

# Legionella Safety Policy

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# LEGIONELLA MANAGEMENT POLICY AND PROCEDURES

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## **1. INTRODUCTION**

- 1.1 Lochalsh and Skye Housing Association recognises that all hot and cold systems, if not sufficiently risk assessed, controlled and managed, can present a major risk to the health, safety and wellbeing of tenants living in our homes, colleagues working in our offices and the wider estate, owners and people who visit our properties. Legionella bacteria can be present in all water systems and can proliferate under the right condition and temperatures which, if released in aerosols (e.g. by showers or taps), can be inhaled and cause severe ill health through Legionnaire's disease, Lochgoilhead fever or Pontiac fever, especially in some vulnerable people (e.g. smokers, heavy drinkers, men, people over 45, people with respiratory issues). This can cause significant respiratory ill health and pose financial and reputational risks to LSHA.
- 1.2 As an employer, and a responsible social landlord we aim to fulfil our obligations in reducing the potential risks from the dangers caused by Legionella bacteria. The aim of this policy with the Legionella Safety Management procedures is to provide a robust Legionella Safety framework to protect the safety and wellbeing of LSHA tenants, owners, staff, and visitors to our properties.
- 1.3 The Association is responsible for ensuring that all properties owned and managed by us, meet all applicable Legionella safety legislation and standards.

## **2. PURPOSE OF THE POLICY**

- 2.1 The purpose of this policy, which is supported by the Legionella Safety management procedures contained in it, is to:
  - Recognise and outline the risks to lives and property associated with the management of Legionella safety in hot and cold-water systems
  - Identify all applicable legislation relating to Lochalsh and Skye Housing Association in terms of Legionella safety statutory duties and responsibilities as a social landlord and employer
  - Determine the scope of how the policy will apply to Lochalsh and Skye Housing Association and how the legislation applies
  - Outline the roles, responsibilities and management arrangements we will have in place to manage Legionella safety effectively
  - Outline how we will implement the policy and how we will assure ourselves that we comply with the legislation and the policy and how we will remain compliant
  - Identify specific roles and responsibilities for policy implementation and management of Legionella safety arrangements
  - Ensure that our arrangements for Legionella safety are clear and understood by all employees
  - Ensure that we are fair, equitable and non-discriminatory
  - Ensure that we can be flexible and adaptable to changing needs

### 3. POLICY SCOPE

- 3.1 This policy applies to all water systems (hot and cold) within tenanted properties owned and managed by the Association. It also includes 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.
- 3.2 This policy applies to all Legionella safety related work streams associated with maintaining Legionella safety across the Association, including risk assessments, monitoring, maintenance, remedials and the installations of new hot and cold-water systems.
- 3.3 It applies to all Association staff and Board members, and also applies to all tenants, owners, contractors and any visitors to our buildings including members of the public.

### 4. AIMS AND OBJECTIVES OF THIS POLICY

- 4.1 We aim to sufficiently assess the risk of all water systems and minimise the risk of Legionella bacteria proliferating and the risk of exposure through inhalation of tiny aerosol droplets of water by staff, customers, contractors and members of the public. 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 Legionella safety.
- 4.2 We adhere to all applicable legislation and standards as an employer and registered social landlord for Legionella safety, to enable us to develop suitable and sufficient management arrangements to risk assess and manage Legionella safety. Our main objective is to implement these Legionella safety arrangements and promote a good level of Legionella safety awareness for all applicable stakeholders to ensure the arrangements are delivered effectively, with procedures for people to follow in the event that a Legionella outbreak occurs.

