Water Safety
(Legionella) Policy

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You are advised that a printed version may not be the latest available version. The latest version, which supersedes all previous versions, is available on the Brighter Places drive. Those to whom this policy applies, are responsible for familiarising themselves with the latest version and for always complying with the policy requirements.

Should colleagues require any reasonable adjustment to allow for engagement with this document please contact the policy lead.

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1 Policy Statement and Aims

Brighter Places (BP) recognises its duty of care as an employer, landlord and developer. The aim of this Water Safety Policy is to set out the key principles and commitments for the management framework in line with all relevant statutory obligations and sector best practice.

BP recognises the risk to human health from Legionella in water including Legionellosis and other related diseases. BP also recognises that there is a higher risk of infection within certain groups of people, 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.

It is BP's duty of care to protect all colleagues, customers, contractors and others from potential exposure to Legionella and other water based pathogens through proactive management of water systems[1], and particularly measures to reduce and control the risk of bacterial growth and proliferation of other organisms, so far as is reasonably practicable.

Failure to adhere to this policy and associated procedures may have significant impacts on customer safety with resulting legal and financial consequences. This may include legal action by the Health and Safety Executive (HSE) or the Regulator for Social Housing (RSH) resulting in significant fines and a downgrade of the overall Governance rating of BP as a registered provider.

2 Legal and other requirements

2.1 Legal

This policy operates in the context of the following key legislation:

- Health and Safety at Work Act etc. 1974 (HASWA)
- The Management of Health and Safety at Work Regs 1999 (MHSWR)
- Control of Substances Hazardous to Health Regulations 2002 (as amended) (COSHH)
- Water Supply (Water Fittings) Regulations 1999
- Landlord and Tenant Act 1985 (LTA)
- Housing Act 2004 (HA)
- Homes (Fitness for Human Habitation) Act 2018 (HFHHA)
- Housing Health and Safety Rating System Regulations 2005 (HHSRS)
- The Workplace (Health Safety & Welfare) Regulations 1992 (WHSWR)
- Construction, Design and Management Regulations 2015 (CDM)
- Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR)

2.2 Other best practice standards

This policy operates in the context of the following relevant best practice, sector standards and approved codes of practice (as amended or updated):

- ACOP L8 legionnaires disease: The control of legionella bacteria in water systems (HSE)
- HSG274 legionnaires disease: Technical guidance part 2: The control of legionella bacteria in hot and cold water systems (HSE)
- INDG458 Legionnaires disease – A brief guide for duty holders (HSE)

3 Definitions

Refer to Annex A - Definitions .

4 Scope and context

4.1 Persons

This policy applies to all relevant persons including customers, colleagues, visitors, managing agents and contractors, who may be affected by Legionella bacteria or other water based pathogens whilst living or working within or near any premises which is owned or managed by BP.

4.2 Premises

This policy and supporting procedures apply to all BP premises which have water systems and might be temporarily or permanently occupied, utilised or maintained by the persons identified at 4.1 for residential, community, administrative or other work purposes. For example:

- Individual domestic units inc. market rent properties
- Purpose built blocks of flats
- Converted town Houses, including Grade I & II
- Houses in multiple occupation (HMO's)
- Properties under refurbishment
- Commercial units
- Supported housing schemes
- Common parts (internal and external) with water supplies

BP will not carry out any Legionella risk assessments on individual general needs properties that are supplied by mains fed combi boilers. These are assumed to be low risk but will be assessed at the void stage for any potential Legionella risks or component replacements e.g. showers, deadlegs, TMVs, etc. (refer to Procedure section 13.3).

Any water storage or distribution associated with renewable technology will be covered within the periodic service programmes.

