

WATER HYGIENE THE CONTROL OF LEGIONELLOSIS POLICY



Security Classification	OFFICIAL
Disclosable under Freedom of Information Act 2000	No

POLICY

REFERENCE NUMBER	WMP135
VERSION	1.3

POLICY OWNERSHIP

DIRECTORATE	Office of the West Mercia Police & Crime Commissioner (OPCC)
BUSINESS AREA	OPCC Estates

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LATEST REVIEW DATE	
NEXT REVIEW DATE:	January 2026
RISK RATING	HIGH
EQUALITY ANALYSIS	LOW

West Mercia Police welcome comments and suggestions from the public and staff about the contents and implementation of this policy.
Please e-mail contactus@westmercia.police.uk

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Appendix A: Glossary

1.0 POLICY

1.01 Policy Statement

This policy relates and applies to the entirety of the West Mercia estate. The Office of the Police & Crime Commissioner (OPCC) owns and maintains all the estate and all property used by West Mercia Police.

The policy refers and applies to employees, volunteers and visitors for both the OPCC and West Mercia Police as two separate organisations. For the purposes of the policy, references to “West Mercia Police” will typically also refer to the OPCC.

West Mercia Police is committed as far as reasonably practicable to ensuring the health, safety and welfare at work of all its staff, visitors and members of the public, to minimise any risk presented on site, regarding water hygiene and scalding and to provide such resources, information, training and supervision as is needed for this purpose.

To comply with the requirements of the Approved Code of Practice (L8) – Legionnaires Disease (The control of legionella bacteria in water systems), HSG274 Part 1-3 (Legionnaire’s Disease Technical Advice) is taken as the primary source of guidance on matters relating to legionellosis and scalding risk management.

To manage the water systems such that the conditions under which legionella can proliferate, are designed out of systems. The Policy of West Mercia Police is to use the management of water temperature as the main control measure for the prevention of Legionellosis together with good system design.

1.02 Compliance

This Policy has been prepared considering existing legislation, and the individual working practices of West Mercia Police. New legislative requirements or changes in current legislation or the Approved Code of Practice may necessitate a review of this Policy.

1.03 Equalities

The policies of West Mercia Police are intended to promote equality, eliminate unlawful discrimination and actively promote good relationships regardless of:

- Age
- Disability
- Gender Reassignment
- Race,
- Religion or Belief
- Sex
- Sexual Orientation
- Marriage & Civil Partnership
- Pregnancy & Maternity

1.04 Equality Impact

This Policy has been assessed as having a LOW potential impact using the equalities impact assessment template, by incorporating equality considerations into the Policy process, has allowed the West Mercia Police to identify any actual or potential equalities

and reduce them as much as possible, by applying the Policy differently or looking for alternatives.

1.05 Freedom of Information

The OPCC Estates Department maintains a list of owned and leased property.

Inappropriate disclosure of such information has the potential to undermine the effectiveness of the Service in its provision of law enforcement and to jeopardise the Health & Safety of staff and the public. Disclosure of this detail will only be made to authorised personnel.

(Freedom of Information Act 2000, sections 31 and 38).

1.06 Assessment and Analysis

The Equality Analysis (EA), Health & Safety Assessment (H&S) and Risk Assessment (RA) associated with this document are available on request.

1.07 Monitoring and Evaluation

The monitoring and review of this Policy is the responsibility of the Policy Owner.

2.00 PURPOSE OF THE POLICY

2.01 Summary

This policy applies to all West Mercia Police staff and contractors working on behalf of the organisation and visitors to organisation's premises.

This Policy is required to manage the risk of exposure of staff to Legionella bacteria on the West Mercia Police Estate. It is required to comply with the Health and Safety duties placed on employers under:

- Sections 2,3 & 4 of the Health and Safety at Work Act 1974
- Regulation 6 of the Control of Substances Hazardous to Health Regulations 2002 (as amended)
- Regulation 3 of the Management of Health and Safety at Work Regulations 1999

2.02 Regulation

This document should be used in conjunction with current legislation and associated codes of practice.

