

Water Hygiene Policy



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1 Introduction

- 1.1 West Lancashire Borough Council (WLBC) owns and manages approximately 6,000 council homes and other public and commercial buildings.
- 1.2 Council and Cabinet develop and set Corporate strategy. Directors/Heads of Service are responsible for implementing the strategy including observing relevant compliance requirements impacting their services. The most senior management team of the Council provides a forum for consideration of both development and delivery of strategy.
- 1.3 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 normally contracted by inhaling small droplets of water suspended in the air containing the bacteria.
- 1.4 Therefore, it is important that WLBC 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 WLBC 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.
- 2.2 WLBC must also ensure compliance with water hygiene legislation is formally reported to the most senior level of officers management team and Cabinet, including the details of any non-compliance and planned corrective actions.
- 2.3 The policy is relevant to all WLBC 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 WLBC 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.

- 2.5 The policy is also relevant for maintaining a safe environment for all tenants and employees within all WLBC properties.
- 2.6 Where legal obligations relating to this area of compliance have been transferred to a tenant/leaseholder (e.g. Commercial Lets). The appropriate Director will endeavour to ensure that tenants/leaseholders are complying with the terms of the lease and their statutory obligations.

3 Regulatory Standards, Legislation and Codes of Practice

- 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.
- 3.2 **Legislation** - the principle legislation applicable to this policy is the Health and Safety at Work 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). WLBC 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 principle codes of practice applicable to this policy are:
 - 3.3.1 **ACoP L8** - ‘Legionnaires’ disease: The control of legionella bacteria in water systems’ (4th edition 2013).
 - 3.3.2 **HSG274** - Legionnaires’ disease: Technical guidance Part 2: The control of legionella bacteria in hot and cold water systems (2014).
 - 3.3.3 **HSG274** - Legionnaires’ disease: Technical guidance Part 3: The control of legionella bacteria in other risk systems (2013).
 - 3.3.4 **INDG458** - Legionnaires’ disease: A guide for dutyholders Leaflet (HSE Books 2012).
- 3.4 **Sanctions** - WLBC 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 & Safety Executive under the Health & Safety at Work Act 1974, prosecution under the Corporate Manslaughter and Corporate Homicide Act 2007 and via a serious detriment judgement from the Homes England.
- 3.5 **Tenants** - WLBC will use the legal remedies available within the terms of the tenancy agreement, lease or licence should any tenant or leaseholder refuse access to carry out essential safety checks, maintenance and safety related repair works.

4 Additional Legislation

4.1 This water hygiene policy also operates in the context of the following legislation:

- The Workplace (Health Safety & Welfare) Regulations 1992
- Construction, Design and Management Regulations 2015
- Housing Act 2004
- Landlord and Tenant Act 1985
- Data Protection Act 1998
- RIDDOR 2013

5 Obligations

- 5.1 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 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.
- 5.2 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.
- 5.3 WLBC 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.
- 5.4 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.

6 Statement of Intent

- 6.1 WLBC acknowledges and accepts its responsibilities with regard to water hygiene safety and preventing exposure to legionella.
- 6.2 WLBC will hold accurate records against each property it owns or manages setting 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.
- 6.3 WLBC 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.

- 6.4 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.
- 6.5 WLBC will ensure that all properties are risk assessed by a competent person for potential to cause exposure to legionella. This risk assessment should include:
 - Management responsibilities, including the name of the competent person carrying out the risk assessment
 - A description of the system, any potential risk sources and any controls currently in place to control risks
 - Monitoring, inspection and maintenance procedures
 - Records of the monitoring results, inspection and checks carried out and a review date.
- 6.6 Where the risks are assessed to be, insignificant and are being properly managed to comply with the law, no further action is required. WLBC will periodically review these risk assessments in case anything changes in the system.
- 6.7 WLBC 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.
- 6.8 WLBC 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.
- 6.9 WLBC 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. WLBC will ensure that a sample audit is undertaken of 5% of all written schemes of control by an independent third party consultant to ensure that all control actions are being fully and robustly implemented by the competent person.
- 6.10 In addition to 6.10, WLBC will ensure audits are undertaken annually, by an independent competent person, to all systems identified as a high risk (e.g. high rise buildings and older persons’ schemes) to ensure that all control actions are being fully and robustly implemented.
- 6.11 WLBC will ensure that only suitably competent consultants, surveyors, risk assessors and engineers undertake works for the organisation in respect of water hygiene safety.
- 6.12 WLBC will make written schemes of control in communal areas of buildings available to inform occupants on how the risk of exposure to legionella bacteria is being managed and controlled.

- 6.13 WLBC will 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.
- 6.14 WLBC will ensure robust processes and controls are in place to ensure that any suspected outbreak of Legionellosis is properly reported as required under RIDDOR.
- 6.15 WLBC will establish and maintain a plan of all continuous improvement activity undertaken with regards to water hygiene safety.

