



**Somerset**  
Council

**HS19**

# **Legionella Policy**

<b>Organisation</b>	Somerset Council
<b>Title</b>	Legionella Policy HS19
<b>Author</b>	Pam Price
<b>Owner</b>	The Corporate Health & Safety Unit
<b>Protective Marking</b>	OFFICIAL - Unclassified
<b>Primary Legislation</b>	<a href="#">Health and Safety at Work etc. Act 1974</a> and <a href="#">The Control of Substances Hazardous to Health Regulations 2002</a>

## Policy on a Page

This policy is aimed at those in control of premises to help them to comply with their legal duties in relation to legionella.

Somerset Council will protect all employees whilst at work, and others who may be affected by work activities, against the risks associated with legionella.

To comply with the above, this policy provides the Council's rules that must be followed, the standards to be maintained, and signposts to further guidance. It also highlights the risks to users, clients and the Council and the potential consequences of breaching this policy.

This document will be available to: **All Elected Members, Somerset Council Staff, and Volunteers.**

### Key Messages

- Somerset Council will identify and assess the risk of Legionnaires' disease in all premises, for which it is responsible.
- Premises Managers must ensure that their responsibilities, as specified in the legionella risk assessment, are complied with (these responsibilities may also be contracted to a third party).
- Premises Managers must also ensure that Legionella Training is completed by anyone who needs to understand the topic (i.e., anybody undertaking responsibilities to comply with the risk assessment).
- Premises Managers are also required to review their legionella risk assessment via the [Civica website](#), at least annually, or sooner if a significant change occurs to the building or the activities carried out.

**This "policy on a page" is a summary of the detailed policy and guidance documents, please ensure you read, understand, and comply with the full arrangements stated.**

## Responsibilities

<a href="#">Somerset Council</a>	<a href="#">Premises Managers</a>
<a href="#">Employees</a>	<a href="#">SC Strategic Asset Management Client</a>
<a href="#">SC Education Property</a> <i>(for schools who have a contractual arrangement in place with the Education Partnership and Skills team)</i>	<a href="#">Local Authority Maintained Schools</a> <i>(who do NOT have a contractual arrangement in place with the Education Partnership and Skills team)</i>
<a href="#">Somerset Council Housing Service (SCHS)</a>	<a href="#">Corporate Health &amp; Safety Unit</a>
<a href="#">The Responsible Person</a>	

### Somerset Council (SC) will:

Complete the following for all premises over which it has control:

- Identify the Chief Executive as the Duty Holder in relation to the risk from legionella.
- Appoint one or more persons to be managerially responsible for the overall management of the risk from legionella.
- Ensure that the risk control measures for legionella are managed locally by an identified premises manager.
- Identify and assess the risks of Legionnaires' disease in its premises.
- Prepare plans or schemes to ensure that the risks are controlled and put that plan into action (to include appropriate programmes of maintenance and disinfection).
- Keep records and check that what has been done is effective.

Additionally, the Council will:

- Ensure that all premises managers have received appropriate information, instruction, and training so they can implement the plans outlined in the risk assessments.
- Consider the risk from legionella when designing control measures in relation to the risk of scalding.

### Premises Managers will:

- Make themselves familiar with the contents of both the legionella risk assessment and any associated monitoring records, ensuring that these are stored safely, and that staff are aware of their location.
- Ensure that the responsibilities for Premises Managers, specified in the legionella risk assessment, are complied with (These responsibilities may be contracted out to a 3<sup>rd</sup> party).
- Be required to review their legionella risk assessment, at least annually via the Civica website, or sooner if a significant change occurs to the building or the activities carried out.

- Contact the CHSU if their legionella risk assessment requires a full review (following the criteria in the annual review).
- Ensure that all legionella checks are recorded in writing, signed, and dated.
- Keep all records for a minimum of 6 years.
- Ensure that Legionella Training is completed by anybody who needs to understand the topic (i.e., anybody undertaking responsibilities to comply with the risk assessment). Training is delivered in the form of Premises Managers Training and is also available via the Legionella Presentation on Blackboard (Schools) or a module on The Learning Centre (Non-schools).
- Ensure that, if they carry out any work locally, which may include changes to the water system or its use, they contact either Strategic Asset Management (Non-schools) or Education Property (for Schools who have a contractual arrangement in place with the Education Partnership and Skills team) as soon as possible to request a review of the legionella risk assessment.

