

CLYDESDALE HOUSING ASSOCIATION LIMITED

Policy: Legionella Management Policy

Last Review Date: 29 January 2025

Lead Officer: Depute Chief Executive

Next Review Date: January 2028

Applicable Regulatory Standards:

Regulatory Standard 1 (RS1) – *‘The governing body leads and directs the RSL to achieve good outcomes for its tenants and other service users’.*

- Guidance 1.1 - The governing body sets the RSL’s strategic direction. It agrees and oversees the organisation’s business plan to achieve its purpose and intended outcomes for its tenants and other service users.
- Guidance 1.2 - The RSL’s governance policies and arrangements set out the respective roles, responsibilities and accountabilities of governing body members and senior officers, and the governing body exercises overall responsibility and control of the strategic leadership of the RSL.
- Guidance 1.3 - The governing body ensures the RSL complies with its constitution and its legal obligations. Its constitution adheres to these Standards and the constitutional requirements set out below.
- Guidance 1.4 - All governing body members accept collective responsibility for their decisions.
- Guidance 1.5 - All governing body members and senior officers understand their respective roles, and working relationships are constructive, professional and effective.
- Guidance 1.6 - Each governing body member always acts in the best interests of the RSL and its tenants and service users and does not place any personal or other interest ahead of their primary duty to the RSL.
- Guidance 1.7 - The RSL maintains its independence by conducting its affairs without control, undue reference to or influence by any other body (unless it is constituted as the subsidiary of another body).

Regulatory Standard 3 (RS3) – *‘The RSL manages its resources to ensure its financial well-being, while maintaining rents at a level that tenants can afford to pay’.*

- Guidance 3.1 - The RSL has effective financial and treasury management controls and procedures, to achieve the right balance between costs and outcomes, and control costs effectively. The RSL ensures security of assets, the proper use of public and private funds, and access to sufficient liquidity at all times.
- Guidance 3.2 - The governing body fully understands the implications of the treasury management strategy it adopts, ensures this is in the best interests of the RSL and that it understands the associated risks.
- Guidance 3.3 - The RSL has a robust business planning and control framework and effective systems to monitor and accurately report delivery of its plans. Risks to the delivery of financial plans are identified and managed effectively. The RSL considers sufficiently the financial implications of risks to the delivery of plans.

Regulatory Standard 5 (RS5) – *'The RSL conducts its affairs with honesty and integrity'*.

- Guidance 5.1 - The RSL conducts its affairs with honesty and integrity and, through the actions of the governing body and staff, upholds the good reputation of the RSL and the sector.
- Guidance 5.2 - The RSL upholds and promotes the standards of behaviour and conduct it expects of governing body members and staff through an appropriate code of conduct. It manages governing body members' performance, ensures compliance and has a robust system to deal with any breach of the code.
- Guidance 5.3 - The RSL pays due regard to the need to eliminate discrimination, harassment and victimisation, and advance equality of opportunity and human rights, and fosters good relations across the range of protected characteristics in all areas of its work, including its governance arrangements.

The Scottish Social Housing Charter relevant indicators:

4: Quality of housing

Social landlords manage their businesses so that:

- tenants' homes, as a minimum, meet the Scottish Housing Quality Standard (SHQS) when allocated; are always clean and tidy and in a good state of repair; and also meet the Energy Efficiency Standard for Social Housing (EESH) by December 2020

5: Repairs & Maintenance

Social landlords manage their business so that:

- tenants' homes are well maintained, with repairs and improvements carried out when required, and tenants are given reasonable choices about when work is done.

Clydesdale Housing Association will provide this policy on request at no cost, in large print, in Braille, in audio or other non-written format, and in a variety of languages.



Contents

- 1. Introduction 4
- 2. Policy Scope 4
- 3. Definitions..... 5
- 4. Legal Framework..... 5
- 5. Roles and Responsibilities 6
 - Duty Holder 6
 - Responsible Person 7
- 6. Legionella Policy Arrangements..... 7
- 7. Governance and Oversight 9
- 8. Performance and Assurance..... 9
- 9. Training and Competency 9
- 10. Data Integrity and Record Keeping 10
- 11. Review Period..... 10

