Stevenage Borough Council

Water Safety Policy

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01. Table of Definitions / Glossary

SBC	Stevenage Borough Council
ACoP L8	Approved Code of Practice – Legionnaire's Disease
WRA	Water Risk Assessment
BOHS	British Occupational Hygiene Society
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.
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 explicit agreement such as a tenancy agreement or contract.

02. Introduction and Objectives

2.1 As a landlord, Stevenage Borough Council (SBC) 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.

2.2 As far as is reasonably practicable, SBC will 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.

2.3 The key objective of this policy is to ensure that our Board, Executive Management Team, employees, partners, and residents 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.

2.4 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.

03. Scope

3.1 This policy is relevant to all SBC employees, residents (including leaseholders and any sublet tenants), contractors, stakeholders, and other persons who may work on, occupy, visit, or use our premises, or may be affected by our activities or services.

3.2 The policy should be used by all to ensure they understand the obligations placed upon SBC 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 SBC own and/or manage. Adherence to this policy is mandatory.

04 Roles and Responsibilities

4.1 The Senior Leadership Team (SLT) has overall governance responsibility for ensuring this policy is fully implemented to ensure full compliance with legislation and regulatory standards. As such, SLT will formally approve this policy and review it every two years (or sooner if there is a change in legislation or regulation).

4.2 For assurance that this policy is operating effectively in practice, SLT will receive regular updates on its implementation, water hygiene safety performance and non-compliance.

4.3 The Senior Leadership Team 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, along with details of any open and / or overdue WRA Remedial Actions.

4.4 The Head of Building Safety has responsibility for the strategic management of water safety and ensuring compliance is achieved and maintained. They will oversee the implementation of this policy.

4.5 The Heating Safety Manager has responsibility for the operational delivery and management of water safety and ensuring that compliance is achieved and maintained. They oversee the policy and are responsible for performance reporting.

4.6 Housing teams will provide support where gaining access to properties is difficult.

05. Legislation & Guidance

SBC have given regard to the following legislation and guidance in preparing this policy.

- 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)
- Approved Code of Practice (L8) – Legionnaires' Disease Fourth Edition 2013 – The control of legionella bacteria in water systems
- INDG458 - Legionnaires' disease: A brief guide for duty holders (2012)
- BS 8580-1:2019 Water quality, risk assessments for Legionella control – Code of practice.
- Landlord and Tenant Act 1985
- The Defective Premises Act 1972
- Homes (Fitness for Human Habitation) Act 2018
- The Occupiers' Liability Act 1984
- Public Health (Infectious Diseases) Regulations 1988
- The Workplace (Health Safety and Welfare) Regulations 1992
- Water Supply (Water Fittings) Regulations 1999
- Housing Act 2004
- Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR)
- Construction (Design and Management) Regulations 2015
- Water Supply (Water Quality) Regulations 2018

5.1 Regulatory Standards

SBC 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) Act 2023will change the way social housing is regulated and may result in future changes to this policy.

5.2 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.

06. Supporting Documents & Policies

- Stevenage Borough Council Water Safety Management Plan
- Stevenage Borough Council Tenancy Agreement.

07. Obligations

7.1 The Management Regulations (detailed earlier) and the Health and Safety at Work Act 1974 place a duty on SBC, 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.

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

7.3 SBC 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.

7.4 As the Duty Holder, SBC 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 "Control Measures" to either eliminate, reduce or control identified risks.

Appoint a Responsible Person / Officer 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).
- Implement a written scheme of control.
- Keep associated records for five years.

08. Statement of Intent

8.1 SBC acknowledges and accepts our responsibilities and obligations under the legislation outlined in Section 5.

8.2 Written schemes of control will be in place for all properties risk assessed as requiring controls to manage the risk of legionella exposure.

8.3 When properties become void, SBC will implement a flushing routine, including any shower loop. If no routine can be managed, the system will be drained.

