

"Evicting" Legionella

Daniel Pitcher (Projects Director) Water Hygiene Centre

Workshop Highlights



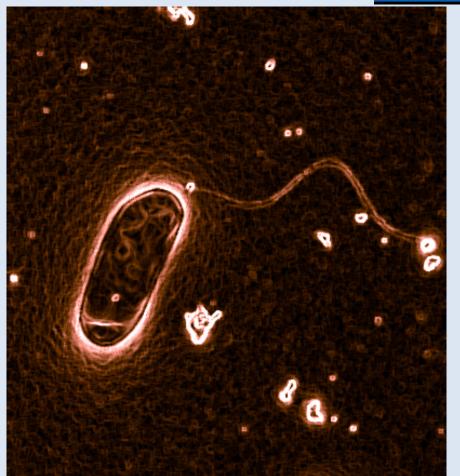
- Reviewing your current status
- Efficient use of resources
- Don't do too much or too little
- How drastic would eviction be?

- Strategy based on risk information
- Justify your strategy
- Email follow-up with guidance documents and training course details

Warm-Up

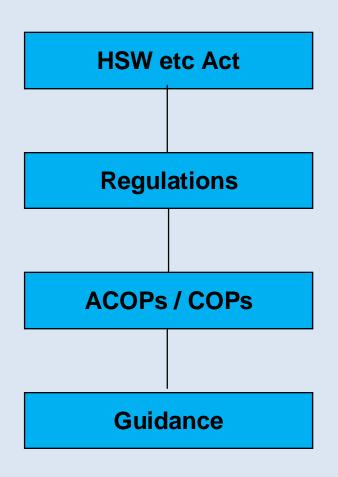


- Tenant's water systems contain Legionella now?
- Tenant's inhaled Legionella from your systems?
- Proportion of tenants who have had Legionnaires' disease?
- What matters?



Legislation & Guidance

- COSHH
- HSC/HSE ACoP L8
- Essential Information for Providers of Residential Accommodation
- Etc







Business Processes

- Acquisition purchase, lease
- Design, refurbishment
- Void properties
- Merger of HAs
- Repair/maintenance
- Designate properties to types of resident
- Letting property





HSW etc Act & COSHH

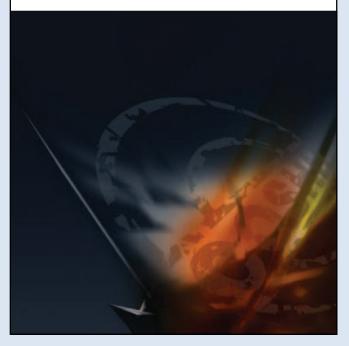
- Risk assessment
- Training
- Risk control hierarchy starts with elimination, last is PPE



Health and Safety Executive

COSHH: A brief guide to the Regulations

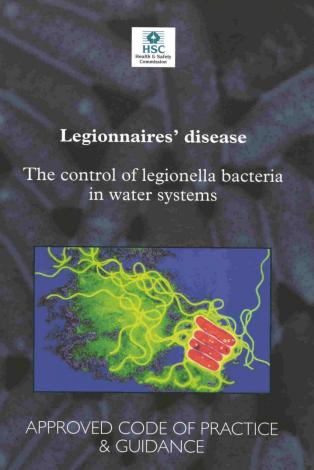
What you need to know about the Control of Substances Hazardous to Health Regulations 2002 (COSHH)





Requirements – HSC/HSE ACoP/L8

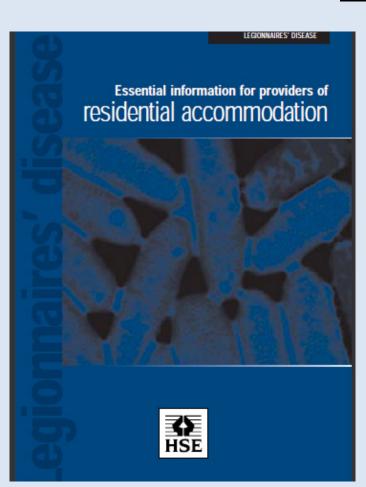
- Appoint a Responsible Person
- Identify hazards and assess risk
- Scheme for controlling risk
- Implement it
- Keep records



Residential Accommodation Providers

Who is Responsible?

