



Defence
Infrastructure
Organisation

DIO POLICY INSTRUCTION

Subject: MANAGEMENT OF LEGIONELLA BACTERIA IN DIO MAINTAINED ASSETS

Number: PI 01/15

Safety Environment and Engineering Sponsor:
Principal Safety Advisor

Date of issue: 5th May 2015

Contact if different from above Sponsor:

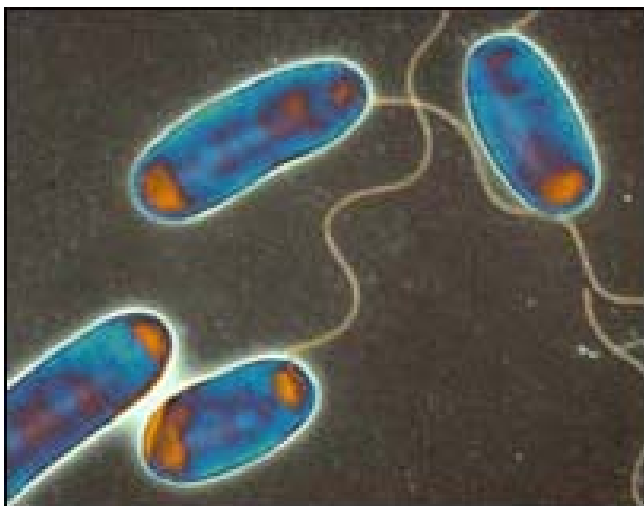
DIO CESO
Defence Infrastructure Organisation
Kingston Road, Sutton Coldfield, West Midlands, B75 7RL
Tel: 94421 3228 / 0121 311 3228.

Who should read this: DIO Staff and Contractors; Public, Private Partnerships, Private Finance Initiatives Project Managers/Commercial Officers, Commanding Officers / Heads of Establishment (CO/HoEs) and representatives; and Chief Environment and Safety Officers (CESOs) or equivalent.

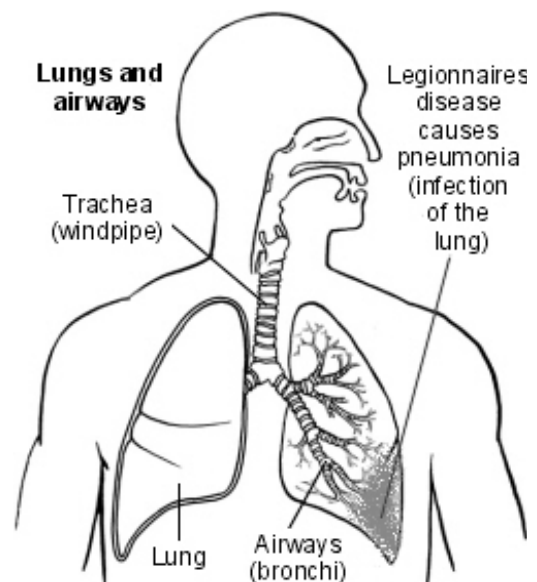
When it takes effect: Immediately

When it is due to expire: when updated or rescinded

Health and Safety



Legionella Bacterium



Equality And Diversity Impact Assessment

This policy has been Equality and Diversity Impact Assessed in accordance with the Department's Equality and Diversity Impact Assessment Tool against:

Part 1 Assessment Only (no diversity impact found)

DOCUMENT AIM

1. This document details the management arrangements and the roles and responsibilities placed on MOD Establishment/estate users; and the Defence Infrastructure Organisation (DIO) and its contractors by the Health and Safety Executive (HSE) Approved Code of Practice L8¹ and MOD Policy² where there is a foreseeable risk of Legionellosis from DIO provided/maintained assets. Requirements within are mandatory for all DIO Staff and Contractors.
2. It is not intended to provide a full explanation of the control of Legionella bacteria in water systems. The best source for that information is L8. Further guidance on identifying and assessing sources of risk, preparing a scheme to prevent or control risk, implementing, managing and monitoring precautions, keeping records of precautions and appointing a manager responsible for others can be found in HSG274³. Both documents can be downloaded free of charge from the HSE website - www.hse.gov.uk.

Where there is a conflict between this Instruction and a Regulation or HSE Approved Code of Practice or Guidance the DIO Principal Safety Advisor is to be advised.

¹ Legionnaires Disease - The Control of Legionella Bacteria in Water Systems

² MOD H&S Handbook JSP 375 Part 2 Volume 1 Chapter 32

³ HSG274 – Legionnaires' disease: This guidance is for dutyholders, which includes employers, those in control of premises and those with health and safety responsibilities for others, to help them comply with their legal duties.

POLICY AND STATUTORY REQUIREMENTS

3. MOD Policy and guidance on the management of legionella bacteria is contained within JSP 375.
4. DIO Policy is that staff and its contractors comply with all applicable legislative requirements; HSE/Industry best practice and MOD mandated requirements⁴ both in the UK and overseas.
5. All cooling towers and evaporative condensers on the MOD estate, including those no longer in use, are to be notified to the relevant local authority i.a.w the Notification of Cooling Towers and Evaporative Condensers Regulations⁵. This duty rests with the “controller of premises” and therefore the Head of Establishment for MOD assets and the tenant or PFI provider for leased assets.
6. All suspected/confirmed cases of Legionellosis are to be immediately reported to the MOD employer/host in accordance with JSP 375 and TLB/TFA instructions. For cases caused, or potentially caused, by Legionella in fixed infrastructure the MOD employer/host are also to notify the incident to the DIO Incident Notification Cell. Confirmed cases of Legionellosis in relation to work⁶ are to be reported by the employer to the HSE as a notifiable disease i.a.w the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR)⁷.

