



ABERDEEN
CITY COUNCIL

Policy on the Management
of Legionella Bacteria

November 2010

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1. Aims and Objectives

Aim

The aim of Aberdeen City Council Legionella Policy is to protect the health and safety of its citizens, its staff and any third parties, whilst retaining its responsibilities for managing safety against the Legionella bacteria within its estate.

The aim of Aberdeen City Council's policy and procedures for the Management of Legionella is to ensure that the Council fully complies with its statutory obligations, as defined within the Health & Safety at Work etc Act 1974 (HSWA), the Control of Substances Hazardous to Health Regulations 1999 (COSHH) and the Management of Health and Safety at Work Regulations 1999 (MHSWR) concerning the risk from exposure to Legionella bacteria.

Objectives

The Objectives supporting the Council's Aim are to

Ensure that the Council fully complies with its statutory obligations as defined within the Health & Safety at Work etc Act 1974 (HSWA), the Control of Substances Hazardous to Health Regulations 1999 (COSHH) and the Management of Health and Safety at Work Regulations 1999 (MHSWR) concerning the risk from exposure to Legionella bacteria.

Ensure that the Council complies with the guidance contained within the HSE Approved Code of Practice - Legionnaires' Disease; The Control of Legionella Bacteria in Water Systems (ACOP L8)

Ensure that employees, contractors and the public are not exposed to any risk from Legionella bacteria

Underline the Council's commitment to health and safety.

2. Policy Reference

2.1 This policy document refers to the following aims and objectives outlined in the Council's general statement of Health & Safety policy as agreed on 9 February 2010

The standard will be achieved by:

- a) Gaining, and maintaining, the commitment and participation of all employees in creating and maintaining a positive health and safety culture;
- b) Meeting its responsibilities to employees, and others in a way which recognises that legal requirements are the minimum standard – Aberdeen City Council will always strive to go further than minimum standards;

- c) Adopting a planned and systematic approach to the implementation of the Council's Health and Safety Policy to ensure, so far as is reasonably possible
 - i) the provision and maintenance of plant and systems of work that are safe and without risks to health;
 - ii) arrangements are in place for the safety (and absence of risks to health) in connection with the use, handling, storage and transport of articles and substances;
 - iii) the provision of such information, instruction, training and supervision as is necessary to secure the health and safety at work of its employees and other persons;
 - iv) that any place of work under the Council's control provides safe access and egress, without risks to health;
 - v) the provision and maintenance of a working environment for employees that is safe, without risks to health , and adequate as regards facilities and arrangements for their welfare at work.
- d) Identifying and assessing the risks associated with all activities of the Council with the aim of eliminating or controlling the risks, so far as is reasonably practicable.
- e) Allocating sufficient resources to meet the requirements of this policy;
- f) Planning for health and safety including the setting of realistic short and long term objectives, deciding priorities and establishing meaningful performance standards;
- g) Monitoring and reviewing performance on a regular basis to ensure that high standards are maintained and improved;
- h) Maintaining an effective system of joint consultation with trade union appointed safety representatives and , where elected, non trade union representatives of employee safety, as appropriate resources, including time off to enable them to carry out their functions;
- i) Maintaining arrangements for co-ordination and co-operation with other employers where Council employees of clients share premises, facilities or activities with persons working in other organisations; and
- j) Ensuring that the demands of activities do not exceed the capabilities of staff and clients to carry out work without risk to themselves or others.

3. Responsibilities

3.1 The Chief Executive shall be responsible for carrying out his/her obligations as contained within Aberdeen City Council's Health and Safety Policy as it relates to Legionella Bacteria Management.

3.2 Directors shall be responsible for ensuring that:

Adequate resources are made available to enable the objectives of the policy to be met by ensuring arrangements are made to operate the management structures within the housing and non housing services.