- Service Level Agreement
- Eg Community home Mental Trust or HA?
- Typically maintenance provider

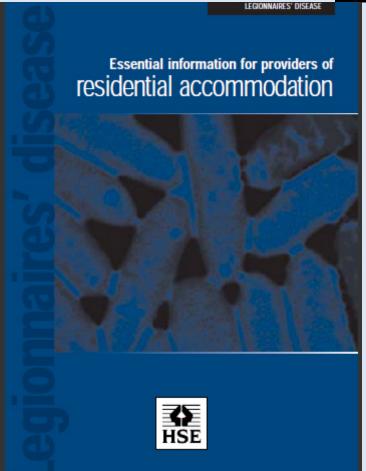


Residential Accommodation Providers



Information to tenants

- Issue comprehensive procedure? No way!!
- Report dirty water, hot water failure – to keep water "fresh"?



Match Requirements to Business Processes



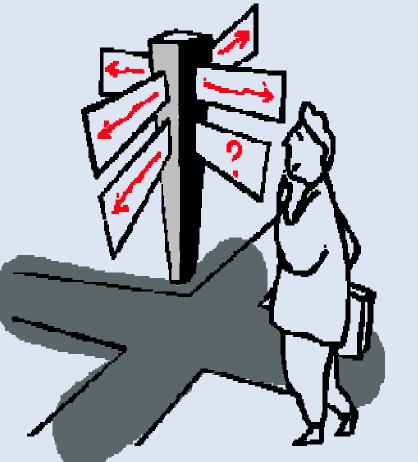
- Understand current
 position
- Development management system specific to your business processes
- Optimise your use of resources





Understand Current Position

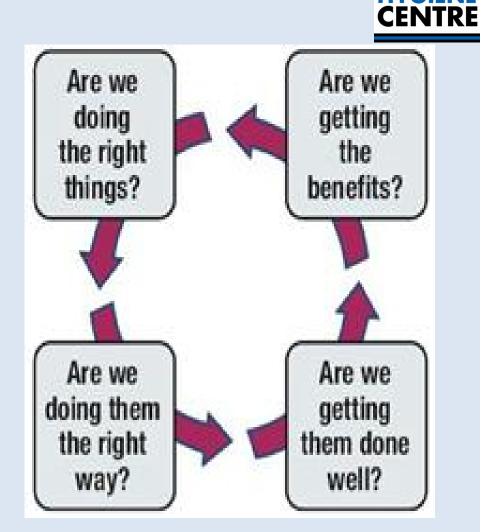
- Management system how good is it?
- Find out use audit
- Technical/operational aspects of water systems – are they adequate?
- Independent risk
 assessment



Audit

Water Hygiene Centre legionellosis risk audit is unique because it focuses on:-

- 5 management requirements of HSE ACoP/L8
- Your business processes



Risk Assessment



- Independent use a consultant not a contractor
- Risk assessment is not just condition survey
- Water Hygiene Centre provides documented risk screen to focus risk assessment

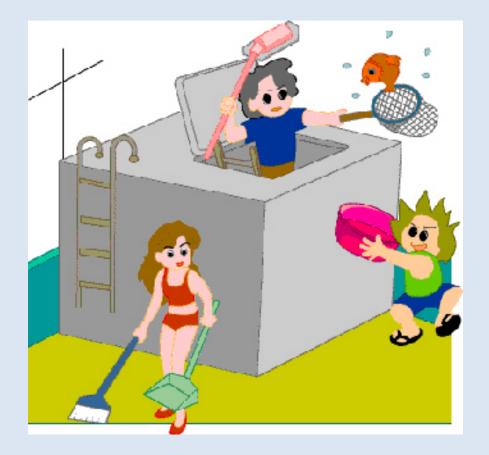


Cautionary Tale



City Council Housing Dept

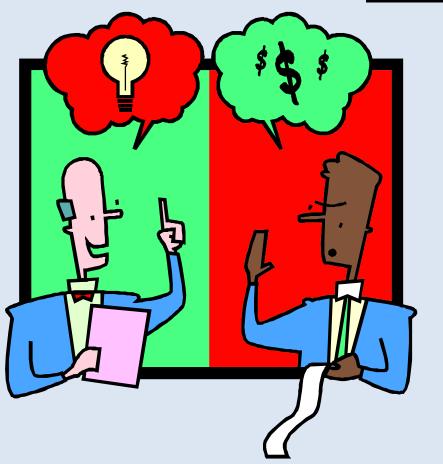
- "Risk assessment" by water treatment contractor
- Every cold water tank recommended to be cleaned £400K
- No recommendations for hot water
- £25K wasted on worthless "risk assessment"

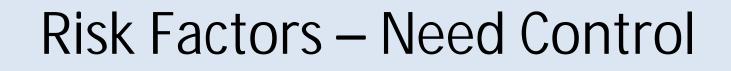


Reasonably Practicable



- 5 management requirements are "absolute"
- Technical/operational actions should be reasonably practicable
- Risk and cost must be balanced







