

Livewell Southwest

**Legionella Bacteria Control Policy
(Incorporating the Control of Safe Hot
Water Temperatures)**

Version No. 3
Review: April 2019

Notice to staff using a paper copy of this guidance

The policies and procedures page of LSW intranet holds the most recent version of this document and staff must ensure that they are using the most recent guidance.

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Legionella Bacteria Control Policy (Incorporating the Control of Safe Hot Water Temperatures).

1. Introduction

1.1 Management Policy Statement and Aim

Livewell Southwest (LSW) recognises and accepts its responsibility under the Health and Safety at Work etc. Act 1974 and the Control of Substances Hazardous to Health Regulations 1999, to:

- (1) Take all reasonable precautions to prevent Legionellosis affecting patients, staff, visitors, other persons working at or using its premises and the general public at large.
- (2) Manage the operation and maintenance of all its domestic hot water systems and associated water blending apparatus to minimise the risk of hot water causing scalding to residents, patients, staff and other persons working at or using its premises.

LSW recognises its responsibility to implement, in full, the Codes of Practice, Health Technical Memoranda, Health Guidance Notes, Model Engineering Specifications and all other relevant and associated documentation and in particular The Health and Safety Commission's Approved Code of Practice – L8. LSW will undertake to:

- identify and assess sources of risk
- prepare a scheme for preventing, reducing or controlling the risk
- implement and manage precautions
- keep records of the precautions implemented and will do so for each of the premises within LSW's control

The prime objective of this policy and of other associated procedural documents is the proper care and maintenance of LSW's water supply services, air conditioning and ventilation plant.

1.2 The Estate

For the purposes of this policy, the Estate comprises all the buildings currently owned or occupied (under a full maintenance lease or otherwise) by LSW. A full list of properties/buildings and status of occupation is available on request from the Estates Department.

1.3 LSW's Service Providers

For the purposes of this policy, the Service Providers are organisations that supply LSW with services pertaining to Legionellosis Management and Control and Safe Hot Water Temperature management, whether accommodation, and/or Facilities Management, Water Treatment, Consultancy, etc.

2. Legislation & Guidance

LSW, in implementing this Policy, will use as a general source of practice the guidance documents listed below:

2.1 L8 – The control of Legionella bacteria in water systems – Approved Code of Practice & Guidance

This Code of Practice gives practical guidance with respect to sections 2, 3, 4, and 6 of the Health and Safety at Work etc. Act 1974 and regulations 6, 7, 8, 9 and 12 of the Control of Substances Hazardous to Health Regulations 1999.

This Code has been approved by the Health and Safety Commission and gives advice on how to comply with the Law. This Code has a special legal status. If you are prosecuted for breach of health and safety law, and it is proved that you have not followed the relevant provisions of the Code, a court will find you at fault, unless you can show that you have complied with the Law in some other way.

2.2 Health and Safety at Work etc. Act 1974, Sections 2, 3 and 4 (HSWA)

Employers have a general duty, under the Act, so far as is reasonably practicable to ensure the health, safety and welfare of their employees and visitors.

These duties are legally enforceable, and the Health and Safety Executive have successfully prosecuted occupiers of premises under this statute for outbreaks of Legionnaires' Disease and/or incidences of scalding.

It falls upon both owners and occupiers of premises to ensure that there is a management regime for the preparation design, installation and maintenance of plant, equipment and systems. Failure to have a proper system of work and adequate control measures can also be an offence, even though an outbreak has not occurred.

2.3 Control of Substances Hazardous to Health Regulations 1999, Regulation 6 (COSHH)

These Regulations apply to micro-organisms, including Legionella bacteria, which could create a health hazard.

These Regulations also apply to the chemicals that may be used to control the growth of organisms in water supply.

2.4 The Public Health (Infectious Diseases) Regulations 1988

These Regulations require that a proper officer (now usually the consultant in communicable disease control [CCDC]) shall inform the chief medical officer of any serious outbreak of any disease which has, to his knowledge, occurred in his district.

