



## **LEGIONELLA POLICY**

<b>Last Approved:</b>	<b>July 2022</b>
<b>Review Date:</b>	<b>November 2025</b>
<b>Next Review:</b>	<b>November 2027</b>

## **CONTENTS**

## **PAGE NO**

1. Introduction	2
2. Policy Objectives	2
3. Legal, Statutory and Regulatory Requirements	2
4. Duty Holders	3
5. Risk Assessments	3
6. Controlling the Risks	4
7. Monitoring & Recording	5
8. Contractors	5
9. Notification Requirements	6
10. Legionella Awareness for Tenants	5
11. Training	6
12. Data Protection and Access to Personal Information	6
13. Policy Review	6

## **1. Introduction**

Legionnaires' disease is a potentially fatal form of pneumonia caused by the inhalation of small droplets of contaminated water containing Legionella. All man-made hot and cold-water systems are likely to provide an environment where legionella can grow. Where conditions are favourable, (i.e. suitable growth temperature range, water droplets (aerosols) produced and dispersed, water stored and/or recirculated, some 'food' for the bacteria such as rust, sludge, scale, biofilm, etc.) then the bacteria may multiply, thus increasing the risk of exposure. The infection in humans is caused by breathing in contaminated air-borne water droplets, such as water sprays from shower heads which contain the bacteria.

## **2. Policy Objectives**

- 2.1 This policy sets out how Calvay Housing Association will comply with its duties in respect of the effective management of water systems to ensure the health and safety of tenants, staff and the general public, by minimising the risk posed by legionella.
- 2.2 The policy covers all Calvay HA domestic and commercial properties and aims to set out a clear approach to assessing, controlling and monitoring the risk of legionella within water systems which are under the control of the Association.
- 2.3 The document sets out key policy objectives, control measures and accountabilities for ensuring safety from infection from legionella.
- 2.4 This policy applies to all staff and departments.

## **3. Legal, Statutory and Regulatory Requirements**

- 3.1 There is no legislation specific to Legionella, but the following do place specific duties on landlords with regards to the control of Legionella:
  - (i) The Health and Safety at Work Act 1974 places a duty to ensure the health and safety of tenants, staff, visitors and contractors by keeping properties safe and free from health hazards, including legionella.
  - (ii) Management Health and Safety at Work Regulations 1999: the organisation has a duty to carry out suitable and sufficient risk assessments to identify hazards, evaluate risks, implement controls, and review them regularly to protect employees and others affected by our activities.
  - (iii) The Control of Substances Hazardous to Health Regulations 2002 (COSHH) places a duty on landlords to:
    - Identify and assess sources of risk

- If appropriate, prepare a written scheme for preventing or controlling the risk
  - Implement, manage and monitor precautions
  - Keep records of precautions
  - Appoint a competent person with sufficient authority and knowledge of the installation to help take the measures needed to comply with the law.
- (iv) HSE Approved Code of Practice (ACoP) L8 is the UK's primary legionella control document and offers practical advice and specific guidance on the control of legionella bacteria in water systems and the requirements of those with responsibilities for the control of premises, including landlords.
- (v) HSG274 is a series of technical guidance documents that support ACoP L8. It provides information on specific water systems and their associated risks, control measures and monitoring requirements. HSG274 is divided into three parts.
- Part 1 covers [cooling towers](#) and evaporative condensers,  
 Part 2 focuses on hot and cold-water systems,  
 Part 3 addresses other risk systems
- (vi) Other relevant Legislation and Standards:
- Housing Scotland Act 2006
  - The Tolerable Standard (under the Housing (Scotland) Act 2006)
  - Water Supply (Water Quality) (Scotland) Regulations 2016
  - The Water Supply (Water Fittings) (Scotland) Byelaws 2014
  - INDG458 - Legionnaires' disease: A brief guide for duty holders
  - BS 8580-1:2019 Water Quality – Risk assessments for legionella control. Code of practice
  - Building Standards (Scotland) Regulations 2014
  - Right to Repair Regulations (under the Housing (Scotland) Act 2006)
  - Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR 2013)
  - The Workplace (Health, Safety & Welfare) Regulations 1992
  - Construction, (Design and Management) Regulations 2015
  - Scottish Health Technical Memorandum 04-01

## 4. Duty Holders

- 4.1 The Management Committee has ultimate accountability for tenant safety and compliance. Although not involved in the day-to-day management the Committee must ensure assurance, governance oversight and accountability.

