

Issue details	
<b>Title:</b>	<b>Legionella Management Plan &amp; Policy</b>
<b>Version number</b>	<b>Version 3.0</b>
<b>Officer responsible:</b>	<b>Compliance &amp; Cyclical Servicing Team Manager</b>
<b>Authorisation by:</b>	<b>Housing Review Board</b>
<b>Authorisation date:</b>	<b>November 2023</b>

History of most recent policy changes			
Date	Page	Change	Origin of Change e.g (Change in legislation)
4 <sup>th</sup> August 2023	3, 4, 5	Responsibilities	Change in structure/Job Titles
4 <sup>th</sup> August 2023	5	Contracts Manager	Amendment to the void process
4 <sup>th</sup> August 2023	5	Mobile Support Officers (MSO's), Estate Management & Accommodation Officers	To include other roles
4 <sup>th</sup> August 2023	7	Low Risk	Amendment to the void process
4 <sup>th</sup> August 2023	9	Performance Management	

## 1 Previous Policies/Strategies

Version 2

## 2 Why has the council introduced this policy?

East Devon District Council (EDDC) acknowledges and accepts its responsibilities under the Health and Safety at Work Act 1974 and the HSE ACOP 'L8' (Fourth edition, published 2013).

The Council will comply with all guidance issued by the Health and Safety Executive in this respect. The Council will take all reasonable precautions to prevent risk to health from exposure to legionellosis by implementing a monitoring procedure at all properties as necessary.

All domestic properties (including community centres, guest bedrooms and district offices) with water systems carry a risk, EDDC will categorise these risks based on the dwelling type as set out in this policy.

The overall aim of this policy is to protect the occupiers of our properties, their visitors, staff, contractors and the general public from risks associated with legionella so far is reasonably practicable.

### **3 What is the council's policy?**

#### **Introduction**

##### 1.1 What is Legionnaires disease?

Legionellosis is the collective name given to pneumonia-like illness caused by legionella bacteria. This includes the most serious legionnaires disease, as well as the similar but less serious conditions of Pontiac fever and Lochgoilhead fever.

Legionnaires disease is a potentially fatal form of pneumonia and everyone is susceptible to infection. However some people are at higher risk, including;

- people over 45 years of age smokers and heavy drinkers
- people suffering from chronic respiratory or kidney disease; and anyone with an impaired immune system

##### 1.2 Where are legionella bacteria found?

The bacterium Legionella pneumophila and related bacteria are common in natural water sources such as rivers, lakes and reservoirs, but usually low in numbers. Since legionella bacteria are widespread in the environment, they may also contaminate and grow in purpose built water systems such as cooling towers, evaporative condensers, hot and cold water systems and whirlpool spas.

##### 1.3 ACOPs

Approved Codes of Practice's are approved by the HSE Board with the consent of the Secretary of State. The ACOP describes preferred or recommended methods that be can be used (or standards to be met) to comply with the Regulations and the duties imposed by the Health and Safety at Work Act 1974. The guidance also provides advice on achieving compliance, or it may give general information, including explaining the requirements of the law, more specific technical information or references to further sources of information

##### 1.4 COSHH

Stands for control of substances hazardous to health regulations. These regulations require employers and landlords to control exposure to hazardous substances to prevent ill health.

### **2 Specific Policy Areas**

#### 2.1 ACOP

The approved Code of Practice applies to the control of legionella bacteria, in any undertaking involving a work activity managed by us or on our behalf. It applies to premises controlled in connection with a trade, business or other undertaking where water is used or stored; and where there is a means of creating and transmitting water droplets (aerosols) which may be inhaled, causing a reasonably foreseeable risk of exposure to legionella bacteria.

There is a reasonably foreseeable risk of exposure to legionella bacteria in:

- cooling systems with cooling towers, evaporative condensers or dry/wet cooling systems
- hot and cold water systems spa pools
- other plant and systems containing water that can create and increase the risk from legionella during operation or when maintained.

## 2.2 Risk assessments

All systems require a risk assessment, however not all systems will require elaborate control measures. A simple risk assessment may show that the risks are low and being properly managed to comply with the law. In such cases we may not need to take further action, but it is important to review our assessment regularly in case of any changes in our systems, and specifically if there is a reason to suspect it is no longer valid.

We have assessed all of our housing stock and have categorised them as Low, Medium, or High Risk. We will review these categories every 3 years (or sooner if there is a specific reason to suspect these classifications are no longer valid).

If a risk assessment shows that there is a reasonably foreseeable risk and it is reasonably practicable to prevent exposure or control the risk from exposure, EDDC will appoint a competent person or persons to help undertake the measures needed to comply with the requirements in the COSHH. The appointed person will have sufficient authority, competence and knowledge of the installation to ensure that all operational procedures are carried out in a timely and effective manner. EDDC will as necessary appoint this expertise from outside the organisation. In such circumstances we will take such steps to ensure the competence of those carrying out the work who are not under our direct control and that responsibilities and lines of communication are properly established and clearly laid out.

