

## Water Hygiene Policy

Version Control					
Version	Date drafted	Date approved	Approved by	Next review date	Owner
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### Introduction

Legionellosis is 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.

Legionnaires' disease is a potentially fatal form of Pneumonia and everyone is susceptible to infection. The risk increases with age, but some people are at higher risk, e.g., people over 45, smokers and heavy drinkers, people suffering from chronic respiratory or kidney disease, diabetes, lung and heart disease or anyone with an impaired immune system.

Legionnaires' disease is normally contracted by inhaling small droplets of water (aerosols), suspended in the air, containing the bacteria.

Therefore, it is important that WSHL control the risks by introducing measures which reduce and/or control the risk of legionella growth and proliferation of legionella bacteria and other organisms in the water systems and reduce, so far as is reasonably practicable, exposure to water droplets and aerosol in nondomestic and domestic stock as required. This will reduce the possibility of creating conditions in which the risk from exposure to legionella bacteria is increased.

WSHL are committed to ensuring the safety of all tenants, staff, contractors and other users of its buildings and the properties.

### Scope

WSHL must establish a policy which meets the requirements of the Health and Safety at Work Act 1974 and the Management of Health and Safety at Work Regulations 1999 (the Management Regulations).

In addition to this, the policy must provide assurance that measures are in place to demonstrate compliance with the Control of Substances Hazardous to Health Regulations 2002 (as amended) and to identify, manage and/or mitigate risks associated with hot and cold water systems and any other systems that may cause exposure to legionella bacteria.

WSHL must also ensure compliance with water hygiene legislation is formally reported at Executive and Board level, including the details of any non-compliance and planned corrective actions.

The policy is relevant to all WSHL employees, tenants, contractors and other persons or other stakeholders who may work on, occupy, visit, or use its premises, or who may be affected by its activities or services.

The Policy should be used by all to ensure they understand the obligations placed upon WSHL to maintain a safe environment for tenants and employees within the home of each tenant and within all non-residential premises or areas of buildings.

The policy is also relevant for maintaining a safe environment for all tenants and employees within all WSHL properties and offices.

### **Regulatory Standards, Legislation and Codes of Practice**

Regulatory Standards - the application of this policy will ensure compliance with the regulatory framework and consumer standards (Home Standard) for social housing in England, which was introduced by the Homes & Communities Agency (now Regulator of Social Housing) in April 2012.

#### Legislation

Health and Safety at Work Act 1974, the Management of Health and Safety at Work Regulations 1999 (the Management Regulations)

Control of Substances Hazardous to Health Regulations 2002 (as amended) (COSHH).

WSHL has a legal obligation under COSHH to prevent or control exposure to biological agents being harmful to human health, legionella falls within the scope of these regulations.

#### Code of Practice

The principal codes of practice applicable to this policy are:

1. ACoP L8 - 'Legionnaires' disease: The control of legionella bacteria in water systems' (4th edition)
2. HSG274 - Legionnaires' disease: Technical guidance Part 2: The control of legionella bacteria in hot and cold water systems (2014)
3. HSG274 - Legionnaires' disease: Technical guidance Part 3: The control of legionella bacteria in other risk systems (2013)
4. INDG458 - Legionnaires' disease: A guide for duty holders Leaflet (HSE Books 2012).

#### Tenants/SP/PL/CP

WSHL will use the legal remedies available to it should any tenant refuse access to carry out essential water hygiene safety checks, maintenance and safety related repair works. At the WSHL discretion, if a Care Provider, Superior Landlord or Care Provider has any obligation under the terms of their lease:

1. in relation to water hygiene; and/or
2. to allow access for WSHL in order to carry out essential water hygiene related inspections and/or remedial works.

We will take legal action as appropriate to enforce that obligation where the leaseholder/shared owner is in breach.

### **Additional Legislation**

1. This water hygiene policy also operates in the context of the following legislation:
2. The Workplace (Health Safety & Welfare) Regulations 1992
3. Construction, Design and Management Regulations 2015
4. Housing Act 2004
5. Landlord and Tenant Act 1985
6. RIDDOR 2013
7. Housing Health and Safety Rating System (England) Regulations 2005
8. Homes (Fitness for Human Habitation) Act 2018 5 Obligations
9. The Control of Substances Hazardous to Health Regulations 2002 (as amended) (COSHH)

Management of Health and Safety at Work Regulations 1999 and the Health and Safety at Work Act 1974 place a duty, as an employer or person in control of a premises (e.g., a landlord), to take suitable precautions to prevent or control the risk of exposure to legionella, so far as is reasonably practicable. To carry out a risk assessment for all hot and cold water systems, cooling plant and any other systems that can produce water droplets to establish any potential risks and implement measures to either eliminate or control identified risks.