8.4 SBC 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 / maintenance work.

8.5 When SBC acquire properties (existing or new build) the same process will be followed as for void properties, and we will ensure that there is no pipework 'dead legs' present before the property is occupied by a new tenant.

8.6 SBC will use the legal remedies available within the terms of the tenancy and lease agreement should any resident, leaseholder, or shared owner refuse access to carry out essential water hygiene related inspections, assessments or remediation works. Where resident vulnerability issues are known or identified we will ensure we safeguard the wellbeing of the resident.

8.7 SBC will operate effective contract management arrangements with the contract manager responsible for delivering the service, including; ensuring contracts/service level agreements are in place, conducting client-led performance meetings, and ensuring that contractors' employers, public liability and professional indemnity and related professional memberships, accreditations and qualifications are up to date on an annual basis and that SBC hold copies of all of this information.

8.8 SBC will establish and maintain a risk assessment for water hygiene management and operations, for all properties where they fall within scope, setting out our key water hygiene risks, appropriate mitigations and control measures.

8.9 SBC 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.

09. Programmes of Work

Water Risk Assessment Programme

9.1 SBC will ensure all communal blocks and other properties (Independent Living Schemes / Intensive Housing Schemes / Offices / Shops etc) that we own or manage are subject to an initial visit to establish whether a Water Risk Assessment (WRA) is required. If no WRA is required, an exception certificate will be issued and the communal areas checked again in 5 years.

9.2 Thereafter, all Properties with a communal area will remain on the WRA programme.

9.3 For all properties on the WRA Programme, SBC will carry out a periodic Water Risk Assessment, the frequency will be determined by the risk rating of the property and in line with frequencies below:

Description	Frequency
Independent Living Schemes	Annually
High Risk Blocks and those with additional facilities such as Caretakers offices, stores etc	Annually
Low Rise/ Low Risk Communal Blocks without Communal Water (Communal Area's Only)	Every 5 Years
Low Rise / Low Risk Communal Blocks with Communal Water Tanks	Every 2 Years
Legionnaires testing High Rish Sheltered Housing	Annually

Testing and Monitoring Programme

9.4 SBC will undertake testing and monitoring, which will include, monthly temperature checks, flushing of infrequently used taps and showers, shower head descaling, as set out in the individual properties written scheme of control.

Water Risk Assessment Review Programme

9.5 SBC will develop a programme of reviews for all Water Risk Assessments, that will take place in the years between a physical Water Risk Assessment being carried out.

9.6 Each Water Risk Assessment will be reviewed annually and or:

- A change is made to the water system and or its use.
- Changes are made to the use of the building in which the water system is installed.
- The availability of new information about risk or control measures.
- The results of checks indicating that control measures are no longer effective.
- Changes to key personnel, involved with the delivery or management of Water

Safety.

- A case of Legionellosis or other associated outbreak within the system or building.

9.7 To aid in the delivery and timely review of each Water Risk Assessment and to ensure no review is overdue, the programme will be broken down into monthly volumes, based on 1/12 of the volume for the year.

10. Remedial Actions

10.1 SBC will ensure there is a robust process in place for the management of any follow-up works required following the completion of a WRA or ongoing monitoring. This will also include any issues identified during a void period.

SBC will use the date the WRA is received from our Assessors, to ensure that it has been through a quality assurance and validation process, as our timeframe to start completing WRA Remedial Actions.

Water Risk Assessment Remedial Actions identified will be carried out as soon as reasonably practicable, in line with the Maximum timescales indicated below:

Risk Rating	Maximum Timescale for Completion
Critical	Within 24 Hours
High	Within 1 Month
Medium	Within 6 Months
Low	Within 12 Months

11. Quality Assurance

11.1 SBC will appoint a suitably qualified and competent consultant, registered with the Legionella Control Association (or equivalent) to undertake third party technical quality assurance audits on a percentage of, the works, reports, assessments of the companies, who carry out Water Risk Assessments.