1. Introduction

- 1.1 The Association recognises the risks that hot and cold-water systems can pose to our employees, customers who live in our homes, people who work on our behalf, and members of the public who visit our properties and our offices. In particular, the main risks associated with hot and cold-water systems are the exposure to Legionella bacteria, if they are not designed, installed, maintained, and monitored to the appropriate standards and frequencies.
- 1.2 Exposure to Legionella bacteria can give rise to significant health risks if inhaled in small droplet form (aerosols) and can result in severe health issues and even fatality, it also poses significant reputational and financial risks to the Association if not managed appropriately. This policy is designed to ensure that all reasonably practicable steps are taken to avoid, mitigate, and manage risks to colleagues, customers, and visitors to our buildings in relation to management of hot and cold-water systems and ultimately preventing exposure to Legionella bacteria.
- 1.3 This policy is designed to minimise the risk of exposure to Legionella bacteria by ensuring steps are taken to suitably and sufficiently risk assess all buildings owned and managed by the Association and ensure where inherent risks are identified that cannot be eliminated, that there is a written scheme of control which outlines necessary remedial works, monitoring and maintenance to be carried out by suitably competent contractors and staff.
- 1.4 This policy should be read in conjunction with the supporting Legionella Management Procedure, both documents will enable us to comply with all applicable legislation and standards listed in section 3 and when implemented, enable the Association to manage the risk of exposure to Legionella bacteria in our hot and cold-water systems.

2. Policy Scope

- 2.1 This policy relates to the risks associated with Legionella bacteria growth and human exposure to Legionella bacteria through inhalation of small droplets of water containing the bacteria (Aerosols). We will predominantly thermally control all hot and cold-water systems owned and managed by the Association, where this is not possible we may use chemical controls. This policy and the supporting procedure also extends to water hygiene relating to drinking water (Potable water) and also the risk of scalding from hot water, heated to high temperatures to kill Legionella bacteria.
- 2.2 In terms of properties, this policy relates to all hot and cold-water systems within all properties owned or managed by the Association, where there is a legal or regulatory duty to assess the risks of exposure in line with the Health and Safety at Work etc. Act 1974 (and in more detail set out in the Management at work Regulations 1999), and the duties set out within the L8 ACOP and HSG274, (unless other parties are explicitly specified for statutory responsibility in any lease or management agreement).
- 2.3 Where properties are managed by the Association on behalf of property owners, statutory responsibility will be detailed in the terms of the management arrangements.

2.4 This policy relates to all staff (including management Committee), and all departments within the Association. This policy applies to all work streams within the Association where hot and cold-water systems are installed, and Water Hygiene and Water Safety need to be managed. These include:

- Legionella Risk Assessment (LRA) Programme of communal and domestic properties
- Written schemes of control where risks cannot be eliminated
- Remedials resulting from LRA's.
- Monitoring regimes for hot and cold-water systems (as required – stated in LRA)
- Maintaining and servicing Thermostatic Mixing Valves (TMV's) to mitigate scald risks.
- Void properties
- All works relating to hot and cold-water systems
- All planned investment works.

2.5 The Association has several specific duties which relate to water safety and, in particular, Legionella risk management. These include:

- Identifying and assessing sources of risk.
- Preparing a scheme for preventing or controlling the risk.
- Implementing and managing the scheme.
- Keeping records and checking what has been done is effective.

3. Definitions

- Legionella – *“a potentially dangerous type of bacteria when inhaled in small droplets (e.g., from shower head). Bacterium grows best in warm (20-45 degrees C), nutrient rich water. Main way of killing bacteria is through heating water above 50 degrees C.”*
- Legionella Risk Assessment – *“a specific risk assessment carried out to determine the risk level of Legionella Assessment proliferation, and exposure from a specific water system.”*
- Log Book – *“a record book provided to record all local checks and tests carried out, as specified by legionella risk assessment.”*
- Legionnaires' disease – *“a potentially fatal form of pneumonia caused by the legionella bacteria.”*

4. Legal Framework

4.1 The legal duty for landlords who provide residential accommodation is to consider, assess and control the risks of exposure to Legionella to tenants and others who use or visit their buildings.

4.2 Duties under the **Health and Safety at Work etc Act 1974 (HASAWA)** extend to risks from legionella bacteria, which may arise from work activities, whereby the association has a duty to ensure the health and safety of employees and others (customers, contractors, members of the public). **The Management of Health and**

Safety at Work Regulations 1999 (MHSWR) provide a broad framework for controlling health and safety at work and imposes a duty to risk assess. More specifically, **the Control of Substances Hazardous to Health Regulations 2002 (COSHH)** provide a framework of actions designed to assess, prevent or control the risk from bacteria like Legionella and take suitable precautions. **The Approved Code of Practice: Legionnaires' disease: The control of Legionella bacteria in water systems (L8)** contains practical guidance on how to manage and control the risks in our hot and cold water systems.

