



Southampton City Council Policy Legionella Management

Statement of Intent

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1. Introduction

- 1.1. The aim of this Policy is to explain the actions and measures Southampton City Council takes in the management and control of legionella in water systems in the residential and non-residential properties, which they own, manage and lease
- 1.2. As owners and managers of property, Southampton City Council have a duty of care to ensure that its employees, residents, visitors, service users, contractors, and members of the public can use their buildings and facilities safely. This extends to ensuring that they are safe from risks associated with legionella bacteria.
- 1.3. The scope of this Policy will be applied to: -
 - All SCC buildings/premises;
 - All commercial leasehold properties where SCC is the designated Duty Holder;
 - All residential premises with communal water storage tanks, calorifiers and associated pipework (serving multiple units of accommodation);

2. Understanding and responding to residents

- 2.1 We will treat everyone fairly but recognise that certain groups may face discrimination or may be disadvantaged in other ways. These groups are identified in equality legislation and include people who are disabled or from different religions or faiths.

2.2 We will make sure that members of these groups are treated in ways that meet their needs and are not excluded inappropriately from any services or activities provided by Southampton City Council. We will promote inclusion and challenge discrimination.

3. Legislation and Guidance

3.1 The Health & Safety Executive's Approved Code of Practice and Guidance Note L 8 "*The control of legionella bacteria in water systems*" is enforceable under the Health & Safety at Work Act 1974.

3.2 Other legislation that also applies to legionella control is: -

- Management of Health & Safety at Work Regulations 1999;
- Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR);
- The Control of Substances Hazardous to Health Regulations 2002;

4. Policy Statement

4.1 Southampton City Council will take all reasonable measures to establish effective systems to manage the risks associated with legionella bacteria and in accordance with the requirements of the above legislation and guidance we shall: -

- Identify and assess the risks;
- Manage and control the risks;
- Appoint responsible and competent persons to manage the risks;
- Provide sufficient financial and staffing resources;
- Maintain and keep thorough records;
- Provide appropriate training;
- Review the risks and control systems at regular intervals;

4.2 Southampton City Council will maintain an open information policy and will work with residents, tenants, staff, contractors, consultants and statutory bodies to agree and deliver solutions to manage legionella bacteria issues.

4.3 Southampton City Council will implement its Legionella Management Policy by empowering designated employees with appropriate, training, specialist support and resources needed to safely manage and control legionella bacteria in SCC premises as defined in 1.3 above.

4.4 Variation and/or amendment to this Policy will occur following changes to SCC's operational requirements, UK legislation, guidance and/or best practice.

4.5 The Policy will be reviewed every two years or, sooner where required, for example, changes in legislation. Any changes are to be validated by the Legionella Management Group.

5. Legionella Management

5.1 The Health & Safety Executive's Approved Code of Practice and Guidance Note L 8, identifies two distinct roles: –

- Duty Holder;
- Responsible Person;

5.2 Duty Holder

The Duty Holder has a responsibility to support this policy by ensuring the allocation of resources including an adequate budget, suitable and sufficient equipment, personnel, time and training. In particular they will:

- Eliminate Risk where possible
- Appoint appropriate “Responsible Persons” to oversee, control and coordinate the control of the risk of legionellosis
- Ensure that there are adequate resources available to control the risk of legionellosis

The Duty Holder is:

The Chief Executive Officer, Mike Harris

5.3 The Responsible Person

The Responsible Person has been given their authority by the Duty Holder. The position carries with it the authority to put into effect such measures as are required to control the risk of legionellosis, both as a matter of routine and in the event of a crisis. The Responsible Person has a duty to ensure that Approved Code of Practice (ACOP) L8 and all relevant legislation associated with the management and control of legionellosis are adhered to. The Responsible Person also has a responsibility to ensure records are kept to confirm that this policy has been implemented.

The Responsible Person has the overriding authority for the control of Legionella to ensure that all Southampton City Council sites meet the requirements of Legislation and this policy. The “Responsible Person” is required to ensure that nominated SCC staff are trained and competent to carry out the prescribed task on their behalf and to ensure that the “Responsible Person” tasks and requirements are duly met.

The Responsible Person for the control of Legionella within Southampton City Council is: The Team Manager – Risk & Compliance (CE&A) and all school head teachers.

