

Draft HRA Housing – Water Safety Management Plan and Policy

The HRA Housing – Water Safety Management Plan and Policy sets out the Council's approach to the control of Legionella bacteria in hot and cold water systems.

Update 2025

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1. INTRODUCTION

- 1.1. In accordance with the Health and Safety at Work Act 1974 and The Control of Substances Hazardous to Health Regulations 2002, Dartford Borough Council ('the Council') is committed to the protection of all service users from exposure to Legionella bacterium.
- 1.2. Legionella bacterium is commonly found in water which means maintaining a hygienic water supply is important to reduce and control the risk of Legionella.
- 1.3. The Council has therefore adopted, as far as is reasonably practicable, the principles of control and management identified in the Health and Safety Executive's Approved Code of Practice and Guidance Document L8 "The control of Legionella bacteria in water systems" and HSG 274 guidance documents.
- 1.4. As the landlord of properties, the Council understands its duty of care to ensure that employees, residents, visitors, service users, contractors, and members of the public can use its buildings and facilities safely. This extends to ensuring that they are safe from risks associated with Legionella bacteria.
- 1.5. The scope of this policy applies to:
 - All residential buildings
 - All leasehold properties where the Council is the designated freeholder
 - All residential premises associated with the operated properties

2. LEGISLATION AND GUIDANCE

- 2.1. This policy and its delivery is intended to be compatible with the Council's obligations consequent to all relevant legislation, regulation, statutory guidance, and codes of practice including, but not limited to:
 - The Health and Safety at Work Act etc. 1974
 - Control of Substances Hazardous to Health Regulation 2002
 - The Health & Safety Executive's Approved Code of Practice - L8
 - HSG 274 Part 2: The control of legionella bacteria in hot and cold water systems
 - HSG 274 Part 3: The control of legionella bacteria in other risk systems
 - BS 8580-1:2019 Water quality. Risk assessments for Legionella control. Code of practice
 - BS 7592:2008 Sampling for Legionella bacteria in water systems. Code of practice
 - Regulator of Social Housing's Safety and Quality Standard

3. POLICY STATEMENT

- 3.1. The Council will take all reasonable measures to establish effective systems to manage the risks associated with Legionella bacteria and in accordance with the requirements of the above legislation and guidance will:

- a) Appoint a person(s) to take responsibility (the “Responsible Person” and “Deputy Responsible Person”) to control and manage the risk of exposure. The Responsible Person will have sufficient authority, competence, appropriate training and knowledge of the current regulations and guidance to ensure that all operational procedures are carried out in a timely and effective manner.
- b) Ensure all persons involved in the management and control of risk, or whose daily activity could impact on risk management controls receive appropriate training. With regard to external suppliers, the Responsible Person will seek evidence of appropriate training and competence.
- c) Implement a programme of assessments for the risk of Legionella bacteria in water systems across all property types, and implement measures to remove, replace, minimise and/or control residual risks as required.
- d) Implement a written scheme programme of routine inspections, tests, sampling, and maintenance to ensure control measures remain in place and are effectively controlling the risk.
- e) Maintain records of water systems, training, corrective actions and remedial works, and results of routine inspections, tests, sampling, and maintenance activity. Records will be held for at least 5 years.
- f) Provide suitable information to tenants to ensure they are aware of the measures applied to all water systems and their obligations to use the system correctly.
- g) Ensure the design of relevant services for new, refurbished, or modified properties complies with the requirements of this policy.
- h) Appoint a suitably qualified and competent contractor to provide support with all aspects of Legionella control.
- i) To maintain an open information policy and will work with residents, tenants, staff, contractors, consultants, and statutory bodies to agree and deliver solutions to manage legionella bacteria issues.
- j) To implement this policy by empowering designated employees with appropriate, training, specialist support and resources needed to safely manage and control Legionella bacteria in Council premises.
- k) No variation to this policy or the accompanying Legionella Risk Management Procedures document will be allowed except following changes to business requirements, legislation, guidance, and best practice.
- l) Legionella compliance audit of the current management plan, control procedures and day-to-day activities will be undertaken on all sites on an annual basis to determine whether current control is compliant with current legislation and guidance and efficient.

4. MANAGEMENT STRUCTURE

4.1. The Health and Safety Executive's Approved Code of Practice and Guidance Note L8, sets out the three key distinct roles that are responsible and involved in the successful delivery of this policy, as follows:

- Duty Holder
- Responsible Person
- Deputy Responsible Person

4.2. Duty Holder

Position: Head of Housing

4.2.1. The Duty Holder has overall responsibility for:

- Management and control of legionella in water systems across Council managed residential and non-residential owned, managed, and leased property portfolio including provision of the necessary resources for the successful implementation of this policy.
- Providing direction to ensure all other teams within the Council are aware of the symptoms of Legionnaires' disease and legionellosis, and the importance of the control of legionella bacteria.

