



## **Dunbritton Housing Association Limited**

<b>Name of Policy</b>	<b>Legionella Policy</b>
<b>Responsible Officer</b>	<b>Head of Asset Services</b>
<b>Date approved by Board</b>	<b>14 May 2025</b>
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## 1. Introduction

Dunbritton Housing Association recognises the risks associated with hot and cold water systems if they are not risk assessed, maintained and managed appropriately. Hot and cold water systems within our properties can present a major risk to the health, safety and wellbeing of our customers living in our homes, colleagues working in our offices and the wider estate, people who visit our properties and contractors.

The main risks associated with hot and cold water systems are exposure to Legionella bacteria which can cause Legionnaires' disease, and is a potentially fatal form of pneumonia, which can affect anybody, but principally affects those who are susceptible because of age, illness, immunosuppression, smoking etc. It is caused by the bacteria *Legionella Pneumophila* and related bacteria. There are also risks associated with scalding due to hot water systems heating water up to high temperatures, this can affect, the very young, the elderly and those with disabilities, especially where there is full body immersion such as baths.

Dunbritton Housing Association is an employer, and a responsible social landlord, and we acknowledge our legal and moral obligations in reducing the potential risks from the risks associated with hot and cold water systems, especially ill health, injury and loss of life. The aim of this policy is to provide a robust safety framework which can be implemented to protect the safety and wellbeing of our tenants, staff, contractors and visitors to our properties.

## **2. Policy Scope**

This policy applies to all hot and cold water systems within all properties owned and managed by the Association, this includes tenanted properties, communal areas, HMO's, our offices and places of work. Where we are not the freeholder of any properties, which are within our control, the responsibility for Legionella safety management will be clearly defined within the management agreement.

This policy applies to all work streams associated with managing the risks associated with Legionella and scalding across the Association, including the Legionella risk assessment programme, remedial works, ongoing monitoring, repairs and any work which affects or modifies hot and cold water systems.

This Policy applies to all of the Associations staff and the Management Board members, given that the Policy outlines the main responsibilities for managing the risks associated with Legionella and scalding safely. This policy also applies to all tenants, owners, contractors and any visitors to our buildings including members of the public.

## **3. Legislation Framework**

Dunbritton Housing Association will comply with all relevant legislation and regulatory requirements for the management of risks associated with hot and cold water systems. Set out below is the principal legislation which applies to the Association.

### **The Health and Safety at Work Act 1974; General Duty on Employers**

This primary Health and Safety legislation imposes a general duty on employers to ensure the health, safety, and welfare of their employees at work, so far as reasonably practical. This statutory duty is also applicable to “others” who may be affected by the employer’s undertakings (i.e., work activity), such as contractors, tenants, neighbours, owners, visitors, and members of the wider general public

**The Management of Health and Safety at Work Regulations 1999** section 3, sets out the duty for every employer to make a suitable and sufficient risk assessment of the risks to health and safety of all of their employees whilst at work and other people not in their employment.

**The Control of Substances Hazardous to Health (COSHH) Regulations 2002** place a duty on employers to protect their employees by undertaking an assessment of the risks to health arising from hazardous substances (this includes Legionella bacteria) in the workplace, this also extends to others that could be affected in the workplace such as contractors, tenants, neighbours, owners, visitors, and members of the wider general public. COSHH includes:

- Preventing or controlling exposure.
- Maintaining, examining and testing control measures.
- Monitoring exposure and providing health surveillance where appropriate.
- Providing information, instruction and training; and
- Ensuring arrangements are in place to deal with accidents, incidents, outbreaks and emergencies.

**The L8 Approved Code of Practise (ACoP L8) – ‘The Prevention or Control of Legionellosis (including Legionnaires’ disease) Approved Code of Practice’** was approved by the Health and Safety Commission under Section 16 of the Health and Safety at Work Act (HASAWA) 1974 and was published in 1991 and came into effect on 15 January 1992. The fourth edition was published in 2013 and split the document into the ACoP L8 and HSG274 parts one, two and three:

- Part one: The control of Legionella bacteria in evaporative cooling systems
- **Part two: The control of Legionella in hot and cold-water systems**
- Part three: The control of Legionella bacteria in other risk systems.

