



01.24.PO024 – Legionella Policy

Health and Safety Policy Document



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* Date of next review may be subject to legislative change

Links to Regulatory Standards – Economic/ Consumer Standards
Outcomes for Customers
How were tenants, residents and service users involved in the review/development of this document
Training Provision
Links to the Business Plan
Links to Key Values

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Version Control

Version	Revision Date	Author: Job Title	Change Description
v01	12/12/2013	Carolyn Allin – H&S Manager	Initial Document.
v02	01/12/2016	Carolyn Allin – H&S Manager	Review Only.
v3.1	01/12/2019	Carolyn Allin – H&S Manager	Revamp from an old 2013 policy. Changed to current document template and updated links. Changed document number from HS024.
v3.2	17/09/2021	Carolyn Allin – H&S Manager	Full review by Robert Daine and later subsequent revision.
v4.1	14/03/2023	Carolyn Allin – H&S Manager	Amended to reflect new emh branding.

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1. Introduction

- 1.1 Legionella bacteria are naturally occurring organisms commonly found in water courses such as rivers and streams and are widespread in the environment. Legionella bacteria have the ability to cause a potentially fatal form of pneumonia called Legionnaires' disease. The risk increases with age, but some people are at a higher risk include those over 45 years of age, smokers, diabetics, persons with respiratory illnesses and those with pre-existing medical conditions leading to immunosuppression.
- 1.2 Legionella bacteria can be easily breathed into the lungs when fine contaminated water particles (called aerosols) are generated, particularly from showers, spa pools and spray heads. It is however still possible for contaminated droplets from taps and more rarely from toilet flushing to be breathed into the lungs. There is not however any documented evidence to suggest that legionella bacteria can be spread from person to person.
- 1.3 Emh recognise the potential health and safety risks associated with stored water installations and systems that are under its control. Therefore, we are committed to maintaining the Health and Safety of all employees, customers and members of the public that may be affected by following inhalation of contaminated water droplets into the lungs by persons susceptible to this organism.
- 1.4 Emh is committed to ensuring that Legionella related activities are conducted and carried out to current legislation, associated regulations and the highest standard of workmanship. Ensuring that they provide a quality service, safe environment to customers and employees.
- 1.5 As such Legionella safety management, Inspection and testing regimes, Hot and Cold-Water installation's and maintenance activities must be robustly controlled to prevent such instances.
- 1.6 Therefore, emh will guarantee that all reasonable steps will be employed to ensure employees, customers and members of the public are not put at risk from the effects Legionella Bacteria from installation's or systems that are owned by the group.

2. Scope and Objectives

- 2.1 This policy applies to all companies within emh and all associated operating businesses and sets out the responsibility to comply with the mandatory relevant legislation, regulations and approved codes of practice applicable to managing the risks of exposure to legionella bacteria in properties it owns and manages. It further outlines the overall general principles to be considered and adopted across all areas of the business in managing the risks from hot water and surfaces in its health and social care settings.
- 2.2 Premises falling within the scope of this policy include commercial business operating premises, communal or domestic setting's where there is a known or perceived risk relating to Legionella Bactria, hot water and surfaces where there is a duty to manage.

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- 2.3 This policy must be used in conjunction with emh Legionella Management Safety Procedures and associated documents.

3. Legal Considerations and Responsibilities

- 3.1 Emh and associated operating businesses have a legal duty to protect their employees and any other persons who can be affected by our working operations. This includes apprentices, sub-contractors, tenants and visitors to our properties.
- 3.2 Health and Safety Law identifies that Landlords or person's in control of premises or undertaking work activities are responsible for the identification, elimination, prevention and implementation of control measures related to managing the risk of exposure to legionella, hot water and surfaces.

4. Related Documents and Links

- ▶ [The Health and Safety at Work etc. Act 1974](#)
- ▶ [The Management of Health and Safety at work Regulations 1998](#)
- ▶ [The Control of Substances Hazardous to Health Regulations](#)
- ▶ [Legionnaires disease – The control of legionella bacteria in water systems – L8](#)
- ▶ [Provision and Use of Work Equipment Regulations](#)
- ▶ [Emh Legionella Management Procedure](#)
- ▶ [emh Group Legionella Management Procedure](#)
- ▶ [The Water Fittings and Materials Directory](#)
- ▶ [Reporting of Injuries, Diseases and Dangerous Occurrences Regulations](#)
- ▶ www.hse.gov.uk/legionnaires/
- ▶ [HSG274 – Legionnaires' Disease – Technical Guidance](#)
 - ▶ [Part 1: The control of legionella bacteria in evaporative cooling systems \(PDF\)](#)
 - ▶ [Part 2: The control of legionella bacteria in hot and cold-water systems \(PDF\)](#)
 - ▶ [Part 3: The control of legionella bacteria in other risk systems \(PDF\)](#)

5. General Legionella Safety

Overall general principles for Legionella safety require employers to take reasonable steps to ensure that the regulations, relevant statutory requirements and control measures are in place and adhered to.

