



VHA Policy Document

LEGIONELLA AND LEGIONNAIRES' DESEASE POLICY AND PROCEDURE

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Next Review Due: Sept 2024

VECTIS HOUSING ASSOCIATION LIMITED

LEGIONNAIRES DISEASE (LEGIONELLA)

Background

What is Legionella?

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. Where conditions are favourable (ie suitable growth temperature range; water droplets (aerosols) produced and dispersed; water stored and/or recirculated; some 'food' for the organism to grow such as rust, sludge, scale, biofilm etc) then the bacteria may multiply thus increasing the risk of exposure. It is a simple fact that the organism will colonise both large and small systems so both require risks to be managed effectively.

What is a landlord?

A landlord is anyone who rents out a property they own under a lease or a licence that is shorter than seven years. 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

The law is clear that if you are a landlord and rent out property, then you have legal responsibilities to ensure the health and safety of your tenant by keeping the property safe and free from health hazards.

Section 3(2) of the Health and Safety at Work Act 1974 (HSAW) makes provision for relevant health and safety legislation to apply to landlords to ensure a duty of care is shown to their tenants' with regard to their health and safety. 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)*". If you rent out a property, you have legal responsibilities to ensure you conduct your undertaking in such a way that your tenant(s) are not exposed to health and safety risks.

The **Control of Substances Hazardous to Health Regulations 2002** (COSHH) provides a framework of actions to control the risk from a range of hazardous substances, including biological agents (eg Legionella) - to identify and assess the risk, and implement any necessary measures to control any risk.

There has been no change to UK legislation. Since the **L8 Approved Code of Practice (3rd edition)** (ACOP) was published in 2001, there has been a requirement for landlords of both domestic and business premises to assess the risks from exposure to Legionella to their tenants.

L8 Approved Code of Practice (ACOP) was revised and republished in November 2013 and retained the guidance on the requirements of HSWA and COSHH for employers AND those with responsibilities for the control of premises including landlords (L8 ACOP, paragraphs 1 and 2). It applies to the control of Legionella bacteria in any undertaking involving a work activity AND applies to premises controlled in connection with a trade, business or other undertaking where water is used or stored and there is a reasonably foreseeable risk of exposure to Legionella bacteria (L8 ACOP, paragraph 22).

What we must do

The practical and proportionate application of health and safety law to landlords of domestic rental properties is that whilst there is a duty to assess the risk from exposure to Legionella to ensure the safety of their tenants, this does not require an in-depth, detailed assessment. The risks from hot and cold water systems in most residential settings are generally considered to be low owing to regular water usage and turnover. A typical 'low risk' example may be found in a small building (eg housing unit) with small domestic-type water systems, where daily water usage is inevitable and sufficient to turn over the entire system; where cold water is directly from a wholesome mains supply (no stored water tanks); where hot water is fed from instantaneous heaters or low volume water heaters (supplying outlets at 50 °C); and where the only outlets are toilets and wash hand basins. This is the case for the majority of Vectis Housing properties.

A simple assessment may show that there are no real risks and are being properly managed and no further action is needed. It is important to review the assessment in case anything changes in the system.

Implementing simple, proportionate and appropriate control measures will ensure the risk remains low. For most domestic hot and cold water systems, temperature is the most reliable way of ensuring the risk of exposure to Legionella bacteria is minimised i.e. keep the hot water hot, cold water cold and keep it moving. Other simple control measures to help control the risk of exposure to Legionella include:

- flushing out the system prior to letting the property
- avoiding debris getting into the system (eg ensure the cold water tanks, where fitted, have a tight fitting lid)
- setting control parameters (eg setting the temperature of the hot water cylinder (calorifier) to ensure water is stored at 60°C)
- make sure any redundant pipework identified is removed.

The risk is further lowered where instantaneous water heaters (for example combi boilers and electric showers) are installed because there is no water storage.

What our tenants needs to know

Tenants should be advised of any control measures put in place that should be maintained eg not to adjust the temperature setting of the calorifier, to regularly clean showerheads and tenants should inform the landlord if the hot water is not heating properly or there are any other problems with the system so that appropriate action can be taken.

Where showers are installed, these have the means of creating and dispersing water droplets (aerosols) which may be inhaled causing a foreseeable risk of exposure to Legionella. If used regularly (as in the majority of most domestic settings) the risks are reduced but in any case, tenants should be advised to regularly clean and disinfect showerheads. Instantaneous electric showers pose less of a risk as they are generally cold water-fed and heat only small volumes of water during operation.