2.5 The Water Supply (Water Fittings) Regulations 1999

Subject to various provisions contained within the regulations, these regulations apply to any water fitting installed or used in premises to which water is to be supplied by a water undertaker.

2.6 The Workplace (Health, Safety and Welfare) Regulations 1992

These regulations require that effective provision should be made to ensure that every enclosed workplace is ventilated by a sufficient quantity of fresh or purified air.

Where this ventilation is provided by mechanical means the regulations require these mechanical ventilation systems to be maintained (including cleaning) as appropriate in an efficient state, in efficient working order and in good repair.

2.7 BS 8558 Specification for design, installation, testing and maintenance of services supplying water for domestic use within buildings and their curtilages.

This standard specifies requirements for and gives recommendations on the design, installation, alteration, testing and maintenance of services supplying water for domestic use within buildings and their curtilages. It covers the system of pipes, fittings and connected appliances installed to supply any building, whether domestic or not, with water for drinking, culinary, domestic laundry, ablutionary, cleaning and sanitary purposes.

2.8 Food Safety Act 1990

This Act covers for water used for food preparation or food manufacture, and also includes water used for drinking.

2.9 NHS Estates HTM 0401 – Water Systems - The Control of Legionella, hygiene, ‘safe’ hot water, cold water and drinking systems – Parts A&B

Implementation of the Code of Practice

Health Technical Memorandum (HTM) 04-01 supersedes HTM 2027 and HTM 2040. Outlines the principles involved in design, installation and testing of hot and cold water supply, storage and distribution systems for healthcare premises. Applicable to both new and existing sites. Details source of supply, water treatment regimens, water softening, filtration, metal contamination, building management systems, materials of construction, pipework installations, noise and vibration, economy and conservation, treatment, testing and commissioning, disinfection and documentation.

HTM 04-01 focuses on:

- a) legal and mandatory requirements
- b) design of systems
- c) maintenance of systems
- d) operation of systems

It sets out items calling for action. It cross references to the Code of Practice (which should be consulted where any resolution of the intent is required) and indicates suggested priorities for implementation.

2.10 NHS Estates HTM 03-01 – Specialised ventilation for Healthcare Premises Parts A&B

Health and Technical Memorandum 03-01 Addresses patient comfort and the prevention and control of healthcare-associated infections. Looks at the methods of controlling the casual exposure of staff to anaesthetic substances. Outlines the design and acceptance testing of general and ultra-clean ventilation (UCV) systems. Sets out the minimum requirements for the design of air-handling units with regard to the control of Legionella and safe access for routine inspection and maintenance. Offers guidance on legal requirements.

HTM 03-01 focuses on:

- a) legal and mandatory requirements
- b) design of systems
- c) maintenance of systems
- d) operation of systems

It is applicable to new and existing sites, and is for use at various stages during the inception, design, upgrading, refurbishment, extension and maintenance of a building.

2.11 Health Guidance Note – “Safe” Hot Water and Surface Temperatures 1998

This Health Guidance Note highlights the change in policy on “safe” water and surface temperatures following several serious accidents.

This guidance and references appearing within the main text apply in England and Wales.

2.12 National Health Service Model Engineering Specifications D 08 Thermostatic Mixing Valves (Healthcare Premises) – 1997

This Model Engineering Specification highlights the criteria and specifications used in deriving a list of “approved” thermostatic mixing valves and their installation criteria.

3. General Responsibilities

3.1 Employer’s Duties

The LSW as employers have a general duty under The Health and Safety at Work etc. Act 1974 to ensure so far as is reasonably practicable, the health, safety and welfare of all their employees.

HSWA 2(1) requires employers to:

- (a) provide and maintain plant and systems of work that are safe and free from health risks
- (b) make arrangements for ensuring safety and the avoidance of health risks in connection with the use, handling, storage and transportation of articles and substances (HSWA 2(2)b)
- (c) provide such information, instruction, training and supervision to ensure the health and safety at work of their employees (HSWA 2(2)c)

- (d) provide a safe working environment (HSWA 2(2)e)
- (e) those in control of premises must ensure that they are safe and that any plan or substance do not endanger the health of all persons at work and the general public (HSWA 4)

3.2 Employees' Duties

Employees have a duty under Section 7 of The Health and Safety at Work etc. Act 1974 to take reasonable care for their own health and safety and that of others who may be affected by their acts or omissions at work.