### 5. ROLES AND RESPONSIBILITIES

- 5.1 **The Board**, in approving this policy, accepts responsibility for its implementation. The Chief Executive has day-to-day responsibility for the operation of this policy with assistance from the Director, Managers and operational staff.
- 5.2 **The Chief Executive must have delegated responsibilities in place to :**
  - Ensure that the requirements of the policy are communicated to all staff and reinforced on a regular basis.
  - Ensure that all staff and Board members receive adequate Legionella safety awareness training and are encouraged to develop and promote safe working practices and attitudes towards Legionella safety

- Liaise with local authorities and the Health and Safety Executive (HSE) on matters relating to Legionella safety including taking any actions resulting from their advice.
- Ensure the Legionella safety risk assessment programme is managed and monitored, with remedials and effective controls of hot and cold-water systems, in buildings owned and managed by the Association
- Monitor and report to the Board with any recommendation regarding Legionella safety
- Ensure staff receive Legionella safety training, as appropriate.
- Ensure that regular estate management inspections are carried out and where a potential Legionella risk is identified appropriate actions are in place to mitigate these risks.
- Ensure that access to domestic properties is sufficiently supported to enable risk assessments and related works to be completed in line with the Scottish Secure Tenancy Agreement.
- Ensure that the requirements of the policy are communicated to all relevant staff and tenants and reinforce such communication on a regular basis via the Association's website, tenant newsletter and social media.
- Ensure that all appropriate staff receive adequate Legionella safety awareness training according to their role and are encouraged to develop and promote safe working practices and attitudes towards Legionella safety.

**5.3 The Director of Finance and Investment and the Property Services Manager, must:**

- Ensure compliance with legislation regarding Legionella installations, supplies and Legionella appliances and all other types of Legionella fittings
- Ensure all persons or contractors carrying out Legionella safety checks, maintenance and repairs are trained and competent to do so and are members of The Legionella Control Association (LCA).
- Ensure that as part of our letting standard, hot and cold-water systems have been risk assessed, and suitable checks and controls are in place to control Legionella bacteria
- Ensure that all Legionella risk assessments, remedials and monitoring is carried out to the required standards and by competent LCA registered members
- Ensure that void properties have been risk assessed, and the hot and cold-water systems have been flushed (as required) and are safe to use before the new customer moves in.
- Ensure systems and contracts are in place for up-to-date advice to be received on current and proposed Legionella related regulatory and good practice requirements.
- Ensure that all appropriate staff receive adequate Legionella safety awareness training according to their role and are encouraged to develop and promote safe working practices and attitudes towards Legionella safety.

- Ensure that the Chief Executive is made aware of any issues in relation to Legionella Safety, with solutions developed to reduce or prevent risks.

5.4 Every employee of Lochalsh and Skye 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. The Director and Managers have responsibilities as well as those of an employee.

5.5 Any breaches of the policy should be reported to the employee's Manager.

## 6. **LEGIONELLA SAFETY ARRANGEMENTS**

6.1 The Legionella Safety Management actions are detailed here.

- 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 which require a water hygiene risk assessment
- We will utilise our data for all heating types within buildings to carry out an initial desktop risk assessment with all data we hold. 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).
- We will ensure our risk-based approach identifies any properties where there is a risk considered (e.g. where water is stored within tanks), and the risk could be exacerbated by the vulnerabilities of people using those hot and cold-water systems and the complexity of the hot and cold-water system. These will potentially require further risk assessment, predominantly site based, by a competent person. We will ensure that all electrical related work, including testing, inspection, maintenance and repairs are carried out by a demonstrably competent individual.
- 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.
- In the first instance, we will attempt to eliminate risks associated with water hygiene, Legionella and scalding which have been identified within the risk assessment. Where these risks cannot be eliminated, we will put in place a written scheme of control. To achieve control over the entire water system and maintain a suitable schedule of controls, the written scheme clearly identifies the measures required to control the risks from exposure to legionella bacteria and scald risks.
- We will appoint a Duty Holder and 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 written 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 that contracts with external contractors are managed effectively, and robust contract monitoring is in place to monitor performance and promote continuous improvement.
- We will ensure that we apply the resources required to mitigate Legionella risks within our relevant properties so far as is reasonably practicable for all Legionella installations and appliances where we have a responsibility as an employer and landlord.
- We will ensure there are suitable levels of governance, oversight, and supervision to implement this policy and the associated management plan, inclusive of making these documents available to all relevant staff and ensuring that staff with Legionella safety roles 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 Legionella safety.
- We will ensure suitable and sufficient resources are in place to effectively manage customer relationships, tenancy agreements, and leases to keep them informed of the Legionella arrangements for the home/building in which they live and expectation in terms of them providing access to us to carry out Legionella safety related works.
- We will ensure there are suitable and sufficient emergency procedures in place to deal with emergency situations because of issues associated with Legionella safety and when a Legionella outbreak is confirmed.
- 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 Legionella safety 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 local authorities.

