnaires disease. Section 3(2) of the Health and Safety at Work Act 1974 (HSWA) makes provision for relevant health and safety legislation to apply to landlords to ensure a duty of care is shown to their tenants' with regard to their health and safety including managing Legionnaires disease.

2.0 Definition

- 2.1 Legionella bacteria are widespread in natural water systems, e.g. rivers and ponds. However, the conditions are rarely right for people to catch the disease from these sources. Outbreaks of the illness occur from exposure to legionella growing in purpose-built systems where water is maintained at a temperature high enough to encourage growth, e.g. cooling towers, evaporative condensers, hot and cold water systems and spa pools used in all sorts of premises (work and domestic). People contract Legionnaires' disease by inhaling small droplets of water (aerosols), suspended in the air, containing the bacteria. However, some people are at higher risk, including:
 - people over 45 years of age;
 - smokers and heavy drinkers;
 - people suffering from chronic respiratory or kidney disease;
 - anyone with an impaired immune system;
- 2.2 Please refer to **Annex A** for the Legionella Management policy.

3.0 Responsibilities

The Council's policy on Legionnaires Disease must ensure the duty of care under the **HASWA** is met in respect of assessing and controlling the risk from exposure to legionella bacteria from work activities in relation to its Corporate

and Commercial properties. The Council achieves this through the following management structure:

- 3.1 The Council is the employer with legal responsibility for health and safety and is the duty holder. Through delegation the Chief Executive has overall responsibility for health and safety including the duty to manage Legionella. Both must support this policy to manage Legionella by ensuring the allocation of resources including an adequate budget, suitable and sufficient equipment, personnel, time and training. Ultimately it is the Council fixed with legal responsibility.

3.2 Deputy Chief Executive (S151).

The Strategic Lead has a responsibility to support this policy by ensuring the allocation of resources including an adequate budget, suitable and sufficient equipment, personnel, time and training. The safe management and operation of Sites and Properties activities, including consideration of Legionnaires Disease issues and compliance with the Legionella Management Plan within the operational and investment estate. Devolving the principal functions of Legionella management to the Responsible Person for maintenance, projects and estates management

3.3 Group Manager for Corporate Property and Commercial – Responsible Person

The Responsible Person ensures:

1. Risks assessment are carried out for all Council properties by a competent person
2. To record the significant findings of the risk assessment.
3. A written scheme for controlling the risk from exposure to the legionella bacteria is implemented and monitored.
4. There is a “responsible competent person” to implement and monitor the control scheme.
5. That where appropriate general microbiological sampling procedures are implemented.
6. Ensure a cleaning and disinfection process is implemented where required.
7. A record of all inspections, tests and sampling is maintained.

4.0 Hierarchy of Control

4.1 The Legionnaires’ disease Approved Code of Practise L8 states that;

Where the assessment shows that there is a reasonably foreseeable risk of exposure to legionella bacteria, the use of water systems, parts of water systems or systems of work that lead to exposure must be avoided so far as is reasonably practicable, where this is not reasonably practicable, there should be a written scheme for controlling the risk from exposure that should be properly implemented and managed. The written scheme should specify measures to take to ensure that it remains effective.

4.2 The risk from exposure will be controlled by measures which do not allow the growth of legionella bacteria in the system and which reduce exposure to

water droplets and aerosols. Precautions, where appropriate, include the following:

- Avoiding water temperatures between 20°C and 45°C and conditions that favour the growth of legionella bacteria and other microorganisms;
- Avoiding water stagnation which may encourage the growth of biofilm;
- Avoiding the use of materials that harbour bacteria and other microorganisms, or provide nutrients for microbial growth. The *Water Fittings and Materials Directory* 10 references fittings, materials, and appliances approved for their compliance with the UK legal requirements for plumbing fittings and water using appliances;
- Controlling the release of water spray;
- Maintaining the cleanliness of the system and water in it;
- Using water treatment techniques;
- Taking action to ensure the correct, safe operation, maintenance of the water system and monitoring of any control measures applied

4.3 The written scheme includes, where appropriate, and with reference to the risk assessment:

- An up-to-date plan showing the layout of the plant or water system, including parts temporarily out of use (a schematic diagram is sufficient);
- A description of the correct and safe operation of the system;
- The precautions to take;
- Checks to carry out to ensure the written scheme is effective and the frequency of such checks;
- The remedial action to take if the written scheme is shown to be not effective
- Action to be taken in response to microbiological results greater than 100 colony forming units per litre

4.4 Records will be maintained that include details about:

- The appointed responsible person(s) for conducting the risk assessment, managing, and implementing the written scheme;
- Any significant findings of the risk assessment;
- The written scheme and its implementation;
- Details about the state of operation of the water system, i.e. in use/not in use;
- The results of any monitoring inspection, test or audit carried out, and the dates.

4.5 These records will be retained throughout the period they are current and for at least two years afterwards. Records of any monitoring inspection, test or check carried out, and the dates, will be retained for at least five years.

5.0 Incident Reporting

5.1 All staff have a duty to report and complete an incident report form where an incident occurs that may lead to the possibility of exposure to Legionella i.e.

incorrect water temperatures, elevated counts of legionella bacteria in any samples taken.

- 5.2 Any case of Legionellosis in an employee linked to a work activity must be reported under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) 2013.
- 5.3 Sickness absence will be monitored for any signs of symptoms that may be related to Legionnaires' disease.

6.0 Policy Monitoring & Review

- 6.1 The responsible person will audit the arrangements in place to control legionella in hot and cold water systems
- 6.2 A joint approach to reviewing the effectiveness of the policy will be undertaken involving, the Group Managers for Public Health and Regulatory and Corporate Property and Commercial, the Health and Safety Officer, Staff safety representatives, HR and, if required, Occupational Health. Monitoring will include:
- Analysing incident, accident and sickness statistics
 - Observing the staff at work
 - Consulting with staff
 - Changes in legislation

7.0 Conclusion

- 7.1 This policy and the related guidance will be reviewed ahead of the stated date if there is a change in the related legislation or if an emerging risk is identified. This is to ensure the Council meets its requirements to protect the wellbeing of the public, and to have the appropriate procedures in place.
- 7.2 Future reporting of this Legionella policy in the event of no legal change will be reported via our Health and Safety policy.

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Circulation of the Report: Cabinet, Leadership Team.

List of Background Papers: None