

Water Hygiene Policy



Name	Water Hygiene Policy
Owner	Director of Housing
Last Review	August 2023
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Tenant Consultation	5 th September 2023
Equality Impact Assessment	August 2023
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Strategic Lead _____

Sign _____

Date _____

Chair of Cabinet _____

Sign _____

Date _____

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1.0 Introduction and Objectives

- 1.1 As a landlord, Epping Forest District Council (EFDC) must meet the legal obligations which require us to deal with the risks associated with legionella bacteria within the properties we own or manage. Legionella bacteria can cause a potentially fatal form of pneumonia called Legionnaires' disease. People contract Legionnaires' disease by inhaling small droplets of water containing the bacteria.
- 1.2 As far as is reasonably practicable, we must introduce measures to reduce and/or control exposure to legionella bacteria, including managing the conditions that support the growth of the bacteria in water systems.
- 1.3 The key objective of this policy is to ensure that our Cabinet, Senior Leadership Team, employees, partners and tenants are clear on our legal and regulatory water hygiene obligations. This policy provides the framework our staff and partners will operate within in order to meet these obligations.
- 1.4 This policy forms part of our wider organisational commitment to driving a health and safety culture amongst staff and contractors (as detailed within our Health and Safety Policy). It will be saved on our shared drive and distributed to all relevant members of staff.

2.0 Scope

- 2.1 This policy applies to:
 - The housing assets which are owned by the Housing Revenue Account (the HRA) and any which are leased by the Council and rented and managed as social housing stock. This includes domestic properties (houses and flats), communal areas of any blocks containing such properties, and sheltered and supported housing schemes and associated offices/communal spaces.
 - Any commercial premises which are owned by the HRA.
 - Any depots, operational and commercial buildings owned and / or managed by EFDC.
- 2.2 The policy is relevant to all our employees, tenants, contractors, stakeholders and other persons who may work on, occupy, visit, or use our premises, or who may be affected by our activities or services.
- 2.3 The policy should be used by all to ensure they understand the obligations placed upon EFDC to maintain a safe environment for tenants and employees within the home of each tenant, and within all communal areas of buildings and other properties we own and/or manage. Adherence to this policy is mandatory.

3.0 Roles and Responsibilities

- 3.1 The Cabinet has overall governance responsibility for ensuring this policy is fully implemented to ensure full compliance with legislation and regulatory standards. As such, the Cabinet will formally approve this policy and review it every two years (or sooner if there is a change in legislation or regulation).
- 3.2 For assurance that this policy is operating effectively in practice, the Cabinet will receive regular updates on its implementation, water hygiene safety performance and non-compliance.
- 3.3 The Senior Leadership Team (SLT) will receive monthly performance reports in respect of water hygiene safety and ensure compliance is being achieved. They will also be notified of any non-compliance issue identified.
- 3.4 The Director of Housing has strategic responsibility for the management of water hygiene safety, and ensuring compliance is achieved and maintained. They will oversee the implementation of this policy.
- 3.5 The Service Manager for Assets has operational responsibility for the management of water hygiene safety and will be responsible for overseeing the delivery of these programmes. The Service Manager for Assets is the Responsible Person.
- 3.6 The Team Manager Property Operations is the Deputy Responsible Person who will provide cover to the Service Manager for Assets (Responsible Person) in their absence.
- 3.7 Housing teams will provide support where gaining access to properties is difficult.

4.0 Legislation, Guidance and Regulatory Standards

- 4.1 **Legislation** - The principal legislation applicable to this policy is as follows:
 - The Health and Safety at Work Act 1974.
 - The Management of Health and Safety at Work Regulations 1999 (the Management Regulations).
 - The Control of Substances Hazardous to Health Regulations 2002 (as amended) (COSHH).

This policy also operates within the context of additional legislation (see Appendix 1).