Additional actions for properties left vacant (voids)

It is important that water is not allowed to stagnate within the water system and so there should be careful management of properties left vacant for extended periods. As a general principle, outlets on hot and cold water systems should be used at least once a week to maintain a degree of water flow and minimise the chances of stagnation. To manage the risks during non-occupancy, consideration should be given to implementing a suitable flushing regime or other measures such as draining the system if it is to remain vacant for long periods.

Who can assess the risk?

In most cases, the actions we need to take are simple and straightforward so compliance does not need to be burdensome or costly. Most landlords can assess the risk themselves and do not need to be professionally trained or accredited; but if they do not feel competent, or inclined to do so, they can arrange for someone who is to do it on their behalf. Most landlords are able to understand the set of risks of running a hot and cold water system in a way that provides the above conditions; and would also be able to implement cheap, simple and effective physical control measures required to minimise the risk of the system becoming colonised with Legionella and other microorganisms. Vectis and its main contractors are suitably competent to undertake Legionella risk assessments as required in all of its housing stock.

Testing (or sampling) the water system for Legionella

Testing or sampling for Legionella (sometimes referred to as microbiological monitoring) is not usually required for domestic hot and cold water systems, but only in very specific circumstances. Testing for Legionella should not be confused with temperature monitoring, which is a reliable method for confirming the water system is under control. Health and safety law does NOT require landlords to obtain, produce nor does HSE recognise a 'Legionella test certificate'.

Keeping a record of the assessment

We are not necessarily required to record the findings of the assessment (except for office testing), however, we keep a record of what has been done for our own purposes.

Reviewing the risk assessment

The law does not prescribe that the risk assessment be reviewed on an annual or biennial basis. It is important to review the assessment periodically in case anything changes but where there are difficulties gaining access to occupied housing units, appropriate checks can be made by carrying out inspections of the water system, for example, when undertaking mandatory visits such as gas safety checks or routine maintenance visits.

Should domestic properties proactively inspected?

HSE and Local Authority inspectors do not proactively inspect domestic premises or ask for evidence that landlords have undertaken a risk assessment. However, if a tenant were to contract Legionnaires' disease from the water system in their home, the landlord may be liable to prosecution under HSWA, and would have to demonstrate to a court that they had fulfilled their legal duty, so it is important that they assess and control the risks

The Policy

The Association's officers and board members are aware of the seriousness and potential causes of the disease, and appointed officers will carry out prescribed Risk Assessments associated with its detection, or the likelihood of its onset, at any of the Association's managed properties, whether owned or leased, and take such action as is recommended by the Health & Safety Executive (HSE) in its Approved Code of Practice (ACOP) in relation to the prevention of the disease.

Duties and identities of person/s with specific responsibilities:

Person/s with overall responsibility

Chief Executive
Vectis Housing Association Ltd

Person/s responsible for production of policy and procedures and monitoring:

Property Services Manager
Vectis Housing Association Ltd

Person/s responsible for carrying out risk assessments, recording relevant information of and implementing any necessary action

Property Services Manager
Property Services Officer
Vectis Housing Association Ltd
Mountjoy

Person/s responsible for ensuring all documentation is completed, checked and activated as required prior to filing

Property Services Manager
Property Services Office
Compliance Officer
Vectis Housing Association Ltd

Person/s responsible for ensuring staff, tenants and contractors are aware of their responsibilities in reducing any risk of legionella occurring in any of the Association's premises

Property Services Manager
Property Services Officer
Compliance Officer
Vectis Housing Association Ltd

LEGIONNAIRE'S DISEASE – PROCEDURE

It is currently known that the vast majority of Vectis properties do not have stored water tanks, either hot and cold, and are basic systems fed by combination boilers and there is therefore extremely limited opportunity for legionella to form.

The Association, however, is guided by the HSE's Approved Code of Practice in its procedures. This outlines the approach to minimising risk of contamination and spread of the Legionella Bacteria in water systems and equipment, such as cold water storage tanks, cisterns, shower heads, thermostatic valves, heat exchangers, taps and obsolete pipe work (dead legs) where water can stagnate.

In order to achieve these objectives, the following procedures are adopted:

1. Occupied Properties

- 1.1 Where installed, hot water storage cylinders are checked to ensure they are heated to a minimum of 60°C. Gas controlled systems are checked whilst completing the annual landlord's safety certificate and appliance servicing. Electrical systems are checked whilst carrying out the planned NIEIEC Electrical Inspections. or upon the property becoming void.
- 1.2 Cold water tanks are covered and insulated when installed.
- 1.3 Galvanized metal cold water storage tanks will be replaced with plastic ones.
- 1.4 Whilst carrying out plumbing work any obsolete pipe work (Dead Legs) located is to be removed. The Property Services Manager must be notified of any alterations made.
- 1.5 The Property Services Manager will sign off all risk assessments.