Copies of all Risk Assessments will be held for 5 years.

## **3 Responsibilities**

- 3.1 The Property and Asset Service Manager will lead on delivery of this policy with delegated responsibilities through the Compliance & Cyclical Servicing Team Manager. See structure chart below -

**Interim Chief Executives  
DUTY HOLDER**

**Director of Housing, Health & Environment**

**Assistant Director of Housing**

**Property & Asset Service Manager  
RESPONSIBLE**

**Contracts Team Manager**

**Housing Repairs Customer Improvement Team Manager**

**Compliance & Cyclical Servicing Team Manager  
DEPUTY RESPONSIBLE PERSON**

**Planned Works & Climate Change Team Manager**

**Property & Asset Team**

**Employees (Inc Mobile Support Officers, Estate Management & Accommodation Officers),  
Contractors. Tenants**

**Water Hygiene Contractor / Consultant**

### 3.2 Compliance & Cyclical Servicing Team Manager

The Compliance & Cyclical Servicing Team Manager will ensure all risk assessments are in place for dwellings identified as requiring one (medium and high risk) and will further ensure that all remedial actions are dealt with according to severity within a programme of works.

The post holder will also ensure competence of contractors (in relation to legionella) working on large scale improvement programmes across the stock including upgrading of central heating systems and bathrooms.

### 3.3 Contracts Team Manager

The Contracts Team Manager will ensure all void properties which require legionella remedial works is carried in the void period. The post holder will also ensure contractors are aware of responsibilities as set out in the policy and that all issues relating to legionella control and safety are picked up on any day to day responsive repairs works.

### 3.4 Contractors working on EDDC housing stock

All contractors working on EDDC stock should be able to evidence that operatives are competent in this area of compliance and periodic reviews will take place in relation to competence and how this is being evidenced.

### 3.5 Mobile Support Officers (MSO's), Estate Management & Accommodation Officers

Our Mobile Support Officers, Estate management & Accommodation Officers will be responsible for any weekly tests that are required to be carried out within community centres, district offices, communal toilets and guest bedrooms.

As and when the need arises, other Housing Officers may also take responsibility for these tests.

Records of testing will be held within the Legionella Risk Assessment and management plan (for each site) .These may also be held within the EDDC housing management system. Any concerns whilst tests are carried out should be immediately referred to the Compliance & Cyclical Servcing Manager who will instruct further surveys/ investigations as appropriate.

### 3.6 Water Hygiene Company

A competent third party contractor will be contracted to complete all risk assessments for medium and high risk properties when they become due. These assessments will be reviewed every two years.

### 3.7 Training

EDDC will ensure all Officers with responsibilities in this area receive annual refresher training (or sooner if regulations change)

## 4 Assessing the risk

4.1 The following table represents the broad risk rating given to the type of properties within EDDC stock, this does not represent the site specific risk rating of the individual site.

The purpose of the risk rating is to categorise in general the actions applicable to the stock of EDDC

Category	Description
Low Risk	Self contained water services to houses and individual flats with no shared services outside of the individual

	property.
Medium Risk	<p>Flats and housing that has shared water services by cold water storage tanks and/or communal areas</p> <p>Properties connected to rainwater harvesting devices</p> <p>Properties with thermostatic mixing Valves (TMV's)</p> <p>Community Centres used by tenants/the public</p> <p>Guest bedrooms used by tenants/the public</p> <p>District Offices- premises used by Housing Officers</p>
High Risk	<p>Accommodation that has shared services of hot and cold services with or without communal areas.</p> <p>Properties connected to Bore Hole</p>

\*It should be noted that within EDDC stock there are no cooling towers or chillers that would normally be classified as the highest risk. Therefore the classification of low, medium and high risk are relative to the EDDC housing stock.

**Appendix A** contains a list of all medium and high risk properties within the EDDC housing stock.

#### 4.2 Low Risk

We will also carry out a generic risk assessment that will cover all properties that are deemed to be low risk

We will aim to capture a 20% sample of individual low risk stock over the next 5 years, this will be measured annually in order to assess how many risk assessments have taken place across the stock.

All tenants who sign up for properties, as well as all existing tenants ( of all risk ratings) will be issued with the 'tenant legionella awareness leaflet' in order to set out good practice and ensure tenants understand risks and how they should take responsibility for them within their own homes.

Should any low risk properties have a new kitchen, bathroom or heating upgrade, all dead legs (redundant pipe work) will be removed as so far as reasonably practical.