## **7. TRAINING AND AWARENESS**

- 7.1 Lochalsh and Skye Housing Association will ensure that all colleagues will receive general Legionella awareness training as required, in relation to their role, and where they work (e.g. general safety information regarding the office) or if they work in the wider estate.

- 7.2 The Association staff who have specific roles relating to Legionella safety will receive appropriate training to ensure that they are competent to fulfil their duties.

## **8. IMPLEMENTATION OF THE POLICY**

- 8.1 Lochalsh and Skye Housing Association will have suitable and sufficient levels of oversight, governance, and assurance in place to ensure that we fulfil all legal obligations relating to Legionella safety and to assure ourselves that we comply with this Legionella Safety Policy, the supporting Management Plan and all applicable legislation.

## **9. MONITORING OF THE POLICY**

- 9.1 Operational Managers are responsible for the day-to-day management of all work streams and programmes of work associated with Legionella safety. They will be responsible for:
- Ensuring operational management information is in place to evidence work is being completed within the required timescales and to the required standards to give assurance they are working to this policy, the above management actions and all applicable Legionella legislation and standards.
  - Providing such information to enable the relevant Manager/Director to submit a quarterly performance report to the Senior Management Team and subsequently to the Board, including relevant Legionella Safety management KPIs and assurance information.
- 9.2 In addition to the operational assurance measures outlined above, legionella safety will also be subject to internal and external audits, as required, to provide suitable assurance.

## **10. REVIEW**

- 10.1 This Policy will be reviewed every 5 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.

## **11. LEGAL AND REGULATORY FRAMEWORK**

### **Regulatory Framework**

- 11.1 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.
- 11.2 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.

11.3 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’*.
  - **Guidance 1.1** - The governing body sets the RSL’s strategic direction. It agrees and oversees the organisation’s business plan to achieve its purpose and intended outcomes for its tenants and other service users.
  - **Guidance 1.2** - The RSL’s governance policies and arrangements set out the respective roles, responsibilities and accountabilities of governing body members and senior officers, and the governing body exercises overall responsibility and control of the strategic leadership of the RSL.
  - **Guidance 1.3** - The governing body ensures the RSL complies with its constitution and its legal obligations. Its constitution adheres to these Standards and the constitutional requirements set out below.
  - **Guidance 1.4** - All governing body members accept collective responsibility for their decisions.
  - **Guidance 1.5** - All governing body members and senior officers understand their respective roles, and working relationships are constructive, professional and effective.
  - **Guidance 1.6** - Each governing body member always acts in the best interests of the RSL and its tenants and service users and does not place any personal or other interest ahead of their primary duty to the RSL.
  - **Guidance 1.7** - The RSL maintains its independence by conducting its affairs without control, undue reference to or influence by any other body (unless it is constituted as the subsidiary of another body).
- **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’*.
  - **Guidance 3.1** - The RSL has effective financial and treasury management controls and procedures, to achieve the right balance between costs and outcomes, and control costs effectively. The RSL ensures security of assets, the proper use of public and private funds, and access to sufficient liquidity at all times.
  - **Guidance 3.2** - The governing body fully understands the implications of the treasury management strategy it adopts, ensures this is in the best interests of the RSL and that it understands the associated risks.
  - **Guidance 3.3** - The RSL has a robust business planning and control framework and effective systems to monitor and accurately report delivery of its plans. Risks to the delivery of financial plans are identified and managed effectively. The RSL considers sufficiently the financial implications of risks to the delivery of plans.
- **Regulatory Standard 5 (RS5)** – *‘The RSL conducts its affairs with honesty and integrity’*.
  - **Guidance 5.1** - The RSL conducts its affairs with honesty and integrity and, through the actions of the governing body and staff, upholds the good reputation of the RSL and the sector.
  - **Guidance 5.2** - The RSL upholds and promotes the standards of behaviour and conduct it expects of governing body members and staff through an appropriate

code of conduct. It manages governing body members' performance, ensures compliance and has a robust system to deal with any breach of the code.