2.03 Responsibilities

In its role as site owner or occupier or its nominated representative, West Mercia Police will assume responsibility for the planning, co-ordination, controlling and the monitoring of the activities of Contractors / Companies to effectively minimise the risks presented to employees, other persons on site, the public and the environment.

2.04 Requirements for Internal / In-House Teams

At times, West Mercia Police Estates Department Staff may act as a contractor; this is often the case regarding, temperature testing, flushing of infrequently used outlets and repair of associated equipment impacting on the water hygiene. Where services are

provided by in house teams they must be managed, trained and competent to the same requirements as those imposed on external contractors.

Internal teams are required to meet the legal standards and to adhere to the West Mercia Police Estates Department instructions; they should receive any essential information from the client department's representative and be subject to management checks as if they were an external contractor. Internal teams will be responsible for the day-to-day operational safety for any work they are engaged on the supply of all documentation requested; and meeting the standards set by the West Mercia Police Estates Department.

2.05 Additional Guidance

This document should be used in conjunction with current legislation and associated codes of practice.

3.00 IMPLICATIONS OF THE POLICY

3.01 Legal

The legal basis for this Policy is found in the following legislation:

- The Health and Safety at Work Act 1974
- The Management of Health and Safety at Work Regulations 1999
- The Control of Substances Hazardous to Health Regulations 2002 (as amended)
- This Policy will also recognise any directly related future amendments of the identified legislation.

Underpinned by:

- The Approved Code of Practice for the control of Legionella bacteria in water systems (L8), issued by the Health and Safety Commission.
- HSG274 Part 1 The control of legionella bacteria in evaporative cooling systems
- HSG274 Part 2 The control of legionella bacteria in hot and cold-water systems
- HSG274 Part 3 The control of legionella bacteria in other risk systems

3.02 Staffing and Resources

To ensure the competency of the West Mercia Police Staff to effectively manage the procedures of this Policy and in respect of the management and implementation of this Policy and Health and Safety requirements, the West Mercia Police Learning & Development department shall identify and ensure the delivery of the relevant training.

3.03 Communication

This Policy associated procedure and management plan, appendices, and any appropriate guidance documents will be published and made available to all police staff via the West Mercia Police Intranet.

This Policy will be communicated by the following methods:

- Articles on Intranet Sites
- Posters

- Briefings
- College Learn E-learning.
- Presentations
- E-mail individuals.

3.04 Financial

There are additional financial implications for West Mercia Police in applying this Policy, namely, training, administration of planned maintenance and suitable upkeep of recorded information.

3.05 Staff / Training

To ensure the competency of West Mercia Police staff to effectively manage the procedures of this Policy and in respect to the management and implementation of this Policy, staff will be made aware of their responsibilities business leads will identify and coordinate any relevant training required via the West Mercia Police Training & Development Department.

3.06 Bureaucracy

The minimal additional bureaucracy created by this Policy is necessary to meet the West Mercia Police's responsibility for water management duties and responsibilities.

4.00 CONSULTATION

The draft Policy has been circulated for consultation, with appropriate stakeholders and the Critical Friends Group and forwarded to the Joint Negotiating Consultative Committee (JNCC) for information.