- a) They have undertaken suitable and sufficient Risk Assessments within the properties where they have employees and tenants or where they are responsible for performing a delegated Council function where the Legionella bacteria is or may be present in property/dwellings under their control.
- b) They have established a process for evaluating, prioritising and financing any works that require to be undertaken in regard to the elimination, reduction or management of identified risks from Legionella Bacteria, in consultation with colleagues in the corporate Health and Safety Team.
- c) They have established procedures to implement the Corporate Management System for the Identification, Control and Removal of Legionella Bacteria as it impacts on their Service to ensure adequate management of residual or existing risks resulting from Legionella being present in properties under their control.
- d) All of delegated responsibilities can be met in an evidenced and structured manner.
- e) That all incidents or accidents concerning Legionella are properly reported and investigated with suitable preventative measures implemented.

3.3 The Director of Corporate Governance shall be responsible for ensuring that:

- a) The corporate Health and Safety Team consult with client representatives on a regular basis to review and provide advice in the carrying out of risk assessments.
- b) The corporate Health and Safety Team carry out regular inspections on the premises to ensure that the agreed management systems and procedures are adequate and are being implemented.
- c) The corporate Health and Safety Team provide periodic reports to client services and others on the findings and recommendations of their inspections.
- d) As Monitoring Officer under the Local Government and Housing Act 1989 - Section 5, arrangements are established to provide the Director of Corporate Services with any reports on cases of contravention of legal requirements and statutory codes.

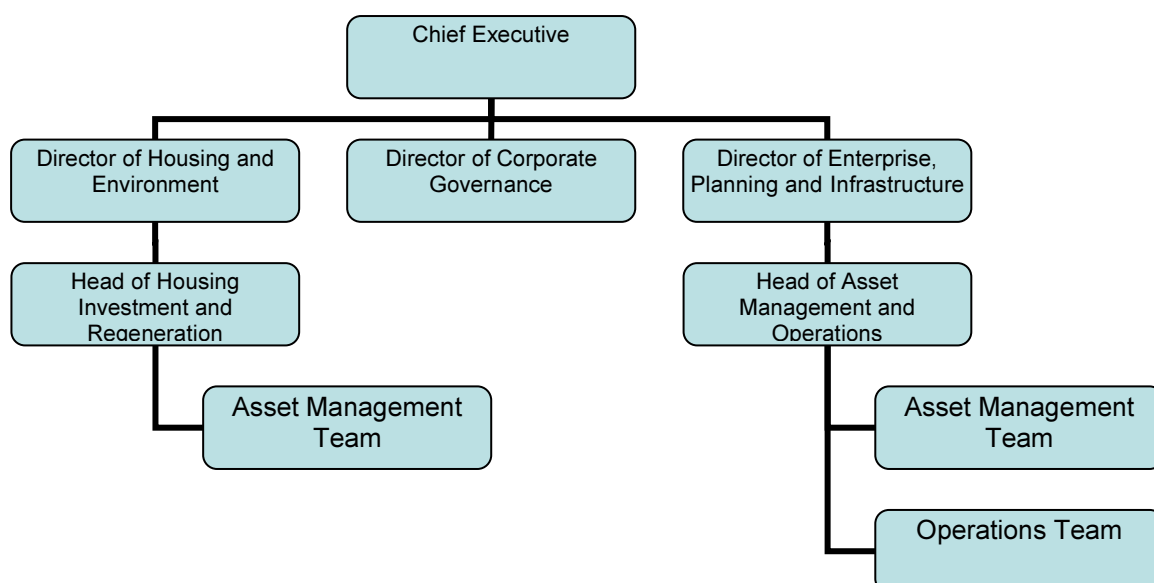
3.4 The Head of Service Housing Investment and Regeneration (Housing Properties) and Head of Service Asset Management and Operations (Non Housing Properties) shall be responsible for ensuring that:

- a) This corporate policy, and any relevant Service policies, for the management of risks from Legionella Bacteria present in properties within their area are monitored and implemented.