5.4 Legionella Management Structure

- 5.4.1. The legionella management structure showing organisational relationships between the various operational parts of SCC’s operational structure and specialist contractors is detailed in the Legionella Management Organisational Chart in Appendix A.
- 5.4.2. The Responsible Person is to establish and maintain direct lines of communication with the various operational parts of SCC’s operational structure and specialist contractors, ensuring a smooth two-way exchange of information and records.
- 5.4.3. The Team Manager – Risk & Compliance (CE&A) will hold (or delegate to ensure) regular review meetings with the specialist legionella contractors: -

5.4.4. Details, outcomes and actions agreed in these meetings are to be recorded in writing and circulated to relevant Southampton City Council's officers and specialist contractors.

5.5 Specialist Contractors

5.5.1. Specialist legionella contractors will be appointed to carry out all legionella related inspections and works including: -

- Carrying out legionella risk assessments (complete with schematics);
- Monitoring, flushing and cleaning (weekly, monthly etc.);
- Periodic sampling;
- Remedial works and treatments;
- Data collection and maintaining records;

5.5.2. It is the Responsible Persons duty to make reasonable enquiries to ensure that the contractor and their staff are competent and suitably trained to a level commensurate with the tasks they are required to carry out.

5.6 Training

5.6.1. The Responsible Person, the Senior M&E Compliance Officer (and relevant others) will be provided with regular training so that they are properly updated on changes in legislation and best practice in the management and control of legionella in water services.

5.6.2. The Responsible Person in conjunction with Corporate Health & Safety Service will agree and deliver appropriate legionella training cascaded through to relevant Corporate Estate and Assets, Housing and Trades staff.

5.6.3. The scope and effectiveness of the training shall be reviewed at least annually to ensure that the personnel involved are competent and capable of performing their specific duties.

6. Identification and Assessment of Risk

6.1 All premises as described in **1.3** above shall have a current and compliant legionella risk assessment and it is the Responsible Person's duty to ensure this.

6.2 When notified of additional properties to Corporate property portfolio acquired either from other housing providers or the councils development programme as meeting the requirements of **1.3** above, the Responsible Person is to ensure they are provided with current and compliant legionella risk assessment as close to handover as is reasonably practicable.

6.3 Generally, no legionella risk assessments will be carried out to single residential properties with individual cold-water storage, hot water generation and associated pipe work. All these properties are subject to an annual Home Safety Check, which incorporates a 'water condition check' that includes water tanks.

- 6.4 Approved specialist legionella contractors will carry out legionella risk assessments strictly in accordance with the requirements of Approved Code of Practice and Guidance L 8 and BS 8580:2019, these will include: -
- A site survey of the water system;
 - An asset register of all associated plant, pumps and other relevant items;
 - Schematic diagram of the layout of the water system and associated plant;
 - A risk rating for the management and the systems;
 - A site-specific recommended monitoring, cleaning and inspection programme;
 - Required remedial actions to reduce and manage the risk;
- 6.5 It is the Responsible Person's duty to ensure the timely provision and review of legionella risk assessments and to place instructions with the contractors for them to be undertaken.
- 6.6 Legionella risk assessments will be reviewed at a maximum interval of two years, with additional reviews in the following circumstances: -
- Significant changes in legislation and guidance;
 - Significant alterations to any water system(s);
 - Significant changes in building population or use;
 - Failure of the control programme;

7. Prevention and Control

7.1. Removing and Reducing Risks

7.1.1. Wherever reasonably **practicable** we will remove the potential source of contamination.

7.1.2. When legionella risk assessments identify required measures to remove or reduce risks they will be reviewed and carried out in a timely manner as responsive repairs or as part of a planned improvement programme if, and as appropriate.

7.1.3. New development schemes and major refurbishment projects will be subjected to a design review by the specialist legionella consultant. The design stage review is to be a desk top exercise examining, design drawings, specifications, employer's requirements, component manufacturer's guidance and the like, to confirm that the water installation proposals meet with current legionella regulations, Approved Code of Practice L 8 and best practice and to draw to the Responsible Person's attention any potential future maintenance issues.

7.2. Controlling Risks

7.2.1. **Where it is not reasonably practicable** to remove risks then a written scheme for controlling measures will be prepared by the specialist legionella contractor, reviewed by the specialist legionella consultant and implemented and managed by the Responsible Person.

