

Corporate Health and Safety Policy

Part C - Section 31

Prevention and Control of Legionella

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Safe Working Procedure (SWP)

Document Tracker:			
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V1	New arrangement	2002	Peter Dempsey
V2	Changes to Barnet Council structure	2012	John Kempster
V3	Changes to guidance and management arrangements	2017	Mike Koumi

1. PURPOSE

This document has been developed to assist the council in implementing the requirements detailed in the HSE Approved Code of Practice and Guidance L8, “*Legionnaires’ disease: The control of legionella bacteria in water systems*” and in complying with the Control of Substances Hazardous to Health Regulations (COSHH).

The document outlines the general requirements for managing legionella, where the council has duty holder responsibilities; for example in premises managed, occupied or leased by the council and where the council is the employer, e.g. community schools.

In addition, this document clarifies Capita’s role, as appointed Managing Agent, through Capita Services Group [CSG] Estates overseeing of Water Hygiene service delivery on designated properties within scope, and which services form part of the Contract between Capita and the Council, along with the Capita Safety Health and Wellbeing Service [SHaW] team, who provide the auditing and monitoring on the quality of these water hygiene services, including training, also delivered on behalf of the Council.

2. LEGIONNAIRES DISEASE

2.1 What is it?

Legionnaires' disease is a type of pneumonia named after an outbreak of the illness that affected a meeting of the American Legion in 1976. The disease is caused by inhalation of small droplets of contaminated water suspended in the air. Legionnaires' disease can affect anyone who becomes exposed but principally affects those who are susceptible such as persons over 45, heavy smokers/heavy drinkers, persons suffering chronic illness or those with impaired immune systems.

If conditions are favourable the bacterium may grow creating conditions in which the risk from Legionnaires' disease is increased. It is therefore important to control the risks by introducing measures outlined in this document and the [Approved Code of Practice & guidance document L8](#).

2.2 How do people get it?

The bacterium ‘Legionella Pneumophila’ and related bacteria are widespread in nature. They are mainly in water sources such as rivers and lakes and usually in low numbers and people rarely contract the disease from these sources. The bacteria is also found in purpose built water systems and outbreaks occur where temperatures are warm enough to allow significant growth of the bacteria, for example in air conditioning cooling towers, evaporative condensers, whirlpool

spas and sometimes hot and cold water supplies in buildings.

Legionnaires' disease is normally contracted by inhaling small droplets of water (aerosols), suspended in the air, containing the bacteria. Most people exposed to Legionella do not become ill, and Legionnaires' disease **does not** spread from person to person.

Certain conditions increase the risk from legionella:

- a suitable temperature for growth, 20 to 45°C (at temperatures above 37°C the rate of multiplication increases, but ceases at 46°C. Below 37°C, it decreases and becomes insignificant below 20°C);
- a source of nutrients for the organism, e.g. sludge, scale, rust, algae, and other organic matter;
- the level of stagnation of water in the system;
- a way of creating and spreading breathable droplets, i.e. the aerosol created by a cooling tower or spa pool

In general outbreaks in the UK have been linked to cooling towers or evaporative condensers, as part of industrial cooling systems and air-conditioning systems, which can spread droplets of water over a wide area. Water systems in buildings without these higher risk systems can still pose a potential for legionella growth. This risk is much lower than that associated with water cooled or humidified air management systems but legionella colonies can still develop in traditional hot and cold water systems such as those used in almost all premises.

2.3 What are the symptoms?

The symptoms of Legionnaires' disease are similar to those of flu (high temperature, fever and chills; cough; muscle pains; and headache)

In severe cases there may also be pneumonia, and occasionally diarrhoea and signs of mental confusion.

3. RESPONSIBILITIES

The Approved Code of Practice (L8) defines 'Duty Holders' as employers, and those with responsibilities for the control of premises; such as landlords, tenants and through delegated responsibilities, such as Managing Agents. In some cases there will be a shared duty, such as in community schools where the council employs the school's staff and owns the school's estate, but where the management of the school and financial resources rests with the headteacher and school governing body.

The following is a list of key roles, and an overview of their responsibilities, in fulfilling the prevention and control of Legionella.