5.00 DOCUMENT HISTORY

This Policy will be reviewed regularly, and the details of the review recorded below:

Date	Author / Reviewer	Amendment(s) & Rationale	Approval / Adoption
		Previously approved at JNCC meeting	JNCC 27/11/2013
Nov 2020	Helen Danks	Reviewed – minor change to reflect the Strategic Estates Manager, reverted to West Mercia Policy.	Jan 2021
Nov 2022	Neil Morris	Reviewed – Changes to reflect OPCC Estates Department responsibilities. Update to guidance	Jan 2023
Aug 2023	Neil Morris	Minor changes made to reflect comments and recommendations from OPCC Chief Executive.	Aug 2023
April 2024	Neil Morris	Reviewed – NCALT replaced by College Learn	April 2024

6.00 PROCEDURE & GUIDANCE

6.01 Background

In 2000, the Health and Safety Commission published *Legionnaires' disease The control of Legionella bacteria in water systems – Approved Code of Practice and guidance L8 (ACoP)*. The ACoP gives practical guidance to employers on how to comply with the law. Although the ACoP is not the law, compliance with all the requirements of the ACoP will demonstrate compliance with the law.

6.02 Risk

The ACoP applies to the risk from Legionella bacteria and is applicable to all work premises that have:

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

6.03 Key Actions

The ACoP identifies the need for the following key actions:

- a suitable and sufficient assessment must be carried out to identify and assess the risk of legionellosis from work activities and water sources and any necessary precautions.
- produce an action plan for the management of risk in the form of a written risk minimisation scheme.
- implement and manage the precautions to control risk.
- ensure that adequate records are maintained.
- appoint someone to be managerially responsible for the implementation of the risk control scheme.

6.04 Staff responsibilities

The ACoP states the need for staff roles and responsibilities to be clearly defined, operators need to be adequately trained and provision needs to be made to allow for absence or staff leaving.

6.05 Review

The ACoP states that management and communication procedures should be periodically reviewed as appropriate.

6.06 Records

The ACoP states that records should include details about:

- the person or people responsible for conducting the risk assessment, managing and implementing the written scheme.
- any significant findings of the risk assessment
- the written control scheme and its implementation
- the results of any inspection, test or check carried out and the dates.

These records should be retained throughout the period for which they remain current and for at least two years after that period. Records kept in accordance with the last bullet point above should be retained for at least five years.

6.07 Cooling Towers & Evaporative Condensers

The ACoP states that under the “Notification of Cooling Towers and Evaporative Condensers Regulations 1992” West Mercia Police must notify the relevant local authority, in writing, if it has any cooling tower or evaporative condenser on any site and to include details about its location.

6.08 Breach of Procedure

If any building system modifications or installations are found to be in breach of this Policy, after the effective date, the West Mercia Police Estates Department will work with the department to develop a solution that adheres to the requirements of this Policy.

6.09 Breach of Policy Investigation

Any breach of Policy will be reported to the Responsible Persons who will address the matter and formally report back any findings within five working days.

6.10 Guidance

Please refer to the following documents for further information regarding the implementation of this Policy:

- Water Hygiene Policy Guidance Note 1
- Water Hygiene Policy Guidance Note 2

7.00 MANAGEMENT RESPONSIBILITY

7.01 Primary Duty Holder

The Primary Duty Holder is the West Mercia Police and Crime Commissioner.

The West Mercia Police and Crime Commissioner will delegate to the Responsible Person (Head of Estates) the overall responsibility to ensure that this Policy is implemented, and that appropriate funding is made available.

Under the legal requirements of L8, the Authority requires the following personnel to be present within the management structure.

7.02 Responsible Person – Head of West Mercia Police Estates

The Head of West Mercia Police Estate (Chief Officer with functional responsibilities for estates, building matters and staff training) will be the Responsible Person.

They will have responsibility for:

- Implementation of West Mercia Police Policy and procedures.
- Implementation of relevant Health and Safety policies.
- Provision of adequate resources for training.
- Water Hygiene the Control of Legionellosis.
- Ensuring a Suitable and Sufficient Risk Assessment is carried out.
- Appointing a "Responsible Person" for the delivery of the ACoP L8
- Ensuring access to "Competent Help"

7.03 Estates Department Staff

There are a number of roles with responsibility, namely:

- Head of Facilities
- Compliance Manager
- Facilities Manager

These staff will act as the Deputy Responsible persons.