7.2.2. The control regime will include as appropriate: -

- Good design – for avoidance of water stagnation including removal of 'dead legs';

- Good design - avoiding use of materials in the water system that may harbour and encourage growth of bacteria or other nutrients;
- Temperature control, monitoring, inspection and flushing;
- Correct and safe operation of equipment and plant including maintenance requirements and frequencies;
- Testing of water quality as required;

7.2.3. **To ensure control measures** implemented remain effective the condition and performance of the system will be monitored; the frequency and extent of the routine monitoring will depend upon the operating characteristics of the system.

7.2.4. When legionella sampling is undertaken the samples are to be analysed at a laboratory accredited by the United Kingdom Accreditation Service (UKAS) in accordance with the Approved Code of Practice L 8. The samples are to be taken in accordance with BS 7592.

7.2.5. **An audit regime** will be implemented by the Responsible Person as a further control to ensure that this Policy, operating procedures and the services provided by the specialist legionella contractors are compliant. These regular audits are to be undertaken by the appointed specialist legionella consultant. The frequency of the audits is to be agreed between the Responsible Person and the consultant, but with the following minimum requirements: -

- SCC legionella management and Policy/Procedures implementation audits – Annually;
- Specialist contractor operational and management audits – Quarterly;

8. Record Keeping

- 8.1. **The Responsible Person** shall ensure that appropriate records are kept. All records will be securely held and all electronic information will be backed-up.
- 8.2. Legionella risk assessments and written schemes are to be retained throughout the period they remain current (maximum of two years) and for a minimum two years after that period.
- 8.3. The results of monitoring, inspections, tests, checks, temperatures and works undertaken, are to be recorded and will be retained for at least five years.
- 8.4. Dates and signatures will be required on all records for monitoring, inspections, tests, checks and works undertaken.
- 8.5. SCC will maintain records of all legionella training of both its employees and contractors' staff.
- 8.6. Following the disposal of any SCC owned, managed or leased properties legionella records are to be retained in accordance with the requirements of 8.2 and 8.3 above.

9. Action to be taken on suspicion of an incident or outbreak

- 9.1. In the event of a reported incident or outbreak or, those suspected, it shall be referred to the Head of Corporate Estate and Assets who will initiate standard investigation

- 9.2. **The** investigation will identify the cause of the incident/outbreak advising on cleaning, disinfection, engineering modifications that may be necessary. It will also investigate and recommend any necessary changes to the Policy and procedures to prevent re-occurrence.
- 9.3. **The** Responsible Person shall ensure that any systems are safely isolated until a course of action has been agreed making sure that the system is not drained or disinfected before samples have been taken.

Southampton City Council places a great importance to the health, safety and welfare of staff, residents, visitors, the public and others who may be affected by its business. It is considered essential that management and staff should work together positively to achieve an environment compatible with the provision of the highest quality services where health hazards to staff, residents, visitors, the public and others are minimised so far as is reasonably practical.

Southampton City Council recognises it has statutory responsibilities as an employer under the Health and Safety at Work etc Act, the Management of Health and Safety at Work Regulations and the Control of Substances Hazardous to Health Regulations. It also has a legal duty as a landlord to ensure that the risk of exposure of tenants to legionella is properly assessed and controlled. This duty extends to residents, guests, tenants and customers.

The Health and Safety Executive's publication 'Legionnaires' Disease, The Control of Legionella Bacteria in Water Systems, Approved Code of Practice and Guidance' provides a framework and guidance for Southampton City Council to achieve compliance relative to the hazards posed by legionella bacteria. It is the intention of Southampton City Council to ensure the effective implementation of this Policy and to keep it under consideration in all aspects of health, safety and welfare.

The intention is to use the requirements of these regulations as a minimum standard for the prevention of legionella bacteria proliferation within the relevant property portfolio as identified and building services and to prevent staff, residents, visitors and others being exposed to legionella bacteria.