3.1 Chief Executive

The Chief Executive has been delegated as the 'Duty Holder' on behalf of the council and as such will ensure that all reasonably practicable steps are taken to protect any person likely to be affected from exposure to harmful legionella bacteria in water systems by:

- Providing the necessary resources for the successful implementation of these arrangements
- Delegating the performance of this duty through the council's management structure and contractual arrangements, while retaining the responsibility under the legislation
- Ensuring an appropriate level of monitoring and review for the effectiveness of these arrangements are in place via the Strategic Commissioning Board, Workforce Board and the health and safety committee structure

NOTE: In Community Schools the council remains the employer although governing bodies and head teachers are viewed as the 'Duty Holders'. The Chief Executive has the duty to ensure: the setting of standards for the management of exposure to Legionella; the effective delegation of duties to head teachers and governing bodies; that arrangements exist to monitor compliance with those standards and duties.

3.2 Director of Estates, Customer and Support Group (CSG Estates)

The Chief Executive has delegated corporate Legionella management functions to the appointed Managing Agent, CSG, and their Director of Estates, and, as such, the Chief Executive will ensure the necessary funding is available to enable them to carry out these functions. The Director of Estates is responsible for ensuring suitable corporate systems and controls exist for the management of the risk of harmful Legionella exposure where the council is the duty holder, in particular:

- The identification and recording of all water systems in the councils operational premises, or where the council has a duty of care
- Ensuring that risk assessments have been carried out by competent person/s and are regularly reviewed
- Where the risk of harm cannot be eliminated at source, ensure that suitable written risk control schemes are in place and maintained. This is supported further by ensuring a suitably trained responsible person is appointed at each location.

- Where the council do not have direct control but remain the employer or landlord, that suitable arrangements for controlling harmful Legionella exposure are in place and the responsibility for managing Legionella is effectively delegated and clear to all parties concerned.
- That arrangements are in place for the recording and regular monitoring of risk assessments and any arising remedial actions or controls, across the councils operational estate

The Director of Estates will appoint a suitably competent person, defined in L8, from within their service as the corporate '**Legionella Responsible Person (LRP)**'. The Director of Estates will ensure that any member of staff designated to carry out this role, have sufficient authority, competence and knowledge of water systems.

The Director of Estates will ensure the appointment of competent persons or contractors to carry out and review water services risk assessments, prepare written risk control schemes, carry out testing and treatment of water systems and complete any remedial action required; where the council is the duty holder.

The Director of Estates will provide the Chief Executive and officers of the council with competent legionella help and advice through the CSG Building Services team.

3.3 Corporate 'Legionella Responsible Person (LRP)' (CSG Estates)

The CSG Director of Estates, has delegated the corporate 'Legionella Responsible Person' to the Building Services team within CSG Estates. They have the delegated responsibility for ensuring suitable and sufficient arrangements exist for the management of legionella throughout the council's operational estate (including community schools) and for the 'non-operational estate, where the council retains duty holder or liability, and where the responsibility for water hygiene services is delegated to CSG Estates. This delegation of properties is subject to change control.

Where help and advice is drawn from outside the organisation, all reasonable steps will be taken to ensure the competence of those not directly under their control.

The LRP will ensure systems and controls are in place for:

- The carrying out of risk assessments, to identify the risk of exposure to harmful legionella bacteria, from work activities or water systems;
- The redesign and modification of systems, that present a foreseeable risk of harmful exposure to legionella bacteria;
- Ensuring copies of legionella risk assessments and written risk control schemes are readily accessible to all relevant parties;

- Ensuring there is a regular review of risk assessments; dependant on risk, or where there is reason to believe it is no longer valid for example following changes to the water system;
- The management of identified risks that are unpreventable through written risk control schemes;
- Ensuring this established procedure is brought to the attention of all persons affected by it.
- Ensuring copies of the legionella service log book are produced and kept up to date both locally and centrally and that relevant staff and, where relevant, contractors have access to them, via the site responsible person.
- The correct delegation of duties to other persons who may have responsibility for the day to day control of identified risk and that they have sufficient authority, competence and knowledge of the water system,
- Ensuring a Legionella monitoring regime is implemented upon completion of the L8 Risk Assessment.

The LRP will also:

- provide support, guidance and advice to premises manager's/premises responsible persons and other council officers when required;
- respond to emergency situations involving the identification of legionella in the water, legionella outbreak and facilitate plans to manage the situation and minimise the risk of exposure;
- report to Head of Safety, Health and Wellbeing any incidences of identification of legionella in the water and or, Legionella outbreak

It is necessary for the Legionella Responsible Person to appoint a '**Deputy Legionella Responsible Person**' who will adopt the responsibilities of the LRP in their absence and with whom they can liaise to ensure the obligations under L8 is implemented. All managers or occupiers of council owned/leased premises are obliged to co-operate with the LRP and their deputy to ensure the duties placed upon the council to control the risks of legionella can be fulfilled.