- 4.2 **Approved Code of Practice (ACoP)** – The principal ACoP applicable to this policy is:
 - ACoP L8 - Legionnaires' disease: The control of legionella bacteria in water systems (4th edition 2013).
- 4.3 **Guidance** – The principal guidance applicable to this policy is as follows:

- HSG274 - Legionnaires' disease: Technical guidance Part 1: The control of legionella bacteria in evaporative cooling systems (2013).
- HSG274 - Legionnaires' disease: Technical guidance Part 2: The control of legionella bacteria in hot and cold water systems (2014).
- HSG274 - Legionnaires' disease: Technical guidance Part 3: The control of legionella bacteria in other risk systems (2013).
- INDG458 - Legionnaires' disease: A brief guide for dutyholders (2012).
- BS 8580-1:2019 Water quality, risk assessments for Legionella control – Code of practice.

4.4 **Regulatory Standards** – We must ensure we comply with the Regulator of Social Housing's regulatory framework and consumer standards for social housing in England; the Home Standard is the primary one applicable to this policy. The Social Housing (Regulation) Bill will change the way social housing is regulated and may result in future changes to this policy.

4.5 **Sanctions** – Failure to discharge our responsibilities and obligations properly could lead to sanctions, including: prosecution by the Health and Safety Executive (the HSE) under the Health and Safety at Work Act 1974; prosecution under the COSHH Regulations; prosecution under the Corporate Manslaughter and Corporate Homicide Act 2007; and via a regulatory notice from the Regulator of Social Housing.

5.0 Obligations

5.1 The Management Regulations and the Health and Safety at Work Act 1974 place a duty on us, as an employer and landlord, to ensure our employees and others affected by our undertakings (for example, tenants), are not exposed to health and safety risks, including the risk from legionella.

5.2 We have a legal obligation under COSHH to prevent or control exposure to biological agents, including legionella.

5.3 EFDC is the 'Duty Holder' as defined by ACoP L8 and we must take necessary precautions to prevent, reduce or control the risks of exposure to legionella.

5.4 As the Duty Holder, we must:

- Carry out a risk assessment for all hot and cold water systems, cooling plant and any other systems that can produce water droplets to identify and assess potential risks.
- Implement measures to either eliminate, reduce or control identified risks.
- Appoint a Responsible Person to take managerial responsibility for:

- Carrying out risk assessments;
- Producing written schemes of control (a practical, risk management document used to control the risk from exposure to legionella); and
- Implementing the written scheme of control.
- Appoint a Deputy Responsible Person who will provide cover to the responsible person in their absence.
- Keep associated records for five years.

6.0 Statement of Intent

- 6.1 We acknowledge and accept our responsibilities and obligations under the legislation outlined in Section 5.
- 6.2 We will review legionella risk assessments every two years, or more frequently where a water system is likely to undergo change and is therefore a higher risk. Schemes will be assessed as high, medium or low risk.
- 6.3 Written schemes of control will be in place for all properties risk assessed as requiring controls to manage the risk of legionella exposure.
- 6.4 When properties become void, we will flush the water system, including any shower loop, before undertaking any work. If the property is not to be made available for relet (i.e. it is being held as a 'long term void') or where a period of very cold weather is forecast, we will drain down the system. In all cases, the water system will then be flushed and recommissioned before the property is let, and the shower head replaced or sterilised.
- 6.5 We will carry out checks to identify pipework 'dead legs' and remove them within void properties and any properties where we are carrying out adaptations or planned investment work.
- 6.6 When we acquire properties (existing or new build) we will follow the same process as for void properties, and we will ensure there are no pipework 'dead legs' present when we take possession of the property.
- 6.7 We will operate a robust process for the management of immediately dangerous situations identified from the legionella risk assessment, water testing/monitoring regime or suspected legionella outbreak.
- 6.8 We will use the legal remedies available within the terms of the tenancy and lease agreement should any tenant, leaseholder or shared owner refuse access to carry out essential water hygiene related inspection and remediation works. Where tenant vulnerability issues are known or identified we will ensure we safeguard the wellbeing of the tenant.