- 4.2 The Director as Duty Holder will have an overall duty to ensure the organisation has sufficient resources and systems in place to achieve, maintain and deliver statutory compliance.
- 4.2 The Operations Manager as the Responsible Person will have responsibility for delivery of the legionella management plan, reviewing policy & procedures and for associated budgets.
- 4.3 The Senior Maintenance Officer as the Deputy will be responsible for day-to-day delivery, maintaining the compliance register and ensuring compliance with the ACOP.
- 4.4 The Maintenance Officer will be responsible for ensuring appropriate information is recorded during stock condition surveys as well as the implementation of control measures during void stage.
- 4.5 The Maintenance Assistant will be responsible for day-to-day administration of survey/disconnection programme as well as cyclical testing/treatment of properties/sites which are part of the programme.
- 4.6 A competent contractor will be responsible for servicing and remedial works to heating systems (all systems) & thermostatic mixing valves (domestic only)
- 4.7 The Association will appoint a competent external company with qualified Legionella Risk Assessors where required, to act as a nominated competent person.

## **5. Risk Assessments**

- 5.1 A Risk Assessment process will be undertaken by competent and suitably qualified Consultants/Contractors acting on behalf of the Association to identify and determine where reasonable and practicable where conditions may be present that encourage legionella bacteria to proliferate and multiply.
- 5.2 Low risk – e.g. General needs domestic premises, including houses, flats and maisonettes where the water systems are small-scale domestic type with high turnover, i.e. in daily use, mains water system with a combination boiler.
- 5.3 Medium risk - e.g. General needs domestic premises, including houses, flats and maisonettes with cold water gravity-fed tank to a conventional copper storage cylinder. Shared premises, such as the Calvay Centre and the common room of Burnmouth Court, with a cold-water system fed via stored water and/or hot water via calorifiers with pumped distribution or mains water system, or domestic premises with some form of shared water storage. Fire sprinkler systems (where present) will also be classed as medium risk, as will any air conditioning system (Association's offices) or any little used outlets, e.g. taps, toilets, showers (Association's offices).
- 5.4 High risk – e.g. Complex or large systems where water is stored, recirculated, or aerosolised, especially where vulnerable groups are exposed. Cooling towers, evaporative condensers, spa pools & hydrotherapy baths all fall into the high-risk category. Calvay has no stock which is currently considered as high risk.

- 5.4 The Association will also conduct a stock condition survey to undertake a rolling programme of property inspections. After the initial risk assessments are complete the surveyor will continue to gather information on water systems during these visits. Where the information gathered during a visit differs from that used to carry out the initial risk assessment for the property, the risk assessment will be reviewed.
- 5.5 Void Properties - The Association also recognises that void properties have the potential to exhibit increased risk of Legionella due to the possibility of stagnant water remaining undisturbed within pipework for prolonged periods.

## **6. Controlling the Risks**

- 6.1 Low risk properties - the on-going control measures will include: -
- Conversion of any remaining tank fed outlets to mains supply where possible and the disconnection and draining of tanks
  - Avoidance of debris entering water systems – systems with stored cold water to be checked to ensure tanks have tight fitting lids
  - Control parameters for the system to be checked, for instance temperature settings for hot water tanks
  - Redundant pipework identified and removed
  - Advice provided to new tenants on maintaining safe water systems
  - Advice provided to existing tenants via the Association's website and periodically in the tenant newsletter
- 6.2 For low-risk properties, the in-house risk assessment will be reviewed every year or if there is a significant change to the property, e.g. installation of a new heating system.
- 6.3 All properties which may still be connected to stored water will be subject to survey to confirm if any outlets are still mains fed. Where tank supply is found to still be in use then an appropriate contractor should convert the property to mains supply if possible.
- 6.3 Medium and high-risk properties - a specialist water quality consultant will be appointed to carry out detailed, site-specific risk assessments and prepare site specific written schemes of control, which will include: -
- Details of the water systems including up to date plans or schematics
  - Who is responsible for managing the property and carrying out maintenance work
  - Details of the safe and correct operation of the relevant systems
  - Details of control methods and precautionary measures to be taken, and by whom
  - Details of the frequency and type of checks required and who will undertake these