3.4 Directors

Directors will support the Chief Executive by ensuring that this arrangement is implemented and, for any water systems within their control, that local systems for legionella management are in place.

They have responsibilities for ensuring the following with regards to the premises and services under their control:

- All premises have a Premises Manager and that the named individuals have access to and complete the training provided to support that role
- A programme of formal legionella risk assessments have been undertaken and, where necessary, written schemes established for the management of water systems across the premises under their control; in conjunction with the LRP
- Any actions arising from the legionella risk assessments are formally addressed; taking advice as necessary from the LRP
- Copies of the legionella risk assessment are up to date and readily accessible to relevant parties
- They support the premises manager by ensuring non-compliance issues are promptly addressed by the LRP
- Prompt reporting to the LRP and Head of Safety Health and Wellbeing of any incidences of legionella being identified in the water or any suspected legionella outbreak.
- A programme of formal legionella monitoring, in line with the risk assessments recommendations, have been undertaken, in conjunction with the LRP
- Any actions arising from the legionella monitoring are formally addressed, taking advice as necessary from the LRP
- Copies of the legionella monitoring regimes are up to date and readily accessible to relevant parties

3.5 Community Schools

Governing bodies are responsible for ensuring that the council's health and safety standards and policies are applied, that a suitable system for the management of legionella is in place and for providing the necessary resources for the successful control of legionella.

In community schools the person with the delegated "Duty Holder" responsibilities is the Headteacher. They are responsible for ensuring they have an appointed Legionella Responsible Person – [LRP], and all reasonably practicable steps are taken to protect any person likely to be affected from exposure to legionella bacteria in water systems by:

- Ensuring the school has a premises manager and that the named individuals has access to and completes the training provided to support that role
- A legionella risk assessment has been undertaken, by a competent person, for water systems identified within the school

- A written control scheme is established for the control of any risk identified
- Any actions arising from the legionella risk assessment are formally addressed; taking advice as necessary from the LRP
- Copies of the legionella risk assessment are up to date and readily accessible to relevant parties
- A programme of formal legionella monitoring, in line with the risk assessments recommendations, have been undertaken, in conjunction with the head teacher
- Any actions arising from the legionella monitoring are formally addressed, taking advice as necessary from the LRP
- Copies of the legionella monitoring regimes are up to date and readily accessible to relevant parties
- Support the premises responsible person by ensuring non-compliance issues are immediately addressed
- Reporting to the LRP and Head of Safety Health and Wellbeing any incidences of legionella being identified in the water or Legionella outbreak and ensuring emergency arrangements are in place
- Provide copies of legionella risk assessments and associated control information to the LRP, to enable monitoring of compliance.

The Headteacher will ensure the appointment of competent persons or contractors to carry out and review legionella risk assessments and, if required: prepare written risk control schemes; carry out testing and treatment of water systems; complete any remedial action required.

3.6 Premises Manager / Responsible Person

Premises managers, or persons appointed as responsible for legionella management, are delegated the duty to monitor the implementation of the legionella management system for the premises. Premises Managers with this delegated responsibility are to attend legionella awareness training every 3 years

The role is two-fold - firstly to directly assist the LRP to implement the written control scheme; through regular monitoring and through the supervision of those involved in operational procedures such as tap turning. Secondly, to maintain appropriate records, including details of:

- the person(s) responsible for conducting the risk assessment, implementing and managing the written control scheme;
- the 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;

- record any regular control actions carried out by staff, e.g. weekly running of taps;
- the corrective action taken to ensure the water system complies with L8 and BS 8580;
- recording all relevant details in the Water Service Log Book or electronic equivalent

These records should be retained during and until the next assessment is conducted when the records will be updated. In all cases records kept in accordance with inspections, tests or checks should be retained for at least five years.

3.7 Head of Safety, Health & Wellbeing

The Head of Safety, Health and Wellbeing sets council policy for the control of legionella as well as acting as the council's statutory health and safety advisor, and is responsible for :

- setting the councils health and safety policy and strategy
- regular reporting to the Chief Executive and Strategic Commissioning Board on how the duties relating to legionella are being met including any significant risks;
- advising on the health and safety framework for the management of compliance for all council property;
- monitoring compliance with this arrangement;
- take immediate action, on behalf of the Chief Executive, to stop work activities where there is an imminent risk to health or significant breach of statutory duty

3.8 Safety Health and Wellbeing Service [ShaW - CSG]

The CSG SHaW service provides legionella advice, training, incident support, and will monitor compliance with legislation, and ensure these arrangements as appropriate.

