



## Water Hygiene Safety Policy

<b>Title:</b>	Water Hygiene Safety Policy
<b>Person responsible:</b>	Director of Homes
<b>Customer consultation arrangement:</b>	Customers consulted via Tenants' Committee.
<b>EIA required:</b>	Yes
<b>EIA completed (date):</b>	March 2023
<b>Approved by:</b>	Board
<b>Business Strategy Objective</b>	Growing
<b>Approval date:</b>	March 2023
<b>Links to other key policies:</b>	<ul style="list-style-type: none"> <li>• Asset Management Strategy</li> <li>• Repairs and Maintenance Policy</li> <li>• Health &amp; Safety Policy</li> <li>• No Access Procedures</li> </ul>
<b>Review date:</b>	March 2026

### Document management

Version	Date amended	Amendments
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## 1. Purpose and Scope

### Purpose

South Lakes Housing (SLH) is a registered provider (housing association) and we own and manage approx. 3300 homes across a wide geography in South Lakeland and Lancashire.

This Policy outlines how SLH will comply with the Regulatory Framework for Social Housing in England as outlined below: Registered Providers must meet all applicable statutory requirements that provide for the health and safety of the occupants in their homes.

This policy sets out guidance to ensure compliance with water hygiene legislation and control the risk by introducing measures which reduce and/or control the risk of legionella growth and to identify, manage and/or mitigate risks associated with hot and cold-water systems or any other system that may cause exposure to legionella bacteria.

To be compliant under these duties, SLH will need to complete specific duties under the Control of Substances Hazardous to Health Regulations 2002 carry out risk assessments and implement control measures and control exposure to harmful substances.

SLH aims to protect the occupiers of its properties, visitors, colleagues, contractors, and the public, from the risks associated with legionnaires disease so far as is reasonably practicable. This document sets out key policy objectives, control measures and accountabilities to protect customers, colleagues, and contractors from harm.

Therefore, this policy provides assurance that measures are in place to not only ensure compliance with the regulations, but that SLH has a management system in place to proactively identify, manage and mitigate risks associated with the risk of legionella in both its domestic and non-domestic properties.

**Scope** This Policy applies to all properties owned or managed by SLH including non-residential premises. In some cases, SLH will not hold the landlord's duty of care; this must be clearly established before we exclude these properties.

Specific lease or management agreements may define legal responsibility. Where clear responsibility cannot be defined, the default position for any non-domestic buildings owned or managed is that SLH will actively manage that risk until a time when clearly defined legal responsibility can be evidenced.

The requirements of this policy apply to leasehold dwellings only as required to maintain safety of the Block as a whole.

All relevant customer information will be considered for translation, Easy Read or Large Print.

## **2. Regulatory and Legislative Requirements**

### **Regulatory**

The application of this policy will ensure compliance with the regulatory framework and consumer standards (Home Standard) for social housing in England, introduced by the Regulator of Social Housing (RSH).

### **Legislative**

The purpose of this policy is to ensure SLH meets its obligations under the following legislation:

- Control of Substances Hazardous to Health Regulations 2002
- Health and Safety at Work etc. Act, 1974
- Management of Health and Safety at Work Regulations 1999
- Housing Act 2004
- HHSRS – Housing Health and Safety Rating System

### **Code of Practice**

- Approved Code of Practice (ACOP) L8 – 'Legionnaires Disease: The Control of Legionella Bacteria in Water Systems'
- HSG274 Parts 2 and 3 2014 - HSG Guidance listed under ACOP L8
- BS8580-1:2019 'Water Quality – Risk Assessments for Legionella Control – Code of Practice

SLH acknowledges and accepts its responsibilities in accordance with the regulatory standards, legislation and approved 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 Regulator of Social Housing.

SLH will work with customers to arrange access to complete essential works and ensure that the customers' homes are safe. SLH will use the legal remedies available within the terms of the tenancy agreement should any customer refuse access to allow SLH (its consultants and contractors) to carry out water hygiene related inspection and remediation works, if all other engagement is unsuccessful in completing these works.

### **3. Our Approach**

SLH will periodically review risk assessments, no later than the review date, set by the Legionella Risk Assessment. Where a system is identified as more likely to change (and is therefore a higher risk), this will be reviewed on a more frequent basis, dependent on the determined level of risk.

SLH has used the outcomes from the LRAs to arrange programmes of routine monitoring and sampling of water systems, including, where needed, a programme of modification to any deficient systems and equipment.

SLH will ensure that a risk-assessed approach for water hygiene safety is adopted as part of the void standard and will carry out an inspection of the water storage & distribution system in vacant properties and resolve any issues.

SLH will hold accurate and up to date records against each property it owns or manages setting out the requirements for water hygiene risk assessments and safety checks.