7.04 The Deputy Responsible Person

The person who is appointed by the Head of Estates to manage the day-to-day issues of complying with ACoP L8 will be responsible for:

- the measures to be adopted for protection of people concerned.
- the measures to ensure that controls remain effective.
- Auditing
- implementation of precautionary measures
- ensuring the competence of contractors, sub-contractors
- ensuring the competence and training of staff involved in L8.
- managing Records
- appointing able deputies as required
- ensuring monitoring and checks on site are completed in a timely and effective manner.
- ensuring that the risk assessment is up to date and factually correct.
- programming any recommendations highlighted in the risk assessment.

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- ensuring any non-conformances are dealt with in a timely and correct manner.
- programming surveys and annual monitoring
- advising on staff training
- monitoring and updating the Policy to consider changes in legislation.
- implementing a strategy of continuous improvement and best practice in the control and management of legionellosis
- ensuring all contractors / companies used for the control & management of legionellosis have the appropriate insurance and accreditation.
- providing advice on legionella matters to colleagues and to establishments within West Mercia Police
- being a point of contact for reports of problems with temperature control/foreign bodies etc. in water systems and arranging remedial action.
- visiting those sites that are not checked by a specialist contractor on an annual basis to ensure that these sites are carrying out their responsibilities to comply with ACoP L8, to countersign the log and to give advice as required by the site.
- updating and producing legionella surveys and risk assessments for properties in accordance with ACoP L8, updating existing surveys/risk assessments, all in accordance with the programme
- inspecting any changes to the water systems and updating the risk assessment and legionella site management log book
- compiling the risk assessment in conjunction with others
- drawing up precautionary measures
- supplying technical advice
- developing the written scheme in conjunction with others
- providing interpretation of L8
- providing guidance on sources of risk.
- providing advice on ensuring competence of contractors, sub-contractors
- helping to develop the action plan.
- re-evaluating the risk assessment
- interpreting water sample results, inspecting any changes to the water systems and updating the risk assessment and legionella site management logbook.
- ensuring that planned works for which they are responsible consider the requirements of L8 such that conditions that encourage the proliferation of legionella do not exist and that the works comply with any water authority local conditions or requirements and seeking advice where necessary.
- ensuring that designs consider the guidelines of L8, and that appropriate test and chlorination certificates are provided by contractors.
- ensuring that any changes to the water systems (including additions/extensions) are notified so that an inspection of the changes may be made, and the risk assessment and legionella site management logbook can be updated.
- ensuring, by means of audits, that procedures are being followed.
- Contract Management Responsibilities:
 - Ensuring the contract is correctly administered.
 - Ensuring Technical advice is available to Responsible Manager.

- Ensuring that Non-Conformances are dealt with.
- Ensuring all information is available for Quarterly meetings.
- Coordinate all the relevant people and organisations.

7.05 Appointed Specialist Contractor (Service Provider)

Legislative requirements for the control of *Legionella* put the responsibility for compliance clearly with the owner/operator of water systems. Under the Health and Safety at Work etc Act 1974, the Control of Substances Hazardous to Health Regulations as regards risks from *Legionella*, all owner and operators of such systems have a responsibility to ensure that the risk is controlled and kept to an acceptable level.

The HSE's Approved Code of Practice and Guidance (L8) stresses that whilst the tasks required to be undertaken to control the risk may be contracted to an external specialist, the owner/operator must take all reasonable care to ensure the competence of the service provider to carry out the work on his behalf.

There should be a clearly defined written agreement between the service provider and the client setting out the individual responsibilities of both parties to ensure compliance with current legislation.

Service providers should demonstrate and document a satisfactory level of competence of their staff to achieve the objectives of this document.

The recommendations made by the service provider should be equal to, or better than, the relevant Codes of Practice and guidance documents pertaining to the system in question. Lines of communication and reporting between client and service provider should be defined as well as the management plan in the event of remedial or corrective action being required, including matters of evident concern outside contracted obligations.