Towards this end, employees should use correctly all work items provided by their employers, in accordance with their training and the instructions they receive to enable them to use the items safely.

Employees' duties under Section 7 also include co-operating with their employer to enable the employer to comply with statutory duties for health and safety.

Employers, or those they appoint (e.g. under Regulation 6) to assist them with health and safety matters, therefore need to be informed without delay of any work situation which might present a serious and imminent danger. The danger could be to the employee concerned or, if it results from the employee's work, to others.

Employees should also notify any shortcomings in the health and safety arrangements, even when no immediate danger exists, so that employers in pursuit of their duties under the HSWA and other statutory provisions can take such remedial action as may be needed.

4. Delegated Responsibilities

The **Chief Executive** is ultimately responsible for the content of all policies, implementation and review.

4.1 The Chief Executive shall:

- a) have overall responsibility for all aspects of the quality and management of water supplies within the organisations buildings. (Duty Holder within the meaning of the Health & Safety at Work etc. Act 1974).
- b) nominate in writing, an "Infection Control Team (Legionella)" whose duties will be to advise and monitor the Management and Control Policy for Legionnaires' Disease and Safe Hot Water Temperatures.

- c) nominate in writing a Responsible Person (Legionella and Safe Water temperature) to manage the necessary procedures for the prevention of Legionnaires' Disease and for the prevention of scalding. This person should have a thorough knowledge of the control of Legionella and of Safe Hot Water Temperature Management.

4.2 The Director of Finance shall:

- a) have responsibility for Estates & Site Services, including the management of Legionella and Safe Hot Water Temperatures.

4.3 The Head of Estates shall:

- a) have responsibility for Estates Services, including the management of Legionella and Safe Hot Water Temperatures.

4.4 The Deputy Head of Estates shall:

- a) have responsibility for operational management of Estates and Projects including the management and control of Legionella and Safe Hot Water Temperatures.

4.5 The Responsible Person shall:

- a) implement and manage the LSW's Legionella and Safe Hot Water Temperature policy.
- b) implement and maintain the LSW's planned maintenance programme for Legionella control and safe water temperature management.
- c) ensure that persons carrying out risk assessments are competent to do so.
- d) ensure records of risk assessments and precautions implemented are maintained.
- e) put in place arrangements for reporting an outbreak or suspected outbreak of Legionella.
- f) audit precautions on the Control of Legionella and Safe Water Temperature Management.
- g) issue an annual compliance report to the Infection Control Team.
- h) inform external bodies responsible for sewers prior to any chlorinated water being discharged into the drainage systems.

- i) assist in the training needs of LSW staff that are employed in the prevention and control of Legionella and ensure that training records are updated.

4.6 The Responsible Person and Deputy Responsible Person shall:

- a) carry out risk assessments on water, ventilation and air conditioning systems in line with the guidelines and check lists outlined in L8.
- b) keep permanent records of all risk assessments.
- c) carry out remedial work as highlighted in the risk assessments subject to the approval of funding and prioritisation agreed by the Infection control Team.
- d) put in place maintenance and inspection routines for the Control of Legionella and Safe Water Temperatures Management.
- e) keep maintenance and monitoring records (log books) that must be readily available for inspection. Written and computer records to be kept for 5 years
- f) ensure record drawings of systems are available and kept updated.
- g) Monitor and review the competency of LSW staff and contractors that are involved in any aspect of Legionella precautions and scalding control.
- h) ensure that new systems are chemically disinfected to BS 6700.
- i) submit and discuss risk assessment results with the Infection Control Team.
- j) only purchase materials for water systems and air conditioning plant that will not provide nutrients for Legionella bacteria.
- k) only purchase thermostatic mixing valves, which are approved (D 08 specification).