RISKS TO HEALTH

7. Legionellosis is normally contracted by inhaling small droplets of water (aerosol) containing the Legionella bacterium. Infection cannot be contracted by ingestion nor is it contagious. A Legionella outbreak is deemed by the Public Health Laboratory Service (PHLS) as where two or more confirmed cases of Legionellosis occur in the same locality within a 6 month period.
8. The incubation period ranges between 2 and 10 days and usually begins with a headache, muscular pain and a general feeling of being unwell followed by high fever and shaking chills. Nausea, vomiting and diarrhoea may also occur. Two or three days after this a dry cough develops and is often accompanied by breathing difficulties or mental confusion.
9. Effective treatment may be achieved by the use of antibiotics particularly if this is done in the early stages of infection but, if left untreated, Legionnaires Disease is potentially fatal. Everyone is at risk but risks increase with age and some groups are more susceptible than others:
 - People over 45 years of age.
 - Smokers and heavy drinkers.
 - People suffering from chronic respiratory or kidney disease, or impaired immune systems (e.g such as those using Medical Centres).

REASONABLY FORESEEABLE RISK

10. Legionella bacterium are common in natural water sources such as rivers, lakes and reservoirs but normally at low levels and in conditions that do not present a risk to health. However this widespread presence in the environment means the bacteria can find its way into man-made water storage and distribution systems where, if certain conditions exist, the bacteria multiply increasing the risk of Legionnaires disease should exposure to water droplets/aerosols occur.

⁴ For contractors, only where/as specified by the terms of the contract.

⁵ The Notification of Cooling Towers and Evaporative Condensers Regulations 1992

⁶ A medical practitioner notifies the employer and the employees current job involves work on or near water cooling systems or services located in the workplace.

⁷ In Scotland, confirmed cases of Legionellosis are also notifiable under the Public Health (Notification of Infectious Disease) (Scotland) Regulations.

11. There is therefore a reasonably foreseeable risk to persons from Legionella in any water system where:

- Water is stored and/or re-circulated as part of the system;
- The water temperature in all or part of the system may range between 20–45 °C;
- There are deposits that can support bacterial growth (e.g rust, sludge, organic matters).
- It is possible for water droplets/aerosols to be produced and if so, dispersed;
- It is likely that any employees, contractors, visitors, the public etc could be exposed to contaminated water droplets.

12. Risk elimination or control regimes are therefore focussed on introducing measures which do not allow proliferation of the organisms in the water systems and reduce, so far as is reasonably practicable, exposure to water droplets and aerosol.

13. Although not exhaustive, the following are known potential risk areas: Cooling towers; building hot and cold water services; fire hose reels: sprinklers and hose reel systems; showers, emergency showers, and eye wash sprays; evaporative condensers; lathes and machine tool coolant systems; spa baths and pools in which warm water is deliberately agitated and re-circulated; vehicle wash systems; fountains and water features; and dental equipment.