- Provide an effective advisory service to stakeholders on all matters relating to health and safety, including legionella.
- Facilitate the undertaking of legionella duty holder training for employees.
- Advise all stakeholders on any legislative changes affecting the management of legionella.
- Ensure legionella management performance, and compliance with these policy arrangements is assessed when carrying out H&S audits; significant findings are communicated to the Legionella Co-ordinator and Head of SHaW in CSG.

3.8 Head of Estates (CSG Estates)

The Head of Estates is the SRO for the CSG Estates service and as such will monitor the delivery of the service to ensure that the requirements of the contract, including the output specification and performance targets are met.

The Head of Estates will ensure that suitable arrangements are in place for the repair and maintenance, including premises compliance, of the council's operational estate and where the council is the duty holder or has liability.

3.9 Property Services (CSG Estates)

The council have appointed CSG Estates, Property Services, to manage a defined list of property assets. They are in general, responsible for council properties or land that are subject to either a commercial or community lease, or agreement. As a representative of the council they have a duty to ensure, so far as reasonably practicable, that the detail of all significant risks are shared with the tenant and vice-versa and that the tenant is fully informed of the requirements of the lease including who is the duty holder.

They shall:

- as practicable, ensure and record that the 'Council Standard Lease Terms' and any other additional leasehold arrangements have been adopted by the tenant;
- together with the CSG Estates Building Services team, implement a risk based system for the periodic monitoring of the tenant to ensure compliance with the health and safety requirements under the terms of the lease or agreement;

Safe Working Procedure Legionella

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A OUTLINE OF REQUIREMENTS

A.1 Introduction

The Council will manage the risk from Legionella by:

- i) the appointment of a competent person i.e. 'Legionella Responsible Person' to lead in ensuring the management of Legionella throughout the council;
- ii) ensuring risk assessments are carried out to identify and assess the risk of exposure to Legionella from work activities and water systems and to put in place any necessary precautions;
- iii) having systems in place to identify any actions that arise as a result of the risk assessment and management of the water system, that persons are appointed to carry out the actions and that the actions have been completed;
- iv) ensuring that premise managers/premises responsible persons receive appropriate training with regard to the management of Legionella
- v) ensuring that each approved contractor is independent of each other to avoid conflict of interest;
- vi) appointing SSIP approved and UKAS accredited competent contractors to: -
 - carry out and regularly review Legionella risk assessments in accordance with HSG274 and BS 8580;
 - prepare a site specific scheme of works to manage any identified risk from the water system to and satisfy the requirements of L8 and HSG274;
 - ensure that a schematic drawings or plan of the water system specific to each location forms part of the wslb and satisfies the requirements of L8 and HSG274;
 - carry out regular analysis of water samples as detailed in the scheme of works;
 - provide written instruction to the premise manager/premises responsible person on local issues such as the frequency of running seldom used outlets and the maintenance of records;
 - provide the premises with a water service log book (wslb) in which all relevant documentation is recorded and kept up to date

A.2 Assessing the Risk

The specific requirements of the risk assessment can be found in the HSE publication "[*HSG274, Parts 1, 2 and 3*](#)" and "*BS 8580*"

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 decide:

- ✓ the risk to health, i.e. whether the potential for harm to health from exposure is reasonably foreseeable unless adequate precautionary measures are taken, and;
- ✓ the necessary measures to prevent, or adequately control, the risk from exposure to Legionella bacteria

The risk assessment enables the 'Duty Holder' to show that all relevant factors, and the steps needed to prevent or control the risk, have been considered.

The risk assessment will provide information for the production of the documented action plan of maintenance work required; the written scheme; the monitoring programme and logbook requirements.

The extent of specialist knowledge and expertise required to carry out this initial and on-going assessments will be an approved contractor with the advice from the Legionella Responsible Person. They will ensure the external organisation has the requisite knowledge, expertise and competency in accordance with the Approved Code of Practice (L8) and will liaise between the various services and the contractor(s) appointed.

A.3 Written Scheme

Where the premise risk assessment identifies there is a reasonably foreseeable risk, steps must be taken to mitigate this risk so far as is reasonably practicable. When all the risks cannot be eliminated there must be a written scheme for controlling the risk, details of the types of control can be found in *L8* and *HSG274, Parts 1, 2 and 3*

The written scheme will contain as a minimum:

- ✓ the system, e.g. a schematic diagram;
- ✓ the person/s responsible for ensuring the assessment is carried out and for managing its implementation;
- ✓ the safe and correct operation of the system;
- ✓ what control methods and other precautions will be used;
- ✓ what checks will be carried out, and how often will they be carried out, to ensure the controls remain effective;

The Legionella Responsible Person is responsible for ensuring that any remedial works required is completed and will either require this work to be carried out by the approved contractor or via the 'premises manager/premises responsible person. This will ensure the implementation and monitoring of the control

measures is in strict compliance with maintenance programmes and timescales stipulated in the written scheme.