4.7 The Deputy Responsible Person shall:

- a) act for the Responsible Person in their absence.
- b) carry out delegated responsibilities

4.8 The LSW Health and Safety Advisor shall:

- a) advise on all aspects of Health & Safety; in particular reference to the practical aspects of risk assessments and on-site monitoring procedures.
- b) be a member of the Water Management Team.

4.9 The Water Management Team

The Teams responsibilities shall include:

- a) to agree the LSW policy on Legionella management, including Safe Hot Water Temperature Management.
- b) to agree any amendments to the policy.
- c) the liaison between all other associated teams, such as the Estates Department, Microbiology, Infection Control, Health & Safety, Nursing, Mental Health and Community Services. (Particularly in an outbreak situation).
- d) the monitoring and reporting upon the efficacy of all training programmes implemented for associated staff.

The team should include a representative from the following departments –

- Estates Department
- Control of Infection
- Health and Safety / Risk Management
- Localities

The team should meet at intervals necessary to reflect the workload although a 6 monthly interval is considered to be appropriate.

4.10 The Primary Care, Nursing, Mental Health and Community Services shall:

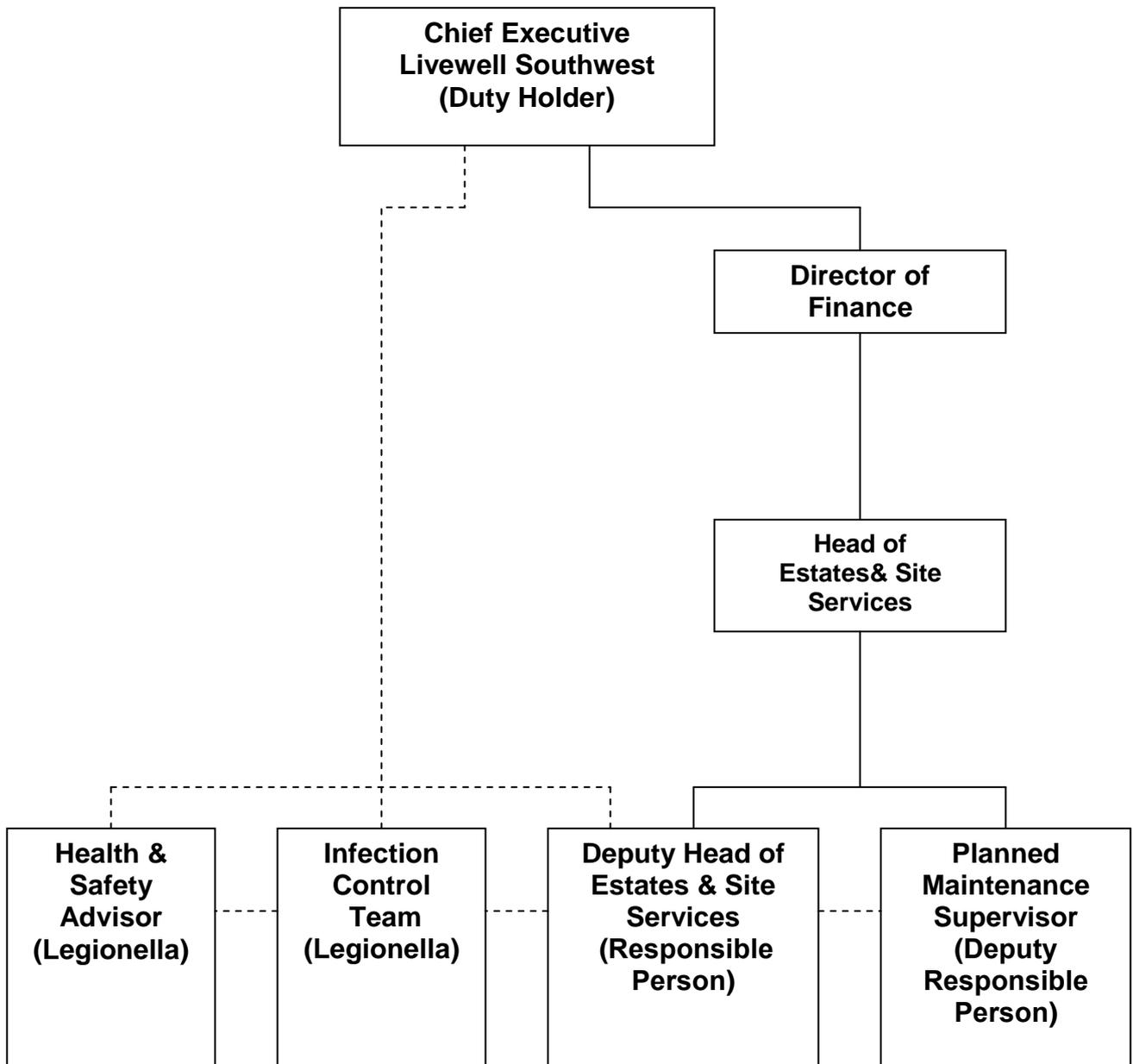
- a) Implement adequate on-going training for all nursing staff (Hospital or Agency), (or associated ancillary staff) responsible for patient bathing/showering/bidet use (full-body immersion) procedures.
- b) ensure compliance with all associated monitoring and reporting procedures including the correct use of all temperature measuring devices and logging system.
- c) ensure the purchase and correct maintenance (including appropriate calibration requirements) of all temperature monitoring and other associated equipment.