*\*\*local authority-maintained schools who do not have a contractual arrangement in place with Education Property will be responsible for arranging a review of their legionella risk assessment themselves\*\**

- Ensure that, if they carry out any work locally, which may include changes to the use of the building in which the water system is installed, they contact either Strategic Asset Management (Non-schools) or Education Property (for Schools who have a contractual arrangement in place) as soon as possible to request a review of the legionella risk assessment.

*\*\*local authority-maintained schools who do not have a contractual arrangement in place with Education Property will be responsible for arranging a review of their legionella risk assessment themselves\*\**

- Ensure that, if they identify that the results of their local checks indicate that the control measures are no longer effective, they contact either Strategic Asset Management (Non-schools) or Support Services for Education (for Schools who have a contractual arrangement in place with Education Property) as soon as possible to request a review of the legionella risk assessment.

*\*\*local authority-maintained schools who do not have a contractual arrangement in place with Education Property will be responsible for arranging a review of their legionella risk assessment themselves\*\**

- Ensure that, if there were local changes to key personnel that could impact on the current legionella risk assessment, they contact either Strategic Asset Management (Non-schools) or Education Property (for Schools who have a contractual arrangement in place) as soon as possible to request a review of the legionella risk assessment.

*\*\*local authority-maintained schools who do not have a contractual arrangement in place with Education Property will be responsible for arranging a review of their legionella risk assessment themselves\*\**

- Ensure that, where a case of legionnaires' disease/ legionellosis, associated with the premises water system/s is made known, they contact either Strategic Asset Management (Non-schools) or Education Property (for Schools who have a contractual arrangement in place) as soon as possible to request a review of the legionella risk assessment.

*\*\*local authority-maintained schools who do not have a contractual arrangement in place with Education Property will be responsible for arranging a review of their legionella risk assessment themselves\*\**

### Employees will:

- Report concerns to a responsible person, if concerned about the risk of an outbreak, so that appropriate measures can be taken to eliminate or reduce the risks.

### SC Strategic Asset Management Client will:

- Appoint an approved contractor(s), to carry out a legionella risk assessment, for all non-school premises over which SC has control.
- Instruct an approved contractor(s), as to when a legionella risk assessment is required, for all non-school premises over which SC has control.
- Consider all new legionella risk assessments, in non-school premises, and plan the remedial work required.
- Appoint an approved contractor(s), to carry out the legionella maintenance/ remedial work which arises from any legionella risk assessments carried out, for non-school premises over which SC has control.
- Ensure that the contractor(s) performing the legionella maintenance and monitoring activities, on the individual water systems in non-school premises, carry out the works as specified in each SC establishment legionella risk assessment (non-schools only).
- Hold and manage the budget for legionella risk assessment, in non-school premises, and any associated legionella remedial/ maintenance and monitoring activities.
- Address remedial work identified under LRA inspections. Following the production of a LRA by the appointed competent contractor, identified risks shall be addressed in the following timescales:
  - Remedial work identified as **high risk** to be actioned with 20 working days of report being issued to Somerset Council.
  - Remedial work identified as **medium risk** to be actioned with 40 working days of report being issued to Somerset Council.
  - **Low risk** works are for awareness/ periodic review only.

#### Exceptional circumstances:

High / medium risk works which involve a large degree of planning and management e.g., replacement of water tanks in roof spaces, are to be flagged as 'work in progress' and to be actively managed in a suitable timescale (with an agreed target date) but to acknowledge the 20-working day target may not be met.

- Ensure that a suitable legionella risk assessment is in place, prior to occupancy, when taking over new or existing premises (for all new schools and for new or existing non-schools).
- Take responsibility for the management of the legionella risk in unoccupied premises where there is no nominated premises manager (both for schools over which SC has control and for non-schools).