7 Compliance Risk Assessment/Inspection Testing Programmes

- 7.1 WLBC will establish and maintain a risk assessment for water hygiene safety operations. This risk assessment will set out all of the organisation's key water hygiene/legionella safety risks together with appropriate mitigations.
- 7.2 To comply with the requirements of the Construction, Design and Management Regulations 2015 (CDM) a Construction Phase Plan will be completed for all void works, component replacement works and refurbishment projects. This plan will detail any water installations that may be affected by the works and detail all necessary work required to make safe and reinstate water installations to ensure that they continue to comply with any written scheme of control, including any testing and review of controls.
- 7.3 WLBC will carry out a programme of risk assessments and risk assessment reviews to properties containing any water system that could present a risk of exposure to legionella. These risk assessments will be reviewed at least every 2 years or after any works have been completed to the installation.
- 7.4 Risk assessments will be carried out to domestic properties on a sample basis due to the high number of domestic properties. This will be a representative proportion based on similar design, size, age heating and water systems.
- 7.5 WLBC 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.
- 7.6 WLBC will appoint an independent competent person to complete a programme of compliance audits to 5% of written schemes of control to ensure that all control actions are being fully and robustly implemented. In addition all schemes identified as high risk will receive an annual audit.

8 Compliance Follow up Work

- 8.1 WLBC 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.

- 8.2 WLBC 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.
- 8.3 WLBC 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.

9 Record Keeping

- 9.1 WLBC 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.
- 9.2 WLBC 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.
- 9.3 WLBC will hold and maintain accurate records on the qualifications of all consultants, surveyors, risk assessors and engineers undertaking water hygiene works for the organisation.
- 9.4 WLBC will ensure robust processes and controls are in place to provide and maintain appropriate levels of security for all water hygiene safety related data.

10 Roles and Responsibilities

- 10.1 WLBC Cabinet 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 Cabinet will formally approve this policy and review should there be a material change in regulation, legislation or codes of practice).
- 10.2 The Cabinet will receive regular updates on the water hygiene 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.
- 10.3 The Council's most senior officer team 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.
- 10.4 The Director of Housing and Inclusion has strategic responsibility for the management of water hygiene and ensuring compliance is achieved and maintained. The Deputy Property Services Manager will oversee the implementation of the water hygiene policy.

10.5 The Deputy Property Services Manager along with the Duty Holder; will be responsible for overseeing the delivery, implementation and audit of this policy.

10.6 The Director of Housing and Inclusion 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.

11 Competent Persons

11.1 WLBC will ensure that the Duty Holder and/or 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.

11.2 Training include 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'.

11.3 WLBC 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 on an annual basis and evidenced appropriately.

12 Training

12.1 This policy and the procedures that support it will be subject to a range of training across WLBC and will involve all relevant stakeholders. The training will be bespoke to the individual stakeholders and refresher training will be provided as appropriate.

12.2 Training will include team briefings for those employees who need to have a basic understanding and awareness of water hygiene safety but who may not be actively involved in the delivery of the water hygiene policy.

12.3 On the job training, will be provided to those employees who will be responsible for managing the programme of water hygiene checks and repair works as part of their daily job. The nominated Duty Holder and manager(s) with lead responsibility for operational delivery will hold 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.

12.4 Regular tool box talks will be given to operatives and WLBC contractor partners will do this in the form of appropriate Legionella prevention and water hygiene training and evidence the same.

12.5 Monitors briefings will be provided to those employees involved in the monitoring of compliance performance in relation to water hygiene and legionella safety.

13 Performance Reporting

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

13.2 KPI measures will be produced and provided at the Council's most senior management team level on a regular basis and at Cabinet level within the performance suite of KPI's. These KPI measures will include reporting on:

- The number (and percentage) of properties covered by a valid 'in date' water hygiene risk assessment in place for all buildings owned or managed by WLBC which require one.

13.3 The number (and percentage) of properties without a valid 'in date' water The number of RIDDOR notices issued with regards to water hygiene safety.

13.4 WLBC will carry out independent third party quality assurance audits to 5% of written schemes of control, including all high-risk installations, to ensure that all control actions are being fully and robustly implemented.

13.5 WLBC will carry out an independent audit of water hygiene and legionella safety at least once every five years. This audit will specifically test for compliance with the regulation, legislation and codes of practice and identify any non-compliance issues for correction.

14 Non-Compliance

14.1 Any non-compliance issue identified at an operational level will be formally reported to the Director of Housing and Inclusion in the first instance.

14.2 The Director of Housing and Inclusion 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 Council's most senior management team.

14.3 The Director of Housing and Inclusion will ensure the Cabinet are made aware of any non-compliance issue so they can consider the implications and take action as appropriate.

14.4 In cases of a serious non-compliance issue the Director of Housing and Inclusion and the relevant Portfolio Holder will consider whether it is necessary to disclose the issue to the Homes England in the spirit of co-regulation as part of the Regulatory Framework.