



APPENDIX A

Stockton Borough Council Legionella Control & Water Hygiene Policy

Approved by:

Corporate Management Team

Signed:

Position:

Date:

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1. Introduction

Legionnaire's disease is a potentially fatal form of pneumonia. The bacteria reproduce to high numbers in warm, stagnant water (between 20°C and 46°C). Typically plumbing systems and hot water tanks, pools, showers, fire and sprinkler systems installed in Council buildings that use water and operate at temperatures in excess of 20°C can generate an aerosol presenting a Legionella risk. High temperatures of 60°C and over will kill the bacteria.

The main aim of this policy is to reduce the risk associated with Legionella by correct; system design and operation, methods of control monitoring, and water treatment. The recommended cleaning and disinfection procedures must be considered if the risk is to be minimised.

2. Legal Implications

It is the responsibility of the Council to ensure an adequate Risk Assessment of the water systems is carried out with details held on file.

Additionally the Council has a duty to ensure people involved with the control of Legionella are adequately trained, qualified and experienced to fulfil their duties in executing the risk management programme.

The following legislation is applicable to the management and control of Legionella;

- Health and Safety at Work etc 1974
- Management of Health and Safety at Work Regulations 1999
- Control of Substances Hazardous to Health Regulations 2002

Failure to comply with these laws is a criminal offence that could result in unlimited fines for the Council (e.g. Section 3 HSWA) and possibly fines and imprisonment for individuals found to be individually culpable (e.g. Section 7 HSWA).

The following approved code of practice and guidance have been issued to assist in compliance with the law:

- L8 The control of Legionella bacteria in water systems – approved code of practice and guidance ISBN 0717617726.
- Legionnaires Disease – Essential information for providers of residential accommodation IND(G)376, and
- Controlling Legionella in nursing and residential care homes IND(G)253L.

It is important to note that a 'latent disease' such as Legionellosis is uninsurable and cannot be offset against Employers or Public Liability Insurance. Therefore any civil claim would have to be met directly from Council funds.

3. Position Statement

Stockton Borough Council accepts that under law it is the employer and in accordance with the Approved Code of Practice "*Legionnaires Disease: the Control of Legionella Bacteria in Water Systems*" acknowledges that it the Duty Holder with responsibility to protect its employees and others from the risk of Legionellosis.

Stockton Borough Council will take all reasonably practicable steps to prevent exposure to harmful levels of the Legionella bacteria. To achieve this, the Council, through its managerial organisation, will allocate specific roles and functions to designated employees to manage and control the risk.

Controlling the risk has been achieved in two stages.

Firstly;

- a) Identification and evaluation of potential sources of risk in all premises for which the Council has a responsibility;
- b) Development of a written scheme for preventing or controlling the risks within those premises.

Secondly;

- a) Implementation, managing and monitoring precautionary measures.
- b) Maintaining records of the precautions.

The means by which the risk from exposure to the bacteria is controlled is currently a joint function of in-house management and external expertise, based on a review of individual premises risk assessments and production of written schemes.

4. Responsibility for Implementing Council Policy

Accountability and responsibility for managing the risks is as follows:

a) Duty Holder – Chief Executive

Legal accountability for compliance with legislative requirements rests with the Council. However, responsibility for establishing a health and safety framework for the management of Legionella risks on behalf of the Council sits at the Executive level and as such recognises the importance that is given to the management of the Council's assets from a health and safety as well as a commercial perspective. The Chief Executive as 'Duty Holder', as defined in "*Legionnaires Disease: the Control of Legionella Bacteria in Water Systems*" (L8) will therefore advise the Executive (Corporate Management Team) on the way of delivering and ensuring the duties are met, through the framework detailed in **Appendix 1**. This includes ensuring adequate resources/funding is available.

b) Strategic Management – Head of Finance & Assets

The Head of Resources can be viewed as 'owning' all property, on behalf of the Council, and takes on the corporate role for managing the assets via the Capital Strategy and Asset Management Group.