4.3. Responsible Person

Position: Housing Maintenance Manager

4.3.1. The Responsible Person is responsible for:

- Implementation and management of the practical aspects of the control of Legionella bacteria in properties owned and managed by the Council, including the competence of all persons involved.
- Establishing and maintaining direct lines of communication with the various operational parts of Council business; specialist contractors and consultant, ensuring an efficient two-way exchange of information and records.
- Day to day management and delivery of the requirements of this policy and the Legionella Risk Management Procedures document.

4.4. Deputy Responsible Person

Position: Senior Planned Maintenance Officer

4.4.1. The Deputy Responsible Person is responsible for:

- Supporting the Responsible Person in the implementation and management of the practical aspects of the control of Legionella bacteria in properties owned and managed by the Council.
- Fulfilling legal duties when the Responsible Person is absent.

4.5. Legionella Service Providers

- 4.5.1. Legionella Service Providers deliver practical advice on management and the control of legionella; undertake legionella risk assessment surveys and reports; carry out monitoring, maintenance, testing, inspection, audits, trusted advisory and sampling of water systems; and provide legionella training to Council staff and service providers as required.

4.6. Meetings

- 4.6.1. The Responsible Person and/or Deputy Responsible Person will hold regular review meetings with the specialist legionella contractor.
- 4.6.2. Details, outcomes, and actions agreed in contractor meetings are to be recorded in writing and circulated to the various operational functions of the Council. The non-conformances identified in the meeting will be noted and reviewed for the next meeting. If the contractor is failing to fulfil the requirements, the Council will follow the escalation procedure for failure to provide.
- 4.6.3. It is the Council's duty to make reasonable enquiries to ensure that the contractor is competent, experienced, and suitably trained.

4.7. Appointment of Management

- 4.7.1. The Council understands that all appointed management are competent, trained, and aware of their responsibilities.
- 4.7.2. Responsibilities will be well defined in writing and understood by all appropriate management.
- 4.7.3. The Responsible Person will sign and date their written appointments to confirm acceptance of their roles and understanding of their requirements of their duties.

4.8. Communication

- 4.8.1. The Council understands that communication and management procedures are particularly important where several people are responsible for different aspects of the operational procedures.
- 4.8.2. Lines of communication will be clear, unambiguous, and audited regularly to ensure they are effective. This also applies to outside companies and consultants who may be responsible for certain parts of the control regime.

5. IDENTIFYING AND ASSESSMENT OF THE RISK

- 5.1. The Council understands that it is a legal duty to carry out an assessment to identify and assess whether there is a risk posed by exposure to legionella from the hot and cold water system or any work associated with it.

- 5.2. A suitable and sufficient assessment must be carried out to identify and assess the risk of exposure to Legionella bacteria from work activities and water systems on the premises and any precautionary measures needed. The Duty Holder is responsible for ensuring the risk assessment is carried out and has all key elements identified in ACoP L8, HSG274 Parts 2 & 3 and BS8580.
- 5.3. Where the assessment demonstrates there is no reasonably foreseeable risk or that risks are insignificant and unlikely to increase, and are properly managed, no further assessment or measures will be carried out. However, if the situation changes, the assessment should be reviewed and revised, if any changes are needed.
- 5.4. Risk assessments for identified property types will be treated as living documents and will be reviewed when there is reason to believe they are no longer valid, including when:
- There are changes to the water system or its use.
 - There are changes to the use of the building in which the water system is installed.
 - There is the availability of new information about risks or control measures.
 - The results of checks indicating that control measures are no longer effective.
 - There are changes to key personnel.
 - There is a case of legionnaires' disease/legionellosis associated with the system.
- 5.5. Risk assessments will be undertaken only by persons with suitable training and appropriate levels of competence as appointed or approved by the Responsible Person. When Legionella risk assessments identify required measures to remove or reduce risks they will be reviewed and carried out in a timely manner as responsive repairs or as part of a planned improvement programme if, and as appropriate.
- 5.6. Property Programme
- 5.6.1 The Council recognises that all water systems require a Legionella risk assessment and for most residential settings, the risk assessment may show the risks are low. If the assessment shows the risks are insignificant and are being properly managed to comply with statutory requirements and keeping users safe, no further action may be required. However, the Council understands that it is important to review the assessment periodically in case anything changes in the system.
- 5.6.2 It may be impractical to risk assess every individual residential unit. The Council understands that a representative proportion of the premises for which they have responsibility should initially be assessed, on the basis of similar design, size, age, and water supply, with the entire estate eventually assessed on a rolling programme of work.
- 5.6.3 Due to the different types of property owned and managed, including a high number of individual single dwellings with having a high turnover of water, the Council will take a different approach to risk assessing to avoid excessive and unnecessary costs by categorising the property types and the risk posed to exposure:

- **Category A** – risk assessments will initially be conducted over a 2 year programme then reviewed over a 2 year rolling programme or where there is reason to believe they are no longer valid. As part of this category we will assess our scheme blocks and our HRA housing blocks of flats/maisonettes with medium/high likelihood of shared water services.
- **Category B** – risk assessments will initially be conducted over a 5 year programme then reviewed over a 5 year rolling programme or where there is reason to believe they are no longer valid. As part of this category we will assess properties that have no associated common/shared spaces (i.e. house/bungalow accommodation), with low likelihood of shared water services.