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They further require employees to make full and proper use of those control measures. Emh will ensure that arrangements are in place for the management of Health and Safety, have access to competent advice and provide suitable and sufficient information and training.

They will further only conduct Assessments, Inspections, Testing & Sampling, Installation, maintenance or repair of water systems and devices by using competent persons. A record of qualifications and training requirements will be kept and maintained centrally, and mandatory assessment training should be undertaken at no less than 4 months prior to its expiry, unless exception is given by the Health and Safety Executive.

No persons shall knowingly or unwittingly undertake work unless they are suitably competent and/or qualified to do so. The employer will from time to time provide specific training to compliment individual's accredited and certified competence qualifications.

5.1 Identification

- 5.1.1 Wherever possible, emh and associated subsidiaries will ensure that risks to the exposure of Legionella Bacterium, Hot & Cold Water and Surfaces are identified within all properties or settings. To comply with this requirement, emh and associated operating businesses will nominate a Duty Holder, who will ensure that a competent person evaluates the settings, the settings water systems and associated equipment.
- 5.1.2 These findings shall be recorded by way of a written Risk Assessment, that will include as a minimum, but not limited to;
- ▶ Management Responsibilities and the name of the competent person assessing the risk.
 - ▶ Name and/or Address of the setting.
 - ▶ Written description of the system.
 - ▶ Any potential risk sources.
 - ▶ Any controls currently in place to control risk.
 - ▶ Monitoring, Inspection and Maintenance procedures.
 - ▶ Records of the monitoring results, inspection and checks carried out.
 - ▶ Recommended review date.
- 5.1.3 If it is determined that the risks are insignificant and are being properly managed to comply with the law, the assessment will be deemed as complete and valid. It may also be deemed in some instances no further action need be taken, other than ensuring the assessment is periodically reviewed.
- 5.1.4 When Assessing the risk, consideration will also be given to person's in occupation.
- 5.1.5 Where the assessment has identified that the risks cannot be eliminated, emh will introduce appropriate controls, that by design, prevent or adequately control the risk.

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5.2 Control Measures - Training and Awareness

- 5.2.1 Employees likely to encounter areas where they may encounter potential exposure to Legionella Bacterium or assess water systems in the work place, will be required to attend Legionella training as designated by the Health and Safety Learning and Development Matrix i.e. Legionella awareness provided in a classroom every 3 years or by e-learning if circumstances do not permit classroom settings.
- 5.2.2 Responsible persons should attend and pass training for Duty Holders and Responsible Person or equivalent.
- 5.2.3 All other identified training will be provided as designated by the Health and Safety Learning and Development Matrix.

5.3 Emh Contractors – Procurement

- 5.3.1 Emh procurement should take all reasonable steps to establish the competency of approved contractors appointed to inspect, assess, work on or around systems or installations subject to Legionella controls. Ensuring that licences, competency and compliance with the relevant normative references and all associated guidance and industry standards are adhered to.
- 5.3.2 Clear and explicit requirements with regard to the Group's use of sub-contractors should also be established and controls explicitly determined.

5.4 Specialist Contractors

- 5.4.1 Accredited contractors will be employed to complete Legionella risk assessments at emh properties covered under HSG 274. The accredited contractor will also inspect and service equipment, including cold water storage tanks and thermostatic mixing valves and routinely monitor water temperatures at the properties.
- 5.4.2 All nominated Contractors should be a member of the Legionella Control Association or any other equivalently accredited body.

6. Monitoring and Compliance

6.1 Performance Measurements and Targets

- 6.1.1 The Group will ensure that it discharges its duty and complete a Risk Assessment including a written report for all the properties covered under HSG 274 at least every 5 Years. Further to this it will ensure that all risk assessments are reviewed as recommended within the report.

