



# **BURY COUNCIL – HOUSING SERVICES LEGIONELLA POLICY**

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|----------------------|----------------|
| <b>Date Approved</b> | <b>24/6/26</b> |
| <b>Review Date</b>   | <b>24/6/28</b> |

## **1.0 PURPOSE AND POLICY STATEMENT**

The purpose of this policy is to set out how Bury Council Housing Services (BC) will control and manage the risk of exposure to legionella bacteria arising from hot and cold-water systems in the housing stock and other relevant premises it owns, manages or controls.

BC is committed to protecting tenants, employees, contractors and visitors so far as is reasonably practicable. BC will adopt a proportionate, risk-based approach that identifies sources of risk, implements suitable controls, assigns clear responsibility, maintains records and reviews performance regularly.

This policy is supported by operational procedures, risk assessments, a written scheme of control where required, and assurance arrangements that enable BC to demonstrate compliance and continuous improvement.

BC recognises that legionella can proliferate in man-made water systems where conditions such as stagnation, poor temperature control, nutrient build-up or aerosol generation exist, and that exposure can lead to Legionnaires' disease, a potentially serious form of pneumonia.

For the purposes of legionella management, BC is the designated duty holder and appointed responsible persons to ensure risks are assessed, controlled, monitored and reviewed in line with legal and regulatory requirements.

## **2.0 SCOPE**

This policy applies to all relevant hot and cold water systems in homes, communal areas, temporary accommodation, offices and other premises that BC owns, manages or controls within housing services only.

It applies to officers, managers, contractors, consultants and any other person whose work may affect the assessment, control, monitoring, inspection, maintenance or remediation of water systems on behalf of BC.

This includes, but not limited to, domestic properties, communal systems, temporary accommodation and higher-risk or more complex settings where shared water storage, boosted systems, calorifiers, sprinkler interfaces or vulnerable occupants may justify enhanced controls.

## **3.0 RELATED POLICIES AND DOCUMENTS**

This policy should be read in conjunction with other relevant BC policies, procedures and guidance, including where applicable:

- Health and Safety Policy
- Access Policy
- Risk Management Policy
- Repairs, voids and planned maintenance procedures

- Procurement, contractor management, safeguarding, complaints and data protection procedures relevant to building safety and compliance

#### **4.0 LEGISLATIVE AND REGULATORY FRAMEWORK**

Bury Metropolitan Borough Council will take account of the following legislation and guidance, together with any subsequent amendments or successor documents:

- Health and Safety at Work etc. Act 1974
- Control of Substances Hazardous to Health Regulations 2002 (as amended)
- Management of Health and Safety at Work Regulations 1999
- Landlord and Tenant Act 1985
- Housing Act 2004
- Equality Act 2010
- Approved Code of Practice L8: Legionnaires' disease – The control of legionella bacteria in water systems
- HSG274 Part 2 & Part 3: The control of legionella bacteria in hot and cold water systems
- Relevant housing, safeguarding, data protection and procurement requirements that support safe delivery and assurance

#### **5.0 POLICY AIMS AND OUTCOMES**

- Adopt the principles of control and management set out in ACOP L8 and HSG274 Part 2 & Part 3.
- Identify and assess legionella risks and implement suitable, proportionate control measures.
- Protect the health, safety and welfare of tenants, residents, employees, contractors and visitors.
- Provide assurance, maintain accurate records, monitor performance and drive continuous improvement.

#### **6.0 HOW BURY METROPOLITAN BOROUGH COUNCIL WILL ACHIEVE THESE AIMS**

Bury Metropolitan Borough Council will maintain a suitable and sufficient legionella risk assessment programme and ensure that control measures identified through assessment are implemented, monitored, reviewed and updated when circumstances change.

Bury Metropolitan Borough Council will apply a proportionate assessment approach. Small-scale domestic systems in general needs homes may be managed through standard control measures and periodic review, while more complex, shared or higher-risk systems will require site-specific assessment, written schemes and monitoring arrangements proportionate to the level of risk.

Where required, Bury Metropolitan Borough Council will maintain a written scheme of control setting out monitoring, inspection, temperature control, flushing, cleaning, disinfection, remedial works, escalation and assurance arrangements.

Control measures may include but not limited to, temperature control, inspection of stored water, flushing of little-used outlets, removal of redundant pipework where identified, cleaning and disinfection, recommissioning after shutdowns, and resident advice on maintaining safe water use.

BC will use competent employees, contractors and advisors, keep appropriate records, report performance through management routes, and respond promptly to significant findings, overdue actions, failed access and incidents.

Where there is a suspected incident, significant system failure or potential outbreak linked to water systems under BC control, the council will escalate immediately through its incident management arrangements, secure competent advice, preserve relevant records and cooperate with public health and enforcing authorities as required.

BC will also support effective resident communication, consider vulnerability and safeguarding where access is needed, and use complaints, audits and performance information to improve service delivery.

## 7.0 ROLES AND RESPONSIBILITIES

The chart below lists responsibilities for activities that are undertaken by Bury Metropolitan Borough Council Housing Services staff only.