#### 4.3 Medium Risk

These properties will be subject to an annual risk assessment/review from a professional outside Water Hygiene Company selected through the procurement process. Where weekly testing is required to sites, this will be undertaken by competent Housing Officers/MSO's.

Monthly testing will be undertaken by a professional outside Water Hygiene Company.

When medium risk properties are subject to significant alterations such as new kitchens, bathrooms or heating systems we will instruct a professional outside Water Hygiene Company to carry out an updated legionella risk assessment.

#### 4.4 High Risk

These properties will be subject to an annual risk assessment/review from a professional outside Water Hygiene Company selected through normal processes. Where weekly testing is required to sites, this will be undertaken by competent Housing Officers/MSO's.

Monthly testing will be undertaken by a professional outside Water Hygiene Company.

When high risk properties are subject to significant alterations such as new kitchens, bathrooms or heating systems we will instruct a professional outside Water Hygiene Company to carry out an updated legionella risk assessment.

## 4.5 Void Properties

The key problem with a void property is the potential for stagnation as the water systems may not be used for some time.

The problem worsens the longer the property is unoccupied and appropriate controls must be considered for these periods

EDDC works hard to turn our properties around quickly and this helps to minimise the potential danger.

The following points also ( where applicable) apply to any work on any water services including kitchens, bathrooms, adaptations, boiler replacements and any other works that fall into this category.

Specifically;

- 4.5.1 All void properties will be inspected for the potential of Legionella
- 4.5.2 All existing pipework to be assessed and altered as appropriate to remove "dead legs"
- 4.5.3 Any changes to existing layouts of hot and cold water supply pipework are to have all redundant pipework removed without leaving any dead legs. (eg moving a sink in a kitchen or bathroom)
- 4.5.4 Any alterations which make a cold water storage tank, hot water storage tank or a boiler header tank redundant are to have the redundant storage tank removed from site, together with all the redundant pipework

4.5.5 Any cold water storage tanks, boiler header tanks and hot water storage tanks which are not being removed will need to be drained down and cleaned, disinfected before recharging and flushing through.

4.5.6 Shower heads should be replaced with new.

4.5.7 Any mixer taps found on site are to be fully serviced and checked to ensure correct working.

4.5.8 Combi Systems have a lower risk than gravity systems (tank and cylinder or Fortic types)

4.5.9 All hot water outlets fed by combi boilers to be set to 50 Degrees C at outlets

4.5.10 All gravity systems to be set at 60 Degrees C at outlets.

4.5.11 Where a danger to scolding is created by items 11 & 12 above then consideration should be given to installing a mixer valve. Mixer valves to be no more than 2m from the outlet and the incoming temperatures to the mixer tap to be recorded as items 11 & 12 above. Installation should be limited to vulnerable tenants only.

## **5 Outcomes**

5.1 The primary outcome will be the avoidance of conditions that allow legionella bacteria to proliferate and prevention of the risk of exposure, by implementation of a risk assessment and a suitable control and management regime in accordance with ACOP 'L8' Appendices and other relevant information

## **6 Performance Management**

The following key performance indicators are reported to East Devon District Council's Leadership team & Housing Review Board –

- Number of blocks & communal areas that have a valid legionella risk assessment

This key performance indicator is also used to monitor the contractors performance along with contract specific performance indicators which are reviewed at operational contract meetings.

## **Links related Policies/Strategies, Procedures and Legislation**

### **Legislation**

This policy is written to ensure that East Devon District Council is compliant with the following legislation in relation to Legionella -

- East Devon District Council Health and Safety Policy The Health and Safety at Work etc Act 1974

- The Management of Health and Safety at work regulations 1999
- The control of Substances Hazardous to Health Regulations 2002 concerning the risk from exposure to Legionella
- HSE legionnaires Disease- A brief guide for duty holders, INDG458, published 2012
- HSE Legionnaires disease- The control of legionella bacteria in water systems Approved Code of Practice and guidance on regulations, L8 (Fourth edition), published 2013
- HSE Legionnaires 'disease-Part 2: The control of legionella bacteria in hot and cold water systems, HSG274 Part 2, published 2014.

## **Standards**

Consumer Standards (Home Standard)

### **Data Protection**

**b) The collection and use of tenant's personal data will not exceed that agreed to in their tenancy agreement**

The [EDDC Data Protection Policy](#) provides further information on how we store and use personal information.

The following privacy notice(s) provide further information on how we will use tenant's personal data, how it is gathered, and how long we will retain this information, and what rights tenants have in relation to this.

Property and Assets - Completion of programmed, servicing and cyclical works

All our privacy notices can be found on the EDDC website (<https://eastdevon.gov.uk/access-to-information/data-protection/privacy-notices/>)

### **Policy consultation**

Housing Review Board

### **Policy review**

September 2026 by the Compliance & Cyclical Servicing Team Manager