4.11 The Heads of Departments/Wards, etc. shall:

- a) Ensure that all hot and cold water outlets within their area, if not in frequent use, are flushed through on a weekly basis and these actions suitably recorded. The Water Management Team, in conjunction with the Responsible Person, will provide advice on safe flushing procedures.

- b) Notify Estates when there is a proposed change of use leading to any hot or cold water outlet becoming infrequently used or redundant. In such cases Estates will arrange for their disconnection and removal.
- c) Ensure that, where it is proposed to close a ward or unit for more than seven days, Estates are informed in advance. In conjunction with the Responsible Person, Estates will then decide whether to initiate a flushing regime or to drain the water systems.

4.12 Organisational Chart



5. Training Requirements

- a) The Infection Control Team and those competent staff who are chosen to deputise for them, will be provided with regular in-depth training courses so that they are properly updated on new developments in the management and control of water services.
- b) Regular refresher training shall be given, to ensure that staff are properly updated on new developments in the management and control of water services.
- c) All managers responsible for LSW buildings have a duty of care and must be given training in order that they are aware of known hazards and the safe precautions to adopt to ensure their sites are safe.
- d) Livewell SW recognises that only with the help of all the site managers can the "Water Management Team" maintain a safe regime of care across the LSW's total estate services.
- e) In order to avoid danger to patients, visitors and staff, Department/ward managers shall be responsible for ensuring that staff under their control have adequate knowledge of the risks associated with Legionella and of scalding from excessive water temperatures. The Water management Team, in conjunction with the Responsible Person, will provide advice on suitable training.

6. Policy Ratification

It is LSW's Policy to manage the operation and maintenance of:

- (a) Water systems
- (b) Cooling Towers (where applicable)
- (c) Air conditioning and ventilation systems
- (d) Water Blending Apparatus (for safe hot water temperatures)

in line with current best practice, complying with all current and relevant guidelines and legislation relating to the Management and Control of Legionella including Legionnaires' Disease and Safe Water Temperatures.

This policy:

- a) Has been prepared in consultation with competent persons and is based upon the interpretation and understanding of the legal requirements as described in current legislation, approved codes of practice and NHS Technical Memorandum.**
- b) Has been approved by the Board of Livewell SW**

All policies are required to be electronically signed by the Lead Director. Proof of the electronic signature is stored in the policies database.

The Lead Director approves this document and any attached appendices. For operational policies this will be the Locality Manager.

The Executive signature is subject to the understanding that the policy owner has followed the organisation process for policy Ratification.

Signed: Director of Finance

Date: 27th September 2016