The Compliance Manager will deputise for the Head of Building Safety as and when required.

| <b>Responsibilities</b>                                                                         | <b>Committee / CEO</b> | <b>Head of Housing Compliance</b> | <b>Compliance Manager</b> | <b>Compliance Specialist</b> | <b>All Staff</b> |
|-------------------------------------------------------------------------------------------------|------------------------|-----------------------------------|---------------------------|------------------------------|------------------|
| To set the policy and direction with regards to Legionella safety                               | ✓                      | ✓                                 | ✓                         | ✓                            |                  |
| Ensure Bury MBC staff have a robust understanding of Legionella safety and the associated risks |                        | ✓                                 | ✓                         | ✓                            | ✓                |

|                                                                                             |   |   |   |   |   |
|---------------------------------------------------------------------------------------------|---|---|---|---|---|
| Manage Legionella Safety service ensuring this is delivered in line with Policy & Procedure |   | ✓ | ✓ | ✓ |   |
| Take lead on day-to-day decisions                                                           |   | ✓ | ✓ | ✓ |   |
| Policy champion                                                                             | ✓ | ✓ | ✓ | ✓ | ✓ |
| Ensure effective and clear communication with key stakeholders including Tenants            |   |   | ✓ | ✓ | ✓ |
| Ensuring all relevant properties have a Legionella risk assessment                          |   | ✓ | ✓ | ✓ |   |
| Participate in meetings and provide evidence for investigations as required                 |   | ✓ | ✓ | ✓ |   |
| Ensure complaints feedback is used to improve service                                       |   | ✓ | ✓ | ✓ |   |
| Working with HR to ensure staff have appropriate training                                   |   | ✓ | ✓ | ✓ |   |
| Ensure policy is reviewed every 3 years or as necessary                                     |   | ✓ | ✓ |   |   |
| Ensure equality and diversity guidance is adhered to                                        | ✓ | ✓ | ✓ | ✓ | ✓ |

## **8.0 RESIDENT INFORMATION, ENGAGEMENT, AND ACCESS**

BC will provide residents with clear and proportionate information about legionella risks, the purpose of inspections or works, the importance of regular water use, and the practical steps residents can take to reduce risk after periods of non-use.

Tenants should report concerns that may affect water quality or safe operation, including poor water temperature control, discoloured water, infrequently used outlets, leaks, damaged tanks or fittings, and prolonged periods when a property is unoccupied.

Tenants must allow reasonable access for inspection, monitoring, sampling where justified, maintenance, cleaning, flushing and remedial works associated with legionella control. Where access cannot be gained, BC will follow its access escalation procedure and consider vulnerability, support needs and proportionality.

Tenants must not make unapproved alterations to water systems, tanks, showers, fittings or pipework that could affect water hygiene, temperature control or safe operation.

Where tenants are expected to be away for extended periods, or where vulnerability may affect safe management of water use, BC will provide or signpost additional advice as appropriate.

## **9.0 COMPETANCE, CONTRACTORS, AND MONITORING**

BC will ensure that people undertaking legionella risk assessments, inspections, monitoring, sampling, cleaning, disinfection or remedial works are competent for the tasks they perform and are appropriately managed.

Records of contractor competence, scope of service, insurance, training, accreditations where relevant and performance checks will be maintained and reviewed at suitable intervals.

Monitoring and inspection frequencies will be determined by risk assessment and the written scheme of control, with non-conformances, defects, failed access and overdue actions escalated through the appropriate management routes.

For higher-risk or more complex properties, site-specific records or logbooks may be maintained to evidence monitoring frequencies, completed checks, corrective actions and the person responsible for each task.

Regular performance reports should summarise completed activities, outstanding actions, exceptions, incidents and remedial works so that managers can monitor delivery and intervene where required.

## **10.0 VOID, NEW, AND CHANGED PROPERTIES**

Void properties and newly acquired, newly built or materially altered properties must be assessed before occupation or handover to confirm that water systems are in a safe condition and that any required flushing, cleaning, disinfection, temperature checks or recommissioning steps have been completed.

For short-term voids, outlets should be flushed at suitable intervals and showers cleaned, disinfected or replaced before reoccupation where appropriate. For longer-term voids, Bury Metropolitan Borough Council will determine whether flushing, drain-down, cleaning, disinfection or recommissioning is the most suitable control approach based on the property type, duration of vacancy and system characteristics.

Where systems have been shut down for a significant period, materially altered, or contaminated, BC will ensure appropriate cleaning, disinfection, testing or recommissioning is completed before the system is returned to service, based on competent advice and relevant standards.

Processes must also capture refurbishments, component changes, disposals and occupancy changes that may affect legionella risk or invalidate an existing assessment so that records and controls remain current.

## **11.0 TRAINING**

BC will provide legionella awareness and role-specific training to relevant employees so that they understand their responsibilities, escalation routes and the importance of following the written scheme of control and associated procedures.