Corporate responsibility for ensuring that the duties relating to Legionella are met will be overseen by the Head of Finance & Assets and reported to Capital Strategy and Asset Management Group on an annual basis via a report produced by the Head of Technical Services. The Council's Health and Safety Manager will be fully consulted in the production of the annual report.

c) Portfolio Managers – Head of Technical Services

The day-to-day management of the Council's property falls into the area of Corporate Governance, with the role of 'Managing Agent' being fulfilled by the Technical Services Division (see Appendix 1). The Head of Technical Services (or his designate) is responsible for ensuring that all obligations detailed in the Legionella Policy are met, and in respect of any issues relating to the maintenance of the buildings/properties that this is done through the appropriate 'Responsible Person' see Appendix 1. This ensures a consistent, coordinated approach in respect of the maintenance of buildings as well as any monitoring, surveys and assessments that need to be undertaken.

Monitoring and compliance checks will ensure this is happening corporately with the appropriate 'Responsible Person' (see Appendix 1) acting as the 'Responsible Person' and undertaking the required programme of assessments and maintenance work as required on behalf of and in conjunction with Head of Technical Services.

d) The Responsible Person – Maintenance Services Manager

The Maintenance Services Manager within Technical Services (see Appendix 1) shall be 'Responsible Person' as defined in Approved Code of Practice (L8) and shall assume overall managerial responsibility for all premises for which the Council retains ownership to ensure that:

- All maintenance work, including Legionella risk assessments and specialist monitoring services shall only be commissioned through the Responsible Person.
- Premises are identified and assessed for risks of Legionellosis. Where expertise is not available internally the Responsible Person will appoint suitably qualified and competent external expertise to undertake this function.
- The use of systems that give rise to a foreseeable risk of Legionellosis is avoided or, where this is not reasonably practicable, a written scheme for minimising the risk from exposure is prepared.
- The scheme of precautions including the appointment of 'Appointed Person(s)' to take responsibility for the maintenance of relevant plant, equipment and systems and to provide supervision is implemented and managed.

- Appropriate statutory and evidential records are maintained for each of the premises within their portfolios.
- Appropriate monitoring systems are in place and implemented to ensure that the risks are being effectively managed.
- The results of any assessments, monitoring and maintenance work undertaken by the Maintenance Services Team and any contractor commissioned by the appropriate 'Responsible Person' (see Appendix 1), will be recorded and reported to the appropriate Portfolio Manager as part of the compliance checks.

e) The Appointed Person – Legionella Officer

The Council's Legionella Officer is the person nominated (see Appendix 1), to monitor the implementation of the risk management systems. His/her/their role is two fold – firstly to assist the 'Responsible Person' with the implementation of the written scheme through regular monitoring and supervision of everyone involved in related operational procedures and secondly, to maintain appropriate records, including details of:

- The person(s) responsible for conducting the risk assessment, managing, and implementing the written scheme; the significant findings of the risk assessment;
- The written scheme and details of its implementation;
- The results of any monitoring, inspection, test or check carried out and the dates and by whom, and
- Recording all relevant details on the Council's Asset Database.

f) The Nominated Person – Premise Manager

Premises managers or occupiers of Council owned/leased premises including schools have a duty to co-operate with the Responsible/Appointed Persons to ensure the duties placed upon the Duty Holder to control the risk of Legionella can be fulfilled.

Premises' Managers or occupiers shall implement a local scheme whereby a number of specified precautionary actions in accordance with the written scheme and L8 recommendations will be implemented on behalf of the Responsible Person/Duty Holder.

It will be necessary for premises' managers or occupiers to nominate one or more deputies as 'Nominated Persons' with whom the Appointed Person can liaise to ensure these obligations are implemented.

g) Deputy Cover

For day-to-day operational requirements deputy cover is detailed as follows:

Responsible Person - Principal Mechanical Engineer

- Appointed Person – Senior Mechanical Inspector
Nominated Person – Each premise will have a nominated deputy person.

