



EMPLOYEES' CONSULTATIVE FORUM

**WEDNESDAY 28 JANUARY 2009
7.30 PM**

**COMMITTEE ROOMS 1 & 2,
HARROW CIVIC CENTRE**

**[Pre Meetings: Council 7.00 PM CTTEE RM 1 & 2]
Employees' 6.30 PM CTTE RM 3]**

MEMBERSHIP (Quorum: 3 from the Council Side and 3 from the Employees' Side of the permanent membership)

Chair: Ms L Ahmad

Councillors:

**David Ashton
Mrs Camilla Bath
Susan Hall
Paul Osborn (VC)**

**Bob Currie
Graham Henson
Phillip O'Dell**

Employee Representatives

Representatives of HTCC: (To be advised)

Representatives of UNISON: Ms M Cawley Mr G Martin
Ms A Jackson Mr R Thomas

Representative of GMB: Mr J Dunbar

Reserve Council Side Members:

- | | |
|-------------------|--------------------|
| 1. Joyce Nickolay | 1. B E Gate |
| 2. Don Billson | 2. Keith Ferry |
| 3. Julia Merison | 3. Navin Shah |
| 4. Tony Ferrari | 4. Mrs Sasi Suresh |

**Issued by the Democratic Services Section,
Legal and Governance Services Department**

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HARROW COUNCIL

EMPLOYEES' CONSULTATIVE FORUM

WEDNESDAY 28 JANUARY 2009

AGENDA - PART I

1. **Attendance by Reserve Members:**

To note the attendance at this meeting of any duly appointed Reserve Members.

Reserve Members may attend meetings:-

- (i) to take the place of an ordinary Member for whom they are a reserve;
- (ii) where the ordinary Member will be absent for the whole of the meeting; and
- (iii) the meeting notes at the start of the meeting at the item 'Reserves' that the Reserve Member is or will be attending as a reserve;
- (iv) if a Reserve Member whose intention to attend has been noted arrives after the commencement of the meeting, then that Reserve Member can only act as a Member from the start of the next item of business on the agenda after his/her arrival.

2. **Deputations:**

To receive deputations (if any) under the provisions of Advisory Panel and Consultative Forum Procedure Rule 14 (Part 4E of the Constitution).

3. **Declarations of Interest:**

To receive declarations of personal or prejudicial interests, arising from business to be transacted at this meeting, from:

- (a) all Members of the Committee, Sub Committee, Panel or Forum;
- (b) all other Members present in any part of the room or chamber.

Enc

4. **Minutes:** (Pages 1 - 6)

That the minutes of the meeting held on 11 December 2008 be taken as read and signed as a correct record.

That the minutes of the meeting held on 8 September 2008 be taken as read and signed as a correct record subject to the following being noted:

Councillor Keith Ferry was present as a reserve member for Councillor Bob Currie. John Dunbar was present as a representative of GMB.

Minute 126 Declarations of Interest. Delete 'Councillor Currie' and insert 'Councillor Henson'.

5. **Public Questions:**

To receive questions (if any) from local residents or organisations under the provisions of Advisory Panel and Consultative Forum Procedure Rule 16 (Part 4E of the Constitution).

6. **Petitions:**
To receive petitions (if any) submitted by members of the public/Councillors under the provisions of Advisory Panel and Consultative Forum Procedure Rule 14 (Part 4E of the Constitution).

7. **Draft Revenue Budget and Capital Programme 2009-10 to 2011-12:**
Presentation by the Service Manager – Finance. A report by the Corporate Director Finance is to follow

Enc 8. **UNISON Report on the Proposed Introduction of the New Conduct Policy:** (Pages 7 - 8)
Report from UNISON.

A management response is to follow.

Enc 9. **Health and Safety Mid Year Report:** (Pages 9 - 12)
Report of the Corporate Director Finance.

Enc 10. **Managing and Monitoring Legionella:** (Pages 13 - 34)
Report of the Corporate Director Finance.

11. **Exclusion of the Press and Public:**
To resolve that the press and public be excluded from the meeting for the following items of business, on the grounds that they involve the likely disclosure of confidential information in breach of an obligation of confidence, or of exempt information as defined in Part I of Schedule 12A to the Local Government Act 1972:

<u>Agenda Item No</u>	<u>Title</u>	<u>Description of Exempt Information</u>
12	The Effect on the Leisure Centre of a Gas Problem Elsewhere	Information under paragraph 3 of Part I of Schedule 12A to the Local Government Act 1972, relating to the financial or business affairs of any particular person (including the authority holding that information).

AGENDA - PART II

12. **The Effect on the Leisure Centre of a Gas Problem Elsewhere:** (Pages 35 - 162)
Report of the Divisional Director Environmental Services.

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**EMPLOYEES' CONSULTATIVE FORUM
(SPECIAL)**

8 SEPTEMBER 2008

- Chairman: * Ms L Ahmad
- Councillors: * Mrs Camilla Bath * Julia Merison (3)
* Bob Currie * Phillip O'Dell
* Keith Ferry (2) * Paul Osborn
* Susan Hall
- Representatives of HTCC: (Currently no appointees)
- Representatives of UNISON: * Mr D Butterfield * Mr G Martin
* Ms M Cawley * Mr R Thomas
Ms A Jackson
- Representative of GMB: † Mr J Dunbar

* Denotes Member present/Employee Representative present
(2) and (3) Denote category of Reserve Member
† Denotes apologies received

PART I - RECOMMENDATIONS - NIL

PART II - MINUTES

125. **Attendance by Reserve Members:**

RESOLVED: To note the attendance at this meeting of the following duly appointed Reserve Members:-

<u>Ordinary Member</u>	<u>Reserve Member</u>
Councillor David Ashton Councillor Graham Henson	Councillor Julia Merison Councillor Keith Ferry

126. **Declarations of Interest:**

RESOLVED: To note that the following interests were declared:

<u>Agenda Item</u>	<u>Member</u>	<u>Nature of Interest</u>
5. Asbestos - Recommendations from Health and Safety meeting	Councillor Currie	Personal interest as his son was an employee and he was a member of Commercial Workers Union.
5. Asbestos - Recommendations from Health and Safety meeting	Councillor Ferry	Personal interest as a member of GMB Union.

