

# LEGIONELLA POLICY 2023

## Table of Contents

1. Policy Statement .....	3
2. Policy aims .....	3
3. Scope .....	3
4. Legislation .....	3
5. What is legionella? .....	4
6. Application of Legislation.....	5
7. Stakeholders .....	6
8. Risk Assessment.....	6
<b>Category A</b> .....	7
<b>Category B</b> .....	7
<b>Category C</b> .....	7
9. Remedial Actions .....	8
10. Training and Competence .....	9
11. Contractors and Consultants.....	9
12. Control Measures .....	9
13. Records.....	11
14. Communication .....	11
15. Diversity .....	11
16. Risks .....	12
17. Budget.....	12
18. Confidentiality.....	12
14. Complaints and Appeals .....	12
15. Policy Review .....	12
16. Appointments .....	12
17.Appendices .....	14

## 1. Policy Statement

This policy and procedures apply to the housing stock owned and managed by Town and Country Housing (TCH). We are committed to protecting the health, safety and welfare of our residents, employees, and members of public. We recognise that 'The Health and Safety at Work Act 1974' extends to the risk from Legionella bacteria that may arise from our water systems and work activities. In addition, there are two specific Regulations and an Approved Code of Practice (ACoP) that apply to the control of Legionella bacteria in water systems. These are: -

- The Control of Substances Hazardous to Health Regulations 2002 (COSHH)
- The Management of Health and Safety at Work Regulations 1999 (MHSWR)
- Legionnaires' disease. The control of Legionella bacteria in water systems. Approved Code of Practice and guidance, L8 (Fourth edition) Published 2013

## 2. Policy aims

This policy describes the way that Town and Country Housing (TCH) protects the health of residents, employees, and members of public from the effects of legionella bacteria in water systems.

## 3. Scope

A summary of the requirements of the above and more information about Legionella is contained further within this document.

This policy applies to all TCH staff, its Partners, Consultants and Contractors involved with maintenance or the provision of water systems, supervising such work, or issuing contracts for work. All must fully familiarise themselves with the contents of this document and implement the actions detailed within.

Our policy is to remove, wherever possible, the risk at source. Only when this is not feasible are control measures implemented.

## 4. Legislation

The following regulations and guidance are also to be taken into consideration. Certain aspects of these, and the practices associated with achieving compliance will ensure the supply, installation, and maintenance of safe water systems. This will directly benefit any Legionella control programme.

- Department for Communities & Local Government: Housing Health & Safety Rating System.
- Water Supply (Water Fittings) Regulations 1999.

- HSE Legionnaires' Disease Technical Guidance HSG274 Part 2: The Control of Legionella Bacteria in Hot & Cold-Water Systems.
- HSE Legionnaires' Disease Technical Guidance HSG274 Part 3: The control of legionella bacteria in other risk systems.
- BS 8558:2015 Guide to the design, installation, testing and maintenance of services supplying water for domestic use within buildings and their curtilages. Complementary guidance to BS EN 806.
- BS 7592:2021 Sampling for Legionella bacteria in water systems. Code of practice.
- BS 8580-1:2019 Water quality – Risk assessments for Legionella control – Code of practice.

## 5. What is legionella?

Legionella bacteria are commonly found in natural rivers and lakes, etc. and artificial water systems, (e.g. hot and cold water systems storage tanks, pipe work, taps and showers). Large numbers of legionella bacteria are usually associated with larger water systems, but they can also live in smaller water supply systems used in homes and other residential accommodation. Legionella can survive under a wide range of environmental conditions at temperatures up to 70°C although they do not appear to multiply below 20°C - bacteria growth is particularly prevalent in the range of 20 and 45°C. Legionella bacteria also require a supply of nutrients to multiply. In a domestic system, commonly encountered nutrients can take the form of algae, amoeba or other bacteria, sediment, sludge, scale, and other similar matter.