3.5 These Heads of Service shall be responsible for ensuring that a Corporate Management System for the Identification, Control and Removal of Legionella Bacteria is established and maintained, and that:

- a) All contract and engineering works shall be undertaken in accordance with best practice and in a manner that eliminates, reduces or controls identified risks from Legionella present in properties owned, operated by or under the control of, Aberdeen City Council.
- b) Property and Architectural staff will meet with client representatives on a regular basis as part of the contract monitoring arrangements to assist in the provision of property advice or related matters regarding implementation of the Corporate Management System for the Identification, Control and Removal of Legionella Bacteria present in property under their control.
- c) Property and Architectural staff carries out regular recorded monitoring of the Corporate Management System for the Identification, Control and Removal of Legionella Bacteria to ensure that it operates satisfactorily.
- d) Property and Architectural staff arranges to compile and manage an “outstanding” works list of any identified defect items which may lead to Legionella and ensure that client representatives are made fully aware of the issues and the manner by which residual or existing risks from such outstanding works can be managed.
- e) Clear lines of communications are maintained between all stakeholders. All employees involved in management of the Legionella Bacteria have received the necessary information, instruction and training in undertaking their duties.
- f) Regular meetings will take place to ensure consistency in communication, monitoring and quality between housing and non housing sections.

Responsibility Flowchart



4. Background to Legionnaires' 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, smoking etc. It is caused by the bacterium *Legionella Pneumophila* which can also cause less serious illnesses which are not fatal or permanently debilitating.

On average there are approximately 200 - 250 reported cases of Legionnaires' Disease each year in the UK. It is thought however, that the total number of cases of the disease may be generally underestimated. Infections which originate in the UK are often sporadic, for which no source of infection is traced. However clusters of cases also occur and outbreaks have been associated with cooling tower systems and hot and cold water systems in factories, hotels, hospitals and other public buildings.

Legionella bacteria are common and can generally be found in environmental water sources such as rivers, lakes and reservoirs, usually low in numbers. The bacteria can survive under a variety of conditions and have been found in water at temperatures between 6°C and 60°C but temperatures in the range 20°C and 45°C seem to favour growth.

To reduce the possibility of creating conditions in which the risk from exposure to legionella bacteria is increased, it is important to control the risk by introducing measures which:

- (a) do not allow proliferation of the organisms in the water system; and
- (b) reduce, so far as is reasonably practical, exposure to water droplets and aerosol.

It is this potential risk that drives the Council's Management of Legionella Policy and Procedures.

5. Managing Legionella Bacteria - Legislative Requirements

Duties under the HSWA extend to risks from legionella bacteria which may arise from work activities. The MHSWR provide a broad framework for controlling health and safety at work, requiring risk assessments and employers to have established procedures to be followed by staff if situations presenting serious or imminent danger were to arise.

More specifically the COSHH Regulations provide a framework of actions designed to control the risk from a range of hazardous substances including biological agents. The essential elements of COSHH are:

- (a) risk assessment;
- (b) prevention of exposure or substitution with a less hazardous substance if this is possible or substitution of a process or method with a less hazardous one;
- (c) control of exposure where prevention or substitution is not reasonably practicable;
- (d) maintenance, examination and testing of control measures, eg automatic dosing equipment for delivery of biocides and other treatment chemicals;
- (e) provision of information, instruction and training for employees; and
- (f) health surveillance of employees (where appropriate, and if there are any valid techniques for detecting indications of disease) where exposure may result in an identifiable disease or adverse health effect.

Those who have, to any extent, control of premises, have a duty under the Notification of Cooling Towers and Evaporative Condensers Regulations 1992 to notify the Local Authority (the HSE) in writing with details of 'notifiable devices'. Aberdeen City Council has no such devices.

The above list is indicative of the scope of the regulations but is not exhaustive.

6. Property Subject to Legislative Requirements

Currently the Approved Code of Practice applies to the control of legionella bacteria in any undertaking involving a work activity and 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 which may be inhaled, thereby causing a reasonably foreseeable risk of exposure to legionella bacteria.

A reasonably foreseeable risk of exposure to legionella bacteria exists in:

- (a) water systems incorporating a cooling tower (as previously stated Aberdeen City Council has no such systems);

- (b) water systems incorporating an evaporative condenser;
- (c) hot and cold water systems; and
- (d) other plant and systems containing water which is likely to exceed 20°C and which may release a spray or aerosol (ie a cloud of droplets) during operation or when being maintained.