127. **Arrangement of Agenda:**

RESOLVED: That all items be considered with the press and public present with the exception of the following item for the reasons set out below:

<u>Item</u>	<u>Reason</u>
5. Asbestos – Recommendations from Health & Safety meeting	Exempt information under paragraph 5 of Part II Schedule 12A of the Local Government Act 1972, as the report contains information relating to legal professional privilege.

128. **Deputations:**

RESOLVED: To note that no deputations were received at this meeting under the provisions of Advisory Panel and Consultative Forum Procedure Rule 15 (Part 4E of the Constitution).

129. **Asbestos - Recommendations from Health & Safety meeting:**

Prior to the consideration of the item and upon being put to a vote, it was agreed by majority vote that a DVD from the Health and Safety Executive in respect of Asbestos Health and Safety handling be shown. However, upon commencing playback the DVD did not operate correctly and therefore could not be shown.

Further to the request at the Forum held on the 31 July 2008, the Forum received a report from the Service Manager (Asset Management and Facilities) responding to six recommendations which arose from a meeting between Councillors, officers and trade union representatives, held on 11 April 2008, which considered health and safety issues relating to asbestos. The Service Manager explained that with regard to recommendation 5 that the Council would not support the course of action proposed following the advice gained from various sources including legal, occupational health, risk management, human resources departments.

The Forum discussed the background to the recommendation and circumstances that had led to the request with the Union side members submitting their arguments concerning the veracity of the previous record keeping process and importance of ensuring that employees of the Council were fully protected through their personnel records.

The officers responded that the process had been subject to examination by the Health & Safety Executive (HSE) who had cleared the processes utilized in asbestos removal. It was therefore considered that the recommendation 5 was unnecessary and inappropriate. As officers were confident there was no risk associated with the Council's asbestos removal practices.

Members raised several questions relating to timelines, legal advice etc and noted the view of the Union members that new evidence should again be referred to the HSE.

At the end of the discussion the Forum noted the advice that should the Union personally wish to revisit the matter with the HSE it was entitled to do so under its own cognisance.

RESOLVED: That in respect of the recommendations arising from the Health & Safety meeting held on 11 April 2008 that:

- (1) the action taken and officers response to recommendations 1 – 4 be noted;
- (2) the request of UNISON in respect of recommendation 5 be not agreed;
- (3) the officers response to recommendation 6 be noted.

(Note: The meeting having commenced at 6.30 pm, closed at 7.55 pm)

(Signed) MS L AHMAD
Chairman

EMPLOYEES' CONSULTATIVE FORUM

11 DECEMBER 2008

Chairman: * Ms L Ahmad

Councillors: * David Ashton * Graham Henson
 * Mrs Camilla Bath * Phillip O'Dell
 † Bob Currie * Paul Osborn
 * Susan Hall

Representatives of HTCC: (Currently no appointees)

Representatives of UNISON: * Ms M Cawley * Mr G Martin
 * Ms A Jackson Mr R Thomas

Representative of GMB: † Mr J Dunbar

* Denotes Member present/Employee Representative present
 † Denotes apologies received

PART I - RECOMMENDATIONS - NIL

PART II - MINUTES

130. **Attendance by Reserve Members:**

RESOLVED: To note that there were no Reserve Members in attendance at this meeting.

131. **Declarations of Interest:**

RESOLVED: To note that the following interests were declared in relation to the business to be transacted at the meeting:

<u>Agenda Item</u>	<u>Member</u>	<u>Nature of Interest</u>
8. Children's Services (School Reorganisation)	Councillor David Ashton	Personal interest in that his daughter-in-law was a Council employee. Accordingly, he would remain in the room and take part in the discussion and decision-making on all items on the agenda.
8. Children's Services (School Reorganisation)	Councillor Graham Henson	Personal interest in that he was a member of the Communication Workers' Union and his cousin was a Council employee. Accordingly, he would remain in the room and take part in the discussion and decision-making on all items on the agenda.
8. Children's Services (School Reorganisation) Consultation	Ms L Ahmad	Personal interest in that she was employed as a teaching assistant at Woodlands School, Edgware and was part of the SRG Schools Reorganisation Group and workforce sub-group. Accordingly, she would remain in the room and take part in the discussion and decision-making on all items on the agenda.

132. **Minutes:**

RESOLVED: That (1) the minutes of the meeting held on 31 July 2008, be taken as read and signed as a correct record and

(2) the minutes of the Special meeting held on 8 September 2008 be considered at the next meeting of the Forum in order to clarify the attendance.

133. **Matters Arising:**

Minute 121 – 31 July 2008 - Annual Health and Safety Report

It was agreed that the appropriate officers be reminded to circulate the following information: the breakdown of the 150 health and safety visits referred to in the report, the report back on the arrangements for managing and monitoring Legionella, and the safety audit reports.

134. **Petitions, Deputations and Public Questions.:**

RESOLVED: To note that no public questions were put, or petitions or deputations received at this meeting under the provisions of the Advisory Panel and Consultative Forum Procedure Rules 16, 14, 15 respectively (Part 4E of the Constitution).

135. **UNISON Report on the use of CCTV:**

The Chairman advised that UNISON wished to withdraw the item.

RESOLVED: That the decision by UNISON to withdraw the item be noted.

136. **Children's Services (School Reorganisation):**

The Forum received the report of the Director of Schools and Children's Development which presented the school reorganisation proposals for consideration and comments as part of the consultation process.

The Forum was informed that the report submitted to Cabinet in June and the consultation booklet set out the background to the proposals, the specific changes proposed, the impact of those changes, and the work of the Stakeholder Reference Group, which looked carefully at issues that impacted on colleagues. The school reorganisation consultation event was held from Monday 8 September 2008 and the consultation responses would be reported to Cabinet on 15 January 2009. Cabinet would then decide whether to publish statutory proposals with a view to implementing the proposed changes.

The Chairman drew attention to the Springboard initiative whereby staff could declare an interest in working in a different school. The first estimate of staff numbers affected by the reorganisation was 85 but might be substantially more. Schools would require support during the transition period.

