

Water Hygiene Policy



Name	Water Hygiene Policy
Owner	Director of Asset Management & Development
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Consultation EMT	N/a
Consultation Residents (if applicable)	N/a
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CONTENTS

1.0	Introduction	3
2.0	Scope	3
3.0	Regulatory Standards, Legislation and Codes of Practice	4
4.0	Additional Legislation	4
5.0	Obligations.....	5
6.0	Statement of Intent	5
7.0	Compliance Risk Assessment/ Inspection Programmes.....	7
8.0	Compliance Follow up Work.....	7
9.0	Record Keeping	7
10.0	Key Roles and Responsibilities	8
11.0	Competent Persons	8
12.0	Training	9
13.0	Performance Reporting	9
14.0	Non-Compliance Escalation Process.....	10
15.0	Board/EMT Approval was gained	10
16.0	Review Date	10
17.0	Equality Policy Statement	10

1.0 Introduction

- 1.1 Bromsgrove District Housing Trust (BDHT) are passionate about providing accessible, safe, and secure housing for communities across Bromsgrove and the surrounding area. BDHT serve their communities and residents as a not-for-profit organisation and so every penny gets put straight back in to improving housing and local facilities.
- 1.2 BDHT is regulated by the Regulator of Social Housing (RSH). The Executive Management Team (EMT) and Board set and oversee corporate strategy, including the approval of all compliance policy principles.
- 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 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.
- 1.4 Legionnaires' disease is normally contracted by inhaling small droplets of water (aerosols), suspended in the air, containing the bacteria.
- 1.5 Therefore, it is important that BDHT 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.

2.0 Scope

- 2.1 BDHT 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. The L8 approved code of practice, "Legionnaires' disease. The control of legionella bacteria in water system", is available to duty holders to provide practical guidance on how to comply with their legal duties in relation to legionella.
- 2.2 BDHT must ensure compliance with water hygiene legislation is formally reported at EMT and Board level, including the details of any non-compliance and planned corrective actions.
- 2.3 The policy is relevant to all BDHT employees, customers, 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.

3.0 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, which was introduced by the Regulator of Social Housing (RSH), formerly the Homes & Communities Agency (HCA) in April 2012.
- 3.2 **Legislation** - the principal 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) the Control of Substances Hazardous to Health Regulations 2002 (as amended) (COSHH) and Corporate Manslaughter and Corporate Homicide Act 2007. BDHT 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 approved codes of practice applicable to this policy are:
- 3.4 **ACoP L8** - 'Legionnaires' disease: The control of legionella bacteria in water systems' (4th edition 2013).
- 3.5 **HSG274** - Legionnaires' disease: Technical guidance Part 1: The control of legionella bacteria in evaporating cooling systems (2013).
- 3.6 **HSG274** - Legionnaires' disease: Technical guidance Part 2: The control of legionella bacteria in hot and cold-water systems (2014).
- 3.7 **HSG274** - Legionnaires' disease: Technical guidance Part 3: The control of legionella bacteria in other risk systems (2013).
- 3.8 **INDG458** - Legionnaires' disease: A guide for duty holders Leaflet (HSE Books 2012).
- 3.9 **Sanctions** - BDHT 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 Control of Substances Hazardous Regulations to Health (COSHH), prosecution under the Corporate Manslaughter and Corporate Homicide Act 2007, and via a serious detriment judgement from the Regulator of Social Housing.
- 3.10 **Customers** - BDHT 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.

4.0 Additional Legislation

- 4.1 This Water Hygiene Policy also operates in the context of the following legislation:
- 4.2 The Workplace (Health Safety & Welfare) Regulations 1992
- 4.3 Construction, Design and Management Regulations 2015
- 4.4 Housing Act 2004
- 4.5 Landlord and Tenant Act 1985
- 4.6 Data Protection Act 2018
- 4.7 RIDDOR 2013 - Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013
- 4.8 Homes (Fitness for Human Habitation) Act 2018

5.0 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 BDHT as the 'Duty Holder' 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.
- 5.3 BDHT must ensure there is a risk assessment undertaken 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.