#### **Legionella Risk Assessments (LRAs)**

LRAs will be carried out by contractors on a monthly basis in our Sheltered Housing Schemes. For all other categories of Block, they shall be carried out once but reviewed in the following circumstances:

- When works affecting a shared water system have been completed e.g., shared tank to mains fed
- When vulnerability profile of the customers (for the entire block) changes significantly
- On receipt of new information about risks or control measures
- If a case of suspected/Legionnaires Disease is associated with the block.

SLH will not carry out individual LRAs to dwellings unless there are special circumstances but will offer general water safety advice and information to help residents stay safe.

SLH will programme and commission LRAs from suitably qualified and accredited Contractors LRAs will be completed in accordance with guidance documents listed above.

#### **Regular Inspection and Monitoring**

LRAs require a range of activities (in addition to actions) which will be completed and logged as set out below (regimes vary depending on the assets/risk level):

SLH will carry out a programme of maintenance visits (water sampling works) by competent persons to all properties requiring a testing regime. 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. The results of these visits will be recorded electronically on the Asset Management System.

The frequency of inspection and monitoring of the hot and cold-water systems will vary dependent on the property type and level of risk. in accordance with the table below.

Void properties – Properties left unoccupied will have frequent flushing (30 day inspections).

#### **Remedial Actions**

LRA's describe actions that are required to be undertaken to remove or mitigate risks as being highlighted. Example: The cleaning and disinfecting of a water storage tank is considered an action.

SLH will schedule and subsequently resolve actions through to resolution to reduce risk to a tolerable level. SLH will resolve any Emergency Actions (or mitigate the risk) immediately.

The Risk Assessor/Contractor will allocate actions with a risk rating, and a target time to resolve, in line with the table set out below.

### **No Access**

Most customers provide timely access for SLH to carry out routine safety inspections, testing, maintenance and repair but there will be occasions when gaining access can be difficult. In these circumstances SLH will carry out a risk assessment, taking account of the property and occupier and SLH will seek to work with customers to address any issues, taking into account any known or identified vulnerabilities, to facilitate access and ensure the wellbeing of the customer.

In the event of repeated no access SLH will have in place escalation procedures and will take legal action if necessary to gain access. Customers may be recharged for the associated costs.

### **Protecting Customers**

SLH will work with customers to raise awareness of building safety and the steps SLH will take to keep customers safe, including:

- Inform residents of the importance of reporting any issues through the provision of information via the website, newsletters and leaflets.
- Maintain a clear approach to gaining access to carry out works and be clear that enforcement action may be taken when it is necessary to do so.
- Maintain a clear complaints process and monitor and record complaints that indicate a risk to safety.

SLH will provide information for customers on building compliance issues relating to their property and block.

At all stages of this process SLH will ensure customers understand water hygiene safety and if necessary, information will be translated or provided in large print

### **Competent Persons**

SLH will ensure that the colleagues responsible for operational delivery receive appropriate training to be able to manage the service

All contractors and consultants undertaking works on legionella must be registered members of the Legionella Control Association (LCA) or equivalent, and competent to undertake risk assessments, prepare Written Schemes of Control and undertake works in respect of water hygiene and legionella control.

SLH will ensure that any external contractors or consultants have the relevant and appropriate qualifications to carry out the assigned work and are competent. Licenses, governing body membership and insurances of external contractors/consultants will be checked annually by the Building Safety Manager. Consideration must be given to any sub- contractors that are undertaking legionella works on behalf of the contractor.

The Building Safety Manager is responsible for checking that contractors, colleagues and engineers working on the Water Hygiene Safety checks testing or any remedial actions, hold the relevant governing body memberships, registrations, qualifications, accreditations and insurances for the work that they are carrying out. These checks will be undertaken on an annual basis and evidenced appropriately.

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

### **Colleague Training**

SLH will ensure that the Building Safety Manager with responsibility for management and delivery of the water hygiene programme is appropriately qualified and/ or experienced in the area of Water Hygiene Safety Testing. If the competent person does not have appropriate qualifications already, these should be obtained as soon as reasonably practicable, and second line assurance provided from a competent person to provide sufficient oversight.

Training includes courses by BOHS (British Occupational Hygiene Society) such as P901 – Management and control of building hot and cold-water services, City and Guilds, CIBSE, or HABC around the requirements of ACOP L8 - 'Legionnaires' disease: The control of legionella bacteria in water systems.

Appropriate training will also be provided on water hygiene safety awareness and this policy and procedure. This will include team and contractor briefings, e-learning and access to external training.