4.3 Leasehold and shared ownership properties (domestic)

BP has no direct responsibility for managing water systems within domestic leasehold or shared ownership premises unless specified within the lease agreement. However, BP is responsible for any communal water systems which may directly or indirectly supply leasehold premises. As such, BP will be responsible for the prevention of the growth of Legionella bacteria and the management of those common parts and sections of the general water system. Leaseholders are responsible for carrying out general domestic precautions within their own homes such as heating and boiler system checks, cleaning of shower heads and flushing of little used outlets. Where leaseholders and shared ownership possess a hot tub or other water spa system, they must maintain it in accordance with manufacturers' recommended guidelines.

4.4 Leasehold properties (commercial)

BP has no direct responsibility for managing water systems within commercial leasehold premises unless specified within the lease agreement. However, BP is responsible for any communal water systems which may directly or indirectly supply commercial leasehold premises. As such, BP will be responsible for the prevention of the growth of Legionella bacteria and the management of those common parts and sections of the water system. Commercial leaseholders have H&S legal duties as an employer under the legislation and best practice listed at section 2. They are responsible for assessing and controlling Legionella risks resulting from their activities and within their leased premises.

4.5 Partnerships and other contractual arrangements

BP has a number of partnership arrangements with other managing agents and service providers both within BP owned property and within third party owned premises. BP will ensure responsibilities for preventative and precautionary measures for Legionella are clearly set out within contracts and service level agreements (refer to Managing Agent Agreement Schedule 6, where appropriate). BP will cooperate and coordinate with partners to ensure they meet the requirements of the contract and that Legionella risks are adequately assessed and controlled.

4.6 Context

This policy is applicable to BP, including any associated subsidiaries or incorporations, in the context of ensuring all water safety risks are addressed, precautionary measures are taken, and that all occupants are provided with adequate water safety information.

This policy sits within the context of the Corporate, Asset Management and Property Safety Strategies to provide 'Safe homes' for our customers.

5 Key commitments (objectives)

In addition to securing legal compliance, this policy and associated procedures are intended to promote a proactive, best practice approach to the planning, prevention and response to water safety/Legionella risks within BP properties. As such, the key objectives and commitments of this policy is as follows:

5.1 Statutory compliance

BP will:

- Identify and assess sources of legionella and other water safety risks through the completion of Legionella risk assessments (LRA)
- Manage all potential sources of legionella risk
- Ensure competent persons are appointed for all aspects of Legionella management
- Implement written schemes of control for all properties identified with having potential legionella risk
- Prevent and control any identified sources of legionella risk
- Keep and maintain all water system records for a minimum 5 years

5.2 Best practice/sector standards compliance

BP will:

- Ensure that all water systems are designed and commissioned in line with best practice standards and to avoid, where possible, any water storage systems, albeit recognising that renewable heating technologies may require water storage
- Ensure that communal water systems are operating within recommended temperature parameters to prevent the likelihood of bacterial and Legionella growth
- Conduct periodic testing and inspection of hot and cold-water systems in line with L8 guidelines (refer to Legionella procedure and table 2.1 in L8)
- Where microbial growth is identified, water treatment and control programmes suitable for domestic hot and cold-water systems will be considered
- Carry out microbiological monitoring, where identified within the premises LRA
- Introduce flushing, cleaning and disinfection regimes for stored water systems, where identified within the LRA
- Inform customers of any identified legionella risks relevant to their premises
- Ensure that any temperature controls introduced to manage Legionella does not present scalding risks to vulnerable persons
- Ensure appropriate action is taken if there is a suspected outbreak of Legionellosis

6 Roles and responsibilities

6.1 Board and Executive Team

The Board and Executive team shall be accountable for:

- Planning and setting the strategic direction for all aspects of water safety legislative and best practice compliance
- Overseeing adequate resourcing and advice for the implementation of a robust water safety management system
- Overseeing the proactive management of water safety and Legionella including appropriate KPIs and periodic audits
- Ensuring water safety implications are taken into account within property investment strategies
- Periodically examining the effectiveness and continuous improvement for the key objectives of this policy.