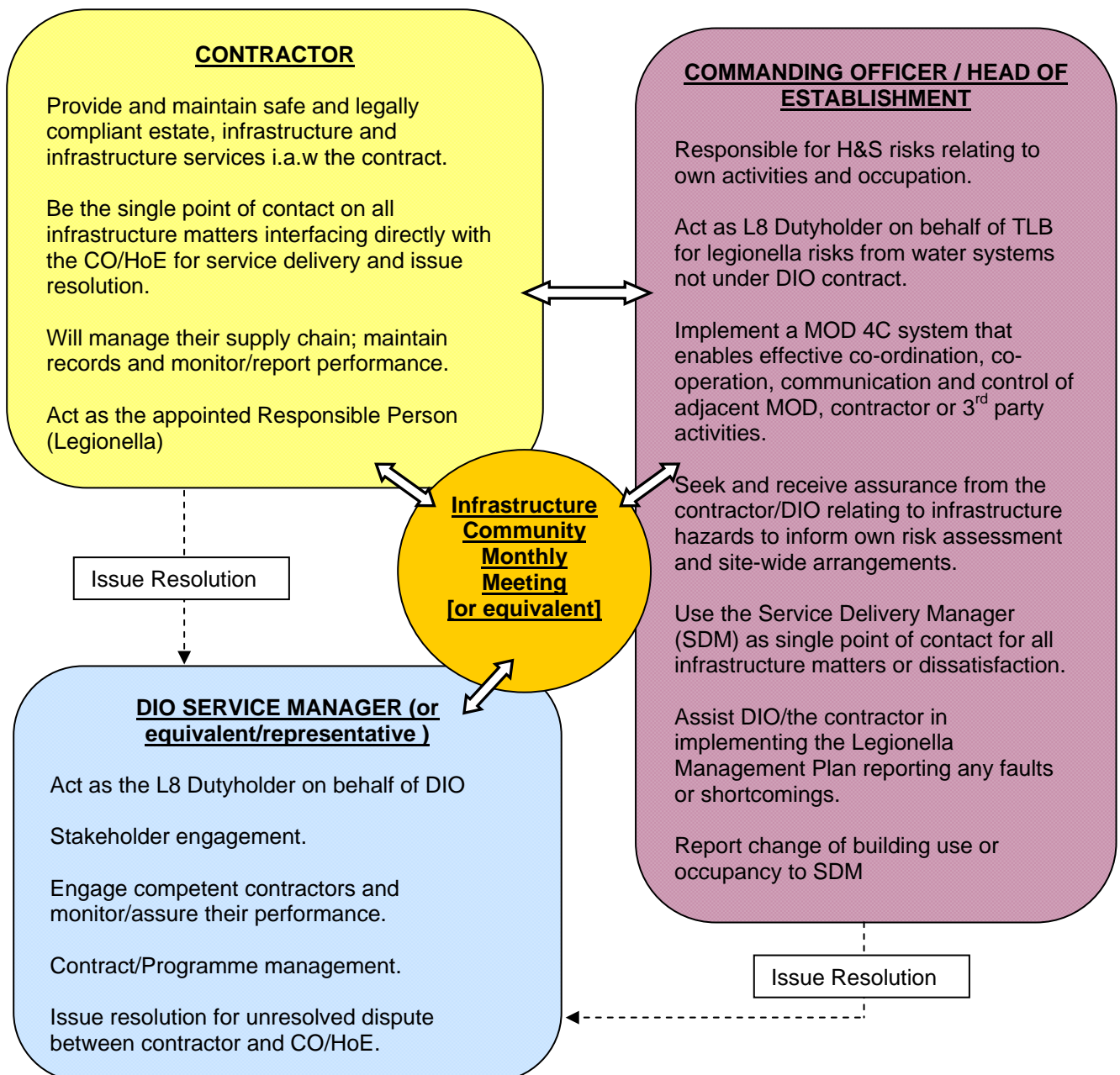
14. The Legionella risk management flow chart is provided at Annex B for illustrative purposes.

KEY STAKEHOLDERS AT ESTABLISHMENT LEVEL

15. DIO, as a Defence enabler and, where applicable, CDM⁸ Client is responsible for provision of statutory compliant infrastructure⁹ and has the lead role in discharging related Legionella Dutyholder requirements. However, DIO cannot discharge this duty without input from Heads of Establishment and the Contractor as the task of managing Legionella on the Defence estate requires input, sharing of information and co-operation by all parties.

16. The diagram below summarises the general inter-relationships for Health, Safety and Environment Protection (HSEP) management at a typical Establishment level.

17. Specific details of Legionella roles and responsibilities are detailed in the following section or at Annex A “Differences in Implementation” for other contractual/delivery arrangements.



⁸ CDM – Construction (Design and Management) Regulations.

⁹ With the exception of ‘retained areas’ where another party retains control.

ROLES AND IMPLEMENTATION

18. There is a statutory duty on MOD and those it engages to manage the risks from Legionella, with L8 identifying Dutyholders as employers; those with obligations for maintenance or repair of water systems and those having control of premises, including access. As such, the corporate dutyholder obligations within MOD are discharged by a number of parties.

Duties within the typical Service Delivery arena are as follows; see Annex B for contract specific or other differences in implementation.

DEFENCE INFRASTRUCTURE ORGANISATION

19. The DIO Chief Executive has overall responsibility for ensuring that suitable resources, competent persons and safety management arrangements are in place to ensure that DIO responsibilities, and those of who it appoints, are adequately discharged where DIO is the “L8 Dutyholder”.

20. Responsibility and accountability for the carrying out of associated duties¹⁰ is delegated through the chain of command to the DIO “Service Manager” (or equivalent) responsible for the contract. With the exception of paragraphs 21a and b below, the Service Manager can further delegate the carrying out of tasks within their teams but they remain accountable.

21. **DIO Service Manager:**

- a. Takes the lead in discharging the L8 Dutyholder role, as defined by L8, for Legionella risks in fixed infrastructure water assets under DIO contract.
- b. Appoints the Contractor organisation as the L8 Responsible Person (RP) to advise him/her on the discharge of his/her Legionella duties and take day-to-day managerial responsibility for the identification of associated risks and implementation of the control scheme for all water systems within the scope of the contract.

Guidance: Whereas specialist contractors used to undertake aspects of the operation, maintenance and control regime have legal responsibilities of their own, ultimate responsibility for the provision and maintenance of safe and legally compliant water systems rests with DIO as L8 Dutyholder and with the Head of Establishment as Controller of premises for its safe operation.

- c. Agrees and co-signs the Legionella Management Plan (LMP) on behalf of DIO.
- d. Monitor and assure contractor performance and competency.
- e. Resolve issues elevated by the CO/HoE or Contractor and undertake contract/programme management.
- f. Receive submissions for and decide on the allocation of funding for any Legionella prevention/mitigation works or escalation through the Capital Infrastructure Programme (CIP).

