

Water Hygiene Policy

Housing Assets

April 2022

Document Title	Water Hygiene Policy for Housing Assets
Owner	Joint Chief Executives
Consultation EMT Date	23 June 2022
Consultation Members Date (if applicable)	N/A
Consultation Residents Date (if applicable)	N/A
Equality Impact Assessment	N/A
Confidentiality	Low
Revision No.	v2.0
Previous Review Date	April 2022
Review Date	April 2025
Release Date	April 2025
Next Review Date	April 2028
Document Type	Agreed Policy
Approval	Extended Management Team
Approval Date	April 2025

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1 Introduction

- 1.1 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.
- 1.2 Legionnaires' disease is normally contracted by inhaling small droplets of water (aerosols), suspended in the air, containing the bacteria.
- 1.3 Therefore, it is important that Canterbury City Council (hereafter referred to as CCC) 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 non-domestic and domestic stock as required. This will reduce the possibility of creating conditions in which the risk from exposure to legionella bacteria is increased.

2 Scope

- 2.1 CCC must establish a policy which meets the requirements of the Health and Safety at Work Act etc 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. The L8 approved code of practice, 'Legionnaires' disease. The control of legionella bacteria in water systems', is available to duty holders to provide practical guidance on how to comply with their legal duties in relation to legionella.
- 2.2 CCC must also ensure compliance with water hygiene legislation is formally reported to the two Joint Chief Executives and Extended Management Team, including the details of any non-compliance and planned corrective actions.
- 2.3 The policy is relevant to all CCC 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.
- 2.4 It should be used by all to ensure they understand the obligations placed upon CCC to maintain a safe environment for tenants and employees within the homes of each tenant, and within all communal areas of buildings and 'other' properties owned and managed (offices, commercial shops, depots, etc.).

- 2.5 All properties within scope of this policy are set out within the water hygiene contract in place and active. Any properties out of scope will not be subject to any water sampling and temperature checks, unless under exceptional circumstances. This is also noted within the most up to date version of the Tenancy Agreement which is signed by all residents for in scope properties prior to them moving in.
- 2.6 The objective of the policy is to set our strategic direction for how CCC will manage water safety. The detail on how this will be done is set out in the Procedure for Water Safety, which is a separate document.

3 Legislation, Approved Codes of Practice and Industry Guidance

- 3.1 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 Regulator of Social Housing (RSH).
- 3.2 Legislation - the principal legislation applicable to this policy is the Health and Safety at Work etc Act 1974, the Management of Health and Safety at Work Regulations 1999 (the Management Regulations) and the Control of Substances Hazardous to Health Regulations 2002 (as amended) (COSHH). Canterbury 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.
- 3.3 Code of Practice – the principal approved codes of practice applicable to this policy are:
- ACoP L8 - 'Legionnaires' disease: The control of legionella bacteria in water systems' (4th edition 2013).
 - 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 dutyholders Leaflet (HSE Books 2012).
- 3.4 Sanctions – CCC acknowledges and accepts its responsibilities in accordance with the regulatory standards, legislation and codes of practice and that failure to discharge these responsibilities properly could lead to a range of sanctions including prosecution by the Health and Safety Executive under the Health and Safety at Work etc Act

1974, prosecution under the Control of Substances Hazardous to Health Regulations (COSHH), prosecution under the Corporate Manslaughter and Corporate Homicide Act 2007, and via a serious detriment judgement from the Regulator of Social Housing.

- 3.5 Tenants and Housing Revenue Account (HRA) Commercial Leaseholders – CCC will use the legal remedies available within the terms of the tenancy agreement, lease or licence should any tenant refuse access to carry out essential safety checks, maintenance and safety related repair works.

It is noted that water sampling will only take place in communal areas where landlord responsibilities are unless under exceptional circumstances.

4 Obligations

- 4.1 The Control of Substances Hazardous to Health Regulations 2002 (as amended) (COSHH), the Management of Health and Safety at Work Regulations 1999 and the Health and Safety at Work etc 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.
- 4.2 CCC, as the 'Duty Holder' as defined by ACOP L8, is responsible for Health and Safety and must take the right precautions to reduce the risks of exposure to legionella, including understanding how the organisation will:
- Identify and assess sources of risk
 - Manage any risks
 - Prevent or control any risks
 - Keep and maintain the correct records for 5 years
- 4.3 CCC will ensure there is a risk assessment undertaken for all hot and cold water systems, cooling plants and any other systems that can produce water droplets to establish any potential risks and implement measures to either eliminate or control identified risks.
- 4.4 CCC as the 'Duty Holder' responsible for control of legionella and water hygiene safety has appointed 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. A competent person is someone with sufficient authority, competence, necessary skills, knowledge of the system and experience. CCC will ensure that properties are risk assessed by a competent person for potential to cause exposure to legionella.
- 4.5 In addition, the 'Duty Holder' will appoint an authorised deputy

responsible person who will provide cover to the responsible person in their absence. The deputy responsible person will be trained, instructed, and informed to the same level as the responsible person, and they should assist in the frequent monitoring of the control scheme(s).

