

## GROUP LEGIONELLA MANAGEMENT POLICY

### Responsible Officer

Director of Property & New Business - Executive Lead for Landlord Health and Safety

### Aim of the Policy

This policy outlines our group approach to the management of legionella and ensures we:

- Comply with our statutory duties and Approved Codes of Practice relating to the management of Legionella;
- Control and minimise the risk of harm to residents, employees, contractors, and others affected by our work activities, from legionella bacteria, so far as is reasonably practicable.

This policy links to Phoenix's overall vision *'Together, we are building a better future for our Phoenix Community'*

### Policy Scope

This policy covers how the Phoenix Group will assess, control, manage and monitor the risks of legionella growth and distribution within hot and cold water systems in tenants' homes, housing blocks, community facilities and commercial properties.

This policy does not cover water systems:

- Located within lessees' properties;
- Located in Home Makers properties, unless we own the property;
- In blocks that have been collectively enfranchised, and we do not own any flats. Where we own flats in a collectively enfranchised block, we will require assurance that reasonable steps have been taken to manage water systems in accordance with current HSG 274 and approved codes of practice;
- Maintained and controlled by Thames Water prior to the boundary of property controlled by Phoenix Community Housing.

## Legionella Definition

Legionnaires' disease is a potentially fatal form of pneumonia predominantly caused by the Legionella pneumophila bacteria. Legionella pneumophila and related bacteria are common in natural water sources such as rivers, lakes, and reservoirs, but usually in small numbers.

Since Legionella bacteria are widespread in the environment, they may also contaminate and grow in purpose-built (man-made) water systems such as cooling towers, evaporative condensers, and hot and cold water systems. Under certain favourable conditions created in these man-made water systems, Legionella bacteria can multiply, increasing the risk that human exposure to the bacteria will occur. The principal sources of risk within properties controlled by Phoenix Community Housing are:

- Hot and cold water services within buildings;
- Thermostatic Mixer Valves;
- Redundant pipework runs (commonly referred to as 'Dead legs').

Legionnaires' disease is normally contracted by inhaling Legionella bacteria in tiny droplets of water (aerosols), deep into the lungs; there is no documented evidence of the disease passing from person to person.

It can affect anyone; however, some people are at higher risk of infection, including:

- People (particularly males) over 45 years of age;
- Smokers and heavy drinkers;
- People suffering from chronic respiratory disease;
- Anyone with an impaired immune system (immunosuppression).

Legionella bacteria can also cause less serious illnesses which are not fatal or permanently debilitating. The collective term used to cover the group of diseases caused by Legionella bacteria is Legionellosis.

## Policy Statement

Legionella management is an important obligation for all Landlords. Phoenix fulfils its obligations by taking all reasonably practicable steps to manage water systems in accordance with the guidance offered by HSG 274, parts 2 and 3 and Approved Code of Practice L8: Legionnaires' disease; The control of Legionella bacteria in water systems, Approved Code of Practice, which were written to provide guidance on how to comply with Legislation relevant to the control of Legionellae bacterium.

We will effectively manage water systems within our control to mitigate the risk of legionella exposure to ensure the health and safety of residents, staff, contractors and the public.

We are committed to engaging with residents and stakeholders and will use a range of communication methods to consult with, listen to, respond, and promote awareness of water systems management to ensure they are safe, and feel safe, in their homes.

## **The Policy**

### **Responsibilities**

We recognise the importance of clearly defined responsibilities with commitment at all levels of our organisation including Board, Executive Team, Senior Managers, Team Members and Contractors we work with.

We will ensure these responsibilities are documented, embedded, and demonstrated by means of a golden thread of leadership and commitment from senior management to employees through to engagement with our residents and contractors.

All members of staff are expected to follow this policy and associated procedures in relation to water systems management.