Southampton City Council as the statutory Duty Holder undertakes to perform the following actions:

1. Appoint a director with responsibility for Health and Safety to fulfil the role of the appointed person for Legionella
2. Appoint responsible persons and provide adequate training for staff
3. Identify all water plant and systems which pose a potential risk of Legionella Bacteria exposure.
4. Arrange for Legionella Risk Assessments to be completed for all water plant and systems that could pose a risk of legionella bacteria exposure and to review the assessments at least every 2 years, and/or where significant changes occur
5. Eliminate or minimise exposure risks where reasonably practicable by the procurement of plant, equipment and systems which have been designed to prevent or minimise the risks of exposure to legionella bacteria
6. Establish and operate a written control scheme for controlling exposure risks to legionella bacteria.
7. Monitor compliance with the written scheme and review risks and the performance of the risk control measures, revising risk assessments and written control schemes when required
8. Employ only competent, adequately qualified and trained personnel and service providers

The Arrangement section of this policy will detail who has a responsibility in managing and how legionella risk will be managed in SCC Premises including maintained schools.

Mike Harris
Chief Executive

Southampton City Council

Signed:



Dated: 2nd October 2023

Cllr Satvir Kaur
Leader of The Council

Southampton City Council

Signed:



Dated: 6/10/23

This Control of Legionella Policy is signed on behalf of the Council's Executive Management Team.

Review due: August 2024

This statement must be readily accessible. A full copy of this policy including Organisation and Responsibilities, Arrangements and Safe Working Procedures can be found on the Health and Safety Intranet.

Arrangement's for Managing Legionella Risk In SCC Premises Including Maintained Schools

STATEMENT:

In order to comply with legislation and fulfil statutory responsibility, Southampton City Council (The Council) must make sure that they:

Meet their statutory responsibilities as an employer under the Health and Safety at Work etc Act, the Management of Health and Safety at Work Regulations and the Control of Substances Hazardous to Health Regulations. It also has a legal duty as a landlord to ensure that the risk of exposure of tenants and members of the public to legionella is properly assessed and controlled. This duty therefore extends to residents, guests, tenants and customers.

SCOPE:

The arrangements apply to:

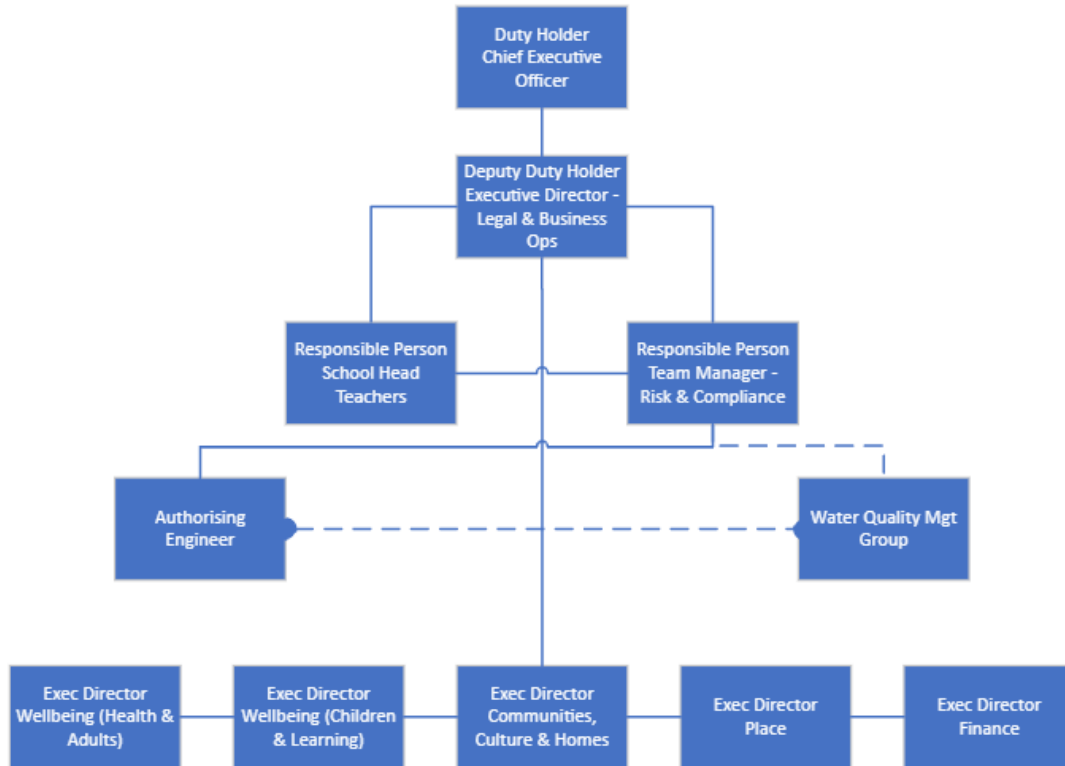
- All Appointed Persons.
- All Responsible Persons.
- All contractors working on behalf of the Council.