- 6.4 Where water is used or stored for consumption in any devices, e.g. water coolers, tea urns, drinks machines, etc. an effective system of regular cleaning and disinfecting shall be introduced, in accordance with manufacturer's instructions.
- 6.5 Where air conditioning systems are present, these will be monitored and checked in accordance with manufacturer's instructions.
- 6.6 For medium and high-risk properties, risk assessments will be reviewed annually or where there is a significant change to the property.
- 6.7 Void Properties - as part of our Minimum Lettable Standard and to mitigate any increased potential risk associated with void properties, the following will be carried out and recorded in the process of carrying out void repair works: -

- Thoroughly flush all taps for approximately 5 minutes (Every 7 days the property is empty)
- Clean and disinfect, or replace (where necessary), all shower heads, and hoses
- Inspect and report on water storage tank, where present
- Where possible convert all outlets to mains supply, drain down tank and remove any dead legs. Empty tanks if in good condition may be left in situ. Any asbestos tanks should be identified; risk scored and have regular reinspection.
- If unable to drain tanks check lids on cold water storage tanks are securely fitted and replace if necessary
- Where dead legs are identified in the plumbing system, they will be removed
- Systems may be drained down if properties are to remain vacant for long periods
- System controls will be checked pre-letting, to ensure they meet safe limits

6.8 Thermostatic Mixer Valves (TMV's)

There is a range of TMV's throughout the Association's properties. Calvay will work to identify all properties where a TMV is present. Where identified, Type 3 (medical setting) TMVs will be maintained by a competent contractor. Type 2 TMVs will be tested annually and as part of gas servicing, any which has been identified as having failed will be replaced.

6.9 Little Used Outlets

Where there is a water outlet, tap, sink, toilet or shower that is not used on a weekly basis (e.g. the Association's offices), a weekly flushing exercise will be carried out in house by the Caretaker of the Calvay Centre in addition to the quarterly cleaning and disinfection of showerheads and hoses carried out by our external competent contractor, and the regime recorded either manually or electronically.

6.10 Factored Owners

The Association will help to control legionella within factored properties in the following circumstances:

- The property has a tank for storing water within a common area that either supplies water to a single or multiple properties

- Where a single tank serves an individual flat, the owner agrees to pay for the ongoing treatment and maintenance of their tank. The Association will not contribute to the maintenance or treatment costs of a tank which only serves an owner's property – If this is a larger tank which once served multiple properties which The Association has now disconnected from then consideration will be given to changing this tank to a smaller tank.
- All owners will be encouraged to convert all outlets to mains supply.

In the following circumstances the Association will not provide this service to a factored owner:

- A main door property with its own dedicated tank will be the owner's responsibility to manage the risk of legionella.
- A tenemental or flatted property with its own dedicated tank (within the confines of the flat) will be the owner's responsibility to manage the risk of legionella.

#### 6.11 Access Issues

Where access is required for either initial survey or ongoing treatment, then an access process will be followed as defined below:

- a) The Maintenance Assistant will write to all residents who are required to give access to the contractor.
- b) The Contractor attempts to arrange/gain access twice. If these attempts are unsuccessful then at this point these properties should be referred to the Association.
- c) At this point a Legionella Letter 1 should be issued which gives 7 days for the tenant to arrange access. This should be recorded on SDM, and the MA should also make use of any phone number/email address on file to contact the tenant.
- d) If after 7 days, there has been no response to contact then a Legionella Letter 2 should be issued. Again, this should be recorded on SDM, and the MA should also make use of any phone number/email address on file to contact the tenant.
- e) If no response is received, then the Maintenance Assistant or Maintenance Officer should carry out a house visit in an attempt to arrange an appointment. If unable to access the property a postcard should be left asking for contact.
- f) If no response has been received within 2 working days of the home visit, then forced access should be arranged giving where possible 7 working days' notice. The Association can however force access with as little as 48 hours' notice.