5. Assessing Risk

The specific requirements of the risk assessment can be found in the HSE publication, *“Legionnaires Disease: the Control of Legionella Bacteria in Water Systems”* (L8).

Before any formal management system for water systems can be implemented, a risk assessment has to be carried out to decide the possible risks. The purpose of the assessment is to enable a decision to be made:

- a) The risk to health, i.e. whether the potential for harm to health from exposure is reasonably foreseeable unless adequate precautionary measures are taken:
- b) The necessary measures to prevent, or adequately control, the risk from exposure to Legionella bacteria.

The risk assessment also enables the Duty Holder (Council) to show that all pertinent factors, and the steps needed to prevent or control the risk, have been considered.

The extent of specialist knowledge and expertise required to carry out this initial assessment may be outside the capability and expertise of officers of the Duty Holder, therefore the Responsible Person may arrange for this function to be undertaken by an external organisation. The Responsible Person will ensure the external organisation has the requisite knowledge, expertise and competency and in accordance with the Approved Code of Practice (L8).

The risk assessment will identify the action plan of maintenance work required; the written scheme; the monitoring programme and logbook requirements.

6. Written Scheme

Where the risk assessment shows that there is a reasonably foreseeable risk; steps should be taken to mitigate this risk wherever possible. When all the risks cannot be totally avoided there must be a written scheme for controlling the risk.

The Responsible Person, in conjunction with the appropriate Portfolio Manager, is to arrange for and implement remedial works via Appointed and Nominated Persons oversee the implementation and monitoring of the control measures in strict compliance with maintenance programmes and timescales stipulated in the written scheme.

Items to be included in the written scheme are shown at **Appendix 2**.

7. Training & Qualifications

It is a function of the 'Responsible Person' to ensure that those who are appointed to carry out any form of control measure, whether or not internal employees or external organisations, are suitably trained and able to perform the functions within respective areas of responsibility.

So far as internal employees are concerned, at least two people within each premises shall be trained so that if one trained employee falls ill or leaves, there is another nominated, trained person to ensure that the line of communication is unbroken. It is for the Responsible Person to ensure suitable training, in conjunction with the premises manager, is arranged. Training should ensure employees are trained to an adequate standard of basic awareness relating to water quality and Legionnaires disease to enable them to undertake their specific functions.

The Responsible Person must ensure that reasonable enquiries are made to ensure that external organisation's employees are competent and suitably trained and have the necessary equipment to carry out their duties within the written scheme in a safe and adequate manner.

8. Monitoring Regime

The written scheme will identify specific monitoring and maintenance regimes that will need to be formulated and carried out on a localised basis. Premises shall be monitored to ensure this regime is being implemented and all results from the monitoring shall be inserted into the site logbook.

Premises shall have competent personnel to carry out the recommended monitoring regimes in-house although water sampling and the tasks requiring engineering skills shall be done by an approved contractor/competent person.

9. Auditing

It is essential that the Appointed Person (Legionella Officer) ensures that both the monthly auditing of all logbooks and the monitoring of all risk assessments is being carried out.

After all Risk Assessments have been completed and the monitoring programme is established, the record shall be continually updated in accordance with the programme for the individual site and all documentation shall be kept in an accessible location for auditing. The Risk Assessment and Logbook will be reviewed annually.

As part of the Council's compliance checks, annual reports will be presented to Executive confirming that the required checks and monitoring systems within Council premises are being carried out. This will only provide assurance that the Council is complying with its statutory responsibilities, but will also demonstrate that the roles of the Responsible Person, Appointed (Legionella Officer) and Nominated Persons are being correctly and effectively undertaken.

10. Premises Logbook

On completion of the risk assessment, a bespoke logbook shall be formatted by the external contractor and delivered to the appropriate Responsible Person, who shall validate the monitoring regime and in conjunction with the Appointed and Nominated Persons put in place arrangements for implementation.