In response to a question as to the anticipated cost of human resources and facility time to ensure consultation and a smooth transition, the Director of Schools and Children's Development stated that discussions could not pre-empt the decision of Cabinet as to whether to proceed with the statutory notice period. Natural turnover, which took place for a variety of reasons, would be taken into account and schools needed to be realistic that fewer staff might be required. Schools were being encouraged to develop staffing structures to meet the proposed arrangements to enable them to commence modelling and to recruit to the new structures. Subject to Cabinet approval to proceed, human resources and Trade Union facility time requirements would be considered by the workforce group.

A UNISON representative stated that support should be available for those staff raising grievances and he would be concerned if people did not have access to processes to complain.

The Forum was informed that every school had been offered support by education and human resources officers at meetings of staff, governors or parents. The National Union of Teachers (NUT) and other unions had been invited to talk to staff. The Council would ensure that human resources support and advice would be available to Governors in addition to a set of detailed guidance to ensure that procedures were adhered to.

The Chairman reminded the officers that schools were awaiting information regarding FAQs (Frequently Asked Questions). She considered that a confidential helpline would be beneficial.

A Member sought assurances that the selection process would be uniform and had inbuilt appeals procedures. The Forum was advised that there were standard selection procedures and that nothing, including the Springboard support, would circumvent these procedures. There was no intention to move staff from year 2 to high school but

that some primary teachers were trained to teach secondary school pupils. Staff currently teaching special school children might wish to transfer with them to the senior school. Early work was being undertaken to ensure that the structure enabled recruitment procedures which maximised the possibility of change in a positive way to offer opportunities.

The Divisional Director of Human Resources and Development stated that there would be guidance on the process for selection for redundancy and that in the event that there were more staff than could be accommodated, those displaced would have a right to raise a grievance or appeal against termination.

In response to a question about potential issues in relation to pay, it was stated that each case would need to be considered on an individual basis.

It was noted that the Leader, Deputy Leader and Portfolio Holder for Performance, Communication and Corporate Services, all members of Cabinet and the Forum, were present at this meeting and taking comments on board.

RESOLVED: That the report be noted.

(Note: The meeting having commenced at 7.30 pm, closed at 7.50 pm)

(Signed) MS L AHMAD
Chairman

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UNISONS REPORT

Unison has major concerns regarding the proposed introduction of the new Conduct Policy, which is on a non contractual basis.

This would directly affect the legal rights of all the staff, which have under the required 52 week time duration to submit a possible claim with an ET, if a breach of contract occurs ie dismissal without adopting a correct procedure. The employer would in affect remove itself completely from any liability.

The affect this would have, can be directly seen through other procedures and policies that the employer is duly bound by ie the probationary procedure, this has six month duration period on all staff (*except social workers*), by adopting a non contractual conduct policy this knock on effect would extend the duration to 12mths before full employment rights are received.

Unison firmly believes that the employer has a duty to maintain and uphold their employee's rights; by instigation of these policies the only party totally bound to that contract of employment would be the employee which breaches the fundamental principles of the contract. Any contract in law must be of mutual benefit to both parties. It cannot be solely one sided.

Unison is solely committed to working in partnership with the employer in order to ensure that the Council can achieve the status of "employer of choice" and best council by 2012, but as the forum can fully appreciate we have a commitment to our members to ensure their rights are fully maintained and upheld.

Unison therefore asks the relevant portfolio holder to reconsider these non contractual policies.

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Meeting:	Employees Consultative Forum
Date:	28 th January 2009
Subject:	Health and Safety Mid Year Report
Key Decision:	No
Responsible Officer:	Myfanwy Barrett, Corporate Director of Finance
Portfolio Holder:	David Ashton, Leader and Portfolio Holder for Strategy, Partnership and Finance
Exempt:	No
Enclosures:	Appendix : Health and Safety Mid Year Statistics

Section 1 – Summary and Recommendations

This report sets out the progress made in respect of work carried out by the corporate health and safety team during the first half of 2008/09.

Recommendations:

The Forum is requested to note progress to date on corporate health and safety matters.

Reason: (For recommendation)

For Information.

Section 2 – Report

- 2.1.1. The main focus of the team has been to maintain a responsive service to directorates whilst continuing pro-active work to support improvements across the council. The appendix sets out the employee accident statistics and training course statistics at the mid year point.
- 2.1.2 Some key areas of project work carried out in the current year include:

- On site inspection and advice, particularly in respect of schools undergoing major building and refurbishment projects.
- Providing guidance and advice to support home and remote working particularly in respect of the HARP project.
- Providing assurance on asbestos works (see below)
- Delivered a presentation with the council's procurement team to SME's around the council's health and safety standards.
- Delivering the health and safety training programme
- Providing advice to the various Directorate Health and Safety Groups
- In conjunction with the Occupational Health Service, delivered a range of welfare related activities such as a "shape up" programme to assist employees with integrated diet and fitness advice.

2.1.3 The Corporate Health and Safety team currently has 2 vacant posts which have been managed as vacancies during the year. This has limited the development capacity of the team, which has concentrated on core service delivery.

2.1.4 The work plan for the remainder of the year will concentrate on finalising the structure of the team, appointing to the vacant posts and planning an ambitious improvement plan to utilise the increased capacity to maximum effect.

Financial Implications

2.1.5 All the projects and work streams are carried out within existing resources.

Performance Issues

2.1.6 Performance measures are contained in the group service plan and monitored regularly through the Improvement Board process. The work of the health and safety team makes an important contribution to KLOE 2.4 of the CAA Use of Resources score, namely "Does the organisation manage its risks and maintain a sound system of internal control?"

Risk Management Implications

2.1.7 Support for managing risks across the council is the core business of the Audit & Risk group in which the corporate health and safety team sits. The service planning process manages and reflects risk in a register for each service plan.

Section 3 - Statutory Officer Clearance

Name: ...Myfanwy Barrett

Chief Financial Officer

Date: 5 November 2008

Name: Helen White

on behalf of the
Monitoring Officer

Date: 3 November 2008

Section 4 – Performance Officer Clearance

Name: Liz Defries

on behalf of the*
Assistant Chief
Executive

Date: 4 November 2008

Section 5 - Contact Details and Background Papers

Contact: David Ward, Divisional Director – Audit & Risk
Tel: 020 8424 1781

Background Papers: None.

