



Derby City Council

Water Hygiene Policy - Legionella

The new policy is to replace the previous policy (2012) to reflect changes made to The Approved Code Of Practice ‘Legionnaires Disease The Control of Legionella Bacteria in Water Systems (HSE L8 4th edition 2013)

Document Control

Version control	Version 1 – Final
Author	Stuart Holland -Project Supervisor
Key stakeholders / contributors	PPTS / CHST/ Street Pride Compliance Manager Health and Safety Development Group
Lead Directorate	Corporate Resources
Implementation due date	22 nd July 2021
Approving body	Corporate Health and Safety Committee
Ratification date	22 nd July 2021
Accountable Service Director	Steve Caplan – Director Property Services

Supporting information

Policy or strategy type <i>(statutory/non statutory and/or internal or external)</i>	Statutory
Equality impact assessment date completed	
Safeguarding implications / assessment date completed	
Policy and Improvement review completed (Y/N)	
Revised / updated date	
Next Review date	22 nd July 2023
Reviewing officer	Stuart Holland

Introduction

Derby City Council is committed to protecting the health, safety and welfare of all colleagues, customers and contractors as described in the Derby City Council Council's Health and Safety Policy Statement and Roles and Responsibilities document. The council accepts it has a responsibility to protect those who may be affected by its business operation against the risk of Legionella infection (legionellosis), arising from plant, equipment, facilities, work, or work-related activities and as such will ensure that they implement the procedures in this document to ensure this responsibility is met.

Background

Legionellosis is a type of pneumonia that can be fatal. There are various sources of the organism and various routes of transmission to humans. The bacterium is widespread in natural freshwater. Legionnaires Disease is normally contracted by inhaling small droplets of water (aerosols) suspended in the air containing the bacteria. The disease may affect healthy people but there is a greater risk of infection for certain recognised groups of "at risk" individuals, such as the elderly, the sick, and those who are immune- compromised.

This Policy explains how Derby City Council will meet its obligations to manage Legionella Bacteria within the DCC Estate for the buildings it owns, manages, occupies (excluding housing stock) or has responsibility for. Including risks arising from plant, equipment, facilities, work or work-related activities

Derby City Council will control the risk from exposure to colleagues, contractors, customers and the public as required by The Health & Safety at Work Act 1974 and the Control of Substances Hazardous to Health Regulations 2002 by following The Health and Safety Executive the Approved Code Of Practice 'Legionnaires Disease The Control of Legionella Bacteria in Water Systems (L8 4th edition 2013)' and the associated Guidance Documents HSG274 Parts 1-3.

Purpose

This policy sets out the key principles in meeting our legal obligations in relation to the management of Legionella Bacteria:

Key Principles

DCC is committed to reducing, so far as is reasonably practicable, the reasonably foreseeable risks of exposure of any person to legionella bacteria. DCC will manage this policy commitment by following the principles set out in the Health and Safety Executive publication "Legionnaires' Disease. The control of legionella bacteria in water systems. Approved Code of Practice and guidance L8 (Fourth Edition.)".

This will include:

- Identifying the Duty Holder (Legionella) to have responsibility for ensuring there are adequate resources for implementing this policy.
- Appointing one or more Responsible Persons (Legionella) to have responsibility for managing identified in-scope water use, activities, and storage systems.
- Carrying out a suitable and sufficient risk assessment of all work activities and in-scope water systems to identify and evaluate foreseeable risks of exposure to legionella bacteria
- Identification of any particular “at risk” groups of people who may be at greater risk of harm if exposed to legionella bacteria.
- Recording the significant findings of each such assessment.
- Producing and implementing written arrangements (a legionella management plan) to avoid, so far as reasonably practicable, exposure to legionella bacteria. Where it is not possible to avoid this risk then the plan will identify the measures for controlling the risk of such exposure and to ensure that such controls remain effective.
- Keeping appropriate records of any management and any associated monitoring activities.
- Allocating sufficient resource to ensure that reasonably foreseeable risks of exposure to legionella bacteria are managed. This will include the appointment of suitable numbers of competent people to advise on legionella management matters and to assist with the development and implementation of the legionella management plan.
- Providing suitable and sufficient information, instruction, training, and supervision to relevant colleagues to enable them to perform their duties under this policy and any associated procedures and to reduce the risk of legionella growth and transmission and foreseeable exposure of any person to legionella bacteria.
- Ensuring that all new water systems are designed, specified, installed, and commissioned so as to avoid, where reasonably practicable, the foreseeable exposure of people to legionella bacteria or, where avoidance is not practicable, to ensure that such risks are controlled.
- Carrying out a legionella risk assessment on all new buildings following handover from the Principal Contractor. The assessment findings will be incorporated into the building's legionella management plan.
- Ensuring that all work and activities are managed and undertaken by competent persons to ensure that foreseeable risks of legionella exposure are managed.
- Ensure that cases of Legionellosis are reported via the DCC accident reporting procedure and RIDDOR and that potential sources of the infection are identified, investigated, and made safe.
- Undertaking periodic audits to ensure that all relevant duties under this policy and applicable legislation are being managed effectively.