6.2 Chief Executive (Duty holder)

As the 'duty holder' has overall strategic accountability for this policy and associated procedures and is responsible for:

- Leading the strategic direction for the Water Safety Policy and Procedure and for all aspects of legislative and best practice compliance
- Providing sufficient resources to meet the requirements of this policy and associated procedures
- Appointing an Accountable Lead/Responsible Person for the management of Water and Legionella risks

6.3 Homes Director (Responsible Person)

Accountable lead for this policy and for:

- Managing all aspects of water safety and Legionella compliance for BP premises and assets following handover from Development team
- Ensuring this policy and associated procedures are maintained in date and regularly reviewed
- Delivery of the key commitments and objectives of this policy through appropriate team plans
- Identifying required resources necessary to implement a proactive asset investment strategy for water safety
- Ensuring accurate collation and management of water system component data through Stock Condition Surveys to adequately inform LRA compliance programmes
- Ensuring sufficient planning and investment for the delivery of the LRA programme and completion of resulting remedial works

- Ensuring sufficient planning and investment to maintain ongoing LRA compliance programmes including all relevant inspection, test and maintenance programmes
- Sponsoring audits of this policy and procedure to monitor the effectiveness within agreed timescales
- Ensuring adequate oversight and scrutiny of measured performance in line with key commitments
- Ensuring robust procurement processes for all water safety contracted works and any other construction work[2] which may have an impact on water safety, to include the use of subject matter experts (internal or external) to advise and verify required competence and technical standards
- Ensuring that water safety arrangements for project work is properly planned, organised, controlled, monitored and reviewed in coordination with contractors throughout the project
- Develop a rigorous approach to Quality Assurance (QA) of LRAs, to ensure a high quality of service delivery across the business and the identification of service improvement opportunities

6.4 Head of Safety Assurance

Responsible for:

- Keeping the Board and Executive appraised of any legislative changes for Legionella and water safety including any required changes to strategy, policy or procedure
- Oversight of the implementation of this policy and its aims
- Ensuring all legal and other compliance requirements are met
- Providing adequate and competent advice and support to the business to assist them in meeting their roles and responsibilities
- Oversight of Quality Assurance (QA) processes, including the identification of potential service improvement opportunities and assurance reporting
- Investigation of Legionella or other water safety incidents or near misses, including RIDDOR reporting requirements, with lessons learned and preventative measures implemented through the H&S Steering Group.

6.5 Governance & Risk Manager

Responsible for:

- Ensuring internal audit programmes are in place to monitor the effectiveness and compliance of this policy and associated procedures

6.6 Property Compliance Manager

Responsible for:

- Ensuring robust systems and controls are in place to deliver a compliant LRA and remedial works programme including specification and allocation of

resulting actions to both contractors and colleagues, ensuring their completion
- Management of the Legionella preventative inspection, test and monitoring programmes in line with L8 and the written scheme for the property
- Engaging with and ensuring 'competent' water hygiene contractors
- Management of relevant aspects of contractor delivery and performance in relation to LRA programmes
- Maintaining all relevant systems and records for the LRA compliance programme
- Escalation of any identified high risk actions resulting from compliance programmes
- Responding to any notifications of suspected Legionella outbreak in accordance with emergency procedures.

6.7 Asset Manager

Responsible for:

- Ensuring dead legs are removed as part of any major works or new installs

6.8 Data and Performance Manager

Responsible for:

- Ensuring accurate collation and management of asset component data to adequately inform water safety/LRA compliance programmes
- Ensuring accuracy of pre-occupancy LRA and initial water system data upon handover of new properties.

6.9 Customer Services Director

Accountable for:

- Establishing, implementing and maintaining a robust process for the communication and provision of water safety information to new and existing customers
- Establishing, implementing and maintaining a clear Legionella monitoring responsibilities for commercial units, managing agents and partnerships (whether BP owned or leased premises)
- Where applicable, ensuring any relevant action is taken for breaches of lease or managing agent agreements
- Establishing, implementing and maintaining a robust assessment of Legionella risks within void and repairs activities in line with procedural requirements
- Establishing, implementing and maintaining a robust process for the logging of any water system related complaints, HHSRS notifications and disrepair claims.