Interim Health and Safety Statistics

Half year position 1 April – 30 September 2008

The data summarises two areas of monitoring information for quarters one and two – employee accidents and Health and Safety training. The second quarter represents the time of year when accidents such as slips, trips and falls are at their lowest levels because of the comparatively good weather conditions. Also the school holidays and resultant teaching staff leave may skew the figures compared to the other three quarters, which coincide with school terms. Even so, the trend is encouraging, particularly the relative low RIDDOR reports. Table 1 summarises the employee accident reported with the number of RIDDOR reports (accidents reported to HSE, in brackets).

Table 1: Reported Employee Accidents by Directorate Quarters 1 & 2

Directorate	Reported Employee Accidents 1/4/2008-30/9/2008 (RIDDOR Reports)
Corporate Finance	4 (0)
Strategy & Business Support	2
Children's Services	88 (4)
Adults & Housing	38 (0)
Community & Environment	29 (4)
Chief Exec's	0
Total reported	159(8)
This time last year	228(19)

Strategy and Business Support have been absorbed into Corporate Finance and the new Chief Executive's Directorate during the reporting periods, therefore the figures are not directly comparable with last year.

Table 2 Staff attended Health and Safety training - April to September 2008

Directorate	Staff attended
Adults and Housing	107
Children's Services	103
Chief Executive's	18
Community and Environment	49
Corporate Finance	8
Total	291
This time last year	240

19 Different scheduled training courses were offered varying from general risk assessment to display screen assessment, personal safety, stress and well being and the nationally accredited, IOSH Managing Safety. Some 291 staff attended 30 separate courses.



Meeting:	Employees Consultative Forum
Date:	28 January 2009
Subject:	The Arrangements for Managing and Monitoring Legionella.
Key Decision:	No
Responsible Officer:	Myfanwy Barrett – Corporate Director Finance
Portfolio Holder:	Councillor David Ashton – Leader encompassing Strategy, Partnership and Finance
Exempt:	No
Enclosures:	Appendix 1 Water Monitoring Procedure Notes Appendix 2 Policy For Harrow Council. Control of Legionella Bacteria in Water Systems Appendix 3 HSCOP 09-00: Health and Safety Code of Practice on Legionella Risk Assessment and Control

Section 1 – Summary and Recommendations

This information report sets out The Arrangements for Managing and Monitoring Legionella at Harrow Council.

Recommendations:

For Information.

Section 2 – Report

The arrangements for monitoring legionella at Harrow Council are set out at appendix 1. The arrangements for managing legionella are set out in the Councils policy and code of practice, which are attached as appendix 2 and 3.

Background

Biological hazards

Legionella is classed as a biological hazard which broadly encompasses those hazards related to workers' exposure to biological agents at work. 'Biological agents' refer to microorganisms (bacteria, viruses and fungi) including genetically modified ones, cell cultures and human endoparasites which may be able to cause infection, allergy or toxicity. Biohazards are of particular significance in biological research or experimentation eg in clinical microbiology labs. A biohazard presents a risk or potential risk to the health of humans or other animals, either directly through infection or indirectly through damage to the environment.

In some occupations and business activities, hazards posed by microorganisms present a risk to employees and the community at large, as is often the case with Legionnaires disease. However, for the vast majority of businesses the biohazard risk is only marginally more significant than that faced by the general population, while for others specialist risk assessment is necessary.

Legionnaires disease

Legionellosis is the general term used to describe all forms of infection caused by bacteria of the genus legionella, of which the most severe form is Legionnaires disease. Well-publicised examples of legionellosis this year include an outbreak on the Black Watch cruise liner, which affected seven elderly people; 80 prisoners who were evacuated from a Kent jail as a precautionary measure; and an outbreak at a Sunderland health club, which affected up to 115 people with legionellosis-like symptoms and the more recent Barrow in Furness case.

Legionellae occur naturally in low numbers in the aquatic environment – lakes, rivers, surface and ground waters, and, since mains water is derived from these sources, it can be a source of contamination in the built environment, providing favourable conditions in which legionellae can grow rapidly.

Legionnaires disease develops in a relatively small proportion of those people exposed to legionellae, and the incubation period is usually about 2-10 days, but can be up to 16 days. Symptoms begin abruptly, ranging from a mild cough and fever to, in more severe cases, stupor, respiratory difficulty and multi-organ failure.

The infection process

To cause infection, legionellae bacteria need to be inhaled. The inhaled particles must be small enough to penetrate down to the deepest part of the lungs, but large enough to contain at least one bacterial cell. A suspension of such particles in air is termed an aerosol, and may not necessarily be visible, or even wet.

It is a common misconception that a water spray is an aerosol, and that legionellae have to be contained within a wet droplet. A mist of water droplets may constitute an aerosol if the droplets are small enough, but water evaporates from small droplets very quickly.

If a water droplet contains a single bacterial cell, the droplet will evaporate to a particle-size diameter, or droplet nucleus, of about 1 μm .² A particle of this size can remain suspended in air for prolonged periods of time, and travel considerable distances. They are dry, and contain no moisture, so when air is inhaled, about 50 per cent of the particles are retained in the lungs.

Water systems that produce aerosols represent the highest levels of risk. Aerosols can be generated very easily when the water surface is broken – for example, by falling water droplets, splashing, or by bubbles breaking at the surface.

Legal Requirements

There are two main pieces of legislation that impact on biohazards in the workplace RIDDOR and COSHH:

RIDDOR

Schedule 3 of the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR) lists the specific infections caused by biological agents which are reportable when connected with work.