WSHL as the 'Duty Holder' responsible for control of legionella and water hygiene safety will appoint a competent/responsible person to take managerial responsibility for legionella control - risk assessment, production of a written scheme and implementation of that scheme to prevent or control the risks.

This 'Duty Holder' should also appoint a competent person or persons to take day-to-day responsibility for controlling any identified risks from legionella bacteria.

## Statement of Intent

WSHL acknowledges and accepts its responsibilities with regards to water hygiene safety and preventing exposure to legionella.

WSHL will hold accurate records against each property it owns or manages that form part of the water hygiene risk assessment programme. Such records will set out the requirements for water hygiene risk assessments and safety checks and maintenance of all water systems that could present a risk of exposure to legionella.

WSHL as the 'Duty Holder' responsible for control of legionella and water hygiene safety will appoint a competent/responsible person to take managerial responsibility for legionella control - risk assessment, production of a written scheme and implementation of that scheme to prevent or control the risks.

This 'Duty Holder' should also appoint a competent person or persons to take day-to-day responsibility for controlling any identified risks from legionella bacteria.

WSHL will ensure that properties are risk assessed by a competent person for potential to cause exposure to legionella. This risk assessment should include:

1. Management responsibilities, including the name of the competent person carrying out the risk assessment.
2. A description of the system, any potential risk sources and any controls currently in place to control risks.
3. Monitoring, inspection and maintenance procedures

## Roles and Responsibilities

Overall responsibility – CEO – appointing the Duty Holder/ responsible person – Ensuring budget available to implement policy and procedure.

The Duty holder and Responsible Person: Head of Property (HoP&A) - Responsible for the implementation of this policy and the day to day controlling of the associated procedure to this policy, and the authorised deputy.

Responsible Person Deputy: The Compliance Manager - Responsible for the day to day controlling of the associated procedure to this policy in the event the responsible person is unavailable. Reviewing LRA's and record keeping.

Responsible Person on site: The Care Provider – Responsible for implementing the scheme of control and the day-to-day management of identified risks: water temperature checks (all hot and cold outlets) and record keeping. Flushing infrequently used outlets including void rooms / flats.

Responsible Person: Housing Officers will ensure Care Provider is completing their required actions and document on their monthly reports that they have seen evidence of the above checks and documentation.

These persons will be suitably trained and aware of their duties under current legislation and this policy document.

### **Records of the monitoring results, inspection and checks carried out and a review date.**

Each property will have a Legionella Risk Assessment (LRA) undertaken. Where there is no stored cold water, the risks are considered to be low and where they are being properly managed to comply with the law, no further risk assessments are required. A new LRA will be carried out if there are significant changes to the water system or if it is upgraded. If there is stored cold water WSHL will periodically review these risk assessments (minimum every 2 years).

WSHL will ensure that a 'written scheme of control' is developed and fully implemented for all properties risk assessed as requiring controls to adequately manage the risk of legionella exposure. The schemes will be assessed by WSHL competent person as high, medium or low risk. The 'written scheme' will control any risks from legionella by identifying:

1. The system, e.g., developing a written schematic
2. Who is responsible for carrying out the assessment and managing its implementation
3. The safe and correct operation of your system
4. What control methods and other precautions are required and take all reasonable steps to ensure what checks will be carried out to ensure risks are being managed and how often.

WSHL will ensure that a risk assessed approach for water hygiene safety is adopted as part of the void standard, when carrying out works on void properties prior to re-let. These checks will be applicable on all void properties prior to commencing works which may affect the hot and cold water systems and that any identified risk control measures are fully implemented where identified.

WSHL will maintain and store adequate records in respect of all risk assessments, written schemes of control, remedial works, water quality tests and audits and shall keep these records for the time they remain current and for at least 5 years thereafter. These will be stored on the organisation's electronic management system.

WSHL will ensure that only suitably competent consultants, surveyors, risk assessors and engineers undertake works for the organisation in respect of water hygiene safety.

WSHL will, where applicable, ensure that robust processes and controls are in place to ensure that all remedial works identified through risk assessments and subsequent control activities are completed within a reasonable timescale commensurate with the risk identified.

WSHL will ensure robust processes and controls are in place to ensure that any suspected outbreak of Legionellosis is properly reported as required under RIDDOR.

WSHL will have a robust process in place to gain access to properties where tenant vulnerability issues are known or identified whilst ensuring the organisation can gain timely access to any property in order to be compliant with this policy and safeguard the wellbeing of the tenant.

WSHL will establish and maintain a plan of all continuous improvement activity undertaken with regards to water hygiene safety.

## **Compliance Risk Assessment/Inspection Testing Programmes**

### **Legionella Risk Assessments**

WSHL will arrange for each property to have a legionella risk assessment to identify the level of risk. properties containing stored cold will be reviewed at least every 2 years or any significant changes to the system. Properties without cold water storage will not receive additional risk assessments unless there are significant changes.

