

Housing Revenue Account Water Hygiene Policy



City of
Stoke-on-Trent

Name	Water Hygiene Policy
Owner	Stoke-on-Trent City Council (The Council)
Last Review	September 2023
Next Review	September 2025

Strategic Lead Assistant Director Housing & Community Safety

Sign

Date

18 October 2023

**Operational
Lead**

Director of Unitas

Sign

Date

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1.0 Introduction and Objectives

- 1.1 This policy is written and covers all assets that fall within Stoke-on-Trent City Council's (The Council) Housing Revenue Accounting (HRA). Public Buildings are covered by their own separate policy.
- 1.2 As a landlord, The Council must meet the legal obligations which require them to deal with the risks associated with legionella bacteria within the properties they 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.
- 1.3 As far as is reasonably practicable, The Council 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.
- 1.4 These obligations are delivered through Unitas Stoke-on-Trent (Unitas), on behalf of The Council and will undertake any servicing, maintenance, and repairs as appropriate.
- 1.5 The key objective of this policy is to ensure that The Council, Unitas Board, the Council's Senior Management Team (SMT), Unitas' Senior Leadership Team (SLT), employees, partners, and residents are clear on their legal and regulatory water hygiene obligations. This policy provides the framework that staff and partners who will operate within to meet these obligations.
- 1.6 This policy forms part of the wider organisational commitment of driving a health and safety culture amongst staff and contractors (as detailed within our Health and Safety Policy). It will be saved on the shared drive and distributed to all relevant members of staff.

2.0 Scope

- 2.1 This policy is relevant to all employees, residents, contractors, stakeholders, and other persons who may work on, occupy, visit, or use premises owned or managed by The Council, or who may be affected by The Council's activities or services.
- 2.2 The policy should be used by all to ensure they understand the obligations placed upon The Council and Unitas 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 they own or manage. Adherence to this policy is mandatory.

3.0 Roles and Responsibilities

- 3.1 The Council has overall governance responsibility for ensuring this policy is fully implemented to ensure full compliance with legislation and regulatory standards. As such, The Council 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 Council will receive regular updates on its implementation, water hygiene safety performance and non-compliance.
- 3.3 The Unitas Board and 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 Council has overall responsibility for the management of water hygiene safety for all HRA buildings, and Unitas has management and operational delivery responsibility for water hygiene safety.
- 3.5 The Assistant Director of Housing and Community Safety (The Council) 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.
- 3.6 The Gas Manager (Unitas) has operational responsibility for the management of water hygiene safety and will be responsible for overseeing the delivery of these programmes.
- 3.7 The Compliance Manager (Unitas) is the Responsible Person. The Compliance manager has contract management responsibility and will be responsible for overseeing the delivery of the water hygiene programmes.
- 3.8 The Gas Manager (Unitas) is the Deputy Responsible Person who will provide cover to the Compliance Manager (Unitas) (Responsible Person) in their absence.
- 3.9 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 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 duty holders (2012).
- BS 8580-1:2019 Water quality, risk assessments for Legionella control – Code of practice.

4.4 **Regulatory Standards** – The Council must ensure it complies with the Regulator of Social Housing's regulatory framework and consumer standards for social housing in England; the Safety & Quality Standard is the primary one applicable to this policy. The Social Housing (Regulation) Act will change the way social housing is regulated and may result in future changes to this policy.

4.5 **Sanctions** – Failure to discharge 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 an employer, and the Council as a landlord, to ensure employees and others affected by undertakings (for example, residents), are not exposed to health and safety risks, including the risk from legionella.

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

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

5.4 As the Duty Holder, The Council must:

- Carry out a risk assessment for all hot and cold-water systems, 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 The Council acknowledges and accepts its responsibilities and obligations under the legislation outlined in Section 5.
- 6.2 The Council 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, The Council 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 The Council 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 The Council acquire properties (existing or new build) we will follow the same process as for void properties, and we will ensure that there is no pipework ‘dead legs’ present when we take possession of the property.
- 6.7 The Council 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 The Council 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 inspection and remediation works. Where resident vulnerability issues are known or identified The Council will safeguard the wellbeing of the resident.
- 6.9 The Council 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 The Council 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 annually thereafter), component replacement works and refurbishment projects.
- 6.12 The Council 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** – The Council will ensure all communal blocks and other properties (supported schemes/offices/shops) owned or managed 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, this will be recorded on the core asset register.
- 7.2 For all properties on the LRA programme, The Council will undertake LRAs and 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** – The Council will undertake a non-cyclical programme of 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).

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

7.6 The Council 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 The Council will maintain a core asset register of all properties it owns or manages, setting out which properties require an LRA. The Council 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 The Council 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.

8.3 The Council will hold LRA inspection dates, LRAs, and testing and monitoring records against all properties on each programme. These will be held in the Current management system.

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

8.5 The Council 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.

9.0 Resident Engagement

9.1 The Council consider good communication essential in the effective delivery of water hygiene programmes, and therefore will establish a resident engagement strategy and communication programme to support residents in their understanding of water hygiene and legionella risk. The Council will advise them of how they can manage the risks within their properties, and to encourage them to report any concerns about water safety. The Council also aim to successfully engage with vulnerable and hard to reach residents.

- 9.2 The Council will share information clearly and transparently and will ensure that information is available to residents via regular publications and information on its website.
- 9.3 The Council 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 The Council must appoint a Responsible Person (Compliance Manager (Unitas)) and a Deputy Responsible Person (Gas Manager (Unitas)), they should both be trained, instructed, and informed to the same level and should assist in the frequent monitoring of written control schemes.
- 10.2 Therefore, they should 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.
- 10.3 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.
- 10.4 Only suitably competent consultants and contractors, registered with the Legionella Control Association (or equivalent), will undertake third party technical quality assurance checks.
- 10.5 The Council will check that our contractors hold the relevant qualifications and accreditations when procured, and thereafter on an annual basis; we will evidence these checks and each contractor's certification appropriately.

11.0 Training

- 11.1 The Council 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 The Council will report robust key performance indicator (KPI) measures for water hygiene safety that follow the requirements set out in the Tenant Satisfaction Measures (TSMs) which came in to force 01 April 2023. Performance must be reported to the Regulator on an annual basis; however, The Council will report internally to The Council, Unitas Board and SLT on a regular basis.
- 12.2 The Council will engage with customers and develop our approach / systems to report to them on a regular basis. 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.

- 12.3 This measure ensures that all individual dwellings that may be at risk because of any non-compliance are identified.
- 12.4 The Council will also report the following:

Data – the total number of:

- Properties – split by category (domestic, communal, commercial 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
- 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.

- 12.5 The full detail of our performance measures for Water Hygiene Safety will be outlined in a KPI Definition Document which includes the relevant data sources used for each calculation, the calculation methodology, any exclusions, and the accountable roles for producing and managing the KPIs.

13.0 Quality Assurance

- 13.1 The Council will ensure there is a programme of third-party quality assurance audits to five per cent of LRAs. Annual audits will be undertaken to all systems identified as a high risk.
- 13.2 The Council will undertake internal desktop audits to 100 per cent of all certifications.
- 13.3 The Council 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 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 was identified, or of a Council or Unitas employee or agent becoming aware of it.
- 14.2 Any non-compliance issue identified at an operational level will be formally reported to the Compliance Manager (Unitas) in the first instance, who will agree an appropriate course of corrective action with the Head of Asset Management and Investment (Unitas) and report details of the same to the SLT.
- 14.3 In cases of serious non-compliance, The Council, 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.

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
- Landlord and Tenant Act 1985
- 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
- Data Protection Act 2018