6.10 Housing Services Manager

Responsible for:

- Ensuring the communication and provision of water safety/Legionella information to new and existing customers within the sign up process
- Where applicable, supporting the Property Compliance Team with any relevant access issues or actions required to progress remedial actions

6.11 Supported Services. Specialist Housing Manager

Responsible for:

- Ensuring all necessary Legionella monitoring arrangements are carried out for Rackfield House in accordance with the written scheme
- Ensuring clarity and adequate arrangements within lease agreements for Legionella monitoring in other Supported Housing schemes (refer to Managing Agent Agreement Schedule 6)
- Periodic monitoring of Managing Agent responsibilities for Legionella/water safety monitoring regimes
- Where applicable, ensuring any relevant action is taken for breaches of Managing Agent agreements.

6.12 Head of Customer Experience

Responsible for:

- Establishing, implementing and maintaining a robust process for the logging of any complaints relating to water systems, HHSRS notifications and disrepair claims
- Receiving, acknowledging, and logging all complaints, notifications and claims
- Allocating to relevant BP management with oversight to ensure timely response and resolution.

6.13 Response Maintenance Manager

Responsible for:

- Establishing, implementing and maintaining a robust assessment of Legionella risks within void properties including the identification and remediation of any water storage systems, TMVs, showers, and dead legs
- Where relevant, fitting of bi-law 30 kits and protection against heat transfer when running new hot and cold pipes
- Removal of dead legs on any replacement water system components
- Correct sizing of stored water if being replaced
- Flushing of systems every 7 days if no work has taken place in the void property
- Replacement of all shower heads and hoses at changes of occupancy
- Testing and replacement of TMVs where required

6.14 Head of Development

Accountable for:

- Establishing, implementing and maintaining a robust process for the design and management of all aspects of water safety and prevention of Legionella within new build projects, including the effective planning, organisation, control, monitoring and review of the preventive and protective measures
- Establishing, implementing and maintaining a robust process for the management of water safety within the context of CDM[3] and contractor management for new build projects
- Ensuring 'competent' technical advice and competencies in relation to defined CDM roles and particularly when designing new water and heating systems
- Establishing, implementing and maintaining a 'Golden thread' of building safety information in relation to all water safety components for new build premises
- Ensuring adequate handover documentation within the 'Homes into Management' process, including a pre-occupancy Legionella risk assessment to ensure adequate ongoing monitoring regimes.

6.15 Technical Manager

Responsible for:

- Pre-contract technical review – consult with colleagues to ensure all aspects of water safety within the design specifications meets with the Employers Requirements and all comments are reviewed and signed off prior to Exchange of contracts
- Commissioning of independent and competent technical water system advice where required (pre and post contract)
- Ensuring the build meets water safety and regulatory requirements through Clerk of Works and Employers Agent site inspections
- Completion of pre-occupancy water survey/LRA prior to handover (from 8 weeks prior to property completion) with close out of remedial works by the Contractor
- Ensuring all water safety documentation, including the LRA, is in place prior to property completion and handover.

6.16 Facilities Manager

Responsible for:

- Oversight of the Managing Agent arrangements for Eden House LRA and preventative monitoring programmes, in accordance with the written scheme.

6.17 People Director

Responsible for:

- Liaising with relevant business leads to ensure water safety/Legionella competency requirements are met
- Providing assurance to the HSSG that competency levels are met and that adequate records are held to verify competency levels
- Ensuring that appointed training provision is competent and that feedback is assessed and utilised to determine future needs.