- 6.9 We will operate effective contract management arrangements with the contractors responsible for delivering the service, including; ensuring contracts/service level agreements are in place, conducting client-led performance meetings, and ensuring that contractors' employee and public liability insurances are up to date on an annual basis.
- 6.10 We will establish and maintain a risk assessment for water hygiene management and operations, setting out our key water hygiene risks and appropriate mitigations.
- 6.11 To comply with the requirements of the Construction, Design and Management Regulations 2015 (CDM), a Construction Phase Plan will be in place for all repairs work to void and tenanted properties (at the start of the contract and reviewed/updated annually thereafter), component replacement works and refurbishment projects.
- 6.12 We will ensure there is a robust process in place to investigate and manage all RIDDOR notifications made to the HSE in relation to water hygiene safety, and will take action to address any issues identified and lessons we have learned, to prevent a similar incident occurring again.

7.0 Programmes

- 7.1 **Communal blocks and other properties** – We will ensure all communal blocks and other properties (supported schemes/offices/shops/depots) that we own or manage (within the scope set out in 2.1) are subject to an initial visit to establish whether a legionella risk assessment (LRA) is required. Thereafter, if an LRA is required, the property will be included on the LRA programme. If an LRA is not required, we will record this on our core asset register.
- 7.2 For all properties on the LRA programme, we will undertake LRAs and then review the LRA every two years, or more frequently where a water system is likely to undergo change and is therefore a higher risk.
- 7.3 LRAs will also be reviewed in the following circumstances:
- Change in building use.
 - Change in internal layout of water system.
 - Change in building occupation that increases the risk due to health.
 - After a confirmed or suspected outbreak of Legionella.
 - Following a water hygiene audit (if required).
- 7.4 **Domestic properties** – We will undertake an annual programme of five per cent sample surveys in domestic properties. These will be prioritised according to the perceived level of risk (based on design, size and age of property, and type of water supply).

7.5 **Testing and monitoring** - We will undertake testing and monitoring (for example, monthly temperature checks) as set out within any written schemes of control.

7.6 We will ensure there is a robust process in place for the management of any follow-up works required following the completion of an LRA or ongoing monitoring (where the work cannot be completed at the time of the assessment or check).

8.0 Data and Records

8.1 We will maintain a core asset register of all properties we own or manage, setting out which properties require an LRA. We will also set out which properties require ongoing testing and monitoring as prescribed by the written control scheme (for example, monthly temperature checks).

8.2 We will operate a robust process to manage all changes to our assets, including property acquisitions and disposals, to ensure that properties are not omitted from water hygiene programmes and the programmes remain up to date.

8.3 We will hold LRA inspection dates, LRAs, and testing and monitoring records against all properties on each programme. These will be held in Share Point. We will implement the Civica CX system during 2023, and from that point will hold this information in it.

8.4 We will keep water hygiene logbooks electronically (and/or securely on site where practical), for all properties on the LRA programme.

8.5 We will keep all records for at least five years and in line with our document retention policy, and have robust processes and controls in place to maintain appropriate levels of security for all water hygiene related data and records.

9.0 Tenant Engagement

9.1 We consider good communication essential in the effective delivery of water hygiene programmes, therefore we will establish a tenant communication programme on this. This will support tenants in their understanding of water hygiene and legionella risk, advise them how they can manage the risks within their properties, and to encourage them to report any concerns about water safety.

9.2 We also aim to successfully engage with vulnerable and hard to reach tenants. We will share information clearly and transparently and will ensure that information is available to tenants via regular publications and information on our website.

9.1 We will display written schemes of control in communal areas of buildings to inform occupants how the risk of exposure to legionella bacteria is being managed and controlled.

10.0 Competent Persons

- 10.1 As we must appoint a Responsible Person and a Deputy Responsible Person, they must both be trained, instructed, and informed to the same level and should assist in the frequent monitoring of written control schemes. Therefore, they will hold a relevant qualification such as the BOHS P901 – Management and control of building hot and cold water services, Level 2 Award in Legionella Awareness (or equivalent), or Level 4 VRQ Diploma in Asset and Building Management. If they do not have these already, they will obtain them within 12 months of the approval of this policy.
- 10.2 Only suitably competent consultants and contractors, registered with the Legionella Control Association (or equivalent), will undertake LRAs, prepare written schemes of control and undertake works in respect of water hygiene and legionella control.
- 10.3 Only suitably competent consultants and contractors, registered with the Legionella Control Association (or equivalent), will undertake third party technical quality assurance checks.
- 10.4 We will check that our contractors hold the relevant qualifications and accreditations when we procure them, and thereafter on an annual basis; we will evidence these checks and each contractor's certification appropriately.