CONTRACTOR

22. The **Contractor** organisation is appointed by DIO as the L8 Responsible Person, as defined by L8, taking day-to-day responsibility for identifying and controlling Legionella risks and managing

¹⁰ Identify and assess all sources of risk | Where risk dictates prepare a written scheme and implement it to prevent/control exposure | Monitor management arrangements / control measures to ensure they are implemented and remain effective | Keep records of precautions taken | Appoint competent persons with sufficient authority/knowledge of the water systems to take the measures needed to comply with the law.

the practical application of RP duties for water systems within the scope of the contract. As such, the Contractor is responsible for:

- a. The provision, review and maintenance of a suitable and sufficient, establishment-specific Legionella Management Plan for all MOD controlled fixed infrastructure water systems including demarcations with the Aquatrine Service Provider or other non-MOD users or DIO contracts (see paragraph 26).
- b. Ensuring those persons/supply chain members it engages to carry out the Legionella risk assessment and draw-up/ implement the Control Scheme are competent and have the required information, training and resources.
- c. For each establishment, will conduct a site survey and put in place an asset register of all infrastructure water systems and associated component parts including up-to-date schematic diagrams of the layout of the plant or system.
- d. The undertaking of Legionella risk assessments; devising appropriate written, control schemes and completion of necessary monitoring and assurance activities to ensure they are implemented and remain effective or that any elevated risks are appropriately mitigated.
- e. Reviewing the risk assessment forthwith if it is believed to be no longer valid (e.g. system change or change of use of the building; sampling indicate measures no longer effective; suspected outbreak, etc) and periodically to confirm nothing has changed (e.g. building use).

The frequency between periodic reviews is to be risk based but must not exceed 24 months.

- f. Providing assurance to the DIO Service Manager and CO/HoE that the LMP and control schemes within it are being delivered and remain effective.
- g. Ensuring all works, inspections, sampling regimes, etc on water systems under their control are carried out in accordance with the requirements of L8.
- h. Complying with any host arrangements for the control of visiting workers (e.g the MOD 4C's system).
- i. Keeping and maintaining of records as required by L8.
- j. Ensuring Legionella management regimes are promptly adapted with regard to new or demolished infrastructure/systems as notified by DIO or the Co/HoE (e.g through the "Property Change Process" or "change of use/occupancy" process).
- k. The flushing of little used outlets created due to changes in occupancy/use where so notified by the user.
- l. Producing submissions to the DIO Service Manager for the allocation of resources and funding for Legionella prevention/mitigation works.
- m. Recording, investigating and reporting any confirmed case of Legionellosis to the HoE and DIO Incident Notification Cell in accordance with JSP 375 Part 2 Volume 1 Chapter 16; taking the lead where DIO has employing TLB responsibility, or otherwise in conjunction with the HoE.
- n. Advising and making recommendations to the CO/HoE and, where contract conditions require, the DIO Service Manager's representative for actions required on Legionella related issues including: the need to amend testing or sampling processes; or following the discovery of elevated bacteria levels.

23. The **Contractor** shall also ensure that all control measures, products and services (including consultancy and water treatment services) provided by itself or supply chain:

- a. are so designed and implemented that they will be compliant, effective, safe and without risks to health when used at work;
- b. highlight any deficiencies or limitations which they identify in the Dutyholder's systems or Control Schemes;

24. **Contractor / Designer:** Any person who designs, manufactures, imports, supplies, installs or modifies water systems that may create a risk of exposure to Legionella bacteria, must ensure this is done so in accordance with L8 and HSG 274. Requirements summarised below:

- a. The water system is so designed and constructed that it will be safe and without risks to health when used at work and compliant with the Construction, Design and Management (CDM) and Building Regulations.
- b. Adequate information is provided to the user/maintainer on the correct use of the water system; the associated risks; and any control measures or maintenance regimes necessary.
- c. Water systems are properly installed and commissioned as appropriate taking into account the source of water supply (e.g supply from a bore hole or water tower, etc may make it a "complex water system" under HSG 274).
- d. The equipment is designed and constructed to enable safe and easy operation, cleaning and maintenance.
- e. They take account of and comply with the Water Supply (Water Fittings) Regulations; Scottish Water Byelaws and Water Regulations Advisory Scheme (WRAS).
- f. Stored cold water is reduced to the minimum needed to meet peak needs.
- g. Designs are sustainable and aid future cleaning, flushing, disinfection and disposal (e.g. by providing suitable access points in the system).
- h. They minimise heat gain/loss (e.g. hot and cold water pipes and storage tanks should be insulated).
- i. They comply with relevant British Standards or their European/International equivalents.

COMMANDING OFFICER / HEAD OF ESTABLISHMENT

25. The CO/HoE¹¹ is responsible for site-wide arrangements including the co-ordination and co-operation elements of the MOD 4C system. This includes responsibility for relevant employer obligations where non-infrastructure/ DIO managed legionella risks form part of site activities. Specific to Legionella, the CO/HoE:

- a. Takes the lead in discharging L8 Dutyholder role and making of associated Responsible Person appointments for all "non-infrastructure" related legionella risks (e.g Functional Equipment, non-DIO maintained water assets).
- b. As MOD controller of premises, co-signs the Legionella Management Plan in respect to risks generated by, and requirements placed on, the user community and ensure these are communicated to, and complied with, by own and all lodging TLB/TFA units.

¹¹ Note: The MOD HoE responsibilities may rest with a DIO employee where he/she has been appointed/nominated – e.g as in the case of service housing, accommodation, sites in disposal and the training estate.