### **Levels of accountability**

- The Board will provide safety leadership and ensure Board decisions reflect the intentions outlined in the Group Legionella Management Policy.
- The Board and the Chief Executive delegate responsibility for achieving its legionella management objectives to the Executive Team Lead for Landlord Health and Safety, granting the holder of this post status as the Statutory Duty Holder for Phoenix Community Housing.
- The Executive Team Lead for Landlord Health and Safety is accountable for ensuring that Phoenix fulfils its legal obligations regarding the implementation of the Group Legionella Policy and ensuring that adequate resources and support are made available to deliver the arrangements for the management of water systems.
- The strategic lead for the Group Legionella Management Policy is the Head of Health, Safety and Compliance

- The operational lead for the Group Legionella Management Policy is the Data Compliance Manager
- The Executive Team will assist the Board and Chief Executive in fulfilling their responsibilities and have extensive safety responsibilities of their own within their directorates.
- Heads of Service and Senior Managers have the responsibility for driving and delivering compliance with the Group Legionella Management Policy and supporting procedures within their service area.
- Every employee must ensure they are aware of and follow the Group Legionella Management Policy and any supporting procedures. They should inform their managers of any concerns and contribute to the development of a positive safety and compliance culture throughout Phoenix.
- Residents and stakeholders also have a vital role to play in making sure the buildings they live in, or use are safe. Through positive engagement residents and stakeholders will be encouraged to take an active interest in safety and compliance at Phoenix.
- Contractors, subcontractors, and third-party auditors must comply with the arrangements of this policy and demonstrate competency in the management of their work activities, in relation to water systems and legionella.

### **Arrangements for the management of legionella**

We will:

- Arrange for competent persons to conduct suitable and sufficient Legionella risk assessments of all general needs housing blocks, extra care scheme housing blocks, community facilities or commercial premises containing shared cold water storage, on a biennial basis;
- Arrange for competent persons to conduct an annual check on the conditions of cold water storage tanks within general needs housing blocks, extra care scheme housing blocks, community facilities and commercial premises during the summertime (May to September) period to ensure hygiene conditions and temperatures fall within control parameters. This requirement is included within a full Legionella risk assessment and will be taken only during years in which a full Legionella risk assessment is not completed.
- Arrange for competent persons to conduct a suitable and sufficient Legionella risk assessments to any domestic property where our resident has requested us to do so. Completed Domestic Legionella Risk Assessments will be reviewed every 10 years.

- Ensure that all new developments and refurbishment projects have a Water Risk Assessment along with any appropriate commissioning certification upon completion which will be provided to the operational lead for the Group Legionella Management Policy;
- Ensure risk assessments identify and assess the risk of exposure to Legionella bacteria from hot and cold water systems on the premises and any precautionary or remedial measures needed. All key elements identified in ACoP L8, HSG274 Parts 2 & 3 will be considered;
- Ensure any precautionary or remedial actions identified are completed by suitably trained personnel in accordance with the timescales specified in section 2.2 of the Group Legionella Management policy;
- Review risk assessments for all property types when there is reason to believe they may no longer be valid. This will include:
  - Changes to the water system or its use;
  - Changes to the use of the building in which the water system is installed;
  - The availability of new information about risks or control measures;
  - The results of checks indicating that control measures are no longer effective;
  - Changes to key personnel;
  - A case of legionnaires' disease / legionellosis associated with the system.
- Ensure cold water booster pump systems are serviced by competent persons on an annual basis;
- Ensure thermostatic mixer valves installed on hot and cold water systems within extra care premises are serviced by competent persons on an annual basis;
- Ensure hot water gas heating systems in all properties are serviced and in possession of a Landlord's Gas Safety Record;
- Ensure that all showerheads and taps within domestic premises are cleaned and flushed thoroughly during the Voids process to prevent new occupants being exposed to Legionella upon moving in;
- Ensure any communal taps are flushed weekly as a part of the Estates teams block cleaning regime;
- Ensure that remedial works or water system installation works do not compromise building compartmentation;
- Keep a record of the risk assessments undertaken as well as information relating to the maintenance, testing and any remedial works carried out for a minimum of five years;

- Share the above information as required with contractors and enforcement bodies;
- Where reasonably practicable, implement planned improvement programmes to convert domestic properties to mains water supply to reduce the risks associated with cold water storage systems;
- Where reasonably practicable, implement planned improvement programmes to replace hot water storage tank systems with combination boilers wherever possible;
- Ensure that new tenants are made aware of the risk of legionella when they move into a property and provide them with relevant information such as flushing through the system and making sure shower heads are clean as part of the Housing Management sign-up process;
- Review our arrangements for the management of Legionella in line with policy review timescales or when amendments are made to legislation or approved codes of practice and guidance affecting the commitments outlined in the Group Legionella Management Policy.

