



Lancaster City Council

Housing and Property: Council Housing

Water Hygiene Policy

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1. Introduction and Policy Objectives

- 1.1. Lancaster City Council (Lancaster) must meet the legal obligations which require us to deal with the risks associated with legionella bacteria within the properties and buildings 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 (SLT), Chief Officer – Housing and Property, 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 positive health and safety culture amongst staff and contractors. It will be saved on our shared drive and distributed to all relevant members of staff.

2. Scope

- 2.1. This 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.
- 2.2. The policy should be used by all to ensure they understand the obligations placed upon Lancaster to maintain a safe environment for residents and employees within the home of each resident, and within all communal areas of buildings and other properties we own and/or manage. Adherence to this policy is mandatory.

3. Legislation, Regulatory Standards & Codes of Practice

- 3.1. **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 Safety and Quality Standard is the primary one applicable to this policy.
- 3.2. **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 (Management Regulations).
 - The Control of Substances Hazardous to Health Regulations 2002 (as amended) (COSHH).
- 3.3. **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)).

3.4. **Guidance** – The principal guidance applicable to this policy is as follows:

- HSG274 - Legionnaires' disease: Technical guidance Part 1: The control of legionella bacteria in evaporating 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 guide for duty holders Leaflet (HSE Books 2012).

3.5. **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 Corporate Manslaughter and Corporate Homicide Act 2007; prosecution under any of the principal legislation listed in 3.2; and via a regulatory notice from the Regulator of Social Housing.

4. Additional Legislation

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

- The Workplace (Health Safety and Welfare) Regulations 1992
- Construction (Design and Management) Regulations 2015
- Housing Act 2004
- Landlord and Tenant Act 1985
- Homes (Fitness for Human Habitation) Act 2018
- Data Protection Act 2018
- Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR)
- Public Health (Infectious Diseases) Regulations 1998
- Water Supply (Water Quality) Regulations 2016
- Water Supply (Water Fittings) Regulations 1999

5. 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, residents), 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. Lancaster City Council 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. Statement of Intent

- 6.1. We acknowledge and accept our responsibilities and obligations under the legislation outlined in Section 5.
- 6.2. We will renew our legionella risk assessments in accordance with the renew date on the existing legionella risk assessment, 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 drain and flush the water system, including any shower loop, before undertaking any work. 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 all properties and any properties where we are carrying out adaptations or planned investment work.
- 6.6. 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.
- 6.7. 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.
- 6.8. We will operate effective contract management arrangements with the consultants and 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.
- 6.9. We will establish and maintain a risk register for water hygiene management and operations, setting out our key water hygiene risks and appropriate mitigations in the form of a legionella action tracker for all properties.

- 6.10. 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.

7. Inspection Programmes

- 7.1. **Communal blocks and other properties** – We will ensure all communal blocks and other properties (supported schemes/offices/shops/depots/corporate & commercial) that we own or manage 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 and request an exemption certificate as evidence.
- 7.2. 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).
 - New properties added to the asset register.
- 7.3. **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, age and type of water supply).
- 7.4. **Testing and monitoring** - We will undertake testing and monitoring (for example, monthly temperature checks) as set out within any written schemes of control.
- 7.5. **Properties managed by others** – We will obtain LRA data where our properties are managed or leased/tenanted by a third party. If the third party does not provide the LRA data, we reserve the right to carry out the required survey and re-charge them for the cost of this work.
- 7.6. Where a building has been closed for a period and prior to its re-use a water hygiene risk assessment must be undertaken. For advice and guidance contact Assets Management & Compliance.

8. Follow-up Work

- 8.1. 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). This will be reflected in the LRA tracker providing us with high, medium and low levels of risk.

9. Data and Record Keeping

- 9.1. We will maintain a core asset register of all properties we own or manage, setting out which properties require a 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).

- 9.2. We will operate a robust process to manage all changes to stock, including property acquisitions and disposals, to ensure that properties are added or removed as required from water hygiene programmes, and the programmes remain up to date.
- 9.3. We will hold LRA inspection dates, LRAs, and testing and monitoring records against all properties on each programme. These will be held be on Civica Property Management (Asset Management & compliance) LRA Tracker and associated file for CH properties.
- 9.4. We will keep water hygiene logbooks electronically (or securely on site where practical), for all properties on the LRA programme.
- 9.5. LRA tracker for all properties to manage existing actions picked up on latest LRA.
- 9.6. We will keep all records for at least five years and have robust processes and controls in place to maintain appropriate levels of security for all water hygiene related data.

