

Legionella Policy

03-00

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Introduction

This Policy is written as an extension of the Harrow Council Health & Safety Policy endorsed by the Chief Executive.

Legionellosis is a group of diseases, which includes legionnaires' disease. The potentially fatal infection has symptoms similar to flu and pneumonia. Legionella Pneumophila, the bacteria responsible for legionnaires' disease, exist naturally in external watercourses, and can easily contaminate and grow in other water systems such as air-conditioning, cooling towers as well as hot and cold water systems in buildings.

In favourable conditions, bacteria can multiply to critical levels in stored water. Legionnaires' disease is caused when water droplets containing the bacteria are inhaled.

Harrow Council recognises and accepts its responsibility to do all that is reasonably practicable to prevent the exposure of its employees and others (including visitors, pupils, residents, tenants, contractors and other users of Council properties) to the risk arising from legionella bacteria.

Scope of Policy

All staff and contractors are required to comply with this Legionella Policy and accompanying Code of Practice (HSCOP 09-00 Legionella Risk Assessment and Control), in order to enable the Council to meet its legal duties under 'The Control of Legionella Bacteria in Water Systems' Approved Code of Practice.

This Legionella Policy will be implemented throughout all premises owned, occupied or managed by the Council, including as Landlord, Head Lessee, Lessee or Tenant.

This Legionella Policy and accompanying Code of Practice set down actions that the Council intends to take and the responsibilities and accountabilities it has established in order to meet its aims.

In order to deal with legionella management within a Directorate, they may develop their own specific Legionella Policy, which should comply with the overall aims of the Council's Legionella Policy 03-00.

Policy Statement

It is the Policy of Harrow Council to ensure, as far as is reasonably practicable, the health, safety and welfare of its employees whilst they are at work and that of others who may be affected by its activities. As part of that commitment, it is Council Policy, in accordance with legionella legislation and guidance that all premises owned, occupied by or managed / accountable to the Council are compliant. This includes as Landlord, Head Lessee, Lessee or Tenant.

This Policy has been prepared to assist persons responsible for the acquisition, maintenance and disposal of Council building assets, including but not exclusively day-to-day management of buildings and premises where to any extent Harrow Council has control.

This Policy also covers properties not owned by the Council but which are occupied by Harrow Council employees whose management fall under the responsibility of any part of the Council. This Policy should be read in conjunction with HSCOP 09-00 Legionella Risk Assessment and Control.

Hazard identification and risk assessment are the basis for introducing practical preventive policies and control measures in the workplace. Information on the risks, Systems of Work and the precautions to be taken, will be communicated to employees and others who may, in the course of their work for, or on behalf of Harrow Council, be exposed to legionella bacteria in water systems.

Adequate information, instruction and training will be given to employees and other persons affected by Harrow Council's activities to ensure that they are aware of:

- The health risks arising from legionella bacteria in water systems
- The reasons for and the nature of the precautions to be observed to protect themselves and other people who may be affected
- How to make use of the protective equipment and other safeguards; and
- Their duties under the Health and Safety at Work etc Act 1974.

The obligations of the Corporate Director of Finance are to ensure that the Council achieves an acceptable standard of legionella management throughout its premises, in accordance with all current legislation and regulations, and also to ensure that People with Responsibility for Asset Management, Premises Managers and other persons with responsibility for premises have put effective precautions in place for premises for which s/he is responsible.

Myfanwy Barrett
Corporate Director of Finance
December 2010

Harrow Council Organisational Responsibility for the Management of Legionella

Control of exposure to the risks arising from legionella bacteria in water systems is a whole organisation health and safety issue. As such, the lines of responsibility and accountability follow those as laid down in the Council's General Health and Safety Policy.

In addition, this Policy assigns specific areas of responsibility and accountability, which reinforce and support key actions that are required to be taken to meet the Council's aims of preventing exposure to legionella bacteria in water systems.

1. Legionella Management Responsibilities

1.1 The Chief Executive

Ultimate responsibility and accountability for the management of legionella bacteria in water systems rests with the Chief Executive.

1.2 Corporate Director of Finance

The Corporate Director of Finance is responsible for the management and implementation of this Policy, the Council's Health and Safety Code of Practice 09-00 'Legionella Risk Assessment and Control', and associated legislation and guidelines.

1.3 General Corporate Director Responsibility

All Corporate Directors have responsibility for ensuring that health and safety risks, including those arising from legionella bacteria in water systems are managed in such a way as to meet Council aims, and to ensure legal compliance as a minimum standard.