WSHL will carry out a programme of maintenance visits by competent persons to all properties that have a written scheme of control in place. These programmes will ensure that all maintenance and testing set out in the written scheme of control is fully completed at the times and intervals stated.

### **Compliance Follow up Work**

WSHL will ensure there is a robust process in place for the management of any follow-up works required following the completion of a water hygiene/ legionella risk assessment or, where identified by the competent person, when undertaking required maintenance activities.

WSHL will ensure that there is a robust process in place to collate and record details of all remedial works and water testing completed against individual installations.

WSHL will ensure there is a robust process in place to investigate and manage all RIDDOR notices issued with regard to water hygiene and legionella safety.

## Record Keeping

WSHL will establish and maintain a core asset register of all properties that have a written scheme of control for water hygiene in place. This register will also hold data against each property asset of the water hygiene risk assessment carried out.

WSHL and the onsite Care Provider will establish and maintain accurate records of all written schemes of control and any associated remedial works and water testing and keep these for a period of not less than 5 years. Records should include the person or people responsible for conducting the risk assessment, managing, and implementing the written scheme; any significant findings of the risk assessment; the written control scheme and its implementation; and the results of any inspection, test or check carried out, together with the dates. This should include details about the state of operation of the system, i.e., in use/not in use.

Onsite Care Provider will maintain Logbooks for all relevant activities as required to record the details of the results from the ongoing monitoring and inspection.

WSHL will hold and maintain accurate records via the main contractor on the qualifications of all consultants, surveyors, risk assessors and engineers undertaking water hygiene works for the organisation.

WSHL will ensure robust processes and controls are in place to provide and maintain appropriate levels of security for all water hygiene safety related data. Key Roles and Responsibilities

WSHL Board will have overall governance responsibility for ensuring the water hygiene policy is fully implemented to ensure full compliance with the regulatory standards, legislation and codes of practice. As such the Board will formally approve this policy and review it every two years (or sooner if there is a change in regulation, legislation or codes of practice).

The executive and board will receive reports in respect of water hygiene management performance and ensure compliance is being achieved. They will also be notified of any non-compliance issue identified.

The HoP&A has strategic responsibility for the management of water hygiene and ensuring compliance is achieved and maintained. The HoP&A will oversee the implementation of the water hygiene policy, with operational support from the deputy.

The HoP&A will be responsible for overseeing the delivery, implementation of this policy.

The Director of Housing will provide key support in gaining access into properties where access is proving difficult and use standard methods to do so. They will also facilitate the legal process to gain access as necessary.

## **Competent Persons**

WSHL will ensure that the manager with lead responsibility for operational delivery is appropriately competent; holding a recognised qualification in legionella control through the completion of a certified training course designed to meet the training needs of a 'duty holder' or 'responsible' person for legionella control. Training includes courses by BOHS (British Occupational Hygiene Society), City and Guilds, CIBSE or HABC around the requirements of ACoP L8 - 'Legionnaires' disease: The control of legionella bacteria in water systems.

WSHL will ensure that only suitably competent consultants and contractors, registered members of the Legionella Control Association (LCA) or equivalent, are procured and appointed to undertake risk assessments, prepare written schemes of control and undertake works in respect of water hygiene and legionella control. The operational team with responsibility for delivery will check the relevant qualifications of employees working for these contractors to ensure that all persons are appropriately qualified for the work that they are carrying out. These checks will be undertaken every 2 years and evidenced appropriately where there is stored cold water services.

## **Performance Reporting**

Robust key performance indicator (KPI) measures will be established and maintained to ensure WSHL is able to report on performance in relation to water hygiene / legionella safety.

KPI measures will be produced and provided at executive level and Board level on a monthly basis. As a minimum, these KPI measures will include reporting on:

1. Compliance with written schemes of control for water hygiene and legionella safety.
2. The number (and percentage) of properties with a valid 'in date' water hygiene risk assessment (no older than 2 years) in place for all buildings owned or managed by WSHL which require one.
3. The number (and percentage) of properties without a valid 'in date' water hygiene risk assessment for buildings owned or managed by WSHL which require one.
4. The number of RIDDOR notices issued with regards to water hygiene safety.

## **Non-Compliance**

Any non-compliance issue identified at an operational level will be formally reported to the HoP&A the first instance.

The HoP&A will agree an appropriate course of corrective action with the operational team in order to address the non-compliance issue and report details of the same to the members of the executive.

The HoP&A will ensure the Board are made aware of any non-compliance issue so they can consider the implications and take action as appropriate.





In cases of a serious non-compliance issue the EMT and Board will consider whether it is necessary to disclose the issue to the Regulator of Social Housing (RSH) in the spirit of co-regulation as part of the Regulatory Framework.