## 7. **Monitoring and Recording**

- 7.1 The Senior Maintenance Officer will ensure that all routine measures detailed in the written schemes are implemented in accordance with the required time intervals and that accurate, complete and up to date records are kept.
- 7.2 The Operations Manager will carry out periodic audits of the legionella processes to ensure measures are being carried out timeously and up to date records are kept.



- 7.3 All records of monitoring, inspection and tests should be retained for a minimum of at least 5 years as per HSG274.

## **8. Contractors**

- 8.1 The Association will appoint a competent external contractor to carry out Legionella preventative monitoring and water hygiene services. As a minimum requirement, contractors are required to be a registered member of the Legionella Control Association (LCA) or the Water Management Society (WMSoc). The Senior Maintenance Officer will check that contractors are suitably registered on an annual basis.
- 8.2 The Association will ensure that any appointed specialist water quality consultants or contractors are competent to carry out their duties, which may include: -
- Provision of detailed risk assessments and written schemes for the prevention and control of water borne infections including Legionella
  - Plumbing and engineering works on air-conditioning and hot / cold water systems
  - Cleaning of water systems and chemical treatment of water supplies
  - Bacterial and chemical water testing and analysis
- 8.3 Contracted works may include temperature monitoring, water sampling, (for all bacteria) cleaning and disinfection of showerheads and hoses, (Calvary Centre, Burnmouth Court and void properties), as well as tank inspections and other associated services, as identified within this Policy.

## **9. Notification Requirements**

- 9.1 An outbreak is defined by the Public Health Laboratory Services as two or more confirmed cases of Legionellosis occurring in the same locality within a six-month period. If it is suspected or confirmed that a tenant, employee or visitor has contracted Legionnaires' disease, the Association will report the incident to the HSE under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR).
- 9.2 The Association's duty holder will also immediately arrange for the suspected system to be sampled and an urgent review of control measures and risk assessment will be carried out to identify any other remedial action required.

## **10. Legionella Awareness for Tenants**

- 10.1 For risk levels to remain low in properties it is essential that tenants are aware of the need to have a regular turnover of water from outlets such as taps and shower heads. A Legionella awareness leaflet will be provided to new tenants in their tenancy pack and will also be made available to existing tenants through the Association's website.

- 10.2 Tenants will be advised to clean shower heads, descale and disinfect them at least every two months. For showers that are only occasionally used, tenants will be advised to flush the shower through by running the water for at least five minutes once a week.
- 10.3 Where a property is left vacant for any time (e.g. when on holiday, in hospital, etc.) tenants will be advised to flush both hot and cold-water systems by running all outlets for at least two minutes.
- 10.4 Tenants will also be advised to inform Calvay Housing Association immediately if there are problems, debris or discolouration in the water.
- 10.5 Calvay will publish information about preventing Legionella via its quarterly newsletter (particularly Summer Edition) as well as the Health and Safety section of the website.

## **11. Training**

- 11.1 All staff involved in legionella management will be provided with adequate training to allow them to undertake their duties effectively.
- 11.2 Legionella Awareness should be reviewed at a minimum of every 2 years or when new staff join the Maintenance Team or staff change role within the team.
- 11.3 Legionella Duty Holder/Responsible Person training will be undertaken by the Duty Holder and the Responsible Persons.

## **12. Reporting**

- 12.1 Quarterly reporting will be provided to the Management Committee as part of the Health and Safety section of the KPI Contextual Report. This will confirm ongoing treatment, testing, as well general compliance with this policy.

## **13. Data Protection and Access to Personal Information**

- 13.1 The Association will ensure that we meet the requirements of the General Data Protection Regulation 2018. All information provided by customers in relation to this policy will be treated with the strictest of confidence and will not be disclosed to any third party without the express permission of the person concerned.
- 13.2 Under the Data Protection and Access to Information legislation, customers have the right to request access to information pertaining to them which is held by the Association. Requests for such access will be processed in line with the Association's relevant policy and procedures.

## **14. Policy Review**

- 14.1 This policy will be reviewed every two years or sooner, if required by statutory or regulatory requirements.