Legionnaires' disease is a potentially fatal form of pneumonia caused by the Legionella bacteria and is one of a group of infections known as Legionellosis. There are currently over 50 different known species of Legionella bacteria. Legionnaires' disease is the only known form of legionellosis that has proved fatal; other diseases caused by the bacteria include Pontiac Fever and Lochgoilhead Fever. There are currently approximately 300 to 350 cases of Legionnaires' disease in the UK every year, with a mortality rate of between 12% and 14%. Many cases of the disease still go undetected. Infection by legionella bacteria is almost exclusively caused by inhalation deep into the lungs; by breathing in tiny droplets of water (aerosols) or in droplet nuclei (the particles left after the water has evaporated). The incubation period for the bacteria is between 2-10 days (usually 3-5 days) and the symptoms include fever and chills, severe muscle pain, change of mental state (delirium), diarrhoea and dehydration. Legionnaire's Disease can be treated effectively in most cases with appropriate antibiotics; however, as the symptoms of the disease are very similar to pneumonia, patients are often misdiagnosed resulting in delayed recovery.

Legionnaires' Disease and legionellosis can affect anyone; however certain factors may contribute to the severity of the infection; including:

- Ages above 45
- Smokers
- People with alcohol dependency
- Diabetics
- Cancer sufferers
- Those with chronic respiratory or kidney disease
- Immunosuppressed patients or those with other underlying disease

## 6. Application of Legislation

We are committed to complying with legislation as a minimum, and will follow the principles laid out below:

- Appoint a person to take managerial responsibility (the "Responsible Person") to implement and manage the practical aspects of this policy. The Responsible Person will have sufficient authority, competence<sup>1</sup> and knowledge to ensure that all operational procedures are carried out in a timely and effective manner.
- Appoint at least one person to deputise for the appointed responsible person during periods of absence. This person will also have sufficient authority, competence<sup>1</sup> and knowledge to ensure they deputise effectively.
- Ensure all persons involved in the management and control of risk, or whose daily activity could impact on risk management controls receive appropriate training. The Responsible Person will seek evidence of appropriate training and competence for external suppliers.
- Implement a programme of sample assessments of the risk of legionella bacteria in water systems across all property types (not all properties), and implement measures to remove, replace, minimise and/or control residual risks as required.
- Implement a programme of routine inspections, tests, sampling, and maintenance to ensure control measures remain in place and are effectively controlling the risk.
- Maintain records including schematic drawings of water systems, training, corrective actions and remedial works, and results of routine inspections, tests, sampling, and maintenance activity. Records will be held for at least 5 years.
- Provide suitable information to tenants to ensure they are aware of the measures applied to hot and cold-water systems and their obligations to use the system correctly.

- Ensure the design of relevant services for new, refurbished, or modified properties complies with the requirements of this policy.
- Appoint a suitably qualified service provider to provide support with all aspects of legionella control. Service providers must be members of the Legionella Control Association.

## 7. Stakeholders

The key parties responsible and involved in the successful delivery of this policy are:

- Chief Executive – the ultimate responsibility health and safety is held at Board level, through the Chief Executive.
- Head of Contracts and Compliance – overall responsibility for management of the water systems, to provide direction to ensure all other teams within Town and Country Housing are aware of the symptoms of Legionnaires' disease and legionellosis, and the importance of the control of legionella bacteria.
- The Responsible Person (Also the Head of Contracts & Compliance) and appointed deputy – responsible for implementation and management of the practical aspects of the control of legionella bacteria in properties owned and managed by Town and Country Housing, including the competence of all persons involved.
- Legionella Service Provider – provide practical advice on management and the control of legionella; undertake legionella risk assessment surveys and reports; carry out monitoring, maintenance, testing, inspection, and sampling of water systems; and provide legionella training to Town and Country Housing staff and service providers as required.

## 8. Risk Assessment

For all properties, a suitable and sufficient assessment will be carried out to identify and assess the risk of exposure to legionella bacteria from work activities and water systems on the premises and any precautionary measures needed. The Duty holder is responsible for ensuring the risk assessment is carried out and has all key elements identified in ACoP L8, HSG274 Parts 2 & 3 and BS8580-1:2019.

We recognise that all water systems require risk assessment but due to the different types of property owned and managed, including a high number of single dwellings with small water systems having a high turnover of water, a different approach to risk assessment is required to avoid excessive and unnecessary cost, as follows:

### **Category A**

Properties will require a full risk assessment will be reviewed on a 2-year basis, and include the following:

- Properties with a number of interconnected or adjoining housing units where some or all of the tenants are elderly or otherwise vulnerable persons (sheltered schemes)
- Properties with a number of interconnected or adjoining housing units where some or all component parts of the water system are shared between tenant dwellings will require a full risk assessment in accordance with BS8580:2010 and will be reviewed on a 2-year basis.
- Property occupied by Town and Country Housing employees, whether owned, leased to others or leased from others (as determined by the lease contract) including offices and depots.
- Ponds & fountains

### **Category B**

Properties will require a sample risk assessment to ensure that the water system is designed and installed to effectively control legionella bacteria and that it complies with the Water Supply (Water Fittings) Regulations 1999. The initial risk assessment will be undertaken for all properties over a 5 year programme and reviewed every 5 years / to coincide with other statutory inspections.