SLH will establish and maintain electronic records of all legionella training undertaken by colleagues

## **4. Responsibilities**

### **Governance**

SLH Board will have overall governance responsibility for ensuring that effective arrangements are in place to comply with SLH's legal obligations in relation to the Water Hygiene Policy and ensure this is fully implemented to provide compliance with the regulatory standards, legislation, and approved codes of practice. As such, the Board will formally approve the policy and review it periodically.

The Board or its delegated Committee will receive regular updates at each meeting (in the form of KPIs), on the Water Hygiene Policy programme along with notification of any non-compliance issues identified. This is to provide assurance that the policy is operating effectively in practice.

Executive Leadership Team, Senior Management Team and Audit and Risk Committee will receive reports, at least quarterly, in respect of EICR performance to assure themselves that compliance is being achieved. They will also be notified of any non-compliance issues identified.

The first review will be undertaken at a minimum of 3 years after the approval of this new policy, or sooner if there is a change in regulation, legislation, codes of practice or there has been a significant/ emergency event which triggers a review.

## **Roles and Responsibilities**

The list below sets out the delegated hierarchy of responsibility within the organisation according to the requirements of the legislation: -

### **Duty Holder/Accountable Person**

**The Accountable Person under this policy will be South Lakes Housing. The Duty Holder is the Director of Homes** who will delegate certain tasks to the responsible and competent persons.

The 'Duty Holder' as defined by ACOP 8 is responsible for Health and Safety and must take the right precautions to reduce the risk of exposure to Legionella. They will appoint a person or persons to take day-to-day responsibility as an authorised deputy for controlling/assessing any identified risk, prevent/control risks to employees and all stakeholders under their responsibility, and putting in place a regime of water hygiene testing/sampling and mitigating actions, including that of record keeping and reporting.

### **Responsible Persons**

**The Responsible Person(s) for SLH are the Head of Assets and Building Safety and the Building Safety Manager** who will ensure the implementation of the policy and procedures across SLH. They will also ensure all operational procedures are carried out in a timely and effective manner. They will ensure all appointed organisations/ individuals have the appropriate levels of training, skills and knowledge to undertake the tasks and monitor training

They are to make sure that all risk assessments and water surveys are undertaken, remedial actions and control measures are put in place, reviewed, and monitored within a timely manner. On top of this they are to develop, implement, communicate and continually improving SLH water hygiene procedures following discussion and agreement with the duty holders and following significant or emergency events/ reviews. They are to ensure the competent person/contractor carries out their duties.

### **Other Teams**

Building Safety requires collaboration and effective communication between teams and the Building Safety Team will work in collaboration with teams across SLH to maintain safety.

The Neighbourhood Team who will offer support to gain access where this is proving difficult.

All colleagues who have responsibility for or visit properties have a responsibility to notify the Building Safety Team where circumstances have changed within a scheme/block/property, which may result in a new LRA being required.

## **5. Monitoring & Review**

### **Records and Management of Data**

SLH 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 legionella risk assessment carried out. Inspection and re-inspection dates, along with LRA and monitoring records, and other management action will also be held electronically.

SLH will maintain logbooks for all relevant sites as required to record the results from the ongoing monitoring and inspection, where required. Completed logbooks will be retained in archives.

### **Data Protection**

When handling data sheets colleagues and contractors will come into contact with personal information. The handling and use of the data will be carried out under the General Data Protection Regulations 2018.

### **Independent Audit/ Assurance**

An independent audit of Water Hygiene Safety will be included in the strategic internal audit plan for SLH.

### **Reporting of non-compliance**

Any non-compliance issue identified will be formally reported to the Director of Homes in the first instance as soon as identified. The Director of Homes will agree an appropriate course of corrective action with the Head of Assets and Building Safety to address the non-compliance issue and report details of the same to the Chief Executive within 24 hours.

The Chief Executive or Director of Homes will ensure the Board are made aware of any non-compliance issue so they can consider the implications and act appropriately, including notification to the Health and Safety Executive and Regulator of Social Housing. Formal investigation will be carried out initially by the respective manager of the area within which the breach has occurred and presented in written form on the standard format to the Head of Assets and Building Safety/ Director of Homes within 5 days. The Head of Assets and Building Safety will ensure that all recommendations and/or remedial actions are carried out.

### **Review**

SLH will ensure that the policy is reviewed and if necessary amended, following any significant event or issue such as:

- Independent audit highlighting failings in process or policy.
- Any significant changes to the building.
- Any serious incidents due to a legionnaire's disease outbreak

### **KPIs**

KPIs will be used to ensure that SLH is compliant with its own policy and is keeping its customers, contractors and the public safe. KPIs will be monitored and recorded on a monthly basis and reported as detailed above.

### **Equality Impact Assessment**

In implementing this policy, we aim to treat all customers fairly. An equality impact assessment has been carried out. Where customers require additional support, we will endeavour to provide a service that seeks to meet the needs of a particular individual or household.