They are accountable for the securing and allocation of resources in their Directorate and to ensure that there is co-operation across Council Directorates to achieve this in the best way for our residents, staff and others who work with us or rely on our services. In addition, specific areas of responsibility have been assigned to different Corporate Directors:

1.4 Corporate Director of Community and Environment Services

Is responsible on behalf of the Council for:

- The strategic plan, for the management of the built estate (excluding domestic housing and sheltered premises) and for ensuring implementation of measures to identify and control the risks arising from legionella bacteria in water systems in properties
- Ensure that arrangements are in place for the completion of risk assessments and where required, written schemes of control are determined and implemented
- Assigning responsibilities for delivering the strategy for management of legionella bacteria in water systems in Council stock (excluding domestic housing and sheltered premises) and monitor the plan to ensure assumptions remain valid and that the strategy is working
- Ensuring that technical / operational aspects of our assets are managed and maintained to prevent and reduce legionella risk

- Ensure that employees with responsibility for the day to day management of properties within the portfolio are provided with the necessary resources, training and support to allow them to fulfil their responsibilities under this Legionella Policy, guidance (and other applicable health and safety law)
- Put arrangements in place to ensure that the Corporate Health and Safety Service are notified of major building and refurbishment projects involving water systems prior to starting.

1.5 Corporate Director of Adults and Housing

Is responsible on behalf of the Council for:

- The strategic plan, for the management of the Council's domestic housing stock and HRA properties and for ensuring implementation of measures to identify and control legionella bacteria in water systems where required in these properties
- Assigning responsibilities for delivering the strategy for the management of water systems in housing stock and monitoring the plan to ensure assumptions remain valid and that the strategy is working
- Ensure that arrangements are in place for the completion of risk assessments and that where required, written schemes of control for water systems are determined and implemented
- Ensure that employees with responsibility for the day to day management of the housing stock are provided with the necessary resources, training and support to allow them to fulfil their responsibilities under this Legionella Policy, guidance (and other applicable health and safety law)
- Put arrangements in place to ensure that the Corporate Health and Safety Service are notified of major building and refurbishment projects involving water systems prior to starting.

1.6 Corporate Director of Finance

Is responsible on behalf of the Council for:

- Ensuring that adequate resources are in place for the provision of expert and day to day health and safety advice and that this is made available to all within the Council in relation to legionella bacteria, water systems and related training
- Ensure that employees with responsibility for the day to day management of buildings occupied by the Directorate are provided with the necessary resources, training and support to allow them to fulfil their responsibilities under this Legionella Policy, guidance (and other applicable health and safety law)
- Put arrangements in place to ensure that the Corporate Health and Safety Service are notified of major building and refurbishment projects involving water systems prior to starting.

1.7 Corporate Director of Children's Services

Is responsible on behalf of the Council for:

- The strategic plan, for the management of this Policy relating to schools and for ensuring implementation of measures to identify and control legionella bacteria in water systems in these properties

- Assigning responsibilities for delivering the strategy for the management of legionella bacteria in water systems in schools and monitoring the plan to ensure assumptions remain valid, that the strategy is working and that schools management and staff are made aware of the hazards and are protected
- Ensure that employees (including Head Teachers) with responsibility for the day to day management of the schools are provided with the necessary resources, training and support to allow them to fulfil their responsibilities under this Legionella Policy, guidance (and other applicable health and safety law)
- Put arrangements in place to ensure that Property Services and the Corporate Health and Safety Service are notified of major building and refurbishment projects involving water systems prior to starting.

1.8 Divisional Directors and Heads of Service

All Divisional Directors and Heads of Service (in schools this could be Head Teachers and School Governors) have responsibility for ensuring that health and safety risks, including those arising from legionella bacteria in water systems, are managed in such a way as to meet Council aims, and to ensure legal compliance as a minimum standard.

They also have responsibility to:

- Secure and allocate resources in their Division / Service for legionella control and water systems management, including:
 - registers of properties under their control
 - ensure that risk assessments of these properties take place to identify the presence and status of any legionella bacteria in water systems and where required, written schemes of control for water systems are determined and implemented
 - ensure the maintenance of suitable records pertaining to water systems present for those properties
 - dissemination and updating of these records, and
- Fulfil their legal and compliance responsibilities under this Legionella Policy, HSCOP 09–00 Legionella Risk Assessment and Control, guidance (and other applicable health and safety law)
- Ensure that your Corporate Director is aware of any shortfall in relation to non compliance with legionella management issues, lack of resources, any training requirements or support that is needed
- Meet the Council's requirements with regards to public information and the Freedom of Information Act
- Ensure that arrangements are in place to notify the Corporate Health and Safety Service of major building and refurbishment projects involving water systems under the control of your Division / Service prior to starting
- Where several Directorates are working on the same project, ensure that there is co-operation across Council Directorates for the management of legionella on the project and to meet the requirements of The Construction (Design and Management) Regulations 2007.