- Consider the minimising of the risk from legionella as a design requirement in all new builds/ refurbishments (both for schools over which SC project manages and for all non-schools).
- Ensure that, if they carry out any work Corporately on behalf of a non-school premise, which may include changes to the water system or it's use, then they will be responsible for automatically instigating a review of the legionella risk assessment on behalf of the non-school premise concerned (Complete form F19a).
- Ensure that, if they carry out any work Corporately on behalf of a non-school premise, which may include changes to the use of the building in which the water system is installed, then they will be responsible for automatically instigating a review of the legionella risk assessment on behalf of the non-school premise concerned (Complete form F19a).
- Ensure that, if/when the availability of new information about risks or control measures arise, then they will be responsible for automatically instigating a review of any legionella risk assessment/s, in all non-school premises, as required.
- Ensure that, if they identify that the results of their local checks (which are being done by a 3<sup>rd</sup> party contractor) indicate that the control measures are no longer effective, then SC Strategic Asset Management Client will be responsible for instigating a review of the legionella risk assessment for the non-school premises concerned, as required.
- Ensure that, if there were corporate changes to key personnel that could impact on the current legionella risk assessment in non-school premises, then they will be responsible for automatically instigating a review of any legionella risk assessment/s as required (this will be identified via the legionella annual review form on Civica which has to be completed by all premises managers on an annual basis).
- Oversee the working management of Legionella in Somerset Council:

The Legionella Working Group has been set up to provide a forum in which to maintain an ongoing dialogue around legionella issues. It's terms of reference include:

- Review Somerset Council's Legionella policy in practical terms to maintain its fit for purpose and currency status.
- Review legionella compliance data.
- Review performance of delivery partners for legionella works.
- Discussion forum for sharing knowledge, problems and resolutions relating to the management of legionella.

The group is attended by responsible persons and key staff who have control or influence over the day-to-day management of legionella for the Council.

**SC Education Property will:** *(this applies only where the Education Partnership and Skills team have a contractual arrangement in place with a school)*

- Appoint an approved contractor(s), to carry out a legionella risk assessment, for all school premises who buy their services.
- Instruct an approved contractor(s), as to when a legionella risk assessment is required, for all school premises who buy their services.

- Consider all new legionella risk assessments, in school premises, and plan the remedial work required for those who buy their services.
- Appoint an approved contractor(s), on behalf of the school, to carry out the legionella maintenance/ remedial work which arises from any legionella risk assessments carried out, for those who buy their services.
- Ensure that the contractor(s) performing the legionella maintenance and monitoring activities, on the individual water systems in school premises, carry out the works as specified in each SC establishment legionella risk assessment (for those who buy their services).
- Consider the minimising of the risk from legionella as a design requirement in all school refurbishments and construction projects where Education Property are carrying out this work on behalf of the school.
- Ensure that, if they carry out any work Corporately on behalf of a school premise, which may include changes to the water system or it's use, then they will be responsible for automatically instigating a review of the legionella risk assessment on behalf of the school premise concerned (Complete form F19a).
- Ensure that, if they carry out any work Corporately on behalf of a school premise, which may include changes to the use of the building in which the water system is installed, then they will be responsible for automatically instigating a review of the legionella risk assessment on behalf of the school premise concerned (Complete form F19a).
- Ensure that, if/when the availability of new information about risks or control measures arise, then they will be responsible for automatically instigating a review (subject to approval by the Sites responsible person) of any legionella risk assessment/s, in all school premises who buy their services, as required.
- Ensure that, if they identify that the results of their local checks (which are being done by a 3<sup>rd</sup> party contractor) indicate that the control measures are no longer effective, then Education Property will be responsible (subject to approval by the Sites responsible person) for instigating a review of the legionella risk assessment for the school premises concerned (only those who buy their services), as required.
- Ensure that, if there were changes to key personnel that could impact on the current legionella risk assessment in school premises (who buy their services), then they will be responsible for automatically instigating a review of any legionella risk assessment/s as required (this will be identified via the legionella annual review form on Civica which has to be completed by all premises managers on an annual basis).

**Local Authority Maintained Schools (who do NOT have a contractual arrangement in place with the Education Partnership and Skills team) will:**

- Hold and manage the budget for legionella risk assessment, in their school premises, and any associated legionella remedial/maintenance and monitoring activities.
- Appoint their own approved contractor(s), to carry out their own legionella risk assessment, in line with SC policy.
- Appoint their own approved contractor(s), to carry out the legionella maintenance/ remedial work which arises from any legionella risk assessments carried out, in line with SC policy.