11.2 SBC will appoint a suitable qualified and competent consultant, registered with the Legionella Control Association (or equivalent) to undertake third party technical quality assurance audits on a percentage of remedial works carried out by appointed contractors.

11.3 SBC will commission 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. An action plan will be developed for any issues identified during the audit, with appropriate timescales agreed for corrective actions to be carried out.

12. Data and Records

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

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

12.3 SBC will hold WRA inspection dates, WRAs, and testing and monitoring records against all properties on each programme. We will hold the dates of the safety the Council's asset management systems, the resulting records will be stored on the central server.

12.4 SBC will keep water hygiene logbooks electronically, for all properties on the WRA programme.

12.5 SBC will keep all records 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.

13. Resident Engagement

13.1 SBC 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 safety and legionella risk, advise them of how they can manage the risks within their properties, and to encourage them to report any concerns about water safety.

13.2 SBC 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.

13.3 SBC will provide residents with appropriate information regarding water safety, legionella risks and any precautions relevant to their property.

14. Competent Persons

14.1 SBC will appoint a suitably competent Responsible Person with delegated responsibility for the management of water safety. The Responsible Person shall possess appropriate knowledge, training and experience to discharge the duties defined within ACOP L8Therefore, they should hold a nationally recognised qualification appropriate to the role.. If they do not have these already, they will obtain them within 12 months of the approval of this policy.

Responsible Person / Officer – Heating Safety Manager

14.2 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.

14.3 Only suitably competent consultants and contractors, registered with the Legionella Control Association (or equivalent), will undertake third party technical quality assurance checks.

14.4 SBC 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.

15. Training

15.1 SBC will deliver training on this policy and the procedures that support it, through appropriate methods including but not limited to team briefings; basic water hygiene awareness training; and on the job training for those delivering the programme of WRAs and water hygiene testing and monitoring, as part of their daily job. All training undertaken by staff will be formally recorded.

15.2 SBC will ensure that all staff that are actively engaged in the delivery of this Water Safety Policy, inspections, assessments and remedial actions are suitably trained and have the relevant professional qualifications. All training undertaken by staff will be formally recorded and appropriate refresher training provided as required.

16. Performance Reporting

16.1 We will report robust key performance indicator (KPI) measures for water hygiene safety. Performance will be reported in accordance with the Regulator of Social Housing's current regulatory and consumer standards. Performance must be reported to the Regulator on an annual basis; however, we will report internally on a monthly basis to SLT. The relevant TSM for Water Hygiene is defined as follows:

BS04 - **Water Safety Checks:**

Proportion of homes for which all required legionella risk assessments have been carried out.

16.2 This measure ensures that all individual dwellings that may be at risk as a result of any non-compliance are identified.

16.3 SBC will also report the following:

Data – The total number of:

- Properties – Split by category (Domestic, Communal, Commercial and others)
- Properties – On the WRA Programme
- Properties – With a valid and in date WRA
- Properties – Without a valid and in date WRA
- Properties – Due an WRA within the next 30 days
- Properties – With a valid, in date review of the WRA
- WRA Remedials – Open Actions by Risk Rating
- WRA Remedials – Overdue Action by Risk Rating

17. Significant Non-Compliance and Escalation

17.1 The Council definition of significant 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 of an SBC employee becoming aware of it.

17.2 Any non-compliance issue identified at an operational level will be formally reported to the Head of Building Safety in the first instance, who will agree an appropriate course of corrective action with the Assistant Director for Building Safety & Housing Property Services and report details of the same to the SLT.

17.3 In cases of serious non-compliance, SLT will consider whether it is necessary to disclose the issue to the Regulator of Social Housing as required by their regulatory framework, or any other relevant organisation such as the Health and Safety Executive.

18. Policy Review Frequency

18.1 This policy will be reviewed every two years, or earlier if there is a planned change in legislation or regulation.