- c. Co-ordinates and informs the Contractor of building occupancy and use, including planned/arising changes, so that Legionella risks due to user activities can be evaluated and managed (e.g so contractor is aware of and can introduce additional flushing regimes where little used outlets are created due to deployment, leave, etc).
- d. Ensures Legionella risks relating to fixed water systems and specified control measures are taken into account when assessing own/site user activities or occupation.
- e. Communicates the LMP and other relevant risk information to Building Managers/Area Custodians, site users, staff and Trades Union (where appropriate).
- f. Ensures that the LMP and tasks placed on the user community are communicated across his/her area of responsibility and complied with.
- g. Notifies the Responsible Person and DIO Infrastructure Manager of any Legionella-related concerns raised by the user community.
- h. Notifies the Responsible Person and DIO Service Manager's representative any suspected case of Legionellosis and participate in/support any subsequent investigation.
- i. Ensure the user community do not interfere with Legionella management controls without the agreement of the Responsible Person (e.g turning thermostats down).
- j. Using the Risk Escalation and Referral process to address unresolved SHEP issues.

LEGIONELLA MANAGEMENT PLAN (LMP)

26. To avoid duplication and potential for gaps in Legionella management, a single LMP is to be implemented at each Establishment, incorporating all relevant Legionella aspects, named appointments/nominated persons and responsibilities. The LMP is to signpost any relevant demarcations where water assets are controlled by another party or contract (e.g Aquatrine leased/licensed assets; DIO Accommodation for Service Family Accommodation or 3rd Party tenants, encroachments, etc).

27. Contract-wide templates are permitted provided they are made "establishment-specific" (e.g accurately articulate the local Contractor representatives and deputies, etc) and agreed with the relevant DIO Service Manager (or equivalent).

DIO ASSURANCE

DIO Service Manager (or equivalent)

28. The contractor's ability to deliver the Responsible Person role has been assessed at an organisational level as part of the contract award process. The DIO Service Manager must make reasonable checks to assure the following at the "working" level:

a. A site-specific Legionella Management Plan (LMP) is prepared, agreed and implemented for each establishment in their area of responsibility (AoR) and clearly explains local lines of communication and responsibility.

b. Any organisation or supply chain member undertaking work related to the LMP (e.g. conducting risk assessments; drawing up the control scheme; water treatment companies, etc) are competent to undertake such works, including sufficient knowledge of the installation.

Guidance: An industry 'Code of Conduct' for organisations providing water treatment services has been jointly developed by the British Association of Chemical Specialities (BACS) and the Water Management Society (WMS). Although the Code has no legal status, it does provide a degree of assurance about the standards of service that shall be provided to customers. A copy of the Code of Conduct can be obtained from The Water Management Society, Mill House, Tolson's Mill, Fazeley, Tamworth B78 3QB.

c. Contractor representatives on site have suitable and sufficient information and co-operation from the HoE and other stakeholders (e.g. users, PFI's, Aquatrine, third party users, etc) to discharge their legal or contracted obligations.

d. Arrangements for the notification of little used outlets due to change of facility occupancy or use are established, recorded in the LMP and working effectively.

Guidance: Buildings taken temporarily out of use. In general, subject to any assessed risk of freezing, burst pipes, etc, systems can normally be left filled with water and not drained down as moisture will remain within the system enabling biofilm to develop where there are pockets of water or high humidity. The water in the system also helps to avoid other problems associated with systems drying out, including failure of tank joints and corrosion in metal pipework. The systems should be recommissioned as though they were new (i.e. thoroughly flushed, cleaned and disinfected) before returned to use without the need for continuous flushing during the period of non-occupation.

e. Contractor representatives on site have sufficient authority and knowledge of water installations to ensure the control scheme can be carried out in a timely and effective manner.

f. Records maintained by the RP demonstrate that all infrastructure water systems maintained by DIO have been assessed for Legionella risks and written control schemes prepared and implemented as required.

Guidance: Records must be retained for the period they remain current plus two years. Records kept for monitoring and inspection shall be kept for at least five years. All records should be signed, verified or authenticated by a signature or other appropriate means.

g. Each LMP is reviewed at regular intervals, and at least annually, to ensure it remains up-to-date and that tri-party agreements and demarcations within are clear, being followed and remain effective.

h. New water system builds or modifications carried out by the contractor comply with L8 and all relevant British Standards or their European/International equivalents.

29. The requirements of paragraphs above is to be met through the day-to-day interface with the Contractor and CO/HoE and as demonstrated by reported performance against contracted Statutory/Mandated targets (e.g Schedule of Standards and Tasks); any reported elevated bacteria levels or legionellosis case; and contract assurance programme (e.g EM02 Work Order, Asset File and Management Process checks).

30. Table 1 below provides some guidance on the standard “core” checks to be made although frequency can be less or more frequent dependant on local risks.