COSHH

The HSE publishes a classification of biological agents and this Approved List is made under Section 15 of the Health and Safety at Work etc Act 1974. The Control of Substances Hazardous to Health Regulations 2002 (COSHH) make reference to this list. The List implements the Community Classification of biological agents set out in European Community Directive 2000/54/EC. The Approved List of biological agents should be read in conjunction with COSHH 2002 and, in particular, Schedule 3 – ‘Additional provisions relating to work with biological agents’. Agents appearing in the Approved List are classified on the basis of their ability to cause disease by infection. Only agents in Groups 2, 3 and 4 are listed. Those not listed in these groups are not implicitly classified in Group 1. In allocating biological agents to a hazard group, no account is taken of individual susceptibility to infection and any additional risks to such employees should be considered as part of the general risk assessment required by COSHH.

The COSHH Regulations 2002 are relevant to biohazards in the workplace as these regulations include biological agents such as bacteria and other microorganisms in the definition of substances that are hazardous to health, if they are directly connected with work or if the exposure is incidental to the work (eg exposure to bacteria from an air-conditioning system that is not properly maintained). As a result, if biological hazards are present in the workplace then risk assessments need to be undertaken.

The Regulations also specifically require notification of use and consignment of biological agents to the HSE.

Section 6 - Contact Details and Background Papers

Contact: Paul Williams, Occupational Health and Safety Service Manager,
020 8424 1362

Background Papers:

Appendix 1: Water monitoring procedure outline of duties

Appendix 2: HSCOP 09-00: Health and Safety Code of Practice on Legionella Risk Assessment and Control.

Appendix 3: Policy For Harrow Council on the Control of Legionella Bacteria in Water Systems

WATER MONITORING PROCEDURE

OUTLINE OF DUTIES

1. Arriving at the Civic in the morning at 8am.
2. Individual sites' monitoring sheets issued by area.
3. Go to the sites.
4. Taking temperature readings at the locations specified.
5. Accurately recording all readings and leaving a copy of the sheet onsite for their reference. Original copy to be brought back to the Civic.
6. Observing for any other changes/improvements/alterations, etc.
7. Return back to Civic
8. Report on any adverse temperatures and other conditions to engineers.
9. Monthly monitoring sheets to be filed in water monitoring site folders in Room L28.
10. Engineers to initiate remedial orders to rectify adverse results if and when identified.
11. Ashok to monitor as and when remedials are completed.

**MONITORING OF SHOWERHEAD CLEANING AND DESCALING
CARRIED OUT BY KIER BUILDING MAINTENANCE**

1. A contract is in place with Kier Building Maintenance to carry out quarterly showerhead cleaning and descaling at all sites with showerheads.
2. Reports received following showerhead cleaning and descaling are checked and if any remedials identified, orders are placed to Kier. Reports are then filed in the appropriate folders.
3. When carrying out water temperature checks, showerheads are monitored at the same time.
4. If noticed that showerheads need descaling, an order is issued to Kier for a descale to be carried.

APPENDIX 2

HARROW COUNCIL

Control of Legionella Bacteria in Water Systems

Policy

For

Harrow Council.

ISSUE NO	HSP 03-00
DATE	February 2006
REVIEW DATE	30/01/08

Introduction

Legionellosis is a group of diseases, which includes legionnaires' disease. The potentially fatal infection has symptoms similar to flu and pneumonia. *Legionella pneumophila*, the bacteria responsible for legionnaires' disease, exist naturally in external watercourses, and can easily contaminate and grow in other water systems such as air-conditioning, cooling towers and hot and cold water systems in buildings. In favourable conditions, bacteria can multiply to critical levels in stored water. Legionnaires' disease is caused when water droplets containing the bacteria are inhaled.

This policy applies to the control of *legionella* bacteria in water systems in Harrow Council properties.

Policy Statement

Health and safety law requires Harrow Council to consider the risks from *legionella* that may affect our staff, tenants and members of the public.

Harrow Council is committed to preventing and managing the risks arising from *legionella* bacteria in water systems and will ensure that:

- suitable and sufficient assessments are undertaken of water systems and work activities to determine the risks arising from *legionella* bacteria and:
 - Avoid significant risks so far as is reasonably practicable, or
 - Develop written schemes to prevent or control significant risks which cannot be avoided.
- a competent "Responsible Person" is appointed to be managerially responsible for the management and implementation of the scheme of control.
- the commissioning of any new plant or equipment involving water systems adequately addresses, avoids or reduces the potential risks from *legionella* bacteria.
- risk assessments are reviewed every 2 years or sooner if there has been any change to the water system or its use.
- monitoring arrangements are established to ensure that any precautions taken to avoid or reduce the risks remain effective.
- suitable records are kept and retained as follows:
 - Risk Assessments for 2 years
 - Written schemes of control for 2 years
 - Documents relating to monitoring, inspection, testing and checking for 5 years

Responsibilities

Executive Directors are responsible for ensuring that:

- procedures are in place within the premises managed by their Directorate to implement the requirements of this corporate policy;
- adequate resources are available to allow those with responsibilities with respect to the control of *legionella* bacteria to discharge their duties.

Group Managers are responsible for ensuring that:

- the Directorate procedures for controlling *legionella* bacteria are implemented;
- managers and employees nominated as a “Responsible Person” within the meaning of the regulations, are identified in the relevant Group Health and Safety Plans;
- the necessary resources (including appropriate instruction and training) are available to those who have been assigned duties and responsibilities with respect to the identification and control of *legionella* bacteria.

Premises Managers and other employees who have been assigned responsibilities for the implementation of procedures to identify and control the risks from *legionella* bacteria in Council premises, will be identified in the Executive Directorate Health and Safety Policy and Group Health and Safety Plans. These members of staff have a duty to:

- discharge their assigned responsibilities
- raise with their line manager or supervisor, any concerns they have with respect to the procedures in place to control the risk from *legionella* bacteria.

Monitoring and Review

The Health and Safety Service will be responsible for reviewing this policy and ensuring that it is in line with current legislation and best practice.

The Health and Safety Service will monitor compliance with this policy corporately.

Each Directorate will instigate a system to monitor compliance with the policy in the management, installation, commissioning, repair, maintenance or decommissioning of water systems within the Council premises managed by the Directorate.

Signed by:

Chief Executive:

Date:

Leader of the Council:

Date:

Legionella Risk Assessment and Control

February 2006

Who is it for?

This code of practice is for Premises Managers who have responsibility for Council owned properties. It is also for those who have been assigned the responsibility for undertaking assessments of the risks associated with *legionella* bacteria in Council premises.