10. Tenant Involvement and Engagement

- 10.1. We consider good communication essential in the effective delivery of water hygiene programmes, therefore we will establish a resident engagement strategy and communication programme. This will support residents in their understanding of water hygiene and legionella risk, advised them of how they can manage the risks within their properties, and to encourage them to report any concerns about water safety.
- 10.2. We also aim to successfully engage with vulnerable and hard to reach residents. We will share information clearly and transparently and will ensure that information is available to residents via regular publications and information on our website.
- 10.3. 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. We will also produce a leaflet for residents setting out how they can pro-actively support the management of legionella risks in their own home.

11. Key Roles and Responsibilities

- 11.1. The Cabinet have ultimate responsibility for ensuring compliance with the consumer standard and ensuring residents are safe in their homes.
- 11.2. The Cabinet will have governance responsibility for ensuring this policy is fully implemented in order to ensure full compliance with legislation and regulatory standards.
- 11.3. For assurance that this policy is operating effectively in practice, the Cabinet will receive regular updates on its implementation, water hygiene safety performance and any incidents of non-compliance.
- 11.4. The Senior Leadership Team (SLT) and Chief Officer – Housing and Property 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.

- 11.5. The Chief officer – Housing and Property 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.
- 11.6. The Repairs & Maintenance Manager has operational responsibility for the management of water hygiene safety and will be responsible for overseeing the delivery of these programmes.
- 11.7. The housing teams alongside the asset and compliance team will provide support where gaining access to properties is difficult and the legal team will assist and facilitate any legal access processes as necessary.
- 11.8. **Premise Manager** –
- To ensure that the property for which they are the manager is included in this legionella policy and is subject to a Legionella Risk Assessment.
 - To advise Asset Property & Compliance of any errors in the legionella policy and the Legionella Risk Assessment.
 - To undertake or arrange for an appropriate officer to undertake all daily and / or weekly checks as identified within the Scheme of Control; 6
 - To record all daily / weekly checks in the Legionella Logbook and/or TF.
 - To carry out their roles and duties effectively and where necessary draw the guidance and arrangements as detailed in the Legionella Risk Assessment to the attention of any contractor or other persons carrying out work on any water system under their control.
 - To ensure that the Scheme of Control is implemented, and the findings recorded.
 - To ensure that all staff involved in legionella management at the property have undertaken appropriate legionella awareness training (including refresher training).
 - To advise the Assets, Property & Compliance if:
 - a. A building or water outlet is to remain unused for more than one week.
 - b. There are any changes to the building’s occupants and/or the use of the building in which the water system is installed.
 - c. New information is received about risks or control measures.
 - To ensure that the actions identified in the Legionella Risk Assessment are addressed in a timely manner. Assets, Property & Compliance can assist with the maintenance-based actions, via the Help Desk facility, and can offer advice on resolving more complex actions.

12. Competent Persons

- 12.1. The Compliance Officer will hold a relevant qualification such as the BOHS P901 – Management and control of building hot and cold-water services or the HABC Level 2 Award in Legionella Awareness (or equivalent). If they do not have these already, they will obtain them within 12 months of the approval of this policy or within twelve months of appointment.
- 12.2. 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.
- 12.3. Only suitably competent consultants and contractors, registered with the Legionella Control Association (or equivalent), will undertake third party technical quality assurance checks.

12.4. All consultant and contractor checks will be undertaken during procurement and then on an annual basis and evidenced appropriately.

13. Training

13.1. We will deliver training on this policy and the procedures that support it, 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.

14. Performance Reporting

14.1. 14.1 We will report robust key performance indicator (KPI) measures for water hygiene safety. These will be provided to the Chief Officer – Housing and Property on a monthly basis and Cabinet and SLT on a quarterly basis. As a minimum, we will report:

Data – the total number of:

- Properties – split by category (domestic, communal blocks and other properties).
- Properties - Corporate & Commercial.
- 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.
- 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 hygiene/safety.

15. Quality Assurance

15.1. We will ensure there is a programme of third-party quality assurance audits to 5% of LRAs. Annual audits will be undertaken to all systems identified as a high risk.

15.2. We undertake internal desktop audits to 100% of all LRAs and certification.

15.3. 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.

16. Non-Compliance/Escalation Process

16.1. Our definition of non-compliance is any incident which has the potential to result in a potential 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 becoming aware of it.

- 16.2. Any non-compliance issue identified at an operational level will be formally reported to the Chief Officer – Housing and Property in the first instance, who will agree an appropriate course of corrective action with the Repairs & Maintenance Manager for Council Housing property and Assets & Compliance team regarding Corporate and Commercial and report details of the same to SLT / Cabinet.
- 16.3. In cases of serious non-compliance, SLT and Cabinet 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.

17. Glossary

17.1. 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.