Ser	Check	Details/Standard	Frequency
1	Legionella Management Plan (LMP)	Plan is to agreed format, is signed by all parties and has been reviewed at least on a 6-monthly basis.	Annually
2	Risk Assessment (RA) and Written Scheme (WS)	Ensure both have been carried out for all risk systems; include detail of all parties; subject to regular review (as per L8); are appropriate for building and population; identifies/evaluates sources of risk; includes schematic; identifies sentinel outlets; TMV; Flexible connections, expansion vessels; remedial works/management regime and that recommendations have been completed.	3 Monthly Sample 3 buildings in rolling review prioritising high risk systems.
3	Monitoring, inspection, tests i.a.w RA/WS	Check monitoring; inspection & test (e.g. monthly temperature readings, shower head disinfection, microbiological testing) is being carried out iaw RA/MS. Records should be retained for 5 years. Check for trends e.g. recovery rates. Check that records are signed and remedial actions are addressed.	3 Monthly (As Ser 2)
4	Transient occupancy/little used outlets	Check that the management system detailed in the LMP is operating; ensure transient occupancy/little used outlets are identified; check procedures used; check records.	3 Monthly (As Ser 2)

31. HSG 274 Part 2 provides detailed guidance on L8 requirements for hot and cold water system design, operation and inspection and provides a suitable check list for L8 Dutyholders.

32. The DIO Regional H&S Support Team will be available to the Service Manager and their representatives for H&S advice and carrying out of their Assurance programme. The H&S Team will also undertake additional monitoring /assurance activities where directed by the DIO Principal Safety Advisor to verify DIO HSEP Management Systems are adequate; being implemented and address arising risks.

INFORMATION, INSTRUCTION, TRAINING AND COMPETENCE

33. Anyone or any organisation required to carry out work in connection with Legionella must know what they have to do and be able to do it safely. Dutyholders and employers are responsible for ensuring that adequate information, instruction and training is given to their employees

34. Annex D sets out the DIO approach to training, awareness and competence with minimum requirements for the various roles in managing Legionella for the MOD estate.

Further advice and assistance on matters pertaining to this Policy Instruction can be obtained from the document sponsor or point of contact detailed below. It is the

responsibility of the user to ascertain if they have the most up to date version of the document. Advice on Legionella related matters can be obtained from Defence Infrastructure Organisation through local Health and Safety Advisors or direct from the policy sponsor:

**DIO Principal Safety Advisor
Defence Infrastructure Organisation
Kingston Road
Sutton Coldfield
West Midlands B75 7RL**

DIFFERENCES IN IMPLEMENTATION (L8 Dutyholder)

1. **Projects:** For Major and Capital Works Projects, DIO Programmes and Projects Delivery (PPD) operate Regional and National frameworks to deliver projects across a wide range of asset types. The assigned DIO Project Manager is responsible on behalf of Director PPD:
 - a. For making reasonable checks to confirm that L8 and HSG 274 requirements relating to water system design/installation and the provision of information to system users, maintainers, cleaners, etc are met. Such information should include a statement as to whether assessed Legionella risks at design have been eliminated or if not how remaining risks are to be controlled.
 - b. Shall advise and consult with DIO Service Delivery teams on any planned builds or other projects requiring future water system adoption and to confirm compatibility with existing infrastructure before work commences.
 - c. Project **SLAM:** Under Project SLAM, the SLAM contractor retains maintenance and therefore L8 Responsible Person responsibility for the duration of the 7 year Compliance Period.
2. **Disposals.** For Sites-in-Disposal or Acquisitions, DIO Service Delivery will discharge the (nominal) CO/HoE role. Where sites are passed to the Land sales Delivery Partner to manage disposal, they are the L8 Dutyholder and responsible for managing Legionella hazards and risks and compliance with L8/HSG 274.
3. **United States Visiting Forces (USVF)**
 - a. On MOD sites utilised by the US Visiting Force, Legionella is managed through the USAF Civil Engineering organisation. US Air Force in Europe Command level (as USVF executive agent for such issues in the UK) have come to agreement with the DIO US Forces Division (DIO USF) that USVF assume the L8 Dutyholder's responsibilities in respect of UK Control of Legionella requirements. USVF do this not out of compliance with UK legislation, but out of compliance with their own Legionella management policy (US Air Force in Europe Instruction (USAFEI) 32-7070).
 - b. This policy covers similar requirements to appoint a Nominated Person (similar to L8 Responsible Person); to produce an establishment written Legionella Risk Prevention/Mitigation Program (Legionella Management Plan) to identify, risk assess, manage and communicate information about Legionella in facilities, and to mitigate proliferation of the bacteria.
 - c. Where DIO USF is contracted to maintain USVF fixed infrastructure assets, DIO USF co-operates closely with USVF as 'dutyholder' in Legionella management matters, and ensures MOD contractors do likewise and comply fully with UK legislation & guidance.
 - d. The USVF currently fund Legionella risk assessment, maintenance and remedial works.
4. **Private Finance Initiatives (PFI)**
 - a. For DIO managed PFIs, the water systems are deemed not under MOD control and the PFI Contractor is the L8 Dutyholder responsible for managing Legionella risks and securing compliance with L8, HSG 274 and any MOD mandated requirements where stipulated in the contract. The DIO PFI representative (DIO Commercial) shall ensure contract documents and arrangements clearly articulate this.

b. Assurance that Legionella management systems are in place and functioning should be reported by the PFI Contractor through the DIO PFI Representative and verified by the DIO H&S Team assurance programme.

c. Aquatrine: The DIO PMO shall have in place suitable and sufficient regimes to check that: incoming water supply meets regulatory Water Quality and L8 requirements; that Service Provider (ASP) leased/licensed assets do not put MOD water systems at risk; and that the ASP collaborate with establishment stakeholders in the management of Legionella and provision of assurance for aspects which they control.