6.18 Colleagues

In relation to water and Legionella safety, responsible for:

- Complying with this policy and associated procedures, so far as is necessary, to enable statutory and other obligations to be met
- Informing line management or the Property Compliance Team directly of any defects, situations or shortcomings which may constitute a water or Legionella hazard or risk
- Attend and comply with any identified training or instruction required for the management of Legionella risks

7 Competence, training and awareness

7.1 Competent persons (Trade registration)

BP will only use water hygiene contractors that are registered members of the Legionella[4] Control Association (LCA) to ensure that all regulatory and best practice competency standards are maintained.

7.2 Property Compliance Manager

Persons responsible for management of water hygiene programmes and legionella risk assessments will receive suitable 'duty holder'[5] training and qualification, for example:

- BOHS P900/P901 Control of Legionella in Hot and Cold-Water Systems
- Other equivalent City & Guilds, CIBSE or HABC 'responsible person' and ACoP L8 training

7.3 Legionella awareness (L8 Hot & Cold Water Systems)

Colleagues who are involved in the practical monitoring of water systems, e.g. temperature checks, flushing, TMVs[6], etc. will receive suitable L8 Hot & Cold Water System awareness training (level 1). Refer to *BP Training Matrix.*

7.4 General Legionella awareness

All persons with responsibilities identified within this policy and associated procedures will receive relevant basic legionella awareness training. This may be delivered in the form of e-learning.

Refresher training will be provided as appropriate and in accordance with the *BP Training Matrix.*

Records will be kept of all training and awareness delivered in line with this policy and will be monitored as part of overall compliance training performance measures.

8 Delivery, monitoring and review

All aspects of this policy including the delivery of the key commitments and objectives, section 5, and responsibilities, section 6, will be implemented through the associated Water Safety Procedure.

This policy will also be subject to robust QA, performance monitoring and management review processes as detailed within the associated Water Safety Procedure. These will be overseen by the Audit & Risk Committee and H&S Steering Group and will include:

- Measurement of success – key performance measures and oversight
- Data, documents and recordkeeping – robust storage, validation, reconciliation and records management
- Internal and external audit – periodic evaluation of effectiveness of controls
- Improvement – incident recording and investigation, non-conformity and corrective actions
- Management review

This Water Safety Policy and associated Procedure will be subject to a minimum 3 yearly H&S management system audit and review or sooner where there are lessons learned, legislative or sector best practice changes.

9 Data Protection

Any personal data created or used in the application of this Procedure must be done so in line with the Brighter Places data protection Procedure and employee privacy notice.

10 Equality, Diversity & Inclusion

Brighter Places is committed to ensuring this Procedure is implemented in accordance with its equality, diversity and inclusion approach.

Where required, reasonable adjustments will be considered to support colleagues to engage with this Procedure. Please speak to the Accountable Lead for assistance.

Annex A - Definitions

[1] **Water systems -** A water system includes all plant/equipment and components associated with that system, e.g., all associated pipework, pumps, feed tanks, valves, showers, heat exchangers, quench tanks, water softeners, chillers etc.

[2] **Construction work** – as defined within the Construction Design and Management Regulations 2015 including a) the alteration, conversion, fitting out, commissioning, renovation, repair, upkeep, redecoration or other maintenance, de-commissioning, demolition or dismantling of a structure, b) the installation, commissioning, maintenance, repair or removal of mechanical, electrical, gas, compressed air, hydraulic, telecommunications, computer or similar services which are normally fixed within or to a structure

[3] **CDM** – Construction Design and Management Regulations 2015 in relation to all "construction work" (as per note 18)

[4] **Legionella** – a bacteria which causes Legionellosis or Legionnaire's disease and similar conditions, with flu like symptoms and which can be extremely serious for vulnerable persons

[5] **Duty holder** – the owner of the non-domestic premises or a person or organisation that has clear responsibility for the maintenance and repair of non-domestic premises, for example, through an explicit agreement such as a tenancy agreement or contract.

[6] **Thermostatic mixing valves (TMVs)** - a mixing valve in which the temperature at the outlet is pre-selected and controlled automatically by the valve.