6.0 Statement of Intent

- 6.1 BDHT 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.
- 6.2 Inspection and re-inspection dates, along with LRA and monitoring records will be held on Aareon QL & C365 Compliance software.
- 6.3 BDHT 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 In addition, the 'Duty Holder' will appoint a deputy responsible person who will provide cover to the responsible person in their absence. The deputy responsible person should 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).
- 6.5 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.
- 6.6 BDHT will ensure that 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, and a description of your system.
 - details of the competence and training of key personnel.
 - any identified potential risk sources.
 - any means of preventing the risk or controls in place to control risks.
 - monitoring, inspection and maintenance procedures (where required).
 - records of the monitoring results and inspection and checks carried out.

- arrangements to review the risk assessment regularly, particularly when there is reason to suspect it is no longer valid.
- 6.7 Where the risks are assessed to be, insignificant and are being properly managed to comply with the law, no further action is required. BDHT will periodically review these risk assessments (every two 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 and where there is a:
- Change to building use.
 - Change to internal water system layout.
 - Change to building occupation that increases the risk due to health.
 - After a confirmed suspected outbreak of Legionella.
 - Following a water hygiene audit.
- 6.8 BDHT 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 BDHT's competent person as high, medium, or low risk. The 'written scheme' will control any risks from legionella by identifying:
- The system, e.g., developing a written schematic.
 - Who is responsible for carrying out the assessment and managing its implementation.
 - Detail of the call-out procedures for specialist contractors involved in the maintenance of the water system.
 - The safe and correct operation of your system.
 - What control methods and other precautions are required and what checks will be carried out to ensure risks are being managed and how often.
 - Detail of any remedial actions undertaken if the scheme becomes ineffective.
- 6.9 BDHT 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.
- 6.10 BDHT 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 five years thereafter. These will be stored on the organisation's document management system, Aareon QL & C365 Compliance software.
- 6.11 BDHT 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 BDHT 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.
- 6.13 BDHT will ensure robust processes and controls are in place to ensure that any suspected outbreak of Legionellosis is properly reported as required under RIDDOR.

- 6.14 BDHT will have 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 to be compliant with this policy and safeguard the wellbeing of the tenant.
- 6.15 BDHT will establish and maintain a plan of all continuous improvement activity undertaken with regards to water hygiene safety.

7.0 Compliance Risk Assessment/ Inspection Programmes

- 7.1 **Risk assessment** - BDHT will establish and maintain a risk assessment for water hygiene safety operations. This risk assessment will set out the organisations' key water hygiene risks together with appropriate mitigations.
- 7.2 **CDM** - 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 **Legionella risk assessments** - BDHT will carry out a programme of legionella 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 **Communal blocks and 'other' properties** - all communal blocks and 'other' properties will be subject to an initial visit to establish whether a legionella risk assessment is required. Where a risk assessment is not required then BDHT will record this as such on their records, including the date of the initial visit. Where a legionella risk assessment is required BDHT will ensure this communal block or 'other' property is included in the programme.
- 7.5 **Domestic properties** - risk assessments will be carried out to domestic properties on a sample basis. This will be a representative proportion based on similar design, size, age, heating and water systems. This programme will be supplemented with guidance, and advice provided to all tenants on how to manage the risk from legionella.
- 7.6 **Void properties** - Properties left unoccupied will have frequent flushing or systems drained to comply with the Water Hygiene Procedure. Properties remaining unoccupied for more than 6 weeks shall have their hot and cold-water installations drained down. Before occupation, these premises are to have their water systems sampled, disinfected, and flushed.
- 7.7 BDHT 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. The results of these visits will be recorded on Aareon QL & C365 Compliance software.

8.0 Compliance Follow up Work.

- 8.1 BDHT will ensure there is a robust process in place for the management of any follow-up works required following the completion of a legionella risk assessment or where identified by the competent person when undertaking required maintenance activities.
- 8.2 BDHT will monitor and store all follow up works raised through a Legionella Risk Assessment in Aareon QL & C365 Compliance software.

9.0 Record Keeping

- 9.1 BDHT 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.
- 9.2 Inspection and re-inspection dates, along with LRA and monitoring records will be held on Aareon QL & C365 Compliance software.
- 9.3 BDHT will hold and maintain accurate records on the qualifications of all consultants, surveyors, risk assessors and engineers undertaking water hygiene works for the organisation.