Those with responsibilities for managing and/or implementing the *legionella* policy in each directorate should be identified in Executive Directorate Health and Safety Policies and Group Health and Safety Plans.

What is this code of practice about?

The law requires employers and those in control of premises to carry out an assessment of the risk of exposure to *legionella* bacteria and to identify any necessary precautionary measures.

This code of practice has been produced to help you understand how an assessment of the risk of exposure to *legionella* bacteria from work activities and water systems on Harrow Council premises is undertaken, and the precautions necessary to control any risk identified.

What causes legionellosis?

Legionellosis is a group of disease including Legionnaires' disease which are caused by the inhalation of *legionella* bacteria. Legionnaires' disease is a potentially fatal infection which has symptoms similar to flu and pneumonia. *Legionella* bacteria exist naturally in external watercourses, and can easily contaminate and grow in other water systems such as air-conditioning, cooling towers and hot and cold water systems in buildings. In favourable conditions, the bacteria can multiply to critical levels in stored water. Legionnaires' disease is caused when water droplets containing the bacteria are inhaled.

The following factors are required to create a risk of acquiring legionellosis:

1. *legionella* bacteria present in the water system;
2. conditions in the water system which are suitable for the proliferation of the bacteria which are:
 - a. a temperature within the range 20 – 45 degree Celsius
 - b. a source of nutrients such as sludge, scale, rust or algae.
3. a means of creating and disseminating water droplets which can be inhaled, such as the aerosol from a shower.
4. people present who could be exposed (particularly those who are more vulnerable to infection).

Which water systems present a risk of exposure to *legionella* bacteria?

The HSC Approved Code of Practice and Guidance 'Legionnaires' disease: The control of *leionella* bacteria in water systems' details that a reasonably foreseeable risk of exposure to *legionella* bacteria exists in:

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

What do I need to do?

You need to identify if there are any water systems on your premises and ensure that a risk assessment has been carried out to identify and assess the risk of exposure to *legionella* bacteria.

The risk assessment must be carried out by a competent person. This can be an appropriately trained and experienced employee, water treatment company or consultant. In practice this normally be arranged through:

- *The Building Services Group for corporate properties*
- *Housing Services for Council housing premises.*

The assessment should be recorded and reviewed every two years, or sooner should the water system or the conditions significantly change.

Where a reasonably foreseeable risk is identified during the risk assessment of a water system, it's use should be avoided. Where this is not reasonably practicable, a written 'scheme of control' is required to control the risk of people being exposed to *legionella* bacteria by the water system.

Figure 1 is a flow chart showing the general procedure to be followed for *legionella* risk assessment of water systems in Harrow Council premises.

What should the risk assessment include?

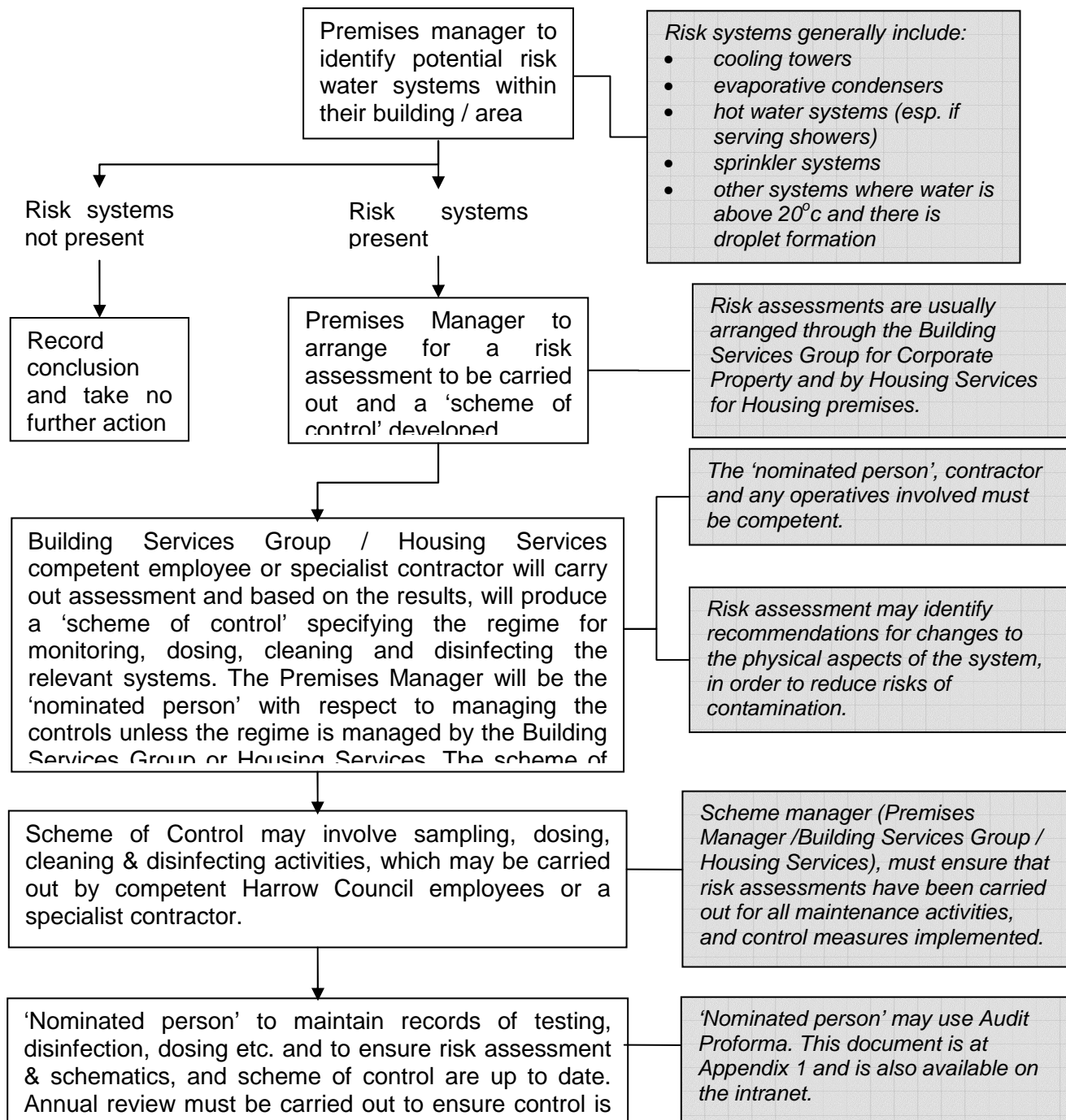
The water system needs to be considered with respect to the following factors so that any hazardous conditions present are identified:

1. Presence of bacteria

Legionella Pneumophila, the bacteria responsible for legionnaires' disease, exist naturally in external watercourses, and can easily transfer to the water used in buildings, via air-conditioning and recirculated hot and cold water systems. If the conditions are suitable, bacteria can multiply to critical levels in stored water.