Where remedial works are not undertaken/approved, the LRP will ensure this is formally notified to the required timescales, in order to ensure the risk is effectively managed.

A.4 Training and Qualifications

It is a function of the Legionella Responsible Person to ensure that they, and those who are appointed to carry out any activity to control Legionella risk, are suitably trained and competent to perform those functions.

The premise manager/premises responsible person shall be suitably trained. The Head of SHaW will ensure that suitable training is available and undertaken and the 'Legionella Responsible Person' will monitor that this training has been completed. Training must ensure employees are competent to an adequate standard of basic awareness relating to water quality and Legionnaires disease and a clear understanding of any functions the written scheme requires them to carry out. *Contact the CSG SHaW team on 020 8359 7955 for information about available courses.*

The Legionella Responsible Person must ensure that the external organisation/s contracted to undertake the risk assessments and on-going monitoring are competent and able to carry out their duties in a safe and proper manner.

A.5 Monitoring Regime

The written Legionella Control Scheme will identify specific monitoring and maintenance regimes that need to be formulated and carried out on a localised basis. All premises will be monitored to ensure this regime is being implemented and all results from the monitoring must be entered into the site logbook.

The premise manager/premises responsible person will be competent to carry out the recommended monitoring of the contractor. Temperature checks, water sampling, chemical treatment and the tasks requiring technical knowledge will be undertaken by an approved contractor/competent person.

A.6 Premise Water Service Logbook

On completion of the risk assessment, a building specific logbook will be formatted and delivered to the premise manager. The Legionella Responsible Person will validate the monitoring regime and in conjunction with the premise manager and appropriate contractor put in place arrangements for its implementation.

A.7 Confirmed or Suspected Case of Legionnaire's Disease.

The details of action to be taken if an outbreak is suspected or occurs, or where urgent action is required following routine inspections, is shown at **Part B** below.

A.8 Reporting of Outbreaks

The Head of Safety, Health and Wellbeing and the Councils Emergency Planning Officer must be immediately informed of any outbreak of Legionnaires Disease. Under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR), doctors will notify employers of cases Legionellosis if the current job of the employee concerned exposes them to an increased risk of exposure. These cases must be reported to the Health and Safety Executive (HSE). Please refer to the arrangement on accident and incident reporting, Section 4 in the Corporate Health and Safety Policy.

B CONTROLS AND RECORDS

B.1 Weekly Flushing

Where weekly flushing of rarely used outlets is identified options to remove such outlets should be explored by the LRP and Premise Manager if feasible e.g. removal of fire hose reels, bib taps and dead legs.

However, if these rarely used outlets remain in situ then it is the Premise Managers responsibility to designate a member of staff to become the "Appointed Person" (known locally as the tap turner)" to ensure that a weekly flushing regime of rarely used outlets is completed with records maintained on site.

The tap turner should carryout flushing of **all** water sources in the premises following any periods of closure of more than a week before any other staff or person return to the building, with records maintained on site.

The tap turner is to work under the direction of the Premise Manager, this will involve the monitoring of flushing records to compliment the contractors control measures, they must ensure that all records are maintained for the audit trail.

The tap turner is to attend legionella awareness training every 3 years

B.2 Management of Addition Features

i) Drinking water fountains

Legislation requires that an adequate supply of wholesome drinking water shall be provided in the workplace for all persons at work.

Where the supply of drinking water is in the form of a jet, the fountain must be regularly cleaned, inspected and maintained. The water fountain should be included as part of the managing water programme.

ii) **External sprinklers and portable tanks**

Fine droplets, that may be inhaled, can be formed at showers, by spray fittings on taps, hose-pipe sprays. While in the general the risks are managed for premises there is a risk from the use of external taps, hose pipes and portable tanks.

To reduce the risk of infection there are a number of things that can be done:

- ✓ Ensure all external taps are flushed through at least once a week.
- ✓ Clean and de-scale external taps and shower heads on hose pipes monthly.
- ✓ Consider removing spray fittings on taps/hose pipes if you are having difficulty keeping them clean and free from scale.
- ✓ It is recommended that any flexible connection hoses to taps are of a standard accredited under the Water Regulations Advisory Scheme. Seek the advice of a plumber if you are not sure.
- ✓ Drain hosepipes after use.
- ✓ Ornamental features such as fountains should be kept clean.
- ✓ Always flush water through external taps or hose pipes for 2-3 minutes without creating a spray.

