



Legionella Management Policy

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Introduction

Empower Housing Association (EHA) understands that colleagues, tenants and visitors (including contractors and members of the public) need to be safe from the threat of Legionella. EHA has a clear legionella policy and procedure in place to make sure that all colleagues and tenants are aware of how to manage risks of Legionella.

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

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.

Scope of the Policy

This policy provides assurance to EHA that measures are in place to ensure we manage and/or mitigate risks associated with Legionella.

This policy relates to all properties owned or leased and is relevant to all EHA employees, tenants, care providers, contractors and other persons or other stakeholders who may work on, occupy, visit, or use its premises, live in its properties or who may be affected by its activities or services.

It should be used by all to ensure they understand the obligations placed upon EHA to maintain a safe environment for tenants and colleagues within the homes of tenants, and within all communal areas of buildings and 'other' properties owned and managed by EHA.

Policy Statement

Legionnaires' disease is a potentially fatal form of pneumonia caused by the inhalation of small droplets of contaminated water containing Legionella. All mechanical 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 tenancy agreement including Housing Associations, which includes but not exclusively, residential premises provided for rent.

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)".

Key Roles and Responsibilities

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 on a day-to-day basis and more specifically should there be a change in the current layout/water systems. The Compliance Manager will be responsible for overseeing annual Legionella inspections and recording and actioning any works arising from the inspections in a timely manner.

Although the organisation has an appointed Duty Holder, EHA's Chief Executive will ultimately be 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.

No Access

EHA has an Access/No Access Procedure in place to gain access should any tenant or Care Provider refuse access to carry out essential legionella related inspections and remediation works, taking into consideration a tenant's vulnerabilities. The Maintenance Officers will provide key support in gaining access to properties where access is proving difficult in line with the procedure.

Compliance Works

As a landlord EHA recognises its 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 by carrying out a Legionella Risk Assessment (LRA).
- Manage and monitor risks identified – by carrying out annual inspections, arranging annual servicing, flushes and cleansing of cold-water tanks (CWT), expansion vessels and calorifiers.
- Provide tenants/care providers with a copy of the LRA, written scheme of control and legionella checklist.
Carry out annual legionella inspections – (to include thermostatic mixer valve (TMV) checks & water temperature checks
- Carry out new LRA to manage legionella control effectively should there be a change in layout to the property/water system
- Maintain accurate records.
- Provide Legionella Awareness training to colleagues including annual refresher training.

Record Keeping

EHA will maintain accurate up to date records of all completed LRA's, remedial works, and future planned works and retain these as per 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.

Contract Management, Competency and Training

EHA will employ suitably competent contractors to undertake inspections and remedial works associated with ensuring compliance in respect of legionella management. Ensuring competency can be demonstrated via accreditation and qualifications.

Each year EHA will request, review and record confirmation of contractor's qualifications, competencies for all areas of work they undertake on behalf of EHA.

EHA will ensure that all operatives working for or on behalf of the organisation have the relevant training required for their role. EHA colleagues will undertake periodic assessments of training needs and a programme of internal and/or external training has been established

Related Legislation, Regulation and Codes of Practice

- Health and Safety at Work Act 1974
- The Control of Substances Hazardous to Health Regulations 2002
- The Management of Health and Safety at Work Regulations 1999
- Approved Code of Practice (L8) British Standards 8580:2010 – Water Quality: Risk Assessment for Legionella
- RSH Consumer Standard
- INDG 458 Legionnaires Disease – A brief Guide for Duty Holders (2012)
- HSG274 Legionnaires Disease – Technical Guidance (in 3 Parts) (2013)
- IACL27 (rev2) Legionnaires Disease – A guide to Employers
- Housing Health and Safety Rating System (HHSRS)
- HSE Guidance Legionella and Legionnaires' disease

Related Policies, Procedures and Documents

- Health and Safety Policy
- Equality, Diversity and Inclusion Policy
- Tenancy Agreement
- Data Retention Policy
- Legionella Management Procedure

Performance Reporting

Key Performance Indicators (KPI) will be reported to Senior Management monthly and to Board on a quarterly basis. As a minimum, these KPI measures will include reporting on:

- No of properties with a completed LRA.
- No of LRA's needed to date.
- No of Properties where the Legionella risk assessment is still due/overdue
- Number of high, medium and low remedial works outstanding or overdue

EHA will carry out an independent audit of Legionella management at least once every 3 years. This audit will specifically test for compliance with regulation, legislation, codes of practice and policies and processes and identify any non-compliance issues.

Non-Compliance / Escalation Process

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

The Buildings Quality Manager or Compliance Manager 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 either immediately or at the next planned meeting, to enable consideration of the implications and take action as appropriate, including notification to the Regulator of Social Housing, if appropriate.

Policy Review

The policy will be reviewed every two years (or sooner if there is a change in regulation, legislation or codes of practice).