The logbook shall contain

- Full site address
- Name of site contact (managerial)
- Name of risk assessor and the company name
- Name of responsible person for the Council
- Date of assessment
- Schematic drawing of water system, i.e. storage tanks and associated pipework
- Detail of operation, relevant to the controlling the risk
- Controls to be implemented, complete with schedule

Chlorination and Legionella test certificates shall be inserted into the premises' logbook within 28 days of the test being taken and copied to the appropriate 'Responsible Person' (see Appendix 1). A copy of the Risk Assessment shall be given to the Nominated Person as detailed above.

11. Disinfection

Water services shall be disinfected in accordance with BS6700 for any of the following reasons:

- New installations before being taken into use to remove contamination, which may have occurred during construction or installation.
- If a routine inspection shows it necessary.
- If the system or part of it has been substantially altered or entered for maintenance purposes in a manner that may lead to contamination.
- Following an outbreak or suspected outbreak of Legionellosis or any other water borne infection/disease.

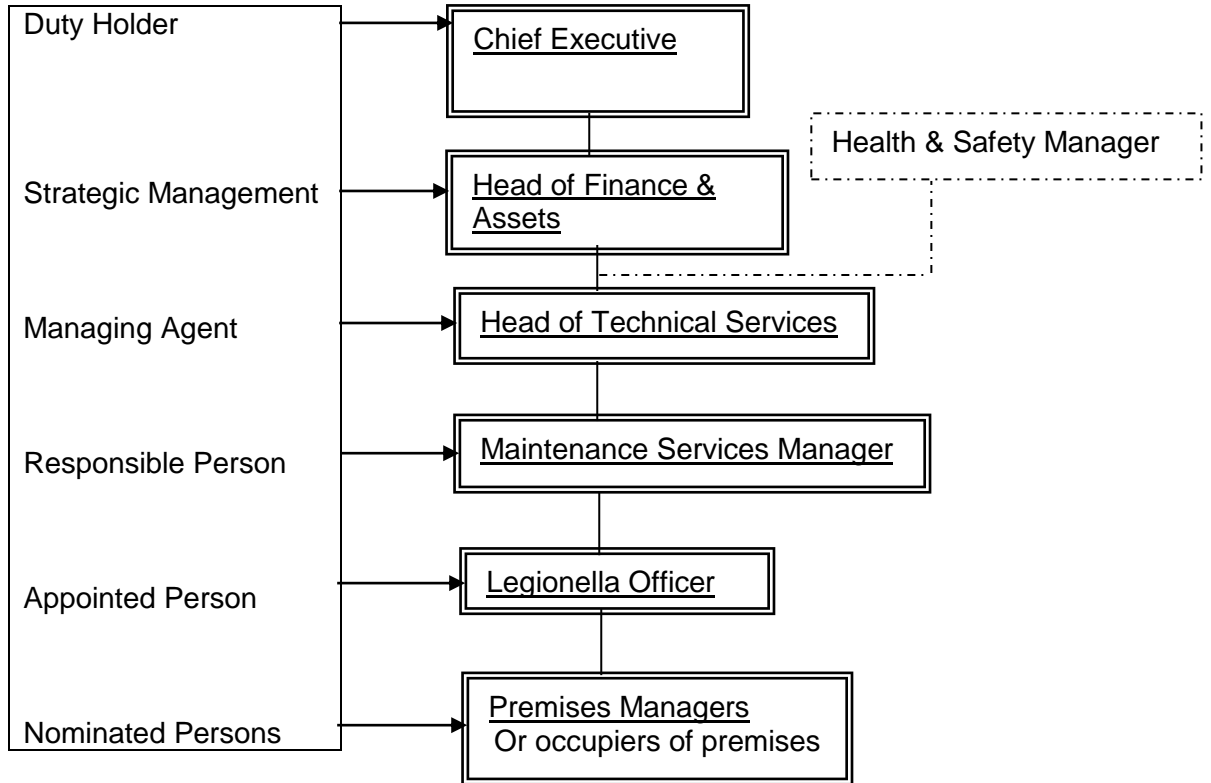
If this task cannot be carried out in-house, an external contractor will be appointed.