1.9 People with Responsibility for Asset Management

People with Responsibility for Asset Management must ensure that arrangements are in place for the management of legionella bacteria in water systems in all Council properties falling within his / her span of control and in line with strategic aims.

In order to ensure that People with Responsibility for Asset Management can fulfil their duties and responsibilities under this Policy and HSCOP 09–00 Legionella Risk Assessment and Control, the tasks involved in managing water systems in premises may be delegated to other persons e.g. Head Teachers in schools, members of staff, managing agents or other external organisations, provided that they have the necessary competence, resources and have Council approval to perform this role.

Head Teachers have a financial responsibility for the management and control of legionella within hot and cold water services within schools under Fair Trade Legislation. Schools can delegate this responsibility back to the Council to implement precautions on their behalf under a repairs and maintenance Service Level Agreement (SLA). Schools that have opted not to buy into the SLA are responsible for implementing the control precautions. This delineation of responsibility applies even more so to Voluntary Aided schools.

Schools that have opted not to buy into the SLA will be asked for relevant information and supporting documentation by the Council to verify that their school has implemented all measures in accordance with the control regime.

However, overall management responsibility cannot be delegated

People with Responsibility for Asset Management must monitor tasks performed on their behalf, to ensure that their responsibilities are being discharged and that Council and legal requirements continue to be met.

People with Responsibility for Asset Management also have responsibility to:

- Ensure that arrangements cover the overall management of legionella bacteria in water systems including:
 - day to day operations
 - general and planned maintenance
 - major refurbishments
 - new build situations
 - during emergencies, and
- They must ensure that there is a proactive risk assessment programme and where required Schemes of Control (sometimes known as a Management Plan) are in place, that appropriate risk assessments are being undertaken in a timely fashion and that the resulting information is available to the local Premises Manager(s) and others who need to receive this information, in order to effectively discharge their duties under The Control of Legionella Bacteria in Water Systems ACOP and Guidance
- Ensure that suitable communication methods are established for liaison with all Premises Managers who have been delegated responsibility for the day to day management of individual sites and properties
- Ensure that the Premises Managers have the information they need to manage water systems in their buildings safely and to support them in assessing information found as a result of a risk assessment and any scheme of control that is put in place and help them with the decision making process when planning any changes to buildings involving water systems
- Ensure that information is developed, maintained and kept up to date for all water systems in the properties that you are responsible for

- Through the risk assessments for legionella control in water systems, ensure that the information provides their Corporate Director and Divisional Director / Head of Service with a clear evaluation of the risk and the priorities, so that appropriate resources are secured for the control of risk in those water systems
- Fulfil their legal and compliance responsibilities under this Legionella Policy, HSCOP 09–00 Legionella Risk Assessment and Control, guidance (and other applicable health and safety law)
- Ensure that your Corporate Director and Divisional Director / Head of Service are aware of any shortfall in relation to non compliance with legionella bacteria management issues, lack of resources, any training requirements or support that is needed
- Meet the Council's requirements with regards to public information and the Freedom of Information Act
- Ensure that arrangements are in place to notify the Corporate Health and Safety Service of major building and refurbishment projects involving water systems under their control prior to starting
- Where several Directorates are working on the same project, ensure that there is co-operation across Council Directorates for the management of the water systems on the project and to meet the requirements of The Construction (Design and Management) Regulations 2007.

1.10 Premises Managers

Premises Managers could be Harrow Council employees, Managing Agents or Tenants. **Head Teachers and governing bodies in schools may have delegated responsibility for this, in which case it will be written into their scheme of delegations.**

All Premises Managers must be named and have a named deputy who is responsible for the premise(s) in their absence.

Premises Managers are responsible for the day to day management of properties within their span of control and the implementation of Harrow Council's Legionella Policy at a local level. In order to meet their legal responsibilities they must receive mandatory training to understand their role and responsibilities, including those relating to the control of legionella bacteria in water systems as set out in this Council Policy. Their key responsibilities under this Legionella Policy are to:

- Maintain and keep updated legionella risk assessments and any schemes of control that have been put in place for properties falling within their span of control
- Ensuring that the legionella risk assessment and any scheme of control is brought to the attention of staff and contractors for that premises
- Ensuring that the water systems in properties are routinely inspected and arrange for the appropriate remedial works to be carried out
- Ensuring that there is a plan in place for dealing with the discovery of legionella bacteria in a water system and to bring it to the attention of staff, contractors and all who need to know.