### **Programme management**

We will:

- Maintain a database of all properties for which Phoenix holds a duty to perform Legionella management tasks using the Compliance Services and Compliance Workstreams modules of the organisation's Customer Relationship Management (CRM) system, incorporating the last completed and next due dates along with the overall risk level of the property;
- Issue Annual programmes of work to our appointed contractor in advance of the yearly programme start;
- Activate and deactivate properties on the CRM system if the requirement to perform Legionella Management tasks changes (such as the addition of newly purchased stock containing hot and cold water systems or the removal of shared cold water storage facilities from existing stock);
- Ensure remedial actions identified by Legionella risk assessments are recorded against the Compliance Service during which they were identified on the CRM system and deactivate these actions once completed;
- Issue approved remedial actions to suitably trained contractors in a timely fashion with explicit instruction on the timescales required for completion;

- Ensure documentation for Legionella Risk Assessments and completed remedial action service reports are saved against each address for which they are required on the CRM system;
- Maintain a database of all heating and water system components which require maintenance and renewal on the Asset Management system;
- Openly share the information from our CRM and Asset Management databases with our contractors or anyone authorised to carry out work on our behalf, subject to a signed information sharing agreement and the appropriate assurances regarding protection of our residents' personal information having been provided.

### **Timescales for remedial actions**

Following receipt of a legionella risk assessment wherein remedial actions are identified, the timescales for completing the recommended actions will be as set out in the below table. The deadlines will begin from the date of the assessment and be instructed to our suitably trained remedial works contractor at the time of issue.

High Priority	Short term	3 Months
Medium Priority	Medium Term	9 months
Low Priority	Long Term	18 months

### **Emergency Action Plan**

In cases where a Legionella outbreak occurs in a dwelling or in a communal area, we will:

- Have an emergency plan in place to deal with immediate and significant risk of harm, notifying the Health and Safety Executive (HSE) as appropriate.

### **Procurement of Competent Contractors**

We will:

- Comply with the BSI PAS 91 scheme when procuring competent contractors;
- Only appoint contractors that are members of a recognised body such as the Legionella Control Association;

- Only appoint contractors with the relevant training, skills, experience, and knowledge to carry out works necessary to ensure the safe operation of hot and cold water systems that we hold responsibility for. This will include a City & Guilds qualification, membership of a water management society and possession of at least—3 years onsite experience.

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- Monitor the Inspection Programme to ensure that attempts to gain access for legionella risk assessments and remedial works occur in a in a timely manner;
- Take reasonable steps to gain access so we can carry out our legal duties as they relate to Legionella Management;
- Escalate access issues pertaining to tenanted residences to the Housing Management team for resolution;
- Take reasonable steps to ensure our approved contractors clearly communicate appointments with residents by letter, telephone calls, texts or other agreed methods of communication;
- Consider the needs of residents that are 'at risk' when attempting to gain access.

### Training

We will identify and provide training on the control of legionella to all staff that have specific or general responsibilities relating to this policy or procedure as identified in the Training Matrix and ensure that we have an available source of expert legionella advice.



## **Communication and information**

We are committed to engaging with residents and stakeholders and will use a range of communication methods to consult with, listen to and promote awareness of legionella management. We will:

- Develop a Health and Safety communication plan to enhance resident awareness and understanding of landlord health and safety, including the control of legionella and how they can help to reduce the risk;
- Ensure information contained within documentation distributed by our Communications team is accurate, clear, and relevant to the practices outlined in our policies and procedures;
- Provide our residents with a copy of any domestic legionella risk assessment they have requested we undertake on their behalf, in digital or printed formats per the resident's preference;
- Ensure communication is issued to residents when works that may impact their cold water services will be required.