- Ensure that their legionella risk assessment is formally reviewed in accordance with SC policy (refer to frequently asked questions section for frequencies).
- Ensure that the contractor(s) performing the legionella maintenance and monitoring activities, on the individual water systems in their school premise, carry out the works as specified in their legionella risk assessment, in line with SC policy.
- Pay for their own legionella risk assessment and any associated legionella remedial/maintenance and monitoring activities.
- Ensure that, if they carry out any work on the premise, which may include changes to the water system or it's use, then they will be responsible for automatically instigating a review of their legionella risk assessment.
- Ensure that, if they carry out any work on the premise, which may include changes to the use of the building in which the water system is installed, then they will be responsible for automatically instigating a review of their legionella risk assessment.
- Ensure that, if/when the availability of new information about risks or control measures arise, then they will be responsible for automatically instigating a review of their legionella risk assessment.
- Ensure that, if they identify that the results of their local checks indicate that the control measures are no longer effective, then they will be responsible for instigating a review of the legionella risk assessment.
- Ensure that, if there were changes to key personnel that could impact on the current legionella risk assessment in their premise, then they will be responsible for automatically instigating a review of any legionella risk assessment/s as required (this will be identified via the legionella annual review form on Civica which has to be completed by all premises managers on an annual basis).
- Consider the minimising of the risk from legionella as a design requirement in any refurbishment and construction work that they self-manage or carry out themselves.

### **Somerset Council Housing Service (SCHS) will:**

- Meet its duty to manage the control of legionella and other water related bacteria within its asset portfolio.
- Ensure that suitable and sufficient water hygiene risk assessments, in accordance with L8, are undertaken at appropriate intervals. The findings will be recorded, and necessary remedial work undertaken in accordance with the predefined timescales within the Water Hygiene Procedures (WATHS02).
- Ensure that residents are appropriately informed through specific information provided at the outset of their tenancy on how they can minimise the risks of water hygiene bacteria.
- Ensure that residents who have special needs in relation to water hygiene have been assessed and any extra controls implemented.
- Ensure it provides water hygiene safety information, operational policies and procedures, training, instruction and supervision to enable staff and contractors to perform their work safely and efficiently.

- Appoint designated staff and ensure that adequate funding and resources are available to carry out their duties.
- Ensure that adequate and regular water hygiene checks, servicing and maintenance of stored water and their associated water systems are carried out within appropriate timescales.
- Liaise with partner organisations where the activities of these organisations may affect the water hygiene safety of Somerset Council Housing Service staff, tenants, leaseholders, contractors and visitors who use our services and where the activities of the Council may affect the activities of the other organisations.
- Record all temperature monitoring and review for any possible trends and implement appropriate actions as required.

### **The Corporate Health and Safety Unit (CHSU) will:**

- Provide suitable training for Premises Managers. (This will be via a Legionella presentation located on Blackboard or training module on TLC).
- Maintain, communicate, and audit compliance with this policy.
- Review this policy at intervals not exceeding 3 years.

### **The Responsible Person:**

The Health and Safety Executive (HSE) Approved Code of Practice L8 – Legionnaires’ disease (The Control of Legionella Bacteria in Water Systems) requires the duty holder to specifically appoint a competent person to take day-to-day responsibility for controlling any identified risk from legionella bacteria, known as the ‘Responsible Person’.

Due to the multi-site nature of SC, this requirement will be met on a collective basis – the duties being shared between the Strategic Asset Management Client (non-schools), Support Services for Education (for schools who have a contractual arrangement in place with the Education Partnership and Skills team), local authority-maintained schools (who do not have a contractual arrangement in place with the Education Partnership and Skills team), Somerset Council Housing Services and Individual Premises Manager at site level.

For the purposes of this policy, the Corporate Responsible Person will be as follows:

- SC Strategic Asset Management Client - for all non-school premises.
- SC Education Property (the Education Partnership and Skills team) – for all schools who have a contractual arrangement in place.
- Local authority-maintained schools (who do not have a contractual arrangement in place with the Education Partnership and Skills team – the responsible person is the school.

The name of the nominated Corporate Responsible Person, for both schools and non-schools, for all premises under the control of SC, is contained within the [Corporate F02](#).