Identification of Roles and responsibilities

Derby City Council will implement the management of the process and procedures to achieve the policy through the following Derby City Council Officers: -

- Overall responsibility for health and safety within Derby City Council lies with the **Chief Executive**.
- The **Director of Corporate Services** will be the nominated '**Duty holder**'
- Responsibility for ensuring this policy is implemented lies with the **Corporate Leadership Team** and **Senior Management Teams** for all areas under their direct control.
- Responsibility for regular review, updating of this policy and that adequate resources are provided to enable compliance lies with the **Director of Property Services**.
- Responsibility for ensuring this policy is implemented via a documented procedure and process lies with the **Head of Property Projects & Technical Services** and the **Technical & Compliance Services Manager**
- **Directors and Heads of Services** are responsible for adhering to the policy and procedure in buildings they occupy or manage and identifying the local **Responsible Person**
- **All Colleagues** have a responsibility to co-operate with Derby City Council to achieve a healthy and safe workplace and take reasonable care of themselves and others.
- **All Colleagues** who are involved in the management of premises or the management of building and maintenance works shall ensure compliance with this policy within their area of responsibility and by those persons and contractors under their control.

Governance and compliance

Derby City Council is committed to taking all reasonable steps to fulfil its statutory duties under the Health and Safety at Work Act 1974 and the requirements of the approved codes of practice and health and safety executive guidance.

This policy supplements the corporate health and safety policy by detailing the arrangements put in place to manage and control the risks associated with legionella bacteria.

Derby City Council will:

- Protect so far as reasonably practicable, colleagues, contractors, and visitors to DCC properties.
- Provide adequate resources in support of the legionella management procedure.
- Ensure lessees are aware of the presence of the control measures for legionella and manage accordingly. Where a full repairing lease is in place, ensure the lessee has identified the control measures and is managing appropriately.
- Appoint persons (and in some cases deputies within the organisation who will be responsible for compliance with the legal requirements and to ensure that control measures in premises are properly managed in accordance with the HSE The Control of Legionella Bacteria in Water Systems Approved Code Of practice (4th edition 2013). The appointed persons and deputies will be given the resources, skills, training, and authority to ensure that the control measures are managed effectively.
- Formulate a specific operational procedure to ensure the overall integrity of water systems and equipment meets the HSE guidelines.
- Only engage appropriately trained, qualified, and competent persons to undertake any surveys, risk assessments, monitoring, maintenance and repair of Derby City Council water systems and equipment in accordance with the operational procedure.
- Ensure that all non-compliances identified by inspection and monitoring are managed and corrected within an appropriate timescale.
- Ensure the design of relevant building services for new, refurbished, or modified systems is such that it complies with codes of practice. Including the assessing of equipment to be connected to the water systems.
- Maintain a record of the water installations in those buildings it has Legionella responsibilities for, which will include Named personnel responsible for the water management, a Legionella Risk Assessment, Schematic drawings of the water system, maintenance, and monitoring records.
- Ensure that all water systems and associated equipment are always safe for use.

- Implement the management of the process and procedures to achieve the policy through the Derby City Council Officers identified in Management and Responsibilities section of this policy.

Review

DCC will review the legionella policy annually to ensure it meets the requirements of the DCC Health and Safety policy, reflects legislative and good practice guidance and continues to meet its stated objectives.

Definitions of Duty Holder and Responsible Person.

The Health and Safety Executive the Approved Code of Practice 'Legionnaires Disease the Control of Legionella Bacteria in Water Systems (L8 4th edition 2013)

Defines the Duty Holder and Responsible Person as below: -

The duty holder is either:-

- (a) the employer, where the risk from their undertaking is to their employees or others; or
- (b) a self-employed person, where there is a risk from their undertaking to themselves or others; or
- (c) the person who is in control of premises or systems in connection with work, where there is a risk from systems in the building, for example where a building is let to tenants, but the landlord keeps responsibility for its maintenance.

The duty holder should specifically appoint a competent person or persons to take day-to-day responsibility for controlling any identified risk from legionella bacteria, known as the 'responsible person'. It is important for the appointed responsible person to have sufficient authority, competence, and knowledge of the installation to ensure that all operational procedures are carried out effectively and in a timely way. Those specifically appointed to implement the control measures and strategies should be suitably informed, instructed and trained and their suitability assessed. They must be properly trained to a level that ensures tasks are carried out in a safe, technically competent manner; and receive regular refresher training. Keep records of all initial and refresher training. If a duty holder is self-employed or a member of a partnership, and is competent, they may appoint themselves. The appointed responsible person should have a clear understanding of their role and the overall health and safety management structure and policy in the organisation. See the HSE guide Managing for Health and Safety at Work for further guidance.