Standing water is a health risk and any container which has held or does contain water, especially spray bottles, could cause risk of legionnaires' and other diseases. Always clean spray guns, bottles and pumps thoroughly before use and empty and air dry well, before putting away for the winter. Never leave containers sitting full of water for long periods of time. Avoid contact with any water that has stood for long periods. Use domestic tap water to fill spray bottles.

B.4 Record Keeping

The types of records to be kept include:

- ✓ Details of who is responsible for carrying out 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 (must include details of the state of operation of the system, i.e. in use/not in use)
- ✓ The length of time that those records should be kept for is as long as they remain current, and for at least two years after that period

Results of the monitoring, test or check must be kept for at least five years. It is also essential that communication channels are established so that everyone knows what to do and how to do it.

Records for water system management are checklists of records you need to keep to ensure and demonstrate that the risks from the water system are adequately controlled

Frequent sampling of water by a competent person

- ✓ Staff training in personal precautions where necessary, e.g. use of personal protective equipment, and procedures for handling samples
- ✓ Regular monitoring of results of samples and procedures adopted by water treatment companies
- ✓ Ensuring that the system is operating correctly and is properly maintained
- ✓ Keeping the written scheme for exposure control up to date

B.5 Records

Checklist

- ✓ Plan of the water system
- ✓ Simple description of the elements of the water system or systems e.g. drinking water, cold water, hot water, air conditioning
- ✓ Risk assessment

System operation - guide to day-to-day management

- ✓ Maintenance guide
- ✓ Inspection, checking and testing arrangements
- ✓ Records kept for:
 - Water treatment programme
 - Water temperature checks
 - Inspections and tests
 - Test results and actions taken
 - Cleaning and disinfection programme and actions
 - Any other relevant information

C ACTION IN THE EVENT OF A CONFIRMED OR SUSPECTED OUTBREAK

A local contingency plan for shutting down water systems, where practicable, must be drawn up for use in the case of an outbreak!

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

C.1 Reporting Procedure

A local reporting procedure must be in operation in the event of either a positive water sample, Legionella or TVC (Total Viable Counts) exceeding the action limit or anything untoward being found during a risk assessment

Then the approved contractor or person carrying out the checks must immediately inform:

- | | |
|---|----------------------|
| 1. Premises Manager / Responsible Persons | See Appendix B |
| 2. Legionella Responsible Person | 020 8359 4563 |
| 3. Head of Estates | 020 8359 2987 |
| 4. Head of SHaW | 020 8359 7960 |
| 5. CSG SHaW | 020 8359 7955 |

In the event of (1, 2, 3 and 4) being unavailable, the message must be immediately relayed to the Director responsible for that premise

The message will state:

- ✓ Water sample positive or nature of defect that requires action
- ✓ Address of premises concerned
- ✓ Location of water sample taken
- ✓ Sero-group of organism isolated
- ✓ Bacteria count
- ✓ Action taken or remedial advice

When the issue is identified to the Legionella Responsible Person they will ensure all necessary actions required to control the situation in accordance with L8 recommendations are implemented

The Health and Safety Executive 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 co-operate in subsequent investigation of any plant, including;
 - tracing of all pipe work runs
 - detailed scrutiny of all operational records
 - 15 -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 Responsible Person in conjunction with their deputy and the Premises Manager 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 via the SHaW Team
- ✓ Maintain a record of events and carry out an investigation into the cause.

D. CONTRACTS

D.1 General Duties

For work carried out on council premises, the council has a duty to ensure that its employees have a safe place of work. In order to fulfil this requirement the commissioning officer must take steps to ensure that the contractor;

- is competent to carry out the work safely
- has included the necessary safety measures to protect occupants of the premises in planning and costing the work

The Management of Health and Safety at Work Regulations requires two or more employers on the same premises to co-operate, co-ordinate and communicate their activities to ensure that contractors brought onto the premises are provided with information on risks to health and safety on the premises and measures taken by the host to control the risks.

