

Policy Name: Legionella Policy

1. Policy Summary...

- 1.1. This policy sets out how we will manage and control the risk of exposure to Legionella bacteria in our buildings and homes and comply with the duties under the Health and Safety at Work Act 1974, associated legislation and codes of practice pertaining to Legionella. The legislation places a duty on us to ensure that risk from Legionella exposure to employees, customers, visitors and Midland Heart's partners is controlled and managed effectively within its premises.

2. Policy Principles

- 2.1. We are committed in so far as reasonably practicable to ensuring the health, safety and welfare of persons in our buildings and homes by undertaking a robust water hygiene programme.
- 2.2. This policy applies to the following locations:
- Independent Living, Retirement Living, and the Specialist Accommodation property portfolio including registered providers, scheme-based support services and sheltered schemes (including communal areas);
 - Offices including any onsite storage facilities;
 - Leasehold and mutual schemes where we retain responsibility for the water system safety;
 - General Need's properties will be risk assessed using a risk-based approach in accordance with HSG274 Part 2 and in full compliance with ACoP L8;
 - Agency Managed and Leased Properties where Midland Heart retain responsibility for the water system safety
- 2.3. We will meet our statutory duty for legionella control and will follow the Health and Safety Executive's L8 Approved Code of Practice and Guidance - 2013 (L8 ACoP). The recommended procedure of the L8 ACoP includes:
- Identifying and assessing the sources of risk;
 - Preparing a written control scheme (course of action) to prevent or control the risk;
 - Implementing and managing the scheme – appointing a person to be managerially responsible, often referred to as the 'responsible person';
 - Maintaining records and checking that what is done is effective;
 - Providing training for persons with delegated responsibilities.
- 2.4. Accept responsibility when things go wrong.
- 2.5. Put things right quickly.

3. It applies to

- 3.1. The policy applies to all Midland Heart Tenants and Residents. A tenant or resident is anyone who receives or requests a service from us or who is affected by our water hygiene activities.

3.2. This includes employees, members of the public and contractors working on our behalf within our buildings and homes.

4. Definitions

4.1. **Legionella:** Legionella bacteria are common and are found naturally in environmental water sources like rivers, usually in low numbers. Legionella bacteria may also enter purpose-built water systems such as hot and cold-water storage and distribution systems.

4.2. **Legionnaires' disease:** A potentially fatal and permanently debilitating form of pneumonia which can affect anybody, but principally affects those who are susceptible due to age, illness and/or immunosuppression. The collective term used to cover the group of diseases caused by legionella bacteria is Legionellosis which include Legionnaires' disease, Pontiac fever and Lochgoilhead fever.

4.3. **Responsible Person:** The responsible person should have sufficient authority, competence and knowledge, to ensure that all operational procedures are carried out in a timely and effective manner. The responsible person should have a clear understanding of their duties and the overall health and safety management structure and policy in the organisation.

4.4. **Local Responsible Person:** The local responsible person who manages the building. They will have awareness and knowledge of our requirements to undertake water hygiene activities in our buildings. The local responsible person should have a clear understanding of their duties and the overall health and safety management structure and policy in the organisation.

4.5. **Specialist Contractor:** A Contractor recognised by the Duty Holder as having sufficient technical knowledge and experience to enable them to carry out the works for which they are engaged. Appointed Contractors assessing legionella risks, recommending appropriate control measures and supporting the development of Written Control Schemes should be independent of those carrying out remedial actions, and water temperature and water quality monitoring. All Contractors should be suitably informed, instructed and trained. The level of competency required is dependent on the needs of the situation and the nature of the risks involved.

4.6. **Duty Holder:** The Duty Holder, the person(s) with overall responsibility for Midland Heart premises and must appoint someone competent to ensure that Midland Heart complies with its health and safety duties to take responsibility for managing the risks.

4.7. **TMV (Thermostatic mixer valve):** A mechanical device that controls the temperatures of water at an outlet (i.e., tap, shower) by mixing hot and cold water to achieve a maximum specified temperature (e.g., 41°C at a wash basin or shower, and 44°C at a bath) and is recognised on the NSF certificate.

5. Accessibility and Awareness

- 5.1. Concerns and complaints regarding our water hygiene activities can be received through any of our communication channels. This includes to any member of staff, via phone, email and social media. Where concerns are received through social media to maintain privacy and confidentiality, we will respond via private message.
- 5.2. Concerns can be received on behalf of tenants or residents through other agencies e.g. advocates or support agencies. In these cases, we will need written consent from the tenant or resident to discuss the complaint with their representative in line with our Data Protection Policy and Procedure and our GDPR 2018 requirements.
- 5.3. Where a Councillor or MP makes an enquiry on behalf of a tenant or resident, they will not be required to provide written consent as they are elected representatives. These will be treated as MP or Councillor enquiries and the usual complaints process will apply.
- 5.4. We will promote the ways in which a concern or complaint can be made through all of our main communication channels, this includes our website, social media, posters, leaflets, letters, and phone calls.

