

Cheltenham Borough Council Housing Water Safety Policy – July 2024

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Responsible officer

- Property Compliance Manager (Author)

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1.0 Introduction and purpose of the policy

- 1.1 This document describes how proactive Legionella control systems should be operated in all properties owned by Cheltenham Borough Council (CBC) Housing Revenue Account (HRS) premises/sites. It also demonstrates how statutory and regulatory obligations are fulfilled (full details of the relevant legislations are set out below).
- 1.2 CBC recognises its responsibility and duties to provide as healthy and safe environment as is reasonably practicable for all employees, contractors, tenants, visitors and members of the public.
- 1.3 Legionella bacteria are common in natural water sources, usually in low numbers. The bacteria may also be found in purpose-built water systems. People contract Legionnaires' disease by inhaling small droplets of water (aerosols), suspended in the air, containing the bacteria. Certain conditions increase the risk from legionella if:
- the water temperature in all or some parts of the system may be between 20-45 °C, which is suitable for growth.
 - it is possible for breathable water droplets to be created and dispersed through aerosols created by showers and other water outlets.
 - water is stored and/or re-circulated.
 - there are deposits that can support bacterial growth providing a source of nutrients for the organism e.g. rust, sludge, scale, organic matter and biofilms
- 1.4 If conditions are favourable, the bacteria may multiply, increasing the risks of Legionnaires' disease, and it is therefore important to control the risks by introducing appropriate measures.
- 1.5 Within the housing stock CBC manages, there are different types of hot and cold water systems which may pose varying levels of risk from the possible growth and exposure to legionella bacteria.

2.0 Legislation and Guidance

- 2.1 CBC has a duty both as an employer and as a landlord to comply with its obligations under the Health and Safety at Work Act 1974 and associated Regulations/Guidance in seeking to control the risks from exposure to legionella bacteria. Specifically relevant being:

- Approved Code of Practice: ‘Legionnaires’ disease – The control of legionella bacteria in water systems’ (L8 4th Edition 201
- HSG274 Part 2: The control of legionella bacteria in hot and cold water systems
- Control of Substances Hazardous to Health Regulations 2002 (COSHH)
- Management of Health and Safety at Work Regulations 1999 (the Management Regulations)
- Housing Act 2004 Part 1 (Housing Conditions) – Housing, Health and Safety Rating System (HHSRS)

3.0 Aims and Scope of the Policy

3.1 This policy and any management procedures cover the requirement to ensure that all systems for the storage and distribution of water are managed, to prevent the spread of legionella bacteria and subsequent cases either sporadic or outbreaks of Legionnaires’ disease and to comply to the regulatory requirements published by the Health & Safety Executive.

3.2 The objective of this strategy and the guidance which follows is to minimise the risk of exposure to Legionella bacteria in water systems and the risk of scalding through contact with excessively hot water.

3.3 CBC aims to minimise and control the risk from Legionnaires disease and will:

- Appoint a Responsible Person and Deputy who will have a duty to:
 - put in place an action plan to minimise the risk of legionella, and to
 - manage and monitor the necessary work systems and procedures.
- Identify and assess sources of risk, e.g. where conditions are present that may encourage legionella bacteria to multiply or where there is a means of creating and disseminating breathable droplets
- Establish any items of non-compliance and associated remediation to ensure compliance.
- Assess the level of risk and look at the possibility of removal or mitigation of any risks identified, thereby minimising the chance of the proliferation and dissemination of the legionella bacteria.
- Where required, arrange a programme of routine inspection and maintenance of water systems, including, where needed, a programme of disinfection.
- Ensure there is an emergency remediation procedure in place.
- Where modification to any deficient systems and equipment are identified to manage the remedial activity to achieve compliance.
- Implement, amend and monitor precautions for all relevant systems.
- Maintain records of maintenance, inspection and testing for a period of at least five years.
- Keep all relevant personnel adequately trained in practices and procedures with respect to the control of Legionella.
- To have suitable and sufficient auditing measures in place.



4.0 Accountability and Responsibility

4.1 The following posts are identified as being responsible for key safety functions within the organisation and to ensure all monitoring is carried out to comply with ACOP L8: fourth edition and to limit the risk of scalding.

Chief Executive

The Chief Executive, acting as Duty Holder has ultimate responsibility for compliance with this Policy.

The Chief Executive is to ensure that adequate resources are available to enable officers to undertake their duties and enable compliance with regulatory requirements.