Dunbritton Housing Association does not contain any evaporative cooling systems or “other risk systems (e.g. water features or spa pools), therefore HSG274 parts 1 and 3 do not apply. Part 2 applies to the association’s hot and cold-water systems and is guidance which we will use to manage the risks. While following health and safety guidance is not strictly a legal requirement, it is considered good practice to adhere to it as it can help demonstrate compliance with the underlying health and safety legislation, which does have legal enforceability; essentially, our association, by following guidance, can show that we are taking reasonable steps to protect our employees and others from harm.

**The Health and Safety Guidance document HSG 274 and The Approved Code of Practice (ACoP) L8**, gives practical guidance on the requirements of HASAWA

and the **Control of Substances Hazardous to Health Regulation 2002 (COSHH)**, concerning the risk from exposure to Legionella bacteria. In particular it gives guidance on Section 2, 3, 4 and 6 (as amended by the Consumer Protection Act 1987) of HASAWA, and Regulations 6, 7, 8, 9 and 12 of COSHH. The Code also gives guidance on compliance with the relevant parts of the Management of Health and Safety at Work Regulations 1999).

Dunbritton Housing Association will adopt the principles of control and management identified in the Health and Safety Executive (HSE) publication: Approved Code of Practice and Guidance (ACoP) document '*The Control of Legionella bacteria in Water Systems (ACoP L8)*' and the supporting guidance document, HSG 274 Part 2: the control of legionella bacteria in hot and cold-water systems.

The requirements of HSG 274 standard are to:

- Identify and assess sources of risk.
- Eliminate the risk where possible
- Where risks cannot be eliminated, 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.
- Provide information, instruction and training.

In addition to the above key pieces of legislation there are other associated regulations, standards and guidance which are applicable to the management of risks associated with hot and cold water systems, these are:

- Housing Scotland Act 2006
- The Tolerable Standard (under the Housing (Scotland) Act 2006)
- Water Supply (Water Quality) (Scotland) Regulations 2016
- The Water Supply (Water Fittings) (Scotland) Byelaws 2014
- INDG458 - Legionnaires' disease: A brief guide for duty holders
- BS 8580-1:2019 Water Quality – Risk assessments for legionella control. Code of practice
- Building Standards (Scotland) Regulations 2014
- Right to Repair Regulations (under the Housing (Scotland) Act 2006)
- Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR 2013)
- The Workplace (Health, Safety & Welfare) Regulations 1992
- Construction, (Design and Management) Regulations 2015
- Scottish Health Technical Memorandum 04-01

#### **4. Regulatory Framework**

**The Scottish Housing Regulator's (SHR)** main role is to monitor, assess, report

and intervene (as appropriate) in relation to social landlords' performance of housing activities and RSLs' financial well-being and standards of governance, in relation to tenants, people who are homeless, gypsy/travellers and factored owners.

Section 36 of the Housing 2010 Act requires the SHR to issue a Code of Conduct setting out Standards of Governance and Financial Management for RSLs. The SHR has seven standards in place which the Association must adhere to and meet. Below are the seven standards. We have indicated next to each standard whether we deem it is applicable to this policy:

The relevant standards from the SHR Framework and Standard of Governance and financial Management relevant to this policy are:

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

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'*.

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

**The Health and Safety Executive (HSE)** is responsible for regulating legionella control in the UK, particularly in the context of work activities and places where the public is present. The HSE provides guidance and regulations, including the Approved Code of Practice L8, to help employers and those in control of premises manage and control legionella risks

**Public Health Scotland (PHS)** has several responsibilities related to Legionella, including statutory notification, enhanced surveillance, and guidance on public health management. They are also involved in investigating cases, clusters, and outbreaks of Legionnaires' disease, and they provide guidance to other organisations involved in the investigation of Legionella incidents

## **5. Aims and objectives of this policy**

The aim of this policy is to ensure that we minimise the risk of scalding and the risk of exposure to Legionella bacteria occurring, which could lead to ill health, injury or loss of life, so that residents, staff and visitors can enjoy safe access to, and use of, our services and facilities. In addition, we aim to ensure, so far as is reasonably practicable, the health, safety and welfare of our employees and other persons who may be affected by our activities in relation to the management of hot and cold water systems.

Our objectives are to interpret all applicable legislation and standards to Dunbritton Housing Association as an employer and registered social landlord for managing hot and cold water systems safely, to enable us to develop suitable and sufficient

management arrangements to mitigate the risks associated with Legionella bacteria and scalding.