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1. Responsibilities

- 1.1. Under the Health and Safety at Work etc. Act and the Management of Health and Safety at Work Regulations, The Council has an obligation to demonstrate the safe management of all water systems under their control.
- 1.2. As the statutory Duty Holder for Legionella, The Council has a responsibility for all their employees, members of the public who visit or use council premises, and where they act as the Landlord across its housing portfolio.
- 1.3. A representative Governance structure is below.



Executive)
Executive)

Duty Holder

- 1.4. Under general health and safety law, as an employer or person in control of a premises (e.g. a landlord), The Council needs to take suitable precautions to prevent or control the risk of exposure to legionella.
- 1.5. The Duty Holders responsibilities include:
 - Identifying and assessing the source of risk
 - Managing the risk
 - Prevent or control the risk
 - Record keeping

Responsible and Deputy Responsible Person

- 1.6. The appointed Responsible and Deputy Responsible Persons are to take day-to-day responsibility for managing risks in their service/school etc., and will need to understand the water systems, any equipment associated with the system such as pumps, heat exchangers etc., and all its constituent parts. The Responsible and Deputy Responsible Persons appointed to implement the control measures and strategies should be suitably informed, instructed and trained and their suitability assessed.

Authorising Engineer

- 1.7. An Authorising Engineer (AE) is recommended where high risk activities require a competent person to oversee and provide assurance in respect of the competency of operatives and the adequate implementation of rules and procedures. The appointment of an AE is not mandatory and one is only normally appointed in sectors where legionella related risk is deemed higher, for example healthcare. In essence the AE acts as an assessor, monitors performance and contributes to standards of safety and quality; their scope can be designed to suit the needs of the organisation. Previously the Authority had in place an internal AE. Should SCC further appoint, an AE should be independent from the Authority and act as an impartial professional advisor.

Water Quality Management Group

- 1.8. The Water Quality Management Group is a multidisciplinary group who provide strategic direction towards water management issues. They will:
 - Agree the priority of Water Quality Management across Southampton City Council controlled premises.
 - Develop and maintain an up-to-date Water Quality policy and document arrangements

- Investigate any breaches of the SCC Water Quality Policy and arrangements and report any breaches as required by RIDDOR.
- Maintain clear operational guidance for SCC and relevant staff in response to cases of poor water quality including legionellosis etc., and their health and safety.

2. Arrangements

These arrangements apply in all circumstances where water is stored and/or used in a way which may create a foreseeable risk of exposure to legionella bacteria in:

- Water systems incorporating a cooling tower;
- Water systems incorporating an evaporative condenser;
- Hot and cold water systems;
- Other plant and systems containing water which is likely to exceed 20°C and which may release a spray or aerosol (i.e. a cloud of droplets and/or droplet nuclei) during normal

The Council's responsibility towards Legionella is managed internally under a set of Service Level Agreements using the services of external subcontractors and Housing Operations. Notwithstanding who delivers the service, the respective Responsible Persons remain responsible. All Service Level Agreements should be reviewed annually.

Record Keeping

The Council must record the significant findings of their risk assessment and the steps taken to prevent exposure to substances hazardous to health. They are also required to keep suitable records of examinations, tests and repairs of control measures.

Records should include details about:

- The appointed Responsible Person(s) for conducting the risk assessment, managing, and implementing the written scheme
- Any significant findings of the risk assessment
- The written scheme and its implementation
- Details about the state of operation of the water system, i.e. in use/not in use
- The results of any monitoring inspection, test or check carried out, and the dates

These records should be retained throughout the period they are current and for at least two years afterwards. Retain records of any monitoring inspection, test or check carried out, and the dates, for at least five years.

Records should be kept in dedicated department SharePoint folders and Keystone until an overarching strategy for Compliance document control is established. All records must be easily accessible to evidence.