6. Reasonable Adjustment and Support

- 6.1. We communicate with our tenants and residents advising when we need to gain access to their homes to carry out important water hygiene activities and TMV servicing. Although this is by written correspondence, we understand that some of our tenants and residents may require communication by other means. Where we have been advised of this, your preferred methods will be utilised.
- 6.2. We understand that some tenants and residents may have difficulty allowing access during working hours for us to undertake our water hygiene activities in their homes. As such we will endeavour to make reasonable adjustments, to ensure our specialist contractor is flexible in their working patterns to facilitate your availability.
- 6.3. In the absence of known reasonable adjustments being required we will discuss the requirements with the person concerned and seek to reach agreement on what may be reasonable in the circumstances.
- 6.4. In the majority of cases, we will be able to agree and deliver the required reasonable adjustment with a minimum of delay. In some cases, we may need to consider in more detail how best to overcome the difficulty or seek advice from expert organisations that can assist with signposting and other forms of support.
- 6.5. There may be occasions where there is good reason to apply discretion when decision making. We will always consider the individual circumstances of the individual involved when making our decisions.

7. Legionnaires Disease Confirmation

- 7.1. Water Hygiene is managed via the Building Safety Team.
- 7.2. The key contacts on a Legionella outbreak or confirmation of positive legionnaires' disease case are as follows **in all circumstances**:

Title	Role
Director of Building Safety	First point of contact
Head of Building Safety Compliance	Second point of contact
Contract Manager (Compliance)	Third point of contact
Head of Safety & Facilities	Fourth point of contact
Group Health and Safety Assurance Manager	Fifth point of contact

- 7.3. All reports received of legionella bacteria through planned maintenance activities will be immediately escalated to all of the contacts listed in (7.2) and the appointed Water Hygiene Specialist Contractor.
- 7.4. In the event that notification is received for a suspected or confirmed case(s) of Legionnaire's Disease and it appears likely to be attributed to a water system within a home or building we will take prompt action.
- 7.5. We will notify the local responsible person and work with them to co-ordinate works to rectify the issue. They will contact those customers or residents affected.

8. Related Law & Regulations....

Legislation/Regulation	Relevance to This Policy
HSE's Approved Code of Practice L8 - The control of legionella bacteria in water systems - 2013	ACOP L8 for short, gives practical advice on Legionella control and how to comply with the law. It is the eighth edition and was published in 2013
Health & Safety in Care Homes – HSG220	This guidance is intended to help those providing and managing care homes to give them a better understanding of the risks and how to manage them effectively.
HSG274 Technical Guidance Part 1, 2 & 3	The HSE HSG274 "Legionnaire's disease: Technical guidance" is a document that provides technical advice and guidance on

	<p>controlling Legionella bacteria in water systems.</p> <p>Part 1: The control of legionella bacteria in evaporative cooling systems</p> <p>Part 2: The control of legionella bacteria in hot and cold water systems</p> <p>Part 3: The control of legionella bacteria in other risk systems</p>
BS 8580-1:2019 – Water quality - risk assessments for legionella control – Code of practice	This acts as a code of practice and provides recommendations and guidance on the assessment of the risk of Legionnaires’ disease from man-made water systems. The standard, originally published in 2010 has been updated to align it with the Health and Safety Executives ACOP L8 and other guidance documents such as HSG 274.
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.
PD 855468:2015	Guide to the flushing and disinfection of services supplying water for domestic use within buildings and their curtilages.
Social Housing (Regulation) Act 2023	This policy should be read to include Awaab’s Law and other relevant measures in the Act.

9. This policy links to the following internal literature:

- Legionella Procedure
- Health & Safety Policy
- Risk Management Policy
- Accident & Near Miss Reporting Guidance
- Management of Contractors Guidance
- Contract Management Framework
- Water Hygiene Guidance for Local responsible person
- Hot Water and Hot Surfaces Policy and Procedure
- Awaab’s Law and related procedures

Policy Document Control

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Version Number: V2.0 (Post Retirement Living Plus transfer)

Customer Insight (if applicable): *Tenant Involvement into this policy and associated changes has been obtained through tenant involvement *what can I add here?* **Some policies will be reviewed by our involved tenants, I'm not sure which.***

Approved By/Date Approved: 7 October 2024

Next Review Date: October 2025