The Corporate Responsible Person will have:

- A thorough understanding of their duties and the overall health and safety management of the organisation, its policies and organisational structure.
- A detailed understanding of any service providers' commitments as detailed in the Legionella Control Association (LCA) code of practice.
- The ability to influence the selection and appointment of service providers with the correct level of training and competence to be able to undertake the roles contracted to them.

The Corporate Responsible Person will work with local Premises Managers and others with responsibilities in this risk area to:

- Ensure that all legionella risk assessments are reviewed, at least annually, via the Civica website, or sooner if a significant change occurs to the building or activities carried out.
- Ensure that measures are in place to adequately control legionella risks posed by hot and cold-water systems, with support from the CHSU.
- Always ensure effective communication with the Duty Holder regarding all aspects of the legionella risk management programme.
- Ensure effective communication, to all staff involved in the legionella risk management programme, which supports the full execution of any written scheme of precautions necessary to minimise the risk of legionella proliferation in the areas under their control.
- Ensure that all staff have the correct levels of competence and training suitable for their appointed roles in the legionella risk management programme, with support from the CHSU.
- Provide sufficient authority, competence and knowledge of the water systems present on SC controlled sites to ensure that the appropriate operational procedures are carried out in a timely and effective manner. (For schools who buy their services from the Education Partnership and Skills team they cannot action works without the school's financial approval first.)

# Governance Arrangements

## Policy Compliance

If any employee is found to have breached this policy, they may be subject to Somerset Council's [disciplinary procedure](#).

## Policy Governance

The following table identifies who within Somerset Council is Accountable, Responsible, Informed or Consulted with regards to this policy. The following definitions apply:

- **Responsible** – the person(s) responsible for developing and publishing the policy.
- **Accountable** – the person who has ultimate accountability and authority for the policy.
- **Consulted** – the person(s) or groups to be consulted prior to final policy implementation.
- **Informed** – the person(s) or groups to be informed after policy implementation.

<b>Responsible</b>	Corporate Health and Safety Unit
<b>Accountable</b>	Chief Executive
<b>Consulted</b>	LGR JNF Union Group, Health, Safety and Wellbeing Steering Group (HSWSG) and HR Committee
<b>Informed</b>	All members, employees, and volunteers

## Review and Revision

This policy will be reviewed as it is deemed appropriate, for instance when there is a change in statutory requirements and/or HSE guidance is revised, but no less frequently than every 36 months. Policy review will be undertaken by rolling programme established by the CHSU and agreed by the Health, Safety, and Wellbeing Steering Group.

## Version History

Revision Date	Author	Version	Description of Revision
16/02/2016	Fiona Packer	V1.0	Draft Version
11/05/2016	Fiona Packer	V2.0	First Revision
17/05/2016	Fiona Packer & Brian Oldham	V3.0	Final Revision
09/06/2016	Fiona Packer	V4.0	Final Revision
14/09/2016	Fiona Packer	V5.0	Final Revision
24/01/2017	Fiona Packer	V6.0	Final Revision
27/02/2017	Fiona Packer, Trevor Shortman & David Dangerfield	V7.0	Final Version
08/06/2018	Fiona Packer, Helen Acreman & David Dangerfield	V8.0	Draft Revision
10/07/2018	Fiona Packer, Helen Acreman & David Dangerfield	V9.0	Final Version
11/12/2018	Fiona Packer, Helen Acreman & David Dangerfield	V10.0	Final Version

25/05/2021	Julie Rutter, Helen Acreman & David Dangerfield	V11.0	Final Version
04/08/2021	Julie Rutter, Helen Acreman & David Dangerfield	V12.0	Minor changes relating to named contractor.
20/04/2022	Julie Rutter, Helen Acreman & David Dangerfield	V13.0	Minor changes to reflect legionella training; added information about alternative heating sources and legionella management in these systems.
01/04/2024	Pam Price, Helen Acreman & David Dangerfield	V14.0	Removal of RAMIS references, addition of addressing remedial work identified under LRA inspection and Somerset Council Housing Service responsibilities.

## Document Notification

Approval	Name	Date
Corporate H&S Advisor	Daniel Thomas	March 2024
Service Director Strategic Asset Management	Oliver Woodhams	March 2024
Executive Director of Strategy Workforce and Localities	Alyn Jones	March 2024
HR Committee	Committee	March 2024