- ✓ ensure so far as is reasonably practicable that the contractor is provided with sufficient information to work safely
- ✓ ensure that the contractor clearly specifies the precautions, which will be taken to control risks
- ✓ agree the required precautions with the contractor
- ✓ monitor the work of the contractor to ensure that safeguards are properly managed and remain effective

The council also has a duty to ensure that employees of contractors are not endangered by the way council staff carry out their own work. This duty will require the Commissioning/Supervising Officer to provide information to the contractor on such matters as;

- ✓ emergency procedures in the premises
- ✓ hazardous processes in the areas of works, such as fumes or dusts emitted in the work area
- ✓ movement of people, plant or transport which could affect the Contractor's operatives

The Commissioning Officer may need to consider stopping processes or removing materials from the work area before the contractor starts.

The legal duty imposed on the council includes the cleaning, repair and maintenance of plant, machinery and building, whether such work is carried out by council employees or independent contractors. This duty can extend to protecting members of the public or employees of other organisations, including contractors' staff, who may be affected by the contractors' activities on behalf of the council.

A similar duty relates to the safety of premises, although in some cases "control" of the premises may be the responsibility of others, (if premises are leased or shared). Matters which need to be drawn to the contractor's attention to meet this duty include;

- ✓ the location of any services
- ✓ any hazardous materials in the premises such as asbestos insulation
- ✓ contaminated ground
- ✓ fragile roof material, etc.

In addition, Commissioning Officers and Premises Managers may need to co-ordinate the activities of several contractors on the premises to ensure they do not affect each other's health and safety.

D. 2 Approved contractors - Legionella

Only approved contractors will be employed to undertake the risk assessment, management and analysis of water systems/service to minimise the risk of Legionella. In addition, the Legionella contractors must have their safety policy pass a CHAS assessment within the previous three years to become listed on LBB Approved Contractor Register. Such Service Providers should abide by the Legionella Control Association [Code of Conduct](#) and issue a valid certificate of Registration.

The contractors **MUST** be independent of each other in order to avoid any future conflict. Asbestos contractors are also required to submit the following documentation for assessment:

- i) Legionella Risk Assessment
 - A declaration outlining the contractor's experience with regard to carrying out Legionella risk assessment plus two references from previous jobs.
 - The person appointed to carry out the risk assessment should be able to demonstrate that they have specialist knowledge of *Legionella* bacteria, relevant experience of water treatment and the water system(s) to be assessed, and are competent to carry out any necessary surveys, measurements and sampling (see *Clause 7 BS 8580*). For example competence can be demonstrated by CV indicating the assessor's experience and qualifications (Qualified to British Institute of Occupational Hygiene BOHS P901 Legionella Management or equivalent). A complex site might require input from more than one assessor of different expertise.
 - A Method Statement for the works.
- ii) Water Management Service
 - A declaration outlining the contractor's experience with regard to the management of water systems plus two references from previous jobs.
 - Evidence of the contractor mechanisms for ensuring staff are suitably competent.
 - A Method Statement for the works
- iii) Analysis Laboratories
 - A declaration outlining the contractor's experience with regard to carrying out Legionella risk assessment plus two references from previous jobs.
 - Accreditation by the UK Accreditation Service (UKAS).
 - A Method Statement for the works.

The contractors are procured by the Council and annual reviews are undertaken within the term of the contract by QHSE. Proposed contractors will be subject to assessment or validity of submitted documentation.

The SHaW Team will carry out the CHAS assessment of Legionella/water management contractors. Assessment of performance prior to, during and after the works will be carried out by the Legionella Responsible Person or appointed deputy. Inspection and/or monitoring of the contractors performance may be carried out by the CSG SHaW team as required by the Council.

D.3 Sub-contracting - requirements placed on main contractor or consultants

Where Legionella management is to be undertaken by sub-contractors who are managed by a principal contractor or where consultants are employed to manage contractors, the commissioning officer responsible for the project must ensure - through contract documentation with the principal contractor or consultant - that they are provided with a copy of this document and that they apply the standards contained within this document. In addition, the supervising officer must remind the principal contractor or consultant that only council approved contractors are allowed to undertake these works.

E. LEGAL PROVISIONS

There are no regulations specifically concerning the control of Legionella bacteria, but an Approved Code of Practice, L8, and standards, BS 8580, were published which advise on best practice and that must be complied with unless a duty holder can prove that they have complied in another equivalent manner.

E.1 HEALTH AND SAFETY AT WORK ETC ACT 1974

Both the general and more specific duties on employers and occupiers of premises to protect the health of employees and other persons apply in the case of the risk of a person being exposed to the Legionella bacteria.

E.2 CONTROL OF SUBSTANCES HAZARDOUS TO HEALTH (COSHH) REGULATIONS

Legionella Pneumophila, listed as a biological agent, under in the regulations is defined as a 'substance hazardous to health'. Employers therefore need to undertake a health risk assessment wherever employees and others may be exposed to risks of contracting the disease.