11.0 Training

- 11.1 We will deliver training on this policy and the procedures that support it, through appropriate methods including: team briefings; basic water hygiene awareness training; and on the job training for those delivering the programme of LRAs and water hygiene testing and monitoring, as part of their daily job. All training undertaken by staff will be formally recorded.

12.0 Performance Reporting

- 12.1 We will report robust key performance indicator (KPI) measures for water hygiene safety. These will be provided to SLT monthly and to the Cabinet a quarterly basis. As a minimum, we will report:

Data – the total number of:

- Properties – split by category (domestic, communal and others);
- Properties on the LRA programme;
- Properties not on the LRA programme;
- Properties with a valid and in date LRA;
- Properties without a valid and in date LRA;

- Properties due an LRA within the next 30 days; and
- Completed, in-time and overdue follow-up works/actions arising from the programme.

Narrative - an explanation of the:

- Current position;
- Corrective action required;
- Anticipated impact of corrective action; and
- Progress with completion of follow-up works.

In addition:

- The number of RIDDOR notifications to the HSE with regards to water safety.

13.0 Quality Assurance

- 13.1 We will ensure there is a programme of third-party quality assurance audits to five per cent of LRAs. Annual audits will be undertaken to any systems identified within the LRAs as being high risk.
- 13.2 We undertake an internal desktop check of 100 per cent of all certifications.
- 13.3 We will carry out an independent audit of water hygiene safety at least once every two years, to specifically test for compliance with legal and regulatory obligations and to identify any non-compliance issues for correction.

14.0 Significant Non-Compliance and Escalation

- 14.1 Our definition of significant non-compliance is: any incident which has the potential to result in a material breach of legislation or regulatory standard, or which causes a risk to health or safety. All non-compliance issues will be reported and escalated as soon as possible, and no later than 24 hours after the incident occurred, or of an EFDC employee becoming aware of it.
- 14.2 Any non-compliance issue identified at an operational level will be formally reported to the Service Manager for Assets in the first instance, who will agree an appropriate course of corrective action with the Director of Housing. The Director of Housing will report details of the same to the Senior Leadership Team, EFDC's Monitoring Officer and the Portfolio Holder.
- 14.3 In cases of serious non-compliance, the Portfolio Holder and Senior Leadership Team will consider whether it is necessary to disclose the issue to the Regulator of Social Housing as required by the regulatory framework, or any other relevant organisation such as the Health and Safety Executive. In such instances, the issue will also be reported to Cabinet.

15.0 Glossary

15.1 This glossary defines key terms used throughout this policy:

- **BOHS:** British Occupational Hygiene Society.
- **Duty Holder:** the owner of the non-domestic premises or the person or organisation that has clear responsibility for the maintenance or repair of non-domestic premises, for example through an explicit agreement such as a tenancy agreement or contract.
- **Legionellosis:** a collective term for diseases caused by legionella bacteria including the most serious Legionnaires' disease, as well as the similar but less serious conditions of Pontiac fever and Lochgoilhead fever.
- **LRA:** Legionella Risk Assessment – an assessment which identifies the risks of exposure to legionella in the water systems present in a premises and the necessary control measures required.

Appendix 1 - Additional Legislation

This policy also operates within the context of the following legislation:

- The Defective Premises Act 1972
- Housing Act 2004
- Landlord and Tenant Act 1985
- Homes (Fitness for Human Habitation) Act 2018
- The Occupiers' Liability Act 1984
- Public Health (Infectious Diseases) Regulations 1988
- Water Supply (Water Quality) Regulations 2018
- The Workplace (Health Safety and Welfare) Regulations 1992
- Water Supply (Water Fittings) Regulations 1999
- Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR)
- Construction (Design and Management) Regulations 2015
- Data Protection Act 2018