Legionella bacteria may be present in very low numbers in many water systems but careful control will prevent them from multiplying.

Figure 1: Procedure for the control of *legionella* bacteria at Harrow Council premises



2. *Water conditions*

Legionella bacteria need nutrients to support growth, so it should be determined if:

- sludge, scale or rust has accumulated in cisterns or pipework
- foreign matter can be or has been allowed into tanks through poor housekeeping or maintenance
- plumbing materials have been used which do not comply with water authority by-laws
- materials have been allowed to deteriorate
- algae, organic matter, insects or vermin have been allowed to enter and remain in tanks
- a bio film is coating hard surfaces or lying on the water surface.

Water temperatures are crucial to the existence of *legionella* bacteria so the temperature of stored water should be checked.

- In water below 20°C, the bacteria remain dormant in low numbers.
- In water which is between 20°C and 45°C, the bacteria multiply, so water stored within this range is a hazard.
- In water above 45°C, bacteria growth slows.
- At 60°C, 90 per cent of legionella will die within two minutes.

Insulation can also play a part in determining the temperature of water. The following should therefore be considered:

- Insulation, or lack of insulation, which enables water to be stored at incorrect temperatures, is a hazard.
- Cold water tanks situated in warm parts of buildings are a hazard
- Tanks where water is not uniformly heated are a hazard.

Water flow is another important consideration. Low or no flow in the system (or parts of it) results in stagnation, enabling bacteria to multiply undisturbed, so hazard identification and risk assessments should look for:

- cisterns or pipework which allow water to stand undisturbed for long periods
- dead-legs — pipework or tanks which are no longer used, but are still connected to the system.

3. *Creation of an aerosol*

Any water outlets which might release a spray should be identified. These can enable droplets to be formed and disseminated into the environment, where they are then present for inhalation by a person. Some examples of outlets where spray can be produced are:

- taps
- shower heads
- spas or whirlpool baths
- pools, including hydrotherapy pools
- humidifiers
- fountains
- evaporative condensers
- wet cooling towers.

4. *People at risk*

Any people present who could be exposed to *legionella* bacteria released from the water system, should be identified. For most water systems this will include all building occupants both those at work and visitors.

For cooling towers there can be additional people outside the building who could be at risk. In closed cooling tower systems, the vapour is recirculated within the building and those at risk will be the building occupants, however, in open cooling tower systems, the vapour is released into the atmosphere and can affect others, such as people in the surrounding area and those in nearby buildings.

Some groups of people are particularly vulnerable and these include those over 40 years of age, especially if they are smokers, alcoholics, diabetics, have chronic respiratory or kidney disease, cancer, or if they are on renal dialysis or immunosuppressant drugs.

What is a Written Scheme of Control?

If a significant risk is identified and cannot be avoided, a written scheme is required which sets out how you intend to control the risk from legionella in the water system. This should include:

- An up-to-date plan or schematic diagram of the system;
- Who is responsible for carrying out the assessment and managing its implementation;
- A description of the safe and correct operating procedure for the system;
- What control methods and precautions need to be taken; and
- The checks that will be carried to ensure the scheme is effective and their frequency;
- The remedial action to be taken if the scheme is found not to be effective.

How can *legionella* bacteria be controlled?

The key to avoid proliferation of *legionella* bacteria in hot and cold water systems is to design, maintain and operate the system under conditions which prevent or control the growth of bacteria and avoid creating a spray or aerosol. In general this would include the following:

- Avoiding water temperatures between 20°C and 45°C and other conditions which favour the growth of legionella and other micro-organisms;
- Avoiding water stagnation by keeping pipe lengths as short as possible and removing redundant pipework;
- Avoiding materials that harbour or encourage the growth of legionella by providing nutrients for the bacteria;
- Keeping the system and the water in it clean and avoiding the build-up of sediments;
- Taking action to ensure the correct and safe operation and maintenance of the water system; and
- Where appropriate and safe to do so, by the use of a suitable water treatment programme.

What records need to be kept?

The following records must be kept to at least the frequencies indicated:

- Persons responsible for conducting the risk assessment, managing and implementing the written scheme;
- The significant findings of the risk assessment for 2 years;
- The written scheme for controlling the risks from exposure for 2 years;
- The results of any monitoring, inspections, test or checks carried out for 5 years.

How do I ensure that this process is being followed?

The Health and Safety Service monitor and audit compliance with the corporate *legionella* policy and procedures.

Each Directorate should have arrangements to check that the Council's *legionella* policy and procedures are being implemented at those premises managed by the Directorate.

Premises Managers should check locally that water systems have been risk assessed and are being managed according to the scheme of control.

An audit pro-forma to assist in the monitoring process is available in Appendix 1 to this document and on the health and safety forms section of the intranet.

Where can I get further help and advice?

The Harrow Health and Safety Service contact number is 020 8242 1512 (2512) and we can provide further help, advice and support. Or e-mail us at healthandsafety.services@harrow.gov.uk

Annex 1 - Control of *Legionella* Audit Pro-forma

Introduction

This audit pro-forma is based on those produced by the HSE and is intended to help you audit the arrangements in place to control *legionella* bacteria in the water systems in your premises. This pro-forma is not a risk assessment. It merely addresses the most important aspects of the ACoP, and enables you to assess your level of compliance with the requirements of the Control of Substances Hazardous to Health Regulations 2003 and the Approved Code of Practice (ACoP) — ‘Legionnaires’ disease: the control of *legionella* bacteria in water systems’.