Other duties on employers with respective preventing or controlling exposure are;

Regulation 7 – Prevention and Control
Regulation 8 – Use of control measures
Regulation 9 – Maintenance, examination and testing of control measures
Regulation 10 – Monitoring exposure
Regulation 11 – Health surveillance
Regulation 12 – The provision of information, instruction and training for employees apply.

E.3 NOTIFICATION OF COOLING TOWERS AND EVAPORATIVE CONDENSERS REGULATIONS 1992 (NECTR)

The NECTR regulations require the notification to local authorities of wet cooling towers and evaporative condensers, which are components of many air conditioning systems found in large buildings, and of industrial cooling towers. Knowledge of the whereabouts of such equipment is of particular help to local authorities in the investigation of outbreaks of Legionnaires' disease. Notification entails completion of a standard form available from the local authority. Any changes to the information supplied in the form must be notified within one month. The local authority must also be informed, as soon as is reasonably practicable, when equipment ceases to be operational.

F FURTHER ADVICE AND GUIDANCE

General Guidance- www.hse.gov.uk/legionnaires/index.htm

L8- [The control of Legionella bacteria in water systems](#)

HSG274: Part 1- [The control of Legionella in evaporative cooling systems](#)

HSG274: Part 2- [The control of Legionella in hot and cold water systems](#)

HSG274: Part 3- [The control of Legionella in other risk systems](#)

For further guidance, please contact:

CSG Safety, Health and Wellbeing on 020 8359 7955/email at shaw@barnet.gov.uk

CSG Building Services on 020 8359 4320/email at building.services@barnet.gov.uk

G. Quick Guide to Legionella at Work

What Is Legionella Disease?

Legionnaires' disease is a potentially fatal form of pneumonia which can affect anybody, but which principally affects those who are susceptible because of age, illness, immunosuppression, smoking etc.

Where does it come from?

Legionella bacteria are widespread in nature, mainly living in natural water systems, e.g. rivers and ponds. However, the conditions are rarely right for people to catch the disease from these sources. Outbreaks of the illness occur from exposure to Legionella growing in purpose-built systems where the water is maintained at a temperature high enough to encourage growth, e.g. cooling towers, evaporative condensers, spa pools, and hot water systems used in all sorts of premises (work and domestic). Most community outbreaks in the UK have been linked to installations such as cooling towers, which can spread droplets of water over a wide area. These are found as part of air-conditioning and industrial cooling systems. Fatal cases of Legionnaires' disease have also been associated with spa pool demonstrations.

How do people get it?

Outbreaks occur from water systems where temperatures are warm enough to allow growth of the bacteria, for example in air conditioning cooling towers, evaporative condensers, whirlpool spas and sometimes water supplies in buildings. People catch Legionnaires' disease by inhaling small droplets of water suspended in the air, which contain the bacteria. Most people exposed to Legionella do not become ill, and Legionnaires' disease does not spread from person to person.

What are the symptoms?

The symptoms of Legionnaires' disease are similar to those of flu: high temperature, fever and chills; cough; muscle pains; and headache. In a bad case there may also be pneumonia, and occasionally diarrhoea and signs of mental confusion.

Conditions that increase the risk from Legionella

- Suitable temperature for growth, 20 to 45°C (at temperatures above 37°C the rate of multiplication increases, but ceases at 46°C. Below 37°C, it decreases and becomes insignificant below 20°C);
- A source of nutrients for the organism, e.g. sludge, scale, rust, algae, and other organic matter;
- The level of stagnation of water in the system; and
- A way of creating and spreading breathable droplets, e.g. the aerosol created by a cooling tower, spa pool, spray.

What measures are there to control Legionella?

To prevent exposure to the Legionella bacteria, the Chief Executive and Headteachers must comply with legislation that requires the management, maintenance and treatment of water systems in LBB premises. This includes, but is not limited to, appropriate water treatment and cleaning regimes. This responsibility is delegated to the "Responsible Person" who commissions the service of an approved competent contractor to manage the water systems on the council's behalf.

Each premise must have a Legionella risk assessment that should detail the scheme of works and measures to minimise the risk of Legionella. This forms part of the water service log book that should be constantly updated with monthly water temperature measurements at various outlets points and contain emergency contact details of the contractor and Responsible Person, an up to date plan of the water system (initialled & dated), scheme of works, certificate of disinfections, TMV in/out water temperatures, contractor risk assessments and COSHH data sheets.