## **6. Roles and Responsibilities**

**The Management Board** will be responsible for the approval of the policy. in approving this policy, acknowledges that it accepts full responsibility for its implementation. Day-to-day responsibility for the operation of this policy is the responsibility of the Chief Executive with assistance from the Corporate Services Manager and Asset Manager.

**The Chief Executive with assistance from Head of Finance and Corporate Services will:**

- Ensure that the requirements of the policy are communicated to all staff and reinforced on a regular basis.
- Ensure that all staff and Management Board receive adequate Legionella awareness training (as required)
- Liaise with Public Health Scotland and the Health and Safety Executive (HSE) on matters relating to Legionella safety including taking any actions resulting from their advice.
- Monitor and report to the Management Board with any recommendation regarding Legionella safety
- Ensure staff receive Legionella related training, as the training needs analysis dictates.

**The Chief Executive is the appointed Duty Holder, and will be assisted by the Head of Asset Services who is appointed as the Responsible Person, they will:**

- Be responsible for the implementation of the policy.
- Ensure compliance with all relevant legislation and identify and manage risks associated with Legionella in water systems, ensuring the safety of people who may be exposed. This includes conducting risk assessments, selecting a competent responsible person, and implementing measures to control and monitor the risk
- Ensure all persons or contractors carrying out risk assessments and remedial works are competent
- Ensure all remedial works, maintenance and monitoring suggested by the risk assessments are efficiently scheduled and completed
- Ensure that all appropriate staff receive adequate training
- Ensure in the event of a Legionella outbreak, the association will communicate and comply with Public Health Scotland

**The Asset Co-ordinator** will be responsible for maintaining all relevant systems with accurate and up to date information relating to the risk assessments, remedials and any other monitoring and maintenance required for hot and cold water systems.

**The Asset Co-Ordinator & Maintenance Officers** will be responsible for ensuring all risk assessment and remedial work is carried out by appropriately registered contractors and in line with current statutory regulations and current best practice.

Every employee of Dunbritton Housing Association has a health and safety responsibility and duty with regard to arrangements made for maintaining their own safety in the activities they carry out and responding to emergency situations.

## **7. Policy Arrangements**

Listed below are the key arrangements we will have in place in relation to effectively managing the risks associated with hot and cold water systems:

- We will comply with all relevant legislation, regulations, ACOP's and Standards related to water safety applicable to the properties we own and manage.
- We will ensure that we identify all properties owned or managed by the association which contain hot and cold-water systems. This will form the overarching database of all properties with hot and cold water systems, we will undertake a risk-based approach and best practice in relation to all properties that contain hot and cold-water systems.
- We will utilise our data for all heating system and gas appliance types within buildings to determine the risks of properties with systems which store water. 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 becoming void or vacant for a long period of time).
- r vacant for a long period of time).
- We will ensure our risk-based approach identifies higher risk properties which will be considered (e.g. our office and the HMO's), and the risk will 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 a site risk assessment, which will be site based, and completed by a competent person. From the site risk assessment, we will review all recommendations including maintenance, remedials, monitoring and cleaning regimes. We will provide residents with information on ensuring the hot water is at the correct temperature to kill Legionella bacteria, flushing little used outlets, cleaning their shower head and hose and sufficiently turning over water consumption within the property.
- little used outlets, cleaning their shower head and hose and sufficiently turning over water consumption within the property.
- In the first instance, we will attempt to eliminate risks associated with water hygiene, Legionella and scalding which have been identified within the site risk assessment. Where these risks cannot be eliminated and there is a foreseeable risk we will put in place a scheme of control. In order to achieve control over the



entire water system and maintain a suitable schedule of controls, the scheme will have the measures required to control the risks from exposure to legionella bacteria and scald risks.

- We 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 such as fitting thermostatic mixer valves (TMV's).
- We will appoint a Duty Holder, 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 scheme of control is updated.
- We 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.
- We will ensure we have a void procedure to ensure water systems left longer than 1 week have suitable flushing regimes. We will ensure the water system is clean and safe for the new resident.
- We will ensure only competent contractors 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.
- We will ensure we have appropriate assurance mechanisms in place to evidence we are compliant with this policy, the procedure, legislation, ACoP, standards and guidance.
- We 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 timeframes.
- We will ensure there are suitable levels of governance, oversight, and supervision to implement this policy and the associated 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.
- We will ensure that all relevant staff receive appropriate training, including specialist roles and general awareness for water safety.