A simple risk assessment will show that risks are low in small domestic type water systems where temperatures and water turnover are high, or where instantaneous water heaters are used. Therefore this policy and procedure need not be applied to general Council housing and be limited to the Council's public buildings (schools, community centres, offices, libraries and the like), sheltered housing stock and multi-story housing blocks

Good practice would be to implement the same working practices referred to hereafter for all these properties wherever possible.

7. Managing Legionella - Core Functions

Management of legionella places a statutory responsibility on Aberdeen City Council and compliance with this obligation necessitates that the Council must undertake the following core functions:

- (a) carry out a suitable and sufficient assessment of the risk of exposure to legionella bacteria;
- (b) manage any identified risk;
- (c) prevent or control the risk from exposure to legionella bacteria; and
- (d) keep appropriate records including details of the persons responsible for managing the scheme and the results of any monitoring, inspection, test or check carried out.

8. Dutyholders under the Regulations

Under the regulations the dutyholder is defined as the employer or person who is in control of premises or systems in connection with work where the risk is present from systems in the building. The duty holder must appoint a person to take day-to-day responsibility for controlling any identified risk from legionella bacteria. The appointed 'responsible person' should be a director, manager or have similar status or authority.

In terms of the Council the dutyholder will be the Director of Enterprise, Planning and Infrastructure for Non-Housing properties and the Director of Housing and Environment for Housing properties.

The 'responsible person' will be the Head of Asset Management and Operations for Non-Housing properties and the Head of Regeneration and Housing Investment for Housing properties.

9. Standard Procedures

In compliance with the Core Functions indicated previously, Aberdeen City Council will operate the following standard procedures:

- (a) Carry out a suitable and sufficient assessment of the risk of exposure to legionella bacteria.

As a basic procedure applicable to every property the Council (by employing suitably qualified consultants and/or contractors) will undertake on an annual basis a full risk assessment and inspection of the complete water services system record the condition, findings, and recommendations in accordance with the requirements of the legislation.

It is understood and agreed that it may not be possible to carry out a full inspection of all parts of the water systems due to material damage caused in gaining access or, in the case of multi-stories, non access to individual living cells.

Reports and records must indicate any parts of systems which have not been inspected.

- (b) Manage any identified risk

The 'responsible persons' will ensure that appropriate staff are suitably informed, instructed and trained to a standard which allows them to implement the Council policy and the control measures required. Regular refresher training should be given and records of all initial and refresher training will be maintained.

The implementation of the control measures will be regularly and frequently monitored. Staff responsibilities and lines of communication will be properly defined and clearly documented.

Arrangements will be made to ensure that the 'responsible persons' or an authorised deputy can be contacted at all times.

- (c) Prevent or control the risk from exposure to legionella bacteria

As a basic procedure applicable to every property the Council (by employing suitably qualified contractors) will undertake on an annual basis checking, cleaning and disinfection of the hot and cold water systems in accordance with the requirements of the legislation. At the same time a sample of water will be taken from the system, submitted to a NAMAS laboratory for legionella and chemical testing. Chemical testing will comprise lead, copper, iron, and nitrate content tests.

The Council will also (by employing suitably qualified contractors) undertake on a quarterly basis routine dismantling, cleaning and descaling of shower heads, hoses (and other similar items) as far as is reasonably practicable.

In addition the Council (by employing suitably qualified contractors) will undertake on a monthly basis routine monitoring of the temperature of water stored within the systems and take appropriate action if temperatures are within those that encourage bacteria growth.

10. Design and Construction

The Council will ensure that those staff responsible for design of water systems that may create a risk of exposure to legionella bacteria will, so far as is reasonably practicable:

- (a) ensure that the water system is designed and constructed so that it will be safe and without risks to health when used; and
- (b) provide adequate information to the user about the risk and any necessary measures to ensure that the water system will be safe and without risks to health.