6.2 Working Practices

- 6.2.1 To reflect all issues involved surrounding Legionella bacterium and hot Surfaces the policy, associated procedures and working practices have been developed to:

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- ▶ Ensure that 100 percent performance in provision of Legionella Risk Assessments, as is the minimum requirement;
- ▶ Continually seek to improve performance and minimise the risk to the health and safety of its customers;
- ▶ Ensure working practices, procedures and customer contacts are monitored and regularly reviewed, with the view to improving the efficiency of the Legionella Safety and Inspection operations;
- ▶ Monitor and report the position of all properties where the Legionella Risk Assessments or reviews remain outstanding, through regular performance reporting to the Executive Management structure, Health and Safety Committees and appropriate staff, for example, Housing and Neighbourhood's, Governance, Responsible Officers and any external supply contractors. With appropriate action being taken where the Risk Assessment, review or recommended action remains' outstanding or there is a welfare concern.
- ▶ Provide a robust quality monitoring process to ensure that Legionella monitoring activities and documentation, provided by its internal maintenance service or contractors, is compliant with all regulatory requirement and guidance.

6.3 Reporting

6.3.1 Emh will ensure as a minimum, that performance indicator reports are reviewed and agreed annually to ensure that in line with its statutory duties and be clearly identifiable, as identified but not limited the below:

- ▶ Number of qualifying premises have a risk assessment in place.
- ▶ % of qualifying premises have a risk assessment in place.
- ▶ The levels of risk that has been attributed to the qualifying premises at the time of assessment or subsequent review of the risk assessment.
- ▶ Number of qualifying premises have a risk assessment in place and have been reviewed within their recommended timescale.
- ▶ % of qualifying premises have a risk assessment in place and have been reviewed within their recommended timescale.
- ▶ Number of qualifying premises have a risk assessment in place and have not been reviewed within their recommended timescale.
- ▶ % of qualifying premises have a risk assessment in place and have not been reviewed within their recommended timescale.
- ▶ Number of Significant finding's as identified at the time of any on-going monitoring or maintenance regime.

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- ▶ % of Significant finding's as identified at the time of any on-going monitoring or maintenance regime.
- ▶ Number of significant finding's completed within their recommended time frame.
- ▶ % of significant finding's completed within their recommended time frame.
- ▶ Number of significant finding's NOT completed within their recommended time frame.
- ▶ % of significant finding's NOT completed within their recommended time frame.

7. Seeking Access to Property

Customers will be given adequate opportunity to provide access to allow the Legionella Risk Assessment to be carried out and completed within the required and specified time frame. The first appointment will be on or around 56 days prior to the expiry of the current Assessment.

There are prescribed timescales that staff must adhere to in sending formal letters, which escalate in severity with each appointment stage of the process. At each stage clear information and advice is provided that this process could lead to legal action being taken.

Step's and measures will be taken in every case to contact the tenant including but not limited to:

- ▶ Telephone Call's
- ▶ Text or media messages
- ▶ Emails
- ▶ Personal visit's
- ▶ Prescribed letter

Records of all contact attempt's will be recorded and retained in the event that they are required as evidence in the event that legal action is pursued by the Asset Management and Building Safety team.

The Asset Management and Building Safety team will work with relevant staff as appropriate to gain access where customers are considered or known to be vulnerable and will continue with efforts to contact customers from outset of the appointment process up to the day of the court hearing and cancel legal action if access is gained and make efforts to recover cost of action's from customers.

7.1 Refused Access

7.1.1 Persons undertaking Legionella Risk Assessments or remedial actions will take all reasonable steps to achieve access and complete; however, in incidents where access to the property cannot be obtained or is refused by the occupier.

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- 7.1.2 Where access cannot be gained in line with the access protocols and having given reasonable notice and making several attempts, the case will be handed over to the Housing and Neighbourhoods team to pursue legal action as necessary in order to fulfil the Groups obligations.
- 7.1.3 For the avoidance of doubt, all efforts to contact the tenant to gain access throughout the legal process will be maintained and recorded.

7.2 Damage to Installations and Fixings

- 7.2.1 Where an Installation or fixing is found to be unsafe as a result of wilful neglect or deliberate damage, the tenant will be responsible for repair or replacement of the damaged item or the Group reserve the right to carry out the necessary work and make efforts to recover cost of actions from customers.

8. Reconciliation

- 8.1 In order to maintain its data integratory, emh will undertake on a quarterly basis a reconciliation of the relevant Asset Management and Housing Management data bases or relevant systems.
- 8.2 The reconciliation will be undertaken by members of the governance team (within emh) and its finding's documented and acted upon by responsible person's. By undertaking this exercise, emh ensures that it meets its statutory duties by maintaining its inspection history of its Asbestos surveys.

9. Consultation

- 9.1 Emh Policies and amendments to Policies are consulted on via its Senior Management teams, Health and Safety Committees, Resident's committees, Trade Unions and 3rd party subject matter experts as it is driven by legislative requirements, to ensure that collective consultation is undertaken prior to approval by emh Executive Management Team.

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