### **Category C**

Properties will require a sample risk assessment to ensure that the water system is designed and installed to effectively control legionella bacteria and that it complies with the Water Supply (Water Fittings) Regulations 1999. The initial risk assessment will be undertaken for all property types over a 10-year programme and reviewed every 5 years / to coincide with other statutory inspections. Category C properties include properties occupied by a single tenant or tenant family (general needs property). Ensure communal areas are inspected and that attempts will be made to gain access to at least 10% of the units.

Risk assessments for all property types will be treated as living documents and will be reviewed when there is reason to believe they are no longer valid, including:

- Following significant changes to the water system or its use.
- Following changes to the use of the building/property.
- In light of new information about risks and control measures.
- When checks indicate that the applied control measures are no longer effective.
- A case of legionellosis or Legionnaires' disease is associated with the system.

Risk assessments will be undertaken only by persons with suitable training and appropriate levels of competence as appointed or approved by the Responsible Person. When legionella risk assessments identify required measures to remove or reduce risks,

they will be reviewed and carried out in a timely manner as responsive repairs or as part of a planned improvement programme if, and as appropriate.

## 9. Remedial Actions

The report should clearly highlight the status of any key risks identified (e.g. low, medium, high risk, or ALARP risk, slight risk, moderate risk, serious risk, imminent danger to health) and indicate:

- the underlying cause/source of risk(s), e.g. a particular activity or process, or source of water.
- whether the risk can be eliminated.
- if the risk cannot be eliminated, whether the risks are being managed effectively; and
- evaluation of the various risk factors and the prioritisation of corrective/remedial actions.

Town and Country Housing will implement remedial rectification following the timeframe advised by the legionella risk assessment. Where this detail has not been provided Town and Country Housing will adhere to:

- HIGH - remedial works will be completed within 1 month of the risk assessment.
- MEDIUM - remedial works will be completed within 3 months of the risk assessment.
- LOW - remedial works will be completed within 12 months of the risk assessment.

This will be taking into account the risk of, contamination, amplification, transmission, exposure and susceptibility.

The findings of the risk assessment recommended remedial works and ongoing actions will be presented as a formal summary document to the Town & Country Housing appointed responsible person. The appointed responsible person will review and forward the summary document to the appointed independent consultant for a formal review, this is to demonstrate valid reasons for any proposed course of action.

All recommended remedial works will be logged in a tracker which will identify the risk, location, date of identification and date of rectification.

The scheme will specify the various control measures, how to use and carry out those measures, who is responsible for the tasks and the correct operation of the water system. The scheme should be specific and tailored to the system covered by the risk assessment.

Assess all properties which now have sealed combination boiler systems, and therefore no cold-water storage.



At void stage, all properties will be assessed for legionella risk and flexible hoses replaced with copper pipe.

## **10. Training and Competence**

Staff involved with the management, control and prevention of Legionella will be provided with regular training so that they are properly updated on changes in legislation and best practice in the management and control of Legionella in water services.

They will be properly trained to a level that ensures tasks are carried out in a safe, competent manner; and receive regular refresher training. Keep records of all initial and refresher training.

The scope and effectiveness of the training we provide will be reviewed by the Responsible Person at least annually to ensure that those involved are competent and capable of performing their specific duties. It is therefore important that those involved in prevention, management and control are trained and aware of their responsibilities.

The requirements for competence include successful completion of accredited training in Legionella awareness and the management of hot and cold water systems, along with appropriate technical qualifications and experience in the installation, maintenance, and management of hot and cold water systems. Legionella specific training must be refreshed every 3 years as a minimum. A list of accredited training providers can be found on the Legionella Control Association website <https://www.legionellacontrol.org.uk/>

## **11. Contractors and Consultants**

We understand that reasonable steps to appoint competent service providers. We will appoint a suitably qualified and competent contractor to provide support with all aspects of Legionella control and management. The contractor and consultants will be required to provide TCH with training records and competence assessment for the those working on the contract. All service providers will be members of the Legionella Control Association.