12. Action in the Event of a Suspected or Confirmed Case of Legionnaire's Disease

Procedure to be taken if an outbreak is suspected or occurs, or where urgent action is required following routine inspections (e.g. high bacterial counts) is shown at **Appendix 3**.

Appendix 1

Legionella Risk Management Organisation



Appendix 2

Items to be included in the written scheme are as follows:

- a) Plan of plant or system layout (a schematic plan is enough), which should contain:
- The latest up to date copy and parts, which are temporarily out of use.
 - A description of the safe and correction operation of the system.
 - Precautions to be taken.
 - Types and frequency of checks to be carried out to ensure the success of the scheme.
 - What to do if the scheme is found to be deficient.
- b) Details on how to use and/or carry out:
- The physical treatment programme (e.g. how to use temperature control for hot and cold water systems).
 - Chemical treatment programme (including manufacturer's data on effectiveness; the concentrations and contact time required for the substance used).
 - Information on storage, handling, use and disposal of the chemical in use.
 - System control parameters (plus allowable tolerances), physical, chemical and biological parameters, and measurement methods and sampling location, test frequencies and procedures for maintaining consistency.
 - What to do in case the control limits are exceeded, including the channels of communications.
 - Procedures for cleaning and disinfection.
- c) The correct operation of the water system plant should be described so that faults are easier to identify:
- Procedures for commissioning and re-commissioning.
 - Procedures for shutdown.
 - Checks for warning systems and diagnostic systems in case of system malfunction.
 - Maintenance requirements and frequencies.

Appendix 3

Procedure in the event of a suspected or confirmed case of legionnaire's disease

If any outbreak is suspected that may be attributed to the water system within a building, or where urgent action is required following routine inspections, the following course of action must be taken:

Reporting Procedure

If is necessary to put the following reporting procedure into operation and it must be adhered to.

- a) In the event of a Legionella positive water sample or TVC (total viable counts) exceeding the action limit or
- b) Anything untoward being found during a risk assessment, must be notified to:
 1. The appropriate Responsible Person (see Appendix 1)
 2. The appropriate Managing Agent (see Appendix 1)
 3. Health and Safety Manager
 4. In the event of (1 or 3) being unavailable, the message shall be relayed the Environmental Health Unit Manager.

The message shall state:

- a) Water sample positive or nature of defect that requires action.
- b) Address of premises concerned.
- c) Location of water sample taken.
- d) Sero-group of organism isolated.
- e) Bacteria count.

When the issue is identified to the appropriate Responsible Person he/she will engage external expertise to enable all necessary actions required to control the situation in accordance with L8 recommendations:

Note: An 'outbreak' is defined by the Health Protection Agency as two or more confirmed cases of Legionella occurring in the same locality within a six month period. The 'Proper Officer' (appointed by the local authority under public health legislation and a Consultant in Communicable Disease Control) in conjunction with HSE may invoke the following actions in the event of an outbreak:

- Shut down any processes capable of generating and disseminating airborne water droplets and keep shut down until sampling procedures and remedial cleaning or other work has been done and final clearance is given to restart the system.
- Take water samples before any emergency disinfection takes place.
- Seek employee health records.
- Council to fully cooperate in subsequent investigation of any plant, including:
 - Tracing of all pipework runs.
 - Detailed scrutiny of all operational records.

- Statements from plant operatives and managers' statements from water treatment contractors/consultants.

Any infringement of legislation may be subject to formal investigation by the HSE.

The appropriate Responsible Person in conjunction with Appointed and Nominated Persons will:

- Monitor that the appropriate action is being taken.
- Determine whether further advice/assistance is needed.
- Determine whether the incident is reportable to **HSE** and if so ensure that this is done.
- Maintain a record of events and carry out an investigation into the cause.