DESIGN, CONDITION, OPERATION, PERFORMANCE, VULNERABILITY, EXPOSURE, MANAGEMENT



Assurance



- Duty Holder appoints & provides resources to Director or Snr Mgr as Responsible Person
- RP puts system in place
- Independent Authorising Engineer audits system
- RP improves system



Legionella Sampling



For temperature controlled H&C water:-

- Not routine
- Not random
- Sample when control is lost, until it is restored



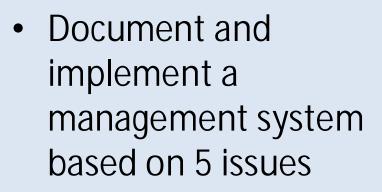
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How to Avoid Wasting Money

- Separate consulting and contracting
- Don't apply the same measures across all properties – take account of risk instead
- Don't pretend guidance is law, it isn't!



How to Avoid Jail



- Use external independent competent help
- Use external scrutiny via audit



Manslaughter charges over legionella deaths

v Richard Ford me Correspondent faces seven charges of manslaughter after the disease, DECISION to prosecute a which affected 170 other peocal authority for manslaughple, was traced to an arts center over the deaths of seven tre air conditioning unit in Bareople from legionnaires' row-in-Furness, Cumbria. She ease will alarm Britain's will appear in court this hiddle managers. The Crown Prosecution month. The council has been ervice has not only decided press charges against Barow Borough Council but also of corporate manslaughter. cuses one of its employees. If convicted of manslaughillian Beckingham, a design maximum sentence of life imrvices manager, of "gross prisonment, and the council ligence" manslaughter an unlimited fine. It is the first time that cor-The disease, which is spread orate manslaughter charges ave been brought against a

ocal authority. In the past,

here individuals have been

arged they have invariably

police, who mounted a crimibeen senior managers or direc- August 2002. It was discovnal investigation, said yestertors. Mrs Beckingham, 45, ered after the outbreak that the maintenance contract to day: "These charges are the culclean the unit where the bactemination of our investigation. ria grew had been terminated. A decision was made to go ahead with the charges follow-. Cleaning was then done by the ing discussions with the council. Health and Safety Executive

A spokesman for the council said: "We are currently seekand the Crown Prosecution ing legal advice and we do not Service." summonsed to appear on the feel it is appropriate to comsame day to face seven counts ment further at this time." The sion to bring the prosecution spokesman declined to say if indicated that the police and CPS were taking more serious-Mrs Beckingham was still ly public pressure for action ter, Mrs Beckinghham faces a working at the council.

against organisations where al-The victims of the outbreak, leged failings resulted in death all from Barrow, were June or injury. Local government of-Miles, 56; Richard Macaulay, 88; Georgina Somerville, 54; ficials are concerned that emby water droplets, was caused Harriet Low, 74; Wendy Millployees will be frightened to by a 30-year-old air condition- burn, 56; Elizabeth Dixon, 80; take difficult decisions if they ing unit at the council-operat- and Christine Merewood, 55. believe that they could be left A spokesman for Cumbria open to prosecution. ed Forum 28 arts complex in

Cases of corporate man slaughter are difficult to prove. The CPS has had much greater success in bringing prosecu tions against small firms than big companies.

The Crown will have t prove that Mrs Beckingham owed a duty of care to the vic tims: that there was negligence in breaching that duty; that the breach was a substantia cause of death; and that the breach of duty was so gro that it was criminal

Lawyers said that the deci-

Over the past ten about 3 000 workers and 1,000 members of the public have died in work-related incidents During the same period, elev en companies have been prose cuted for manslaughter and four have been convicted.

WATER HYGIENE CENTRE

How Easy is Eviction of Legionella?

- Disinfection does it work?
- Disinfection tackles symptoms not causes
- Find cause and eliminate – often multiple causes



Next Steps?



- Responsible Person (and Authorised Person, Competent Persons) in place
- Independent Authorising Engineer appointed
- Training for RP, AP, CP
- Audit and revise system



Free Information by e-mail



Links to free documents:

- COSHH Regulations
- Legionnaires' disease: The control of Legionella bacteria in water systems. Approved Code of Practice and guidance (HSC/HSE publication).
- Legionnaires' Disease: Essential Information for Providers of Residential Accommodation (HSE publication).

Training course information:

- Legionnaires' Disease: Role of the Responsible Person.
- Legionnaires' Disease: Role of the Authorised Person.
- Legionnaires' Disease: Role of the Competent Person.



Thank you for your attention!

Any questions?



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