10.0 Key Roles and Responsibilities

- 10.1 BDHT Board 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. As such the Board will formally approve this policy and review it every three years (or sooner if there is a change in regulation, legislation, or codes of practice).
- 10.2 The Board 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.
- 10.3 EMT 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 Asset Management & Development has strategic responsibility for the management of water hygiene safety and ensuring compliance is achieved and maintained. The Head of Assets and Development will oversee the implementation of the Water Hygiene Policy.
- 10.5 The Head of Assets and Development will be responsible for overseeing the delivery of the agreed water hygiene programme, and the prioritisation and implementation of any works arising from the safety inspections.
- 10.6 The housing teams 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.
- 10.7 The Director of Asset Management & Development will be responsible for ensuring the policy is reviewed every three years, and will notify the Board, EMT and operational team responsible for the delivery of the compliance programme, of the upcoming review. The Director of Asset Management & Development will ensure that this review process takes place before the policy expires.
- 10.8 The Director of Asset Management & Development will ensure that this policy is saved on the organisations shared drive and distributed to all relevant members of staff.

11.0 Competent Persons

- 11.1 BDHT will ensure that 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 Available 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.

- 11.3 BDHT will ensure that only suitably competent consultants and contractors, registered members of the Legionella Control Association (LCA), The Water Management Society (WMSoc) 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.
- 11.4 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 as part of a formal contract review basis and evidenced appropriately.

12.0 Training

- 12.1 This policy and the procedures that support it will be subject to a range of training across BDHT 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. This will be basic legionella awareness training and will be covered in relevant team meetings.
- 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.
- 12.4 Regular toolbox talks will be given to operatives and BDHT contractor partners will do this in the form of appropriate legionella prevention and water hygiene training and evidence the same.
- 12.5 Briefings will be provided to those employees involved in the monitoring of compliance performance in relation to water hygiene and legionella safety as required.

13.0 Performance Reporting

- 13.1 Robust key performance indicator (KPI) measures will be established and maintained to ensure BDHT is able to report on performance in relation to water hygiene/legionella safety.
- 13.2 KPI measures will be produced and provided at EMT level monthly and Board level on a quarterly basis. As a minimum, these KPI measures will include reporting on:

Data - the total number of:

- Properties - split by domestic properties, communal blocks, and 'other' properties.
- Properties on the LRA programme.
- Properties not on the LRA programme.
- Properties with a valid 'in date' LRA. This is the level of compliance expressed as a number and a %.
- Properties where the LRA has expired and is 'out of date'. This is the level of non-compliance expressed as a number and a %.
- Properties which are due to be inspected and tested within the next 30 days. This is the early warning system.

As well as an explanation of the:

- Current position.

- Corrective action required.
- Anticipated impact of corrective action.
- Progress with completion of follow-up works.

14.0 Non-Compliance Escalation Process

- 14.1 Any non-compliance issue identified at an operational level will be formally reported to the Director of Asset Management & Development in the first instance.
- 14.2 The Director of Asset Management & Development will agree an appropriate course of corrective action with the Head of Assets & Development to address the non-compliance issue and report details of the same to EMT.
- 14.3 EMT will ensure the Board is made aware of any non-compliance issue so they can consider the implications and act as appropriate.
- 14.4 In cases of a serious non-compliance issue the EMT and Board will consider whether it is necessary to disclose the issue to the Regulator of Social Housing in the spirit of co-regulation as part of the Regulatory Framework.

15.0 Board/EMT Approval was gained

- 15.1 Approved by ARC on 17th April 2024

16.0 Review Date

- 16.1 This policy will be reviewed in April 2027

17.0 Equality Policy Statement

- 17.1 At bdht, we are proud to serve and work within a diverse society. We recognise that some individuals and communities face systemic barriers, disadvantage, and discrimination, including those related to socio-economic background, caring responsibilities, and the impact of intersectionality.
- 17.2 We believe that discrimination in any form is unacceptable. In all our areas of work we are committed to ensuring that our policies, practices, and services promote fairness, equity, and respect for all. We aim to reduce inequalities, promote respect, and create an equitable culture within our organisation.
- 17.3 bdht fully complies with the Equality Act 2010 and all relevant statutory and regulatory guidance, including that issued by the Regulator of Social Housing, Homes England, the Government Equalities Office, and our funding partners.
- 17.4 We believe that equality of opportunity is fundamental to delivering excellent services and building vibrant communities together. Our commitment is underpinned by clear policies, regular monitoring, and continuous review, all of which are actively supported by our Board and Teams.