

Tenant and Leaseholder Services

Water Hygiene Policy

1.0 Introduction

1.1

Legionellosis is a collective term for diseases caused by legionella bacteria including Legionnaires' disease, 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

TDC must 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.

2.0 Scope

2.1

This policy 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). It also demonstrates compliance with the Control of Substances Hazardous to Health Regulations 2002 (as amended) and the L8 approved code of practice, 'Legionnaires' disease.

2.2

Compliance with water hygiene legislation is formally reported to Cabinet, including the details of any non-compliance and planned corrective actions.

3.0 Additional Legislation

This Water Hygiene Policy also operates in the context of the following legislation:

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

4.0 Regulatory Standards, Legislation, and Approved Codes of Practice

4.1 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).

4.2 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). 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)

4.3 Sanctions

Sanctions – TDC 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), Tenants and HRA Commercial Leaseholders – TDC 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.

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 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.

5.2

TDC, 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

5.3

A risk assessment will be undertaken for all communal hot and cold water systems, to establish any potential risks and implement measures to either eliminate or control identified risks

5.4

TDC as the 'Duty Holder' must carry out a Legionella Risk Assessment for the purpose of identifying their Legionella risks and measures needed to comply with the ACOP L8.

5.5

TDC holds accurate records against each property it owns or manages, setting out the requirements for water hygiene risk assessments and safety checks.

5.6

TDC will periodically review risk assessments in a time scale appropriate to the premises and/or Legionella risk level.

5.7

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 TDC's competent person as high, medium or low risk.

5.8

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.

5.9

Only suitably competent consultants, surveyors, risk assessors and engineers undertake works for the organisation in respect of water hygiene safety.

5.10

There is a robust process in place for the management of immediately dangerous situations identified from the risk assessment or water testing/monitoring regime.

6.0 Compliance Risk Assessment/ Inspection Programmes

6.1 Risk assessment

TDC maintains a risk assessment for water hygiene safety operations. This risk assessment will set out the organisation's key water hygiene risks together with appropriate mitigations.

6.2 Legionella risk assessments

TDC will carry out a programme of legionella risk assessments and risk assessment reviews to blocks and properties containing any shared water system that could present a risk of exposure to legionella. These risk assessments will be reviewed at intervals determined by the competent person, or after any works have been completed to the installation.

6.3 Void Properties

Properties left unoccupied will be checked for dead legs, receive frequent flushing and shower head cleaning to comply with the Water Hygiene Procedure.

6.4

TDC will carry out a programme of service visits by competent persons to all properties that have a written scheme of control in place. The results of these visits will be recorded electronically.

7.0 Compliance Follow up Work

7.1

TDC has robust processes in place for the management of any follow-up works required and record details of all remedial works.

8.0 Record Keeping

8.1

TDC has a Compliance database base 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.

8.2

There is a robust process to deal with all changes to stock, including new property acquisitions, disposals and stock transfers, in order to ensure that properties are not omitted from the compliance programme, and the programme remains up-to-date.

8.3

Inspection and re-inspection dates, along with LRA will be held on the Compliance database. Servicing records are monitored by spreadsheets.

8.4

TDC has accurate records of all written schemes of control and any associated remedial works and water testing, as per the organisation's Data Retention Policy.

8.5

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

9.0 Key Roles and Responsibilities

9.1

TDC's CMT will receive reports in respect of Water Hygiene management performance and ensure compliance is being achieved. They will be notified of any non-compliance issue identified.

9.2

The Head of Tenant and Leaseholder Services has strategic responsibility for the management of Water Hygiene and for ensuring compliance is achieved and maintained. TDC's Building Safety and Compliance Manager will be responsible for overseeing the delivery of the agreed survey inspection programmes and the prioritisation and implementation of any works arising from the surveys.

9.3

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.

9.4

TDC's Head of Tenant and Leaseholder Services will be responsible for ensuring the policy is reviewed every two years, and will notify the CMT and operational team responsible for the delivery of the compliance programme, of the upcoming review.

10.0 Competent Persons

10.1

TDC will ensure that the manager with lead responsibility for operational delivery holds a suitable qualification. TDC will fund training as necessary so they gain this qualification and membership.

10.2

TDC 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.

11.0 Performance Reporting

11.1

KPI measures will be produced and provided at service level on a monthly basis and CMT and elected members on a quarterly basis. As a minimum, these KPI measures will include reporting on data – the total number of:

- blocks with a valid 'in date' LRA. This is the level of compliance expressed as a percentage.
- follow up works/actions arising from any risk assessments or inspections, and the numbers 'completed', 'in time' and 'overdue'.

12.0 Quality Assurance

12.1

TDC 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

12.2

Internal audit will test for compliance with the regulations, legislations and codes of practice every 5 years or more frequently if necessary.

13.0 Glossary of Terms

This glossary defines the key terms used throughout this Water Hygiene Policy:

- **Legionellosis** - Electrical Installation Condition Report (EICR) - a formal document that is produced following an assessment of the electrical installation within a property (domestic or communal). It must be carried out by an experienced qualified electrician or approved contractor.
- **Legionella Risk Assessment (LRA)** – an assessment which identifies the risks of exposure to legionella in the water systems present in a premises and the necessary control measures required.
- **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.

15.0 Document Control

Date	Version	Action	Amendments
January 2024	1	Policy draft	
February 2024	2	Policy draft	Update to TDC template
		EIA	
		Policy approved for adoption by cabinet	