Premises Managers will liaise with the appropriate Persons with Responsibility for Asset Management, nominated representative and others to:

- Provide all the information and support they need to be able to discharge their responsibilities

- Ensure their premises have an up to date risk assessment for legionella
- Ensure with respect to any proposed works that could involve the water systems or when any changes are being planned for their premises, that any necessary precautions for legionella control in water systems have been factored into the project
- Ensure that any work involving water systems in the premises is effectively co-ordinated and managed during the works.

In order to ensure that Premises Managers can fulfil their duties and responsibilities under this Policy, HSCOP 09–00 Legionella Risk Assessment and Control (and other applicable health and safety law), the tasks involved in managing legionella bacteria in water systems in premises may be delegated to other persons, provided that they have the necessary competence, resources and have Council approval to perform this role.

However, overall management responsibility cannot be delegated

Any Premises Manager with responsibility for the management of legionella bacteria in water systems must monitor tasks performed on their behalf, to ensure that their responsibilities are being discharged and that Council and legal requirements continue to be met.

1.11 The Council’s Health & Safety Manager

- The Health & Safety Manager is responsible for the development and maintenance of the Council’s Legionella Policy and related documentation
- Will give advice to management on legionella safety matters affecting the Council, including training requirements and methods
- Will carryout investigations of any possible breaches of legionella legislation, this Legionella Policy and associated Code of Practice
- Will audit legionella management arrangements within the Council
- Will attend where required, meetings with Local Enforcement Agencies during site visits and inspections
- Will assist with the delivery of any requirements that are placed upon the Council by Local Enforcement Agencies.

1.12 Council Line Managers and Staff in Service Management Roles

Line Managers and Staff in service management roles are responsible for ensuring that:

- This Legionella Policy, HSCOP 09–00 Legionella Risk Assessment and Control and associated guidance are observed within their department, work locations and activities under their control
- Employees under their control are made aware where required of any risk assessment and scheme of control for water systems in their department, work locations and activities under their control
- They report to the Premises Manager of the building(s) they occupy, any deterioration or problems with water systems within their department, work locations and activities under their control.

1.13 All Council Employees

All Council employees are responsible for ensuring that:

- They comply with this Legionella Policy, HSCOP 09–00 Legionella Risk Assessment and Control and associated guidance
- They report to their Line Manager any deterioration or problems that they become aware of with water systems within their department or work locations.

1.14 Contractor Competency

Persons with responsibility for appointing contractors must ensure that:

- They make reasonable enquiries to satisfy themselves of the competence of contractors in the area of work before entering into contracts for the treatment, monitoring and cleaning of the water system, and other aspects of water treatment and control
- They should be trained to a standard which ensures that tasks are carried out in a safe, technically competent manner. For example having achieved the following qualifications:

P901 Legionella – Management and Control of Building Hot and Cold Water Systems

P902 Legionella – Management and Control of Evaporative Cooling and Other High Risk Systems

Whilst training is an essential element of competence, it is not the only factor, experience, knowledge and other personal qualities are needed to undertake a job safely. Competence is dependent upon the needs of the situation and the nature of the risks involved.

1.14 Recognised Trade Unions

Harrow Council acknowledges the important function that the recognised Trade Unions perform in the management of health and safety within the organisation. The Council therefore seeks to actively consult, communicate and co-operate with its Trade Union partners in the implementation of this Policy.

2. Policy Review

It is the responsibility of the Divisional Director - Risk, Audit and Fraud to monitor and review this policy in consultation with the Health & Safety Manager, and to present any necessary changes to the Corporate Director of Finance.

3. Further Advice and Support

The Corporate Health and Safety Service can provide further help, advice and support in relation to the implementation of this Policy. They can be contacted on 020 8242 1512 (Extn 2512) or via email at healthandsafety.healthandsafety@harrow.gov.uk.

Help and advice can also be sought from the Occupational Health Service on 020 8424 1449 (direct line) or 020 8863 5611 (Extn 3592).

4. Legislative Requirements

The Control of Legionella Bacteria in Water Systems ACOP – L8 (2000)

Legionnaires Disease a Guide for Employers

Legionnaires Disease Essential Information for Providers of Residential Accommodation

The Health and Safety at Work etc Act 1974

The Management of Health & Safety at Work Regulations 1999

The Control of Substances Hazardous to Health Regulations 2002 (as amended)