



Legionella Management Policy

Date of Board Approval: 24 January 2022

Version: 1

Effective date: 24 January 2022

Last Reviewed: 24 January 2022

Review date: January 2023



Introduction

Empower Housing Association (EHA) is responsible for the maintenance and repairs to our properties.

EHA are committed to ensuring our tenants' homes remain safe and fit for purpose. In achieving this we will comply with all relevant Legionella legislation and regulations.

Scope of the Policy

EHA has established a policy which covers Legionella management and control within all our properties. This policy provides assurance to EHA that measures are in place to ensure we manage and/or mitigate risks associated with Legionella.

This policy is relevant to all EHA employees, tenants, contractors and other persons or other stakeholders who may work on, occupy, visit, or use its premises, or who may be affected by its activities or services.

Key Roles and Responsibilities

The board will have overall governance responsibility for ensuring the Legionella Management Policy is fully implemented to ensure full compliance with the regulatory standards, legislation and approved codes of practice. As such the Board will formally approve this policy and review it periodically. The policy will be reviewed every three years (or sooner if there is a change in regulation, legislation or codes of practice).

The board will receive quarterly updates at board meetings on the implementation of the Legionella Management Policy along with notification of any non-compliance issues which are identified. This is so they have assurance that the policy is operating effectively in practice.

Senior Management will receive at least quarterly reports in respect of Legionella risk and ensure compliance is being achieved. They will also be notified of any non-compliance issue identified.

Appointed Duty Holder

The Buildings Quality Manager will fulfil the role of appointed 'Duty Holder' on behalf of EHA to ensure the appropriate management of risk associated with Legionella. As a result, the Buildings Quality Manager will hold responsibility for the implementation of this document, and supporting Legionella risk management, as well as ensuring compliance is achieved and maintained.

Although the organisation has an appointed Duty Holder, EHA's Chief Executive will be ultimately responsible for ensuring compliance with current legislation, ensuring that the organisation fulfils its duties and responsibilities as outlined in this policy document and the supporting procedures.

Responsible Persons

The Buildings Quality Manager shall ensure that there are suitable arrangements in place for the analysis of legionella risk at all properties. This includes the prioritisation and implementation of any works arising from these risk assessments.

The Maintenance Officers will provide key support in gaining access to properties where access is proving difficult and use standard methods to do so. They will also facilitate the legal process to gain access, as necessary.

Policy Statement

Legionnaires' disease is a potentially fatal form of pneumonia caused by the inhalation of small droplets of contaminated water containing Legionella. All man-made hot and cold-water systems are likely to provide an environment where Legionella can grow. The Health and Safety Executive provide guidance on what landlords must do to control any risks, this policy has been developed using this guidance. Landlords' duties apply to a wide range of accommodation, occupied under a lease or a licence, which includes but not exclusively, residential premises provided for rent by:

- local authorities
- housing associations
- private sector landlords
- housing co-operatives
- hostels

The law is clear that landlords who rent out property have legal responsibilities to ensure the health and safety of their tenants by keeping the property safe and free from health hazards.

Section 3(2) of the Health and Safety at Work Act 1974 (HSWA) The general duties require under section 3(2) that "It shall be the duty of every self-employed person to conduct his undertaking in such a way as to ensure, so far as is reasonably practicable, that he and other persons (not being his employees) who may be affected thereby are not thereby exposed to risks to their health or safety."

Landlords, under Section 53 of HSWA are regarded as being self-employed and tenants fall into the class of "other persons (not being his employees)".

EHA will have a process in place to gain legal access should any tenant or care provider refuse access to carry out essential legionella safety related assessment and remediation works, taking into consideration our tenant's vulnerabilities. As referred to in the tenancy agreement.

Where appropriate any compliance risks will be considered, mitigated, or removed as part of any major refurbishment works or included in new development design briefs.

Compliance works

As a landlord we recognise our health and safety responsibilities and the need to take the right precautions to reduce the risks of exposure to legionella. We will:

- Identify and assess sources of risk
- Manage any risks
- Prevent or control risks
- Keep and maintain records
- Assess each property and share requirements with the tenants and care provider

Record Keeping

EHA will establish and maintain accurate and up to date records of all completed Legionella risk assessments, with remedial works from these reports and future planned works and keep these as per the EHA's Data Retention Policy.

EHA will ensure processes and controls are in place to provide and maintain appropriate levels of security for all Legionella Management related data.

Regulatory Standards

The application of this policy will ensure compliance with the regulatory framework and consumer standards (Home Standard) for social housing in England, which was introduced by the Regulator of Social Housing (RSH).

Performance Reporting

Key performance indicator (KPI) measures will be established and maintained to ensure EHA is able to report on performance in relation to electrical safety. KPI measures will be produced and provided to Senior Management on a monthly basis and Board level on a quarterly basis. As a minimum, these KPI measures will include reporting on:

Data – the total number of:

- Properties on the Legionella Management programme.
- Properties not on the Legionella Management programme.
- Properties with a Legionella risk assessment.
- Properties where the Legionella risk assessment is still due.

Narrative - an explanation of the:

- Current position.
- Corrective action required, if any; anticipated impact of any corrective action; and
- Completion of follow-up/remedial works.

EHA will carry out an independent audit of Legionella management at least once every two years. This audit will specifically test for compliance with regulation, legislation and codes of practice and identify any non-compliance issues for correction. It will also look at and test processes to ensure that they are being adhered to and are still fit for purpose.

Non-Compliance / Escalation Process

Any non-compliance issue identified at an operational level will be formally reported to the Buildings Quality Manager in the first instance, as soon as this is identified.

The Buildings Quality Manger will agree an appropriate course of corrective action in order to address the non-compliance issue and report details of the same to the Chief Executive within 24 hours.

The Chief Executive will ensure the Board is made aware of any non-compliance issue so they can consider the implications and take action as appropriate, including notification to the Regulator of Social Housing, as necessary.