Interim Housing Transition Director

The Director through the Head of Investment and Technical and the Head of Building Services will support the Chief Executive in the position as Duty Holder and as such will be responsible for ensuring that:

- Both an effective Policy, supported by a robust management framework is in place to prevent and/or control the risk from Legionella bacteria
- Individuals charged with Legionella Control within CBC are competent and have the necessary resources at their disposal to undertake the work effectively
- The appointment of a Responsible Person

Head of Technical and Investment Services

Head of Technical and Investment Services through the Property Compliance Manager will be responsible to ensure:

- The development and review of an effective Policy
- The overall implementation and maintenance of a robust management framework which is fit for purpose to prevent and/or control the risk from legionella bacteria for both CBC staff and tenants
- The appointment of competent persons (including Responsible Person) and/or contractors employed by or on behalf of CBC
- Advice and recommendations affecting Policy
- That employees and contractors involved in undertaking any work on water systems to occupied and void properties are competent to do so and have received the necessary level of training to perform their role in connection with the control of exposure to legionella bacteria.
- To ensure that an appropriate technical audit regime is put in place to endure the suitability and sufficiency of the policy and management regimes.

Head of Building Services

The Head of Building Services in liaison with the Head of Technical and Investment will have overall responsibility for implementing and maintaining a robust framework to assist in the discharge of this policy where Building Services staff will be required to undertake specific duties that may be identified for the prevention/control of the risks from Legionella bacteria. Ensuring:

- That employees and contractors involved in undertaking any work on water systems to occupied and void properties are competent to do so and have received the necessary level of training to perform their role in connection with the control of exposure to legionella bacteria.

Property Compliance Manager

Property Compliance Manager will be responsible for ensuring:

- That a framework is put in place for the implementation and management of a Legionella Control Scheme, that this is carried out and continues to be fit for purpose
- Undertake timely Policy review
- The planned undertaking and review of risk assessments
- The production of written control schemes and management systems, testing/monitoring and to review these annually
- Advise on and to make recommendations affecting Policy
- Monitor day to day compliance ensuring that remedial actions required are raised and delivered in a timely way
- To put in place emergency management procedures
- Identification and promotion of appropriate staff training
- Record keeping of remedial actions and control measures (through Property Compliance Administration and Property Compliance Officer)
- To engage and assist with audit programmes and to develop and deliver actions plans relevant to recommendations that are made.

Health and Safety Manager

To review as appropriate the corporate training matrix to ensure that job roles requiring training associated with CBC delivering its duties relating to the management of the legionella risk, is updated as required.

To arrange relevant training and with the support of the P&C Team keep the training records properly updated.

All CBC employees

All CBC employees at all levels will cooperate and support the Responsible Person appointed by CBC to ensure the duties and responsibilities necessary to comply with this Policy, any task specific method statements and codes of practice can be discharged.

Staff with responsibility for arranging work to premises (whether carried out by contractors, CBC staff or others) must ensure, as far as it reasonably practicable, that:

- They record and archive all relevant historical water system documentation.
- Notify the Property Compliance Manager if they are unable to conduct checks or implement actions or tasks (of whatever kind) to secure compliance with their responsibilities in respect of water systems as outlined above.
- Ensure that Alterations and modifications to the water systems are logged by contractors within the appropriate internal systems to ensure that an accurate record of the sites water system can be viewed at any time.

In particular this relates to, but is not limited to:

- Housing Support Officers (HSO's)
- Building Surveyors
- Repairs Supervisors
- Logistics Officers
- Lettings Officers
- Estate Cleaners
- Repairs Operatives
- Health & Safety Manager

Contractors

All contractors directly or indirectly appointed by CBC will cooperate with the Responsible Person appointed by CBC to ensure the duties and responsibilities necessary to comply with this Policy, associated legislation and codes of practice can be discharged.

5.0 Controlling Risks

5.1 Identify and Assess sources of Risk

5.1.1 CBC will arrange suitable and sufficient risk assessments to identify and assess the risk of exposure to legionella bacteria from work activities and water systems on premises and other precautionary measures needed.

5.1.2 CBC will ensure full legionella risk assessments are reviewed every two years or when there is reason to believe that the original risk assessment may no longer be valid such as a change to the water system.

5.1.3 Management and communication procedures will be reviewed every two years or specifically when there is a reason to do so including whenever there is a change of key personnel. This refers to both site-specific written 'control schemes' and wider customer communication for example on the website and sign up information.