## **12. Control Measures**

The control measures required for each unit will be determined by the risk assessment as it is required for all details of the design of the system, including an asset register of all associated plant, pumps, strainers, outlets, and other relevant items to be identified. For that particular property only and will be implemented under the control of the Responsible Person.

A written scheme for controlling measures will be prepared by Town and Country Housing and implemented and managed by the Responsible Person.

The control regime will include as appropriate:

- Good design - for avoidance of water stagnation and low flow.
- Good design - avoiding use of materials in the water system that may harbour and encourage growth of bacteria or other nutrients.
- Temperature control, monitoring, inspection, and flushing.
- Correct and safe operation of equipment and plant including maintenance requirements and frequencies.
- Testing of water quality as required.

To ensure control measures implemented remain effective the condition and performance of the system will be monitored; the frequency and extent of the routine monitoring will depend upon the operating characteristics of the system identified by the risk assessment.

When Legionella sampling is undertaken the samples are to be analysed at a laboratory accredited by the United Kingdom Accreditation Service (UKAS) in accordance with the Approved Code of Practice L8. The samples are to be taken in accordance with BS 7592. The actions required for any positive water analysis results is described in the Legionella Risk Management Procedures document.

The control measures required for each property or property type will be determined by the risk assessment for that particular property only and will be implemented under the control of the Responsible Person.

The application of routine monitoring, testing, inspection, and maintenance of parts of the water system in Category A properties, will apply to areas of the system that are shared (communal), and parts of the system that are supplied by shared (communal). Entry into tenants' homes will be kept to a minimum or avoided wherever possible.

Category B & C properties will not be subject to routine monitoring, testing, inspection, and maintenance to parts of the water system due to the low risk of this type of water system; avoiding excessive costs and disturbance of the tenants.

*The application of "maintenance" as stated above applies only to the planned preventative measures solely for the purpose of legionella control and does not apply to the general maintenance of water systems.*

Unless otherwise specified, water temperature will be the primary control for legionella bacteria in water systems.

As a minimum, or in the absence of a suitable and sufficient risk assessment (short term), the control measures and inspection programmes as given in table

2.1. of HSG 274 Part 2 The Control of Legionella Bacteria in Water Systems will apply.

### **13. Records**

- The Responsible Person and/or Deputies will ensure that appropriate records are kept. All records will be securely held, and any electronic information will be backed-up.
- Legionella risk assessments, written schemes and records are to be retained throughout the period they remain current and for a minimum two years after that period.
- The results of monitoring, inspections, tests, checks, temperatures and works undertaken, are to be recorded onto the Legionella Risk Management logbook and will be retained for at least five years.
- Dates and signatures will be required on all records for monitoring, inspections, tests, checks, and works undertaken. Electronic signatures will be acceptable.
- Town and Country Housing will maintain records of all Legionella training of its employees.
- Following the disposal of any Town and Country Housing owned, managed, or leased properties legionella records will be provided to the new owner/operator.

### **14. Communication**

Town & Country Housing understand that communications and management procedures are particularly important where several people are responsible for different aspects of the operational procedures.

Lines of communication will be clear, unambiguous, and audited regularly to ensure they are effective. This also applies to outside companies and consultants who may be responsible for certain parts of the control regime.

### **15. Diversity**

In its implementation of this policy, Town and Country Housing will adhere to the Equality and Diversity Policy, and as such will ensure that no person suffers disadvantage or discrimination on any grounds including those of his/her race, ethnic origin, gender, sexuality, marital status, pregnancy, disability, age, religion, class, or health status.

A translation sheet and information on our translation services accompanies all letters to the resident in regard to their annual safety check. Upon request the letter and leaflet can be translated into alternative formats (including Braille, large print, or audio).

## **16. Risks**

Failure to implement this policy could lead to a case or outbreak of legionellosis or Legionnaires' disease, potential resulting in the death of one or more persons. Additionally, such a tragedy would lead to a significant loss of reputation, increased insurance costs, and possible repercussions such as a Health & Safety related prosecution and conviction for corporate manslaughter should gross negligence be identified.

Where temperature is used as a control for hot water, temperatures at taps and outlets without temperature control will exceed 50°C. Where persons present in these properties may be at risk of scalding, suitable devices such as a thermostatic mixing valve will be installed to limit the temperature at the outlet to no greater than 46°C.