Adequate and up to date monitoring and treatment records should be kept. These should be readily available.

The service provider and the client should jointly review the performance of the control measures at least annually and the necessary remedial action plan agreed. Service providers should establish a formal internal auditing procedure for compliance with this document.

Service providers sub-contracting any Legionella specific activities listed in their scope of services to another company should establish that this company is either registered for that activity under the Legionella Control Association or maintain additional controls and audits to ensure compliance with the Code of Conduct.

Ensuring that new works or modifications to existing systems are installed such that conditions that encourage the proliferation of legionella do not exist and that the works comply with any water authority local conditions or requirements.

A certificate of compliance should be issued after modification works as set down in the Water Supply (Water Fittings) Regulations 1999. Providing certificates of chlorination for modifications/new works as required by the works specification.

Prior to any works being undertaken on West Mercia Police sites, a full site-specific method statement will be supplied to the responsible person for approval. The Legionella Survey Contractors are specifically charged with:

- Producing site risk assessments and legionella site management logbooks to comply with L8. The site management logbook is to be delivered to site and required procedures explained to the Duty holder and Nominated persons on site.
- Advising the West Mercia Police Estates Department Responsible and Deputy Responsible Person as soon as reasonably practicable of problems found on sites that need immediate resolution.
- Ensuring that surveys cause the minimum disruption to the site.
- Acting in a professional manner at all times whilst on site.
- Providing specialist advice on legionella matters.
- Contributing to an action/rectification plan with the Duty Holder etc.

7.06 Facilities Manager (acting as the Appointed Person for the site)

In addition to their role as Deputy Responsible person, these staff are responsible for

- Ensuring that the nominated person(s): Estates Assistants, cleaners and any other nominated staff, carry out the checks detailed in the legionella site management portal.
- Ensuring that any changes to the water systems (including additions/ extensions) not initiated by the West Mercia Police Estates Department are notified so that an inspection of the changes may be made, and the risk assessment and legionella site management logbook can be updated.
- Carrying out such work on all tenant items to ensure that the proliferation of legionella is prevented.
- Carrying out the checks detailed within the legionella site management logbook and ensuring that the Appointed Person on site countersigns that the checks have taken place.

Appendix A: Glossary

1.00 The West Mercia Police & Crime Commissioner

A legal entity, enabled to contract with other legal entities. Owns and maintains all property used by West Mercia Police.

2.00 The Force

West Mercia Police covers the 2,868 square miles of Herefordshire, Shropshire and Worcestershire.

3.00 Contractor / Sub Contractor / Service Provider

Any person or undertaking or other legal entity entering into; or involved with a contract with the organisation for the supply of goods or services, including sub-contractors (hereafter called contractors) and staff employed by the Force carrying out unsupervised work.

4.00 Staff / Police Officers / Specials / Volunteers

Any person employed by the PCC / Force or its contractors or any person not specifically referred to above

5.00 Duty Holder

The Duty Holder is the person with overall responsibility for the West Mercia Police premises must appoint someone competent to ensure that the force comply with its health and safety duties to take responsibility for managing the risks.

6.00 Responsible Person

The Responsible Person should have sufficient authority, competence and knowledge, to ensure that all operational procedures are carried out in a timely and effective manner. The Responsible Person should have a clear understanding of their duties and the overall health and safety management structure and Policy in the organisation.

7.00 Deputy Responsible Person & Appointed Person (Site)

A person recognised by the Duty Holder as having sufficient technical knowledge and experience to enable them to carry out the control measures and strategies and should be suitably informed, instructed and trained. Competence is dependent on the needs of the situation and the nature of the risks involved.

8.00 ACoP

ACoP means “**The control of legionella bacteria in water systems Approved Code of Practice and Guidance L8**”. The Code has been approved by the Health and Safety Commission with the consent of the Secretary of State; the code has special legal status and will be used for prosecutions for a breach of health and safety law.