4.3 This Policy aims to achieve compliance with the following legislation, ACOP's, Regulations, British Standards and Guidance:

- Health and Safety at Work etc. Act 1974
- Management of Health and Safety at Work Regulations 1999
- The Control of Substances Hazardous to Health Regulations 2002 (COSHH)
- The Approved Code of Practice: Legionnaires' disease: The control of Legionella bacteria in water systems (L8)
- HSG274 Legionnaires Disease – Technical Guidance (2014)
- The Housing Scotland Act(s)
- The Public Health Scotland Act
- The Tolerable Standard (under the Housing (Scotland) Act 2006)
- IACL27 (rev2) Legionnaires Disease – A guide to Employers
- INDG 458 Legionnaires Disease – A brief Guide for Duty Holders (2012)
- Public Health etc. (Scotland) Act 2008
- The Building (Scotland) Regulations 2004 including all subsequent amendments
- The Water Supply (Water Fittings) (Scotland) Byelaws 2014
- The Water Supply (Water Quality) (Scotland) Regulations 2001
- British Standards 8580:2019 – Water Quality: Risk Assessment for Legionella Control – Code of Practice
- Scottish Health Technical Memorandum 04-01

5. Roles and Responsibilities

5.1 The Chief Executive has overarching responsibility for health and safety across the Association. They will appoint other officers as required to assist in carrying out the association's duties.

Duty Holder

5.2 The L8 ACOP and HSG274 guidance requires a duty holder to be named. The **Deputy Chief Executive** has been appointed as the Duty Holder for the Association. As required by the approved code of practise L8, the Duty holder will:

- Identify and assess sources of risk.
- If appropriate, prepare a written scheme for preventing or controlling the risk.
- Implement, manage, and monitor precautions.
- Keep records of the precautions.

- Appoint a competent person with sufficient authority and knowledge of the installation to help take the measures needed to comply with the law (responsible person).

Responsible Person

- 5.3 The **Depute Chief Executive** is the appointed “Responsible Person” in line with L8 and HSG274. The responsible person will take day-to-day responsibility for managing the control of any identified risk from legionella bacteria, they will have sufficient authority, competence, skills and knowledge about the installation to ensure that all operational procedures are carried out in a timely and effective manner and implement the control measures and strategies, i.e. they are suitably informed, instructed, trained and assessed. They should be able to ensure that tasks are conducted in a safe, technically competent manner. They will appoint a deputy responsible person to assume the role when they are not available.

6. Legionella Policy Arrangements

- 6.1 The key arrangements the Association will have in place as a landlord, employer, and statutory duty holder, are:
- The Association will comply fully with all relevant legislation, regulations, ACOP’s, Standards and Guidance related to water hygiene and Legionella applicable to the properties we own and manage.
 - The Association will ensure that we identify all properties owned or managed which contain hot and cold-water systems. This will form the overarching database of all properties which require a water hygiene risk assessment. We will undertake a risk-based approach and best practice in relation to all properties that contain hot and cold-water systems.
 - The Association will utilise our data for all heating types within buildings to carry out an initial desktop risk assessment with all of the data we hold. We will identify properties which are deemed “low risk”, where there is no stored water and the turnover of water within the property is unlikely to lead to stagnation or bacteria issues. These properties will require no further site risk assessments unless any changes occur which suggests a site risk assessment would be needed (e.g. if they are becoming void or vacant for a long period of time).
 - The Association recognises that void properties have the potential to exhibit increased risk of Legionella due to the possibility of stagnant water remaining undisturbed within pipework for prolonged periods. To mitigate the increased potential risk we will thoroughly flush all taps, clean and disinfect, or replace all shower heads and inspect and report on possible standing water traps, where present.
 - The Association will ensure our risk-based approach identifies medium and higher risk properties which will be considered, and the risk be dictated by the vulnerabilities of people using those hot and cold-water systems and the complexity

of the hot and cold-water system. These will require further risk assessment, predominantly site based, by a competent person.