## **17. Budget**

Town and Country Housing will make available each year sufficient funds not just to support the anticipated serving program but also to support any necessary legal action against residents who will not permit access.

## **18. Confidentiality**

This policy and procedure are written in accordance with the principles of the General Data Protection Regulations 2020

## **14. Complaints and Appeals**

If any person believes that they have not been treated in accordance with this policy, or is unhappy about anything related to this policy, they may complain through the complaints procedure.

## **15. Policy Review**

This policy will be reviewed every 2 years by the Appointed Responsible Person

## **16. Appointments**

We understand that all appointed management must be competent, trained, and aware of their responsibilities. Responsibilities will be well defined in writing and understood by all appropriate management. The Health & Safety Executive's Approved Code of Practice and Guidance Note L8, three key distinct roles:

#### Duty Holder

**Name: Elspeth Brown**

**Position: Head of Contracts and Compliance**

**Email: Elspeth.brown@tch.org.uk**

**Telephone Number: 01892-501480**

Has overall responsibility for the control of legionella in water systems across Town and Country Housing managed residential and non-residential owned, managed, and leased property portfolio including provision of the necessary resources for the successful implementation of the organisation's Legionella Policy.

#### Responsible Person

**Name: Elspeth Brown**

**Position: Head of Contracts and Compliance**

**Email: Elspeth.brown@tch.org.uk**

**Telephone Number: 01892-501480**

#### Deputy Responsible Person

**Name: Mia Davis**

**Position: Building Safety Manager**

**Email: mia.davis@tch.org.uk**

**Telephone Number: 01892-501480**

The Responsible Person has overall responsibility for the day to day management and delivery of the requirements of the Legionella Policy and the Legionella Risk Management Procedures document.

The Deputy Responsible Person will be appointed to ensure that legal duties continue to be fulfilled when the Responsible Person is absent.

The Responsible Person will sign and date their written appointments to confirm acceptance of their roles and understanding of their requirements of their duties.

#### Meetings

The Responsible Person and/or Deputy will hold regular review meetings with both the specialist legionella contractor:

Contractor - Meetings - Details, outcomes, and actions agreed in these meetings are to be recorded in writing and circulated to the various operational functions of Town and Country Housing. The non-conformances identified in the meeting will be noted and reviewed for the next meeting. If the contractor is failing to fulfil the requirements Town and Country Housing will follow the escalation procedure for failure to provide.

Specialist Consultant - Meetings - Independent specialist legionella consultants will be appointed to generally support Town and Country Housing for Legionella management including:

- Providing advice on current Legionella legislative requirements and best practice.

- Carrying out third party audits on an annual basis to ensure compliance with delivery of the Legionella Policy.
- Review and advice on the design of water installations to new build schemes and major refurbishment.
- Carrying out Legionella awareness training and refresher training.

It is Town and Country Housing duty to make reasonable enquiries to ensure that the consultant is competent, experienced, and suitably trained.

## 17. Appendices

### Appendix 1

#### Category Definitions

##### *Category A:*

“Over 55” Schemes (sheltered) where residents are more vulnerable and also have shared communal water systems.

Town and Country Housing Group office – Monson House.

Sites with ponds/fountains

##### *Category B:*

Schemes that have shared services (houses in multiple occupations) and where there is an element of support needed for the residents.

Schemes that have stored water pumping stations

##### *Category C:*

All remaining properties

List of Category A, B & C properties

Below is a list of the properties under Categories A, B & C.

#### **Category A:**

Evernden House  
 MacDonald Court  
 Sunhill Court  
 St Andrews Court  
 St. Stephens Court

Audrey Sturley Court  
Nellington Court  
Simmonds Court  
Vernon Close  
Ardenhurst  
Furnival Court  
Major Clark House  
Emerald Walk  
Camden Court  
Elizabeth Garlic Court

**Town and Country Housing Offices (West & East Kent):**

Monson House  
Denne Hill

**Ponds/fountains**

St Stephens Count  
Camden Court Sites

**Category B:**

21 Springfield Road  
1-23 Hughenden Reach  
24-41 Hughenden Reach  
Ashby's Point  
Gresley House  
Monson Court  
1-7 40 Cheriton Road  
Ormsby House  
Portman Close

**Category C:**

All remaining properties