Drink it or sniff it?
Implementing new expectations for water quality

Changing regulatory environment: new HSE ACoP & technical guidance on Legionella risk management

14 May 2014

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Content

• Revision of L8 ACOP
  – Why?
    • Key drivers for change
  – How?
    • Process for change
  – What?
    • Outcome
• Revision of guidance HSG274
• Implications for this Sector
Moving forward…. drivers for change

- **Government Review**
  - Common sense, Common safety
    - Regulations v guidance – L8
  - Red Tape Challenge
    - Regulations – what should stay, go, be improved
    - Proportionate
    - Focus on compliance
    - Review of HSE portfolio of external guidance - L8
  - Löfstedt ‘Reclaiming health and safety for all’ Report
    - Approved Codes of Practice - L8
The approach….

- Government Policy
  - Proportionate guidance
  - Focussed on compliance
  - Review process
  - Accessibility
Moving forward...the process

Initial ACOP proposals → TWO separate publications

ACOP – The ‘Whats’
What I need to do to comply with the law
• L8 - Revised ACOP

Technical guidance – The ‘Hows’
How I can achieve compliance
• HSG274 - Revised technical guidance
Complying with the law

• Working within the law
  – Overarching legislation
    • HSWA
  – Regulations
    • Control Of Substances Hazardous to Health (COSHH)
    • Management of Health and Safety at Work (MHSWR)
  – Approved Code of Practice (ACoP)
    • Practical advice
  – Guidance
Approved Code of Practice

• Law does not change very often

• Duty to manage the risk remains the same

• Misconception – what constitutes ACoP (law) v guidance

• Presentation of revised text
  – make clearer what is required to meet provisions of ACoP
  – good practice
  – greater emphasis on proportionality

• Not all systems require elaborate control measures
Moving forward…the outcome

Approved Code of Practice – L8 4th edition

- HSE product
- Special legal status
- Process of updating - law rarely changes

Published online and hard copy
25 November 2013
Changes to ACOP - previously guidance now afforded ACOP status

Preferred or established methods or standards to help comply with legal duties

- Risk assessment
- Specific role of the appointed ‘competent’ person - responsible person
- Written control scheme and what it should include
- Review of control measures
- Duties and responsibilities of those involved in the supply of water systems and services
Changes to ACOP - guidance now ACOP status

Identification and assessment of the risk section

Para 38 ACOP - Carrying out a risk assessment

- As part of the risk assessment, take into account the individual nature of each site and consider the system as a whole. In complex systems, a site survey of all the water systems should be carried out, including an asset register of all associated plant, pumps, strainers and other relevant items.

- This should include an up-to-date schematic diagram showing the layout of the plant or system, including parts temporarily out of use.
Changes to ACOP - guidance to the regulations

Para 40 Guidance

- Schematic diagram
  - important tool to show layout of plant or system
- Up-to-date schematic
  - assist the person carrying out the risk assessment
  - help decide which parts of the system may pose a risk
Changes to ACOP - guidance now ACOP status

Identification and assessment of the risk section

Para 32 ACOP - You need to review the assessment regularly and specifically when there is reason to believe that the original risk assessment may no longer be valid. You should also review management and communication procedures as appropriate.

ACOP wording remains unchanged!..

....changes occur in ‘guidance’
Para 47 and a-f (GUIDANCE) - The record of the assessment is a living document that must be reviewed to ensure it remains up-to-date. **Arrange to review the assessment regularly** and specifically whenever there is reason to suspect it is no longer valid. **An indication of when to review the assessment and what to consider should be recorded.** This may result from…..:

- changes to the water system or its use;
- changes to the use of the building in which the water system is installed;
- the availability of new information about risks or control measures;
- the results of checks indicating that control measures are no longer effective;
- **changes to key personnel**;
- a case of legionnaires‘ disease associated with the system.
Changes to ACOP - guidance now ACOP status

Preventing or controlling the risk section

Para 59 a-c ACOP
The control scheme and what it should include
  - avoid, control, maintain…

Para 65 ACOP
Review of control measures: monitoring and routine inspection
  - checking, inspecting and monitoring
HSG274 – Technical guidance

- Guidance changes more frequently
- Technological developments
- Other government policy changes
- HSE owned and remains Crown Copyright
- Produced in partnership with Industry Review Group
  - LCA, WMS, BACS
Moving forward...the outcome

Technical guidance – HSG274

- Part 1: Evaporative cooling systems
- Part 2: Hot and cold water systems
- Part 3: Other risk systems
Moving forward…the outcome

HSG274 Part 1 and 3
Published online - 25 November 2013

HSG274 Part 2
Published online - 04 April 2014

Each available as ‘stand alone’ documents – legal summary

HSG274 – Hard copy publication incorporating Parts 1 - 3
Available end May 2014
HSG274 – Technical Guidance

Part 1 - Evaporative Cooling Systems

• Introductory ‘legal’ summary section

• *Updated guidance on range of cooling systems including dry/wet systems*

• Additional information on risk assessment

• Clarity of roles and responsibilities

• Guidance on what & how to inspect

• What to look for on the various parts of the cooling system

• *Evidence based, assessment driven approach to cleaning and disinfection*

Part 2 – Hot and Cold Water Systems

• Introductory ‘legal’ summary section

• *Updated guidance on types and design of hot and cold water systems*

  - Lower risk systems and proportionate action

  - Large, complex systems

• Monitoring/selection of sentinel points

• Frequency of inspection and monitoring

• Water treatment and control programmes

• **Landlords – Residential accommodation**

• **Shared premises**

• **Special considerations for healthcare**
HSG274 – Part 2 Special considerations for healthcare and care homes

- Specialist equipment e.g., ventilators
- Consider separate, small supply systems
- Temperatures at HW outlets ≥ 55°C
- Legionella monitoring – high risk areas
  - Oncology, haematology, transplant units
  - Doubt over efficacy of control measures
  - Interpreted by competent person
  - < 100 cfu/l
- Flushing
HSG274 – Part 2 Special considerations for healthcare and care homes

- Water Safety Groups
- Roles and responsibilities
- Familiar with water system factors that increase risk
- Vulnerability of patients
HSG274 – Part 2 Special considerations for healthcare and care homes

- Water Safety Plans
- Assess risks
- Management systems
- Supporting programmes e.g., communications, training, competence
High profile recent events

- 2006-10
- 2 deaths
- 5 patients, 1 visitor
- Section 3(1) HSWA
- 04 September 2013
- £100,000 £162,000 costs

- Failed to monitor H&CWS adequately
- Failed to keep key parts of the system clean
'In my opinion, the team of staff whose responsibility it was to control Legionella risks at Basildon Hospital did not function as planned in the Trust’s Legionella control policy. As a result, the Trust did not implement properly the multifaceted control regime necessary to manage the risks from Legionella effectively.'
Thank you