Note: The above is in summary only, where this conflicts with the Terms and Conditions of the contract the latter takes precedence.

5. **Reserve Forces and Cadets Association (RFCA):** Where the RFCA owns the establishment; the RFCA Head of Estates has accountability for managing Legionella, with the duties cascaded down to the RFCA Works Officer to oversee and maintain compliance. The DIO Volunteer Estate team's support to the RFCA is limited to advising on suitability of arrangements. Where the RFCA is a lodger unit on a MOD establishment, Legionella will be managed in accordance with the procedures relevant to the establishment and contractual arrangement; typically by the standard MOD tri-party arrangement involving DIO, the Contractor and the Head of Establishment; or PFI as appropriate.

6. **Overseas.** For overseas locations, outside of UK territorial waters, a suitably competent local contractor may be engaged to carry out the works. To be deemed competent, a contractor must be able to demonstrate the skills and experience as laid down in the relevant Host Nation standards and to the UK HSE ACOP, a record of the assessment should be retained. In such cases, the party engaging those carrying out the work is responsible for assessing their competence and monitoring their performance. Support is available from the DIO Health and Safety team.

7. **Service Family Accommodation (SFA).** For all Service Family Accommodation the CO/HoE is the 1* in charge of DIO Service Delivery Accommodation (SDA) and assets are thus excluded from the establishment's CO/HoE control and responsibility. For this reason SDA have traditionally had their own Legionella Management Plan (LMP) which the 1* signs, this may now be countersigned by the DIO Service Manager. This Plan sits above the Contractors LMP and details SDA Policy. As a result SDA do not co-sign the numerous Establishment Legionella Management Plans, even for Service Family Accommodation behind the wire. Misappropriated housing that is not under DIO SDA control will need to be managed by the body in control of maintenance.

8. **Tenants.** DIO Land Management Services shall where possible ensure that third parties occupying MOD premises/estate for commercial purposes do so under a full maintenance and repair lease/arrangement and thus will be responsible for ensuring full compliance with the Regulations and HSE approved code of practice, including:

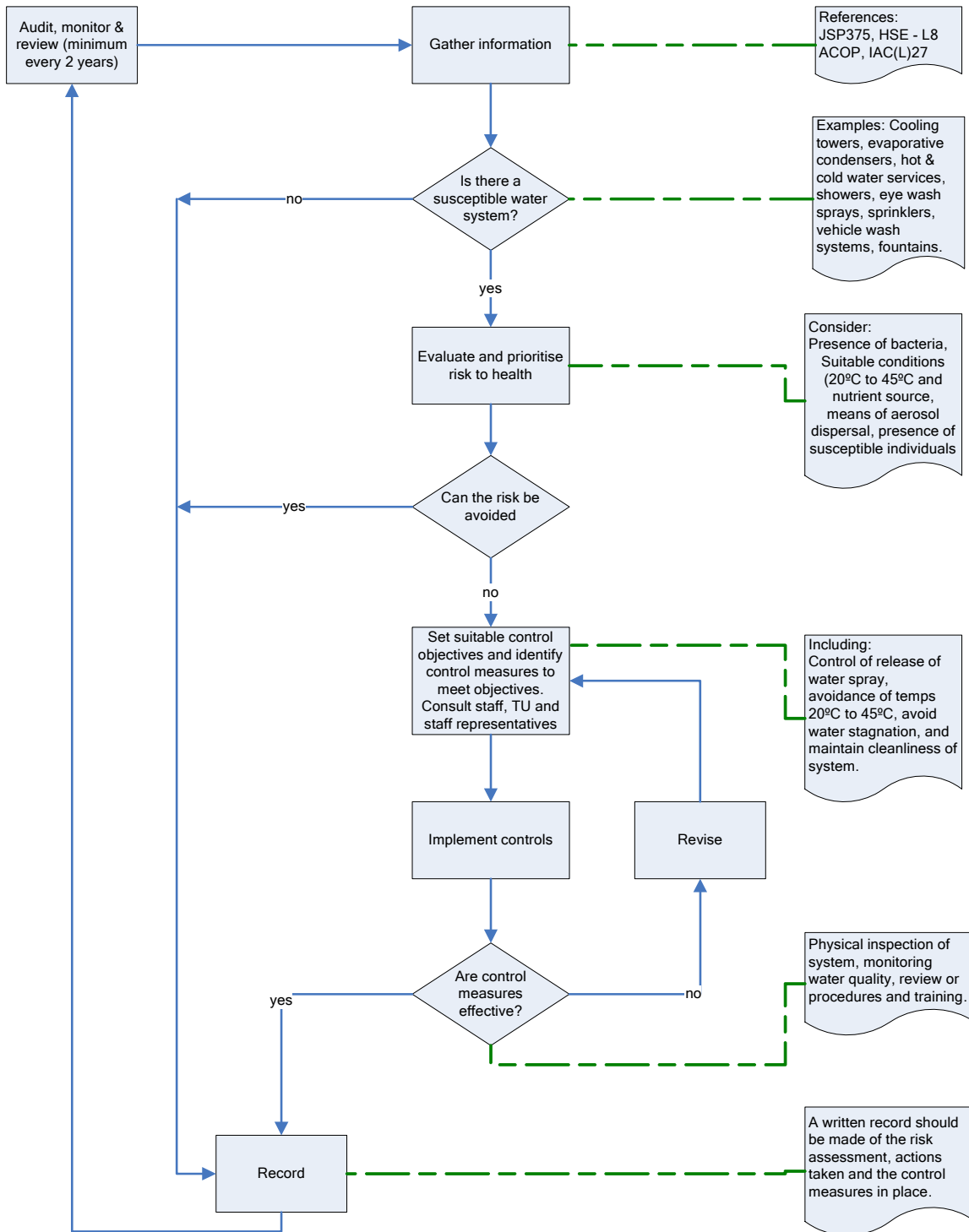
a. Operating their own Legionella appointment, management and visitor induction programme, and