- **Guidance 5.3** - The RSL pays due regard to the need to eliminate discrimination, harassment and victimisation, and advance equality of opportunity and human rights, and fosters good relations across the range of protected characteristics in all areas of its work, including its governance arrangements.

## **Legal Framework**

- 11.4 Lochalsh and Skye Housing Association will comply with all relevant legislation and regulatory requirements for managing Legionella. Set out below is the principal legislation which applies to Legionella management for the Association:
- 11.5 **The Health and Safety at Work Act 1974 (HASAWA); 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.
- 11.6 **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.
- 11.7 **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.
- 11.8 **The L8 Approved Code of Practice (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, 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.
- 11.9 **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).

11.10 Lochalsh and Skye 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.

11.11 The requirements of the 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.

## APPENDIX 1 – Equality Impact Assessment

Name of Policy to be assessed	Legionella Safety Policy	New Policy or revision of existing	New
Person(s) responsible for assessment			
1. Briefly describe the aims, objectives and purpose of the policy	<p>The purpose of this policy is to set out how LSHA will ensure that residents and visitors should enjoy safe access to, and use of, our services and facilities. In particular, to ensure, so far as is reasonably practicable, the safety and welfare of our employees and other persons who may be affected by our activities in relation to Legionella safety.</p> <p>The main objective of the policy is to meet all legal and regulatory obligations and ensure best practice is followed in relation to Legionella safety. It therefore aims to: Keep the general public, tenants, and employees safe from the risks associated with Legionella bacteria being able to grow within our hot and coldwater systems and exposure of that bacteria to anyone who could come into contact with it.</p>		
2. Who is intended to benefit from the policy? (e.g. applicants, tenants, staff, contractors)	<p>The policy sets out to benefit tenants to ensure risk of harm from faulty Legionella equipment is minimised. It further intends to benefit staff, contractors and members of the public who are visiting and working within our properties. It will also benefit the association in ensuring legal obligations are met and protecting assets.</p>		
3. What outcomes are wanted	<p>To ensure that the association is compliant with Legionella Safety legislation and Regulatory guidance and through robust risk</p>		

from this policy? (e.g. the measurable changes or benefits to members/tenants/staff)	assessments, monitoring and maintenance, our procedures and programmes continue to be compliant and managed thus mitigating the risks to staff, tenants' contractors and the general public relating to ill health or loss of life from exposure to harmful Legionella bacteria.		
4. Which groups could be affected by the policy? (note all that apply)			
Age	X	Disability	X
Gender reassignment		Marriage and Civil Partnership	
Pregnancy and Maternity	X	Race	
Religion or Belief		Sex	X
Sexual Orientation			
5. If the policy is not relevant to any of the equality groups listed above, state why and end the process here.			
The policy is applied equally to all properties with the aim of maintaining Legionella bacteria in hot and cold-water systems on a risk-based approach. However, it has been proven that Legionella bacteria can have a worse effect on: Males, Over 45's, smokers, heavy drinkers, elderly, people with respiratory or kidney issues, therefore when we are conducting a risk assessment, we will actively include any information which may help the risk assessment be more accurate and protect these identified vulnerable customer groups.			
6. Have those affected by the policy/decision been involved?			
No, they have not been involved as we cannot readily identify the extent of these customer groups. It positively identifies these vulnerable customers to ensure we tailor our risk assessment to protect the health of our customers. Other customers without these defined vulnerabilities will not be discriminated against as their health conditions and susceptibility to Legionella bacteria will also be considered at the point of risk assessment.			
		Positive Impact (s)	Negative Impact(s)
7. Describe the likely positive or negative impact(s) that the policy could have on the groups identified above.		See section 6 above	None anticipated
8. What actions are required to address the impacts arising from this assessment? (this might include additional data, putting monitoring in place, making adjustments, taking specific action to mitigate any potentially negative impact(s))	No further action required.		
Signed:			
Dated:	14/08/25		