5.1.4 Any person who carries out risk assessments and provides advice on prevention and control of exposure is competent to do so and holds an appropriate current membership of the Legionella Control Association (LCA).

5.2 Manage the Risk – Management Responsibilities, Training and Competence

5.2.1 CBC will appoint a competent person or competent persons (including the post of 'Responsible Person') to help undertake the measures needed to comply with the requirements of the relevant legislation and who will have sufficient authority, competence and knowledge of the installations to ensure that all operational procedures including responsibilities and lines of communication are properly established, clearly laid down and are carried out in a timely and effective manner.

5.2.2 CBC will ensure that any of its employees or contractors working on or in connection with water systems has been suitably trained to ensure they understand the risks associated with legionella bacteria and are suitably competent to undertake the work they have been asked to do. This is managed through CBC's health and safety training matrix and its contractor procurement process.

5.2.3 CBC will ensure (where identified) there will be a written control scheme for controlling reasonably foreseeable risk from exposure that will be properly implemented and managed and will specify measures needed to ensure that any scheme remains effective. For residential buildings these will be centrally filed on CBC's Documotive system with the legionella risk assessment for the building. In compliance with Health & Safety at Work Regulations where we lease or own offices we will obtain a copy of the legionella risk assessment and written control scheme. This will be the responsibility of the Health & Safety Manager supported by the Property Compliance Manager.

5.3 Prevent or Control the Risk from Exposure to Legionella Bacteria

5.3.1 CBC will oversee and manage water systems so that they remain effective, the condition and performance of the system(s) will be routinely inspected and monitored. In the case of a pandemic, we will assess the risk of suspending control measures. If it is absolutely necessary to suspend control measures such as flushing outlets or monitoring water temperatures, we will seek competent advice on a suitable and sufficient restart process.

5.3.1 CBC will put in place emergency management procedures to ensure required protection and/or corrective measures are undertaken within suitable priority timescales where significant risks are identified.

5.4 Keeping Records

5.4.1 CBC will ensure appropriate records are kept of risk assessments and the steps taken to reduce risk together with records of examinations, monitoring inspections/tests, repairs, and of control measures reviews. For residential buildings, control measures and remedial actions will be recorded using electronic spreadsheet templates available on Sharepoint. Servicing and inspection of components (including water tanks, thermostatic mixer valves and shower heads) will be recorded using Sharepoint, Documotive and/or QL housing management system. Records will be kept for at least 5 years.

5.5 Responsibilities of Designers, Manufacturers, Importers, Suppliers and Installers

5.5.1 CBC will work with Development, Repairs and any other parties to ensure that all new water systems are properly designed, constructed, installed and commissioned so that as far as is reasonably practicable. Ensuring that it is safe and without risks to health when used at work and not to create a risk of exposure to legionella bacteria.

5.5.2 CBC will ensure outlets at void properties are flushed before being let through the void-relet process.

5.5.3 Ensure adequate information is provided by manufacturers and suppliers to enable the correct and safe use of any water systems installed including maintenance requirements.

5.5.4 Ensure that suppliers of products and services aimed at preventing or controlling the risk from legionella bacteria, are competent to do so, will provide adequate information on the correct and safe use of water systems, and that measures intended to control the risk of exposure are designed and implemented so that they will be effective, safe and without risk to health when used at work.

5.6 Scalding

5.6.1 Scalding may occur in many situations in all types of buildings and applications. The degree of potential scalding depends on the water temperature, contact time, susceptibility of individuals and the volume of water delivered.

5.6.2 Although susceptibility varies from person to person, it is generally accepted that the risk of scalding is significantly increased at temperatures in excess of 45°C.

5.6.3 Where identified, appropriate remedial actions in the form of either the installation of TMV's or appropriate signage will be undertaken to reduce the likelihood of scalding.

6.0 Related Policies and Procedures

6.1 Health and Safety Policy.

7.0 Communication, Monitoring and Review of Policy

7.1 This Policy will be reviewed at least every three years, or sooner if there is a change to legislation or associated guidance and approved code of practice or following a significant incident if that brings into question the validity of this policy.

7.2 CBC will, where possible, provide written guidance to tenants (and leaseholders only so far as is reasonably practicable) for the safe use of water systems highlighting the risks posed by legionella and how to minimise risk. This will be communicated through the Tenant's Handbook, at letting/tenancy sign up, via CBC's website or other suitable mechanisms.