Information, Instruction and Training

All persons in a responsible position should be training and Competent:

Competency statement – for a person to be competent, they need “qualifications, experience, and qualities appropriate to their duties”. These include:

- Such training as would ensure acquisition of the necessary knowledge of the field for the tasks which they are required to perform,
- Adequate knowledge of the hazards and failures of the equipment for which they are responsible,
- Knowledge and understanding of the working practices used in the organisation for which they work, the ability to communicate effectively with their peers, with any employees working under their supervision, and with their supervisors
- An appreciation of their own limitations and constraints, whether of knowledge, experience, facilities, resources, etc., and a willingness to point these out.”

Training is Mandatory for Responsible Persons, Auditors and Managers (in positions where risk based decisions are made for water quality). The following courses are available through Learning and Development:

- Legionella Awareness - ELearning
- The Role of the Responsible Person - ELearning
- P901 – Legionella – Management and Control of Building Hot and Cold Water Services

The matrix below shows the minimum level of training required by all persons appointed and auditors:

	Legionella Awareness - ELearning	The Role of the Responsible Person	BOHS P901 – Legionella Management and Control (or equivalent)	BOHS P900 - Maintenance and testing of control measures for domestic hot and cold water systems (or equivalent)
Duty Holder – Chief Executive	✓	✓		
Responsible Person	✓	✓		
Deputy Responsible Person	✓	✓		
SCC Engineers undertaking monitoring activities	✓	✓	✓	
Auditor	✓	✓	✓	
Authorising Engineer	✓	✓	✓	✓

Control of Contractors and Service Providers

Any provider of services whose work could, foreseeably, expose them and others to Legionella (i.e. any maintenance, refurbishment, construction activities or demolition) must be able to demonstrate competence and evidence of appropriate training in Legionella

Awareness. These records of competency and training must be held before they carry out any work for The Council.

Additional Guidance

The Health and Safety Executive (HSE) have provided free downloadable guidance on Legionnaires' disease [L8 'Control of Legionella Bacteria in Water Systems'](#), Approved Code of Practice and guidance. Responsible Persons should use this guide and other information detailed below to help inform the risk assessment process and the management of legionella control in their properties where a risk is identified to enable valid decisions to be made about the level of risk to health and the measures for prevention and control of the risk.

Cases of legionellosis are reportable to the HSE, the PHE, PH (Southampton) and Environmental Health as appropriate. Any confirmed cases of Legionella will be investigated by the relevant authority and advice provided by that authority on any required remedial action.

See **SWP Accident/Incident Reporting and Investigation** ([Safe Working Procedures](#)) for the Council's policy for reporting such occurrences to Corporate Health and Safety Services, who will report to the appropriate authority and investigate.

3. [Safe Working Procedures](#) Relevant to This Document

- Risk Assessment
- Accident/Incident Reporting and Investigation
- Work Equipment

Note: Other safe working procedures may apply and the Responsible Person should consult the SWP's available on the Council's [Health and Safety Intranet](#).

4. Main Legislation Relevant to This Document (Not tenanted housing – see Note 1)

[Health and Safety at Work etc Act](#)

[The Management of Health and Safety at Work Regulations](#)

[The Provision and Use of Work Equipment Regulations](#)

[The Control of Substances Hazardous to Health Regulations](#)

[The Notification of Cooling Towers and Evaporative Condensers Regulations](#)

[BS 8580-1:2019 Water quality – Risk assessments for Legionella control – Code of practice](#)

Note1: Although not relevant to tenanted domestic properties we have adopted best practise as advised by the HSE. That although low risk they must be considered.

5. Contact Address's and Guidance Links

Health and Safety Executive

www.hse.gov.uk

[Legionella](#)

L8 – [Legionnaires' disease: the control of legionella bacteria in water systems](#)

INDG 458 – [Legionnaires - A brief Guide for Duty Holders](#) HSG274 Parts 1, 2 & 3 –

[Legionnaires Disease - Technical Guidance](#)

SIM03/2009/06 – [Legionella in aqueous tunnel washers](#)

Public Health England

<http://www.gov.uk/>

[Legionnaires Disease](#)

[Management of Spa Pools: controlling the risk of Infection](#)

ESCMID Study Group for Legionella Infections - ESGLI

https://www.escmid.org/research_projects/study_groups/study_groups_group/legionella_infections/

Royal Society for the Prevention of Accidents

<https://www.rospa.com/>

Institute of Occupational Safety and Health

www.iosh.co.uk/

Corporate Health and Safety Service

[Health and Safety Intranet](#)

For full contact address visit the health and safety intranet [Useful Contacts](#).