- We 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.
- We 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.
- We will ensure we work with all regulatory, statutory, and enforcing authorities, including the Scottish Housing Regulator (SHR), the Health and Safety Executive (HSE) and Public Health Scotland (PHS).

## 8. Monitoring and Maintenance Programme

### Care Units: Storage Water & Combination Boilers

Following the completion of a risk assessment or the review of the risk assessment, The Maintenance Officer will instruct and monitor the appointment of a Water Hygiene Specialist Contractor to carry out the following works at Care units with **(a) Storage Water:**

#### Quarterly

- Dismantle, clean, and disinfect showerheads
- Take temperature of hot and cold taps
- Take temperature of calorifiers
- Record results in on site logbook

#### Six Monthly

- Temperature checks Cold Water Storage **(CWS)** Tanks (Summer/Winter).
- Record results in on site logbook

#### Annually

- Temperature check
- Internal inspection of CWS tanks
- Take samples from Hot Outlet to test for legionella activity
- Take Total Viable Count sample from CWS tank
- Record results in on site logbook
- Review of monitoring programme

For Care units with **(b) Combination boilers** the following programme of works will be carried out:

#### Quarterly

- Dismantle, clean, and disinfect showerheads
- Take temperature of hot and cold taps
- Record results in on site logbook

### **Annually**

- Review of monitoring programme

In addition to the above, The Maintenance Officer will ensure that temperature checks are taken on site monthly by the 'Site Manager' nominated for the care unit (see appendix (i) for chain of responsibility). All readings will be recorded on the logbook and checked by the specialist contractor on their quarterly visit.

### **Domestic Properties & Properties with Medical Adaptations**

The Association has a legal responsibility under the Approved Code of Practice (ACOP) to also assess, control and introduce course of action for all rented properties. The Maintenance Officer will achieve this by arranging the following:

- Provide information and advice and instruction to all tenants via website and annual article in Newsletter advising on prevention measures to minimise risk from exposure by:
  - a) Providing new and updated information and advice about risks
  - b) Avoidance of water stagnation i.e., when outlets are not in regular use, weekly flushing of taps/showerheads for several minutes which significantly reduce the risk of legionella growth.

Identify and assess risk within Care units and in properties with appropriate medical adaptations installed and provide/undertake:

- Detailed description of systems
- Simple schematics of systems including outlets
- Assessments of risk

## **9. Training and Awareness**

We will ensure that all staff who have specific roles relating to water safety will receive appropriate training to ensure that they are competent to fulfil their duties.

## **10. General Data Protection Regulations/Freedom of Information**

When implementing this Legionella Policy, we will ensure compliance with the principles of these Acts. Record keeping for the purposes of this policy relate to the contract that is in place and undertaking Legionella risk assessments. This will include contactors having access to tenants' personal details for the purpose of visiting properties and a data sharing agreement is in place. All data will be held in line with GDPR requirements. This Policy is written to be open and transparent in line with FOISA.

## **11. Customer Consultation and Information**

We will endeavour to inform our service users of contractors who have been appointed to carry out work to their homes and communal areas which may affect their hot and cold water systems.

On request, we will provide Contractors and tenants with information pertaining to this Policy. We will ensure the Association and any contractor make reasonable attempts to communicate with customers to ensure access is gained to carry out the remedial work, checks and maintenance (as required).

Any issues or complaints raised by our customers in relation to this policy or any issue associated with fire-related work will be handled in line with our complaints policy.

## **12. Risk Management and Compliance**

This Legionella Policy confirms and complies with the following:

- The Associations Risk Management Policy.
- All relevant and current fire Safety Legislation
- Asset Management Performance Standards Policy,
- Freedom of Information Act
- General Data Protection Regulation (GDPR)
- Our Internal Management Plan & Corporate Plan
- The Association's Procurement Manual, Tenant Participation Strategy and Complaints Handling Procedure

## **13. Equality and Diversity**

As a service provider and employer, we recognise the requirements of the Equality Act 2010, oppose any form of discrimination, and will treat all customers, internal and external, with dignity and respect. We recognise diversity and will ensure that all of our actions ensure accessibility and reduce barriers to employment and the services we provide.

## **14. Monitoring and Review**

This Policy will be reviewed every 3 years but will be subject to earlier review if there are any significant changes in legislation, good practice or operational changes, which may affect the content of this policy.