

LONDON BOROUGH OF MERTON

**WATER SAFETY AND THE PREVENTION
OF LEGIONELLOSIS**

CORPORATE POLICY

**FOR OPERATIONAL BUILDINGS
OWNED, MANAGED & MAINTAINED BY
THE LONDON BOROUGH OF MERTON**

March 2023 revision 1

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Revision Log

Revision no	Date	Description	Signature
1	01/03/2023	Name of Chief Executive updated, no other changes made.	Simon Pine

1. Introduction

The London Borough of Merton accepts it has a responsibility to protect employees, members of the public and others who may be affected by its business operation against the risk of Legionella infection (legionellosis), arising from plant, equipment, facilities, work or work related activities and will implement the requirements of this policy.

As legionella bacteria is a naturally occurring organism widely dispersed in nature, it must be accepted that there is a constant risk of the bacteria entering into the building services of our properties and the large number of buildings under LBM's control increases this risk.

This Policy sets out the strategy the London Borough of Merton will follow and sets out the framework of the procedures for achieving and maintaining it. It defines and describes the objectives; specifies the management; operational and specialist responsibilities necessary to achieve those objectives; and sets out a clear management and communication structure to ensure its effectiveness.

2. Policy Statement

The London Borough of Merton, in order to comply with its legal responsibilities to manage and operate the buildings under its control to prevent the proliferation of legionella, will take all reasonable and practicable preventative measures to minimise the risk and prevent Legionnaires' disease being contracted by staff, visitors or members of the public as a result of its operations.

In order to achieve this the London Borough of Merton will comply in full with the Health & Safety Executive (HSE) document: '*Legionnaires' disease: The control of legionella bacteria in water systems. Approved Code of Practice and guidance on regulations L8 (ACoP L8)*' and to manage water systems such that conditions under which legionella can proliferate are controlled.

This Policy must be adhered to by all employees, contractors and persons charged with the responsibility for the water systems owned or operated by the London Borough of Merton.

This Policy applies to all buildings operated by the London Borough of Merton and individuals who are employed and / or engaged by the London Borough of Merton and also applies where establishments order work directly e.g. Schools and those with devolved budgets.

Risk Assessments shall be undertaken in accordance with the assessed risk or when there have been modifications to the water systems or a change in the use or occupancy of a property whichever is sooner.

The measures to be taken for the management of this risk shall be contained within the Corporate Legionella Management Plan.

Overall responsibility for the implementation of this Policy and the management plans that support it rests with the Director of Corporate Services.

Signed on behalf of the London Borough of Merton

**Hannah Doody
Chief Executive**

3. Corporate Management Responsibilities

▪ 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 co-ordinate the control of the risk of legionellosis
- Ensure that there are adequate resources available to control the risk of legionellosis

The London Borough of Merton appoints the **Corporate Management Team (CMT)** as the Duty Holder and recognises and accepts the duty placed upon it by legislation.

▪ Responsible Person (Executive)

The London Borough of Merton, through the Corporate Management Team (CMT) (i.e. the Duty Holder), has appointed the **Director of Corporate Services** as the Responsible Person (Executive).

The Responsible Person (Executive) has been given their authority by the Duty Holder and takes ultimate responsibility for the enforcement and monitoring of this policy. 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 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 London Borough of Merton sites meet the requirements of Legislation and this policy. The Responsible Person is required to ensure that nominated London Borough of Merton staff are trained and competent to carry out prescribed tasks on their behalf and to ensure that their own "Responsible Person" tasks and requirements are duly met.

▪ Responsible Person (Policy)

The London Borough of Merton, through the Corporate Management Team (CMT) (i.e. the Duty Holder), has appointed the **Head of Safety Services** as the Responsible Person (Policy).

The Responsible Person (Policy) shall be the person responsible for ensuring the development of the corporate policy on water safety and prevention of legionellosis, to ensure each department appointments appropriate competent organisations and/or persons to undertake risk assessments and to monitor the implementation of precautions within each Department.

▪ **Responsible Person (Operational)**

The London Borough of Merton, through the Corporate Management Team (CMT) (i.e. the Duty Holder), has appointed the **Head of Facilities Management** as the Responsible Person (Operational). The Head of Facilities Management will be assisted and supported in these tasks by the **Compliance and Maintenance Manager**.

The Responsible Person (Operational) has been given their authority by the Responsible Person (Executive) to act on their behalf to oversee the day to day management of legionella control for the London Borough of Merton and has responsibility for overseeing and co-ordinating the legionella policy and procedure.

This position carries with it the authority to put into effect such measures as are required to control the risk of legionella, both as a matter of routine and in the event of a crisis. The Responsible Person (Operational) also has a responsibility to ensure records are kept to confirm that this policy has been implemented.

They have the responsibility for the day-to-day management including ensuring that the scheme of precautions to control the risk of legionella is implemented fully by competent persons, whether directly employed by the London Borough of Merton, contracted or subcontracted.

In particular they will:

- Oversee the control and management of legionella on behalf of the Duty Holder
- Develop the corporate legionella management plan
- Ensure that legionella risk assessments are carried out on behalf of the Duty Holder
- Eliminate risk where reasonably practicable
- Control risk where elimination is not reasonably practicable, by devising and implementing a scheme of precautions
- Arrange maintenance, monitoring and management of the precautions controlling the risk, including reviewing the risk assessment if there has been any material change and at intervals not exceeding **two years**.
- Arrange the procurement and appointment of a competent organisation or person as required, (e.g. to undertake risk assessments) including ensuring that the organisations and individuals engaged are competent and appropriately trained and experienced
- Keep records

In addition to the above, take control of any notified outbreak using the outbreak protocol and liaise with the Head of the Regulatory Services Partnership or the Environmental Health Commercial Officer who will then initiate actions in accordance with the **London Infectious Disease Outbreak Management Plan**.