Contractors are expected to ensure their personnel are trained, competent and up to date with relevant legislation, guidance and good practice for the tasks they undertake.

## **12.0 DATA PROTECTION, RECORDS, AND ASSURANCE**

BC will process personal data in accordance with applicable data protection legislation and internal policies. Information gathered for safety management purposes will be used only where necessary and proportionate.

BC will maintain accurate records of properties, water system attributes, risk assessments, written schemes, monitoring activities, remedial actions, failed access, exceptions and reviews so that compliance can be evidenced.

Appropriate assurance arrangements will include management reporting, audits, contract management, data quality checks and escalation routes for significant findings, incidents and overdue actions.

Assurance will also include periodic internal review or audit of legionella processes to confirm that measures are being completed at the required intervals, records are current, and corrective actions are tracked to completion.

Records should include, where applicable:

- Legionella risk assessments and reviews
- Written schemes of control and monitoring records
- Inspection, flushing, temperature, cleaning, disinfection, sampling and remedial work records
- Exceptions, failed access, non-conformances, incidents and escalation records

These records will be stored in the relevant compliance and document management systems and retained in accordance with legal requirements and internal retention arrangements.

BC will maintain appropriate controls over data quality, access permissions and information security for legionella-related records.

### **13.0 POLICY REVIEW**

This policy will be reviewed at least every two years, and sooner where legislative, regulatory, operational or organisational changes, incidents, audit findings or assurance activity indicate that revision is required.

### **APPROVAL AND REVIEW**

|                                                      |                                   |
|------------------------------------------------------|-----------------------------------|
| <b>Document owner</b>                                | <b>Head of Housing Compliance</b> |
| <b>Leadership Team Meeting – Director of Housing</b> | <b>Date approved 24/6/26</b>      |
| <b>Review frequency</b>                              | <b>2 years</b>                    |

## **Appendix 1 - Definitions**

### **Legionella**

A genus of bacteria that can colonise water systems. Certain species, including *Legionella pneumophila*, can cause Legionnaires' disease when contaminated water droplets are inhaled.

### **Legionnaires' disease**

A potentially serious and sometimes fatal form of pneumonia caused by inhalation of aerosol droplets contaminated with legionella bacteria.

### **Responsible person**

The person appointed by Bury Metropolitan Borough Council to take day-to-day responsibility for implementing and monitoring legionella control arrangements, supported by competent advisors and contractors as necessary.

## **Appendix 2 - Legionella access procedure**

This appendix sets out the standard access escalation process to support inspections, monitoring, flushing, sampling, cleaning, disinfection and remedial works required to control legionella risk in relevant properties and premises.

### **1. Initial appointment**

Bury Metropolitan Borough Council or its appointed contractor will issue an appointment with reasonable notice, explaining the purpose of the visit, the expected attendance window and any preparation the resident may need to make, such as ensuring access to water outlets, tanks or service cupboards.

### **2. Failed first access**

If access is not gained, a further appointment will be offered and the failed visit recorded. Contact attempts may include letter, telephone, text or other agreed communication channels.

### **3. Vulnerability and welfare check**

Before escalation, Bury Metropolitan Borough Council will consider any known vulnerability, support needs, safeguarding concerns or risks associated with the household, and will coordinate internally or with relevant agencies where this is necessary to gain safe and appropriate access.

### **4. Further notice and manager review**

Where repeated attempts fail, the case will be reviewed by the responsible manager. A further written notice may be issued explaining the safety reason for access, the consequences of continued refusal, and the date by which the resident should make contact.

## **5. Risk-based escalation**

The need for escalation will be determined by the level of legionella risk, the type of system, the presence of vulnerable occupants, how long access has been outstanding, and whether required monitoring or remedial actions are overdue.

## **6. Legal access**

Where reasonable efforts to obtain access have failed and the risk justifies it, may seek legal remedies in accordance with tenancy conditions, statutory powers and internal procedures. Any such action must be proportionate, documented and approved through the appropriate management route. Additionally refer to BC Access Policy.

## **7. Attendance and completion**

When access is gained, the operative will complete the required inspection, monitoring or remedial task, leave the property secure, and provide any relevant follow-up information to the resident.

## **8. Records and follow-up**

All appointments, failed access attempts, communications, risk reviews, welfare considerations, legal actions and completed works must be recorded in the relevant compliance system so that performance and outstanding risks can be monitored.

## **Appendix 3 – Tenants advice on reducing legionella risk**

This appendix provides general advice for Tenants on reducing legionella risk in the home. It is intended to support, and not replace, any specific advice given for a particular property or water system.

- If water outlets have not been used for a period of time, run hot and cold water before normal use, taking care to avoid creating unnecessary spray.
- Keep shower heads and taps clean and free from visible scale or debris.
- Report unusually hot, cold, discoloured or poor-quality water, leaks, damaged tanks or fittings, or any other concerns about the water system.
- Do not alter water systems, cylinders, tanks, thermostatic devices or pipework without approval.
- If you expect to be away from home for an extended period and need advice on managing water safely when you return, contact BC.