## **Legislation**

We recognise our duties and responsibilities under current legislation, related codes of practice and guidance concerning the management of legionella, including:

- The Defective Premises Act 1972 in England and Wales;
- The Health and Safety at Work, etc. Act 1974;
- Landlord and Tenant Act 1985;
- Housing Act 1988;
- Environmental Protection Act 1990;
- Workplace (Health, Safety and Welfare) Regulations 1992;
- Provisions and Use of Work Equipment Regulations 1998;
- The Management of Health & Safety at Work Regulations 1999;
- Control of Substances Hazardous to Health Regulations (COSHH) 2002;
- Housing Health and Safety Rating System – Housing Act 2004;
- Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013;
- The Construction Design and Management Regulation 2015;
- Homes (Fitness for Human Habitation) Act 2018;
- Data Protection Act 2018;
- Approved Code of Practice (ACOP) L8: Legionnaires' disease: The control of Legionella bacteria in water systems;

- Legionnaires' disease: Technical guidance; HSG274 Part 2: The control of legionella bacteria in hot and cold water systems;
- Legionnaires' disease: Technical guidance; HSG274 Part 3: The control of legionella bacteria in other systems.

## **Monitoring and Review**

We will:

- Undertake monthly active monitoring tasks to ensure the integrity of data held in the CRM system and to ensure compliance with the standards set out in the Group Legionella Management policy;
- Report and monitor monthly performance related to legionella management through key performance indicators as determined by the Board. Incidents of noncompliance will be reported or escalated to the Executive Team and Board as appropriate;
- Report key performance indicators quarterly to the Health and Safety Committee;
- Undertake periodic third-party audits and report to the Audit Committee.

We will review this policy every 3 years, or sooner if there are changes to legislation, good practice or other learning.

## **Reference to other documents and associated policies and procedures**

Including:

- Phoenix Standards
- Health & Safety Policy
- Responsive Repairs Policy
- Communal Clearance
- Group Asbestos Management Policy
- Group Gas Safety Policy
- Group Fire Safety Policy
- Group Electrical Safety Policy
- Tenancy and Lease Agreements
- Mutual Exchange Policy
- Translation and Interpretation Policy
- Recharges to Residents Policy

- PNB Group Legionella Management Procedure
- Building a Safer Future- An Implementation Plan
- Audit Reports
- Procurement Policy, Strategy and Toolkit
- Voids Policy
- Contractors, Suppliers and Service Providers Charter
- Asset Management Strategy
- Tenants Handbook
- Supporting Residents 'At Risk' Policy

## Definitions

Term/acronym	Description
Resident	Includes tenants and lessees.
Phoenix	Phoenix Community Housing.
We/us/our	Refers to Phoenix Community Housing.
You/your	Refers to Phoenix tenants and lessees.
The Health and Safety at Work Act 1974	As a landlord, Phoenix has a duty to ensure the health and safety of residents and members of the public by keeping homes and commercial properties safe and free from health hazards including legionella.
The Control of Substances Hazardous to Health Regulations 2002 (COSHH)	<p>Legionella pneumophila is classed as a biological agent by the Health and Safety Executive (HSE) and is listed as a Class 2 hazard under COSHH Regulations 2002. Under these regulations, Phoenix has a statutory duty to:</p> <ul style="list-style-type: none"> <li>• Identify and assess sources of risk</li> <li>• If appropriate, prepare a written scheme for preventing or controlling the risk</li> <li>• Implement, manage, and monitor precautions</li> <li>• Keep a record of precautions</li> <li>• Appoint a competent person with sufficient authority and knowledge of the installation to help take the measures needed to comply with the law</li> </ul>

HSE Approved Code of Practice (ACoP) L8 and HSG 247 'The Control of Legionella Bacteria in Water Systems'	The HSE ACoP is not an Act or Regulation but does have legal status. If there were to be an outbreak of legionella at a property, it would be essential for us to show that we have followed the relevant provisions set out in the HSE ACoP or that we have complied with the law in some other way. The ACoP is intended to offer practical advice on how to comply with the law. The guidance is not compulsory but illustrates good practice and HSE inspectors seeking to secure compliance with the law may use this guidance as a point of reference.
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