5 Statement of Intent

- 5.1 CCC acknowledges and accepts its responsibilities with regard to water hygiene safety and preventing exposure to legionella.
- 5.2 CCC holds accurate records against each property it owns or manages, setting out the requirements for water hygiene risk assessments and safety checks.
- 5.3 CCC will periodically review risk assessments (every 2 years) in case anything changes in the system. Where a system is identified as more likely to undergo change and is therefore a higher risk, the risk assessment will be reviewed on a more frequent basis, dependent on the determined level of risk. CCC 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 CCC's competent person as high, medium or low risk.
- 5.4 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 will ensure that any identified risk control measures are fully implemented where identified.
- 5.5 CCC will ensure that only suitably competent consultants, surveyors, risk assessors and engineers undertake works for the organisation in respect of water hygiene safety.
- 5.6 CCC has 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.
- 5.7 CCC will maintain a plan of all continuous improvement activity undertaken with regards to water hygiene safety.

6 Key Roles and Responsibilities

- 6.1 Overall responsibility for health and safety and the policy within Canterbury City Council lies with the Joint Chief Executives with support from the Service Director, People and Service Director, Place. These four officers are up the Corporate Leadership Team.

- 6.2 Responsibility for ensuring this policy is being carried out lies with the Extended Management Team for all areas under their direct control. The Extended Management Team will ensure an appropriate system of communication is in place whereby all significant accidents, incidents, audits, reviews or other documents relating to the management of the organisation are brought to the attention of the Director of Corporate Services at the earliest opportunity.
- 6.3 CCC's Head of Facilities Management as part of the Extended Management Team will have overall governance responsibility for ensuring the Water Hygiene Policy is fully implemented to ensure full compliance with the regulatory standards, legislation and approved codes of practice.
- 6.4 CCC's Head of Facilities Management as part of the Extended Management Team will receive regular updates on the implementation of the Water Hygiene Policy and performance along with notification of any non-compliance issue which is identified. This is so they have assurance that the policy is operating effectively in practice.
- 6.5 CCC's Head of Facilities Management will ensure that this policy is saved on the organisations' shared drive/site for corporate health and safety and distributed to all relevant members of staff.
- 6.6 CCC's Lead Compliance and Building Safety Manager has strategic responsibility for the management of water hygiene and for ensuring compliance is achieved and maintained. They will also oversee the implementation of the Water Hygiene Policy and review it every three years (or sooner if there is a change in regulation, legislation or codes of practice). They will notify the Head of Facilities Management and relevant operational officers/team(s) responsible for the delivery of the compliance programme, of the upcoming review. They will ensure that this review process takes place before the policy expiry date.
- 6.7 A combined group will be responsible for overseeing the operational delivery of the agreed water hygiene monthly programme, and the prioritisation and implementation of any works arising from the water hygiene assessments/inspections. This group will include Contract Managers, Compliance Officers, Technical Locality Officers, Locality Team Leaders, Case Officers and Case Team Leaders.
- 6.8 Various teams under the Joint Chief Executives will provide key support in gaining access into properties where access is proving difficult, and use standard methods to do so. They will also support in facilitating the legal process to gain access as necessary.

7 Additional Legislation, Approved Codes of Practice and Industry Guidance

- 7.1 This Water Hygiene Policy also operates in the context of the

following legislation:

- 7.2 The Workplace (Health Safety and Welfare) Regulations 1992
- 7.3 Construction (Design and Management) Regulations 2015
- 7.4 Housing Act 2004
- 7.5 Landlord and Tenant Act 1985
- 7.6 Homes (Fitness for Human Habitation) Act 2018
- 7.7 Housing Health and Safety Rating System (HHSRS) 2006
- 7.8 Data Protection Act 2018
- 7.9 Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) 2013
- 7.10 Public Health (Infectious Diseases) Regulations 1998
- 7.11 Water Supply (Water Quality) Regulations 2016
- 7.12 Water Supply (Water Fittings) Regulations 1999

8 Approval

- 8.1 Signature
- 8.2 Name Marie Royle
- 8.3 Position Service Director
- 8.4 Date Signed 23 April 2025

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