- The Association will identify vulnerable customers who could be at risk of being scalded and assess the risks associated with their needs and the hot and cold-water systems within their properties. Where required, we will take appropriate actions to mitigate and control the risks of scalding.
- In the first instance, the Association will attempt to eliminate risks associated with Legionella and scalding which have been identified within the risk assessment. Where these risks cannot be eliminated we will put in place a written scheme of control. In order to achieve control over the entire water system and maintain a suitable schedule of controls, the written scheme clearly identifies the measures required to control the risks from exposure to legionella bacteria and scald risks.
- The Association will appoint a Duty Holder and Responsible Person in line with L8 and HSG274. The responsible person will ensure that any remedials or controls specified within risk assessments (or risk assessment reviews) are verified and implemented and the written scheme of control is updated.
- The Association will review the risk assessment periodically, and specifically when there is reason to believe that the original risk assessment may no longer be valid. Where the risk assessment is no longer valid, we will instruct a new suitable and sufficient risk assessment to be produced by a competent person. We will also review management and communication procedures as appropriate.
- The Association will ensure only competent people are employed to carry out risk assessments, remedial works, or monitoring. We will also ensure that staff and contractors have the required training in place to ensure they are competent to carry out the work appropriately.
- The Association will ensure we have appropriate assurance mechanisms in place to evidence we are compliant with this policy, the supporting procedure, legislation, ACoP, standards and guidance.
- The Association will make best use of software / portal facilities to ensure that water risk assessment reviews, monitoring regimes and remedial actions are managed in a consistent manner, aligning with sector Best Practice on receiving, handling and distribution of remedial actions in line with agreed target completion times.
- The Association will ensure there are suitable levels of governance, oversight, and supervision to implement this policy and the associated supporting procedure inclusive of making these available to all relevant staff and ensuring that staff with specific responsibilities have read and understood the content and what is expected of their role.
- The Association will ensure that all relevant staff receive appropriate training, including specialist roles and general awareness for water hygiene and Legionella safety.

- The Association will ensure there are suitable and sufficient emergency procedures in place to deal with any confirmed cases of Legionella bacteria (outbreak) and when we have lost thermal or chemical control of a building.
- The Association will ensure that we manage data robustly to assure ourselves that we are accurately and robustly fulfilling our statutory responsibilities as an employer and a landlord relating to water hygiene and Legionella management across the business and respond promptly to failures in systems and data management.

6.2 Further details are set out in the supporting Legionella Management Procedure.

7. Governance and Oversight

7.1 The Association will have suitable and sufficient levels of oversight, governance, and assurance in place to ensure that we fulfil all legal obligations relating to Legionella safety and to assure ourselves that we comply with this Policy and the supporting procedure. The current levels of Governance and Assurance we have in place are:

- Management Committee
- SMT – The Senior Management Team
- The Audit and Risk Committee
- Technical Services Team
- Internal and external audit

8. Performance and Assurance

8.1 The Tenant Safety Scorecard will be produced on a quarterly basis to ensure compliance can be monitored against the minimum agreed Key Performance Indicators (KPI's). These will be detailed in the Legionella Management Procedure. Performance information will be provided on the following basis:

- Quarterly performance information is provided to the Management Committee including relevant legionella KPIs and their performance compared with previous quarters.
- An end of year performance report summarising KPI performance compared with target) is reported to the Management Committee at the end of the year. The reports provide an in-depth review of tenant safety and areas of key focus.

9. Training and Competency

9.1 The Duty Holder will ensure that all colleagues with responsibilities under this policy receive appropriate training to ensure that they are competent to fulfil their duties.

9.2 Training will be provided in accordance with the Associations training needs analysis for all staff that require an awareness relating to Legionella and appropriate training will be organised for all staff with specific duties in relation to the management of Legionella.

9.3 The Responsible Person will be responsible for assessing and delivering the training needs analysis across the business with the advice from the Responsible

Person regarding the types of training required across different roles.

- 9.4 Contractors are required to be demonstrably competent and suitably qualified to conduct the roles and responsibilities placed on them and must undertake regular auditing and updated training to ensure suitability continues. Contractors conducting risk assessments will be required to be members of the Legionella Control Association (LCA).

10. Data Integrity and Record Keeping

- 10.1 All properties will be assessed to determine whether they require a site risk assessment. We will keep an accurate record of all properties requiring an initial site risk assessment and those which need the risk assessment reviewing periodically.
- 10.2 We will record the remedial works specified within the risk assessment, tracking, and managing the actions through to completion.
- 10.3 Any monitoring and maintenance regimes recommended by the risk assessments will be tracked monitored and managed to evidence completion.
- 10.4 Void regimes will be monitored and recorded to ensure we have evidence of completion of the tasks.
- 10.5 All records relating to the Legionella risk assessment and review and subsequent remedial works identified shall be kept and managed within a robustly maintained system to ensure asset data accuracy and reliability.
- 10.6 We will conduct regular validation checks of the main asset database to ensure all properties are correctly classified and accounted for including asset acquisitions and disposals.

11. Review Period

- 11.1 This policy will be reviewed every three years, or sooner if there are any legislation or changes in best practise, to ensure the Association complies with up-to-date legislation and guidance.