▪ **Building Occupier**

The individual that has day-to-day management control of the premises. Building occupiers have responsibility for the safe operation of plant, equipment and facilities, implementing the scheme of control and doing so using safe working practices.

In particular, they must:

- Have sufficient authority, competence and knowledge of the premises to oversee the assessments and implementation of precautions within their building
- Ensure that all operational procedures and measures identified in this Policy; the Corporate Legionella Management Plan; legionella risk assessments and schemes of control are carried out in a timely and effective manner
- Inform the Responsible Person (Operational) of any problems, discrepancies or anomalies
- Maintain records as required
- Attend regular training events to maintain the required level of competency to perform their given tasks.

4. Other Responsibilities

Water Safety Maintenance Contractor (WSMC)

Contractor/Person(s) appointed and responsible for carrying out the tasks detailed in the Corporate Legionella Management Plan; site specific risk assessments and schemes of control.

Water Treatment Specialist

Contractor/Person(s) appointed to undertake water treatment services and to undertake sampling, monitoring and reporting, as required.

5. Risk Assessment

A suitable and sufficient legionella risk assessment is required in order to enable the Duty Holder to identify and assess the risk of exposure to legionella bacteria from water systems and work activities and to assess the effectiveness of any control measures that have been implemented.

In conducting the assessment, the person on whom the statutory Duty Holder(s) shall have access to competent assistance in assessing the risk and this shall be detailed within the Corporate Management Plan.

Where the assessment demonstrates that there is no reasonably foreseeable risk or that risks are insignificant and unlikely to increase, no further measures are necessary.

ACoP L8 states that a full review of the risk assessment should be carried out regularly and whenever there is reason to suspect that it is no longer valid.

In addition, should the infrastructure, design or use of the premises change, the assessment shall be reviewed and any necessary changes to the legionella risk assessment made.

An indication of when to review the assessment and what needs to be reviewed should be recorded. This may result from, for example:

- changes to the water system(s) or its use;
- changes to the use of the building;
- the availability of new information about risks or control measures;
- the results of checks indicating that control measures are no longer effective;
- a case of legionnaires' disease associated with the system.

6. Preventative Measures

To ensure that the highest standards reasonably practicable are maintained throughout its properties, the London Borough of Merton has appointed a 'Responsible Person (Operational)' to have overall responsibility for the design and day-to-day management of water systems, as defined by ACoP L8 at all sites owned or maintained by London Borough of Merton.

A Legionella Management Plan for the control of legionnaires' disease shall be operated and managed by the Responsible Person (Operational) and shall include all directives issued by authorities such as the Health and Safety Executive (HSE) and the British Standards Institution (BSI) relating to the improvement, prevention and the control of legionella and will be adopted where relevant.

The London Borough of Merton will ensure that resources are available and these procedures together with manufacturers' and suppliers' recommendations associated with specific plant items shall form the basis of the legionella risk assessment for the control of legionella.

The London Borough of Merton fully complies, as a minimum, with the terms of ACoP L8. The Policy and the Legionella Management Plan will be adopted as necessary and must be complied with by all employees, contractors and persons charged with the responsibility for the management of water systems in **ALL** buildings and premises developed, owned, managed and maintained by the London Borough of Merton including where a building is let to tenants but the London Borough of Merton retains responsibility for the maintenance of the water systems.

Departments and premises with devolved budgets e.g. Schools, shall appoint within the department and or premise a 'Responsible Person or Persons' to have overall responsibility for the day-to-day management of water systems and develop or adopt a legionella management plan for the control of legionellosis including Legionnaires' disease. In the case of Schools, the Head Teacher would normally be the Responsible Person (Operational).

Failure to comply with this Policy could result in prosecution by the HSE.

7. Training & Competency

The Duty Holder shall ensure that all employees involved in work that may expose an employee or other person to legionella are given suitable and sufficient information, instruction and training. This includes information, instruction and training on the significant findings of the legionella risk assessment and the appropriate precautions and actions they need to take to safeguard themselves and others. This should be reviewed and updated whenever significant changes are made to the type of work carried out or the methods used.

All Responsible Persons or their nominated deputies shall undertake appropriate Responsible Person training provided by a City and Guilds registered provider. Head Teachers or their nominated deputies with responsibility for legionella control on their premises are also required to undertake City and Guilds registered responsible person training.

Employees specifically appointed to implement the control measures and strategies should be suitably informed, instructed and trained and their suitability assessed. They must be properly trained to a level that ensures tasks are carried out in a safe, technically competent manner; and that they receive regular refresher training.

London Borough of Merton will undertake to source a preferred supplier for all levels of training in relation to the control of legionella and this shall be provided to all employees who may be involved with the management of water systems on London Borough of Merton owned, managed and maintained properties.

The Responsible Person (Operational) will arrange to undertake regular reviews of training requirements and refresher training will be undertaken every 3 years or as necessary.

The Responsible Person (Operational) must maintain a record of all trained individuals and training certificates must be stored for all employees for all levels of training.

8. Notification

In the event of a suspected outbreak of legionnaires' disease or a legionella positive test result implicating a London Borough of Merton site, the procedures set out in Part 2 – Corporate Management Plan for Operational Buildings Owned, Managed and Maintained by the London Borough of Merton, Appendix A page 10 and Appendix B page 11, must be adopted and followed.