It is designed to be an audit to assess the adequacy of the existing assessment and to highlight areas where further action is necessary. Wherever further action is required it will be necessary to review the relevant part(s) of your risk assessment and/or written scheme of precautions.

Further information is available in the HSC ACoP and Guidance ‘Legionnaires’ disease: the control of *legionella* bacteria in water systems.’

Address of premises:

Name of Auditor:

Date of Audit:

Date of review:

The Risk Assessment	Yes / No	Further Action Required
Did you consider whether the risk could be eliminated?		
Is there a written risk assessment for the system?		
Did the person carrying out the assessment have access to the competent help and advice when carrying out the assessment?		
Is the risk assessment recorded?		
Did you consult with employees about the assessment and the control measures?		
Have you identified the circumstances which would require a review of the assessment?		

Roles and Responsibilities	Yes / No	Further Action Required
Has a responsible person been identified?		
Is there a nominated deputy?		
Are contact details for these people readily available?		
Are roles and responsibilities of staff involved in the control regime clearly defined in writing?		
Have these staff received appropriate training?		
If external contractors are used, are their roles and responsibilities clearly defined in writing?		
Have you checked the competence of contractors?		
Have you considered other health and safety issues such as COSHH assessments for any chemicals used and other hazards associated with the maintenance tasks?		

The Written Scheme	Yes / No	Further Action Required
Is there a written scheme for controlling the risk from exposure to <i>legionella</i> bacteria?		
Does it contain an up to date schematic plan of the system?		
Does the plan show: <ul style="list-style-type: none"> ▪ All system plant and controls? ▪ Any standby equipment ▪ The storage and header tanks ▪ System bleed valves ▪ Origin of the water supply ▪ The pipework and routes 		
Does it contain details of the precautions to be taken to control the risk of exposure to legionella bacteria?		
Does it contain instructions for the operation of the system?		
Does the scheme contain details of the checks that are to be carried out to ensure that the scheme is effective, and their frequency?		

Design and Construction - General	Yes / No	Further Action Required
If new system is being fitted, do the materials or fittings used support the growth of micro-organisms?		
Are low corrosion materials used?		
Are any thermostatic mixing valves sited as close to the point of use as possible?		

Design and Construction - Cold Water system	Yes / No	Further Action Required
Are low use outlets installed upstream of high use outlets?		
Has cold water storage been assessed and minimised, ie only hold enough for one day's use?		
Where possible, is piping insulated and kept away from heat sources?		
Is the tank: <ul style="list-style-type: none"> ▪ Fitted with a cover and insect screens on pipes open to the atmosphere? ▪ Located in a cool place and protected from extremes of temperature? ▪ Accessible? 		
Design and Construction - Hot Water system		
Does calorifier storage meet normal daily fluctuations in hot water use but maintain a supply temperature of 50oC?		
Are hot water distribution pipes insulated?		
If more than one calorifier is used are they connected in parallel? Does the calorifier have the following: <ul style="list-style-type: none"> ▪ A drain valve? ▪ A temperature guage on the inlet and outlet? ▪ An access panel? 		

Operation and Maintenance	Yes / No	Further Action Required
If the water supplied to your building is not mains supply, has the water been pre-treated to make sure it is of mains quality?		
Is the entire contents of the calorifier, including base, heated to 60oC for an hour each day, eg. using a shunt pump?		
Are all outlets that are no longer required cut back as far as the main pipe run?		

Water treatment programme	Yes / No	Further Action Required
Is there a water treatment programme in place?		
Is the temperature used as a control method? (If yes complete the section on temperature monitoring)		
Are biocides used as a control method? (If yes complete the section on biocide monitoring)		

Temperature Monitoring	Yes / No	Further Action Required
If there is a risk of scalding (eg. where elderly, young or disabled people may use the outlets), are thermostatic mixing valves fitted?		
Is the temperature of sentinel hot and cold outlets checked monthly?		
If fitted, is the temperature of the supply water to the thermostatic mixing valve checked on a monthly basis?		
Is the temperature of the water in the outlet and return pipes of the calorifier checked on a monthly basis?		
Is the temperature of the incoming cold water supply checked on a six-monthly basis?		
Is the temperature of a representative number of hot and cold water outlets checked on an annual basis?		

Biocides Monitoring	Yes / No	Further Action Required
If there is a risk of scalding (eg. where elderly, young or disabled people may use the outlets), are thermostatic mixing valves fitted?		
Is the temperature of sentinel hot and cold outlets checked monthly?		
If fitted, is the temperature of the supply water to the thermostatic mixing valve checked on a monthly basis?		
Is the temperature of the water in the outlet and return pipes of the calorifier checked on a monthly basis?		
Is the temperature of the incoming cold water supply checked on a six-monthly basis?		

Is the temperature of a representative number of hot and cold water outlets checked on an annual basis?		
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General Monitoring	Yes / No	Further Action Required
Are the following carried out annually? <ul style="list-style-type: none"> ▪ Visual check of the coldwater tank and the water in it? ▪ Check to see if there is reasonable flow through the cold water tank? ▪ A drain of the calorifier to check for debris? ▪ A check on the plans for hot and cold water to ensure they are up to date? ▪ A check on the existence of water connections to outside services? 		
Are results of tests, checks and remedial actions recorded?		

Cleaning and Disinfection	Yes / No	Further Action Required
Have the circumstances when cleaning and disinfection of the hot water system would be appropriate been identified?		
If cleaning and disinfection were to be carried out, which of the following methods would be used? <ul style="list-style-type: none"> ▪ Thermal ▪ Chemical 		
Are procedures in place for the chosen method of cleaning and disinfection?		

Contractor details

Please complete the details of any contractors below

Risk Assessment:

Name:	
Address:	
Contact:	
Phone:	

Ongoing water treatment contractor:

Name:	
Address:	
Contact:	
Phone:	

Cleaning and disinfection contractor

Name:	
Address:	
Contact:	
Phone:	

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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