2. Unoccupied Properties

- 2.1 Ensure Risk Assessments are carried out and form completed (See Appendix 1) upon a property becoming void and on any property that is void for more than five days;
- 2.2 Ensure that cold water storage tanks are plastic, covered and insulated;
- 2.3 On a weekly basis, ensure that all taps are run for a period of five minutes, and all toilets flushed; **and prior to re-letting:**
- 2.4 Clean AND disinfect, or replace, shower head.
- 2.5 Where applicable, ensure hot water storage cylinder is properly heated as in 1.1 above.
- 2.6 Generally, risk assessments within empty properties will be undertaken by competent persons, Mountjoy.
- 2.7 The Property Services Manager will sign off all risk assessments.

3. All Properties

3.1 Should there be any major concerns over contamination, the Property Services Manager, Head of Assets, Chief Executive and Environmental Health should all be informed, and arrangements should be made immediately with a specialist contractor for an inspection, and report with recommendations.

3.2 Should the property be tenanted consider decanting the tenant.

3.3 Should Legionella be confirmed, carry out work in line with specialist report, and re-test for contamination.

3.4 Once it is confirmed the property is clear of Legionella it may be tenanted. Property Services Manager to inform Head of Assets, Chief Executive and Environmental Health.

4. Main Office

4.1 A risk assessment will be undertaken every year by external consultants and this will be formally reviewed by the Health and Safety panel to ensure all risks have been dealt with and the system is safe for use.

4.2 Water temperature checks will be undertaken every week to ensure the temperature at outlets is greater than 45 degrees and recorded in a log book maintained by the Compliance Officer.

4.3 Following holiday periods where the office has not been occupied for a period of a week or more, a full system flush will be undertaken.

4.4 All drinking water outlets will be flushed on a weekly basis to ensure that water is not stagnant.

4.5 The water cooler and coffee machine within the office will be serviced as required by the supplier and cleaned/flushed on a weekly basis to ensure that any legionella hazards are not present.

5. Recording of data

5.1 A comprehensive database containing details of property address, nature of water storage and date of risk assessment will be maintained by the Compliance Officer. Annual risk assessments will be undertaken to reduce the risk of legionella. Where defects with the water system are identified, these will be recorded on the database and addressed within 14 days of notification.

5.2 Copies of risk assessments will be maintained on the property file on Omni.

Appendix 1

Void Property Risk Assessment /Action Sheet for the Prevention of Legionella

Property:

Inspected by:

Date Property became void

Date Property re-let

Responsible person sign off

Office use only:

Checked By..... Date

.....

Comments:

• Cold Water Storage Tank

• Type of the tank PLASTIC OTHER

+Location

Action

If OTHER PASS BACK TO THE OFFICE FOR FURTHER ACTION

LOCATION

Action by Office

Date and works order number plus brief description of work

• Condition of the tank N/A GOOD FAIR POOR

Action

If POOR to be passed back to office for action

Action by Office

Date and works order number plus brief description of work

• Is the tank fitted with a lid and insulated N/A YES NO

Action Taken

If NO lid must be fitted and or insulation

• Is the tank free from debris N/A YES NO

Action Taken

If NO this must be reported back to the office for further action

Action by Office

Date and works order number plus brief description of work

**Void Property Risk Assessment /Action Sheet for the
Prevention of Legionella - continued**

- Toilets **Toilets to be flushed Weekly.**

Action taken

Dates to be inserted here:-

Taps

- Are all taps in good condition YES NO

Action Taken

If NO if no give details of action taken (i.e. basin taps badly scaled up, action replaced basin taps)

ALL TAPS must be run for a minimum of five minutes once a week

Action Taken

Dates:-

Obsolete Pipe Work (Dead Legs)

- Inspect for Obsolete Pipe work (Dead Legs) YES NO

Comments

If YES pass to office giving details and location of pipe work

Action by Office

Date and works order number plus brief description of work

Showers

- Is the shower head in good condition N/A* YES NO

Action Taken

*If NO if no give details of action taken (i.e. shower head badly scaled up, action new one fitted)
Date:*

N/A* = NO SHOWER AT THE PROPERTY

SHOWERS must be run for a minimum of five minutes once a week

Action Taken

Dates:-