b. Where relevant, cooperating with the CO/HoE and the DIO contractor as necessary to ensure site-wide Legionella management arrangements remain suitable and sufficient, including population and revision of the relevant parts of the site LMP regarding demarcations and shared responsibilities. A key part of the CO/HoE engagement process at establishment/unit level is the Infrastructure Community Monthly Meeting (ICMM); this is the primary mechanism for DIO and User engagement and provides a regular forum to share Legionella information/updates.

9. **British Forces Germany (BFG):** BFG are required to comply with the Supplementary Agreement (SA) to the Status of Force Agreement (SOFA) that clearly states all visiting forces are to comply with German Law and this includes compliance with German Health and Safety Law in respect to activities undertaken on their land (Article 53.1 SA). This general obligation is subject to certain exemptions but these are rarely applied (e.g. where MOD personnel work in strict isolation).

- a. This obligation is underpinned in the Health & Safety and Environmental Protection for Defence Policy Statement issued by the Secretary of State for Defence which states: “Overseas, we apply our UK arrangements where reasonably practicable and, in addition, respond to host nations’ relevant HS&EP expectations.”
- b. BFG therefore, is to comply with German Health and Safety standards (in line with the SA) and only to apply a different standard (i.e. UK) where it is reasonably practicable to do so. Reference to “Reasonably Practicable” in the SofS statement means that where there is a measurable reduction of risk in the level of safety this must be proportional to the difficulty and cost of taking the measure.
- c. Despite BFG’s primary obligation to comply with German Health & Safety Standards, it is important to ensure that safety measures taken in BFG which could affect our military, civilian and dependent members of the community are not inferior in principle to those which would be applied in the UK, so that they are provided, in so far as is reasonably practicable, with the same degree of HS&EP support, training and protection that would be afforded to them in the UK.
- d. During the operation of this Policy Instruction there may be variations identified where Host Nation legislation and/or guidance (in relation to inspection and maintenance frequencies of ACMs or equipment) may fall short in meeting UK/MOD Standards. In these cases a judgement needs to be made by the DIO SDO(E) HQ – SME Focal Point (Legionella), where reasonably practicable, to include additional UK/MOD Standards or guidance if/when considered appropriate.
- e. Host Nation compliance checks are carried out by the German regulatory authorities (KFB) and/or the Accident Insurance Carriers (UVB). Both have statutory powers to take enforcement action in the event of breaches of German health & safety law. BFG are required to ensure full compliance with the HN regulators including any remedial actions recommended.

Legionella Risk Management Flow Chart



SAMPLE LETTER APPOINTMENT OF RESPONSIBLE PERSON

Dear

LEGIONELLA APPOINTMENT OF RESPONSIBLE PERSON

1. As laid down in the L8 Approved Code of Practice, I hereby formally appoint *[organisation]* as L8 Responsible Person for the Management of the Legionella risk in those water assets for which the *[contract]* is responsible.
2. Please confirm your acceptance in writing and advise the names and contact details of those persons who will discharge this role on your behalf and the specific establishments/area for which they will be responsible

Yours sincerely

DIO Service Manager

**Annex D
To DIO Policy Instruction
01/15**

The Table below sets out the minimum training requirements for the various roles in managing Legionella for DIO staff.

Ser	Role	Minimum Requirements	Comments
1	DIO Service Manager (or equivalent) or his/her nominated representative.	Legionella Awareness and ACOP L8 (BS6) Training Course [or equivalent].	1-day course incorporating C&G assessment and accreditation (401 Legionella Appreciation).
2	CO/HoE		Delivers an understanding of Legionella health effects and how risks are controlled (including legal compliance) for persons who need to monitor precautions and keep appropriate records.
3	L8 Responsible Person and deputy	Legionella: Role of the Responsible Person/Duty Holder/Landlord (BS1) Training Course.	1-day course incorporating C&G assessment and accreditation (400 Role of Resp Person). For the person identified as being responsible for implementing the requirements on L8 and HSG274 for the control of Legionella bacteria in Water Systems.
4	DIO Regional H&S Advisor	Legionella: Role of the Responsible Person/Duty Holder/Landlord (BS1) Training Course.	
5	4C Dutyholder and Area Custodian(s)	Legionella Awareness and ACOP L8 (BS6) Training Course [or equivalent].	
6	Building occupants (not SFA)	Awareness of site documents (location and content)	Familiarisation with establishment Legionella Management Plan.

Note: the training requirements set out above are in addition to any set out in the Regulations and ACOP.