6. WRITTEN SCHEME OF CONTROL

- 6.1. Once the risk is identified and assessed, a written control scheme will be prepared, implemented, and properly managed for preventing or controlling legionella.
- 6.2. The scheme will specify the various control measures, how to use and carry out those measures, who is responsible for the tasks and the correct operation of the water system. The scheme should be specific and tailored to the system covered by the risk assessment.

7. TRAINING AND COMPETENCE

7.1. Dartford Borough Council

- 7.1.1 All personnel involved with the management, control and prevention of Legionella will be provided with regular training so that they are properly updated on changes in legislation and best practice in the management and control of Legionella in water services.
- 7.1.2 They will be properly trained to a level that ensures tasks are carried out in a safe, competent manner; and receive regular refresher training. Records will be kept of all initial and refresher training.
- 7.1.3 The scope and effectiveness of the training the Council provides will be reviewed by the Responsible Person at least annually to ensure that the personnel involved are competent and capable of performing their specific duties. It is therefore important that the people involved in prevention, management and control are trained and aware of their responsibilities.
- 7.1.4 The requirements for competence include successful completion of accredited training in Legionella awareness and the management of hot and cold water systems, along with appropriate technical qualifications and experience in the installation, maintenance, and management of hot and cold water systems. Legionella specific training must be refreshed every 3 years as a minimum. A list of accredited training providers can be found on the Legionella.

7.2. Contractors

- 7.2.1 The Council will appoint a suitably qualified and competent contractor to provide support with all aspects of Legionella control and management. The contractor and any consultants will be required to provide the Council with training records and competence assessment for the person(s) working on the contract. All service providers will be members of the Legionella Control Association.

8. **RECORD KEEPING**

- 8.1. The Responsible Person and/or Deputy Responsible Person will ensure that appropriate records are kept. All records will be securely held, and any electronic information will be backed up.
- 8.2. Legionella risk assessments, written schemes and records are to be retained throughout the period they remain current and for a minimum two years after that period.
- 8.3. The results of monitoring, inspections, tests, checks, temperatures and works undertaken, are to be recorded onto the Legionella Risk Management logbook and will be retained for at least five years.
- 8.4. Dates and signatures will be required on all records for monitoring, inspections, tests, checks, and works undertaken. Electronic signatures will be acceptable.
- 8.5. The Council will maintain records of all Legionella training of its employees.
- 8.6. Following the disposal of any Council owned, managed, or leased properties legionella records will be provided to the new owner/operator.

9. **CONTROL MEASURES**

- 9.1. The control measures required for each property or property type will be determined by the risk assessment for that particular property only and will be implemented under the control of the Responsible Person.
- 9.2. A written scheme for controlling measures will be prepared by the Council and implemented and managed by the Responsible Person.
- 9.3. The control regime will include as appropriate:
- Good design - for avoidance of water stagnation and low flow.
 - Good design - avoiding use of materials in the water system that may harbour and encourage growth of bacteria or other nutrients.
 - Temperature control, monitoring, inspection, and flushing.
 - Correct and safe operation of equipment and plant including maintenance requirements and frequencies.
 - Testing of water quality as required.

- 9.4. To ensure control measures implemented remain effective, the condition and performance of the system will be monitored. The frequency and extent of the routine monitoring will depend upon the operating characteristics of the system identified by the risk assessment.
- 9.5. As a minimum, or in the absence of a suitable and sufficient risk assessment, the control measures and inspection programmes as given in table 2.1. of [HSG 274 Part 2 The Control of Legionella Bacteria in Water Systems](#) (page 76) will apply.
- 9.6. When Legionella sampling is undertaken the samples are to be analysed at a laboratory accredited by the United Kingdom Accreditation Service (UKAS) in accordance with the Approved Code of Practice L8. The samples are to be taken in accordance with BS 7592. The actions required for any positive water analysis results is described in the Legionella Risk Management Procedures document.

10. VOIDS

- 10.1. The Council recognise that the risk of Legionella may increase where a property is unoccupied for a short period of time. It is important that water is not allowed to stagnate within the water system and so dwellings that are vacant for extended periods should be managed carefully. Outlets on hot and cold water systems should be used at least once a week to maintain a degree of water flow and minimise the chances of stagnation. To manage the risks during non-occupancy, the Council will implement a suitable flushing regime or other measures, such as draining the system if the dwelling is to remain vacant for long periods.

11. ACTION TO BE TAKEN ON SUSPICION OF AN INCIDENT OR OUTBREAK

- 11.1. Where there is suspicion of an incident or outbreak of Legionella, the Responsible Person will inform the Environmental Health Officer/Health and Safety Executive and ask for their immediate advice and assistance. It is normal for them to send in a team to investigate and rectify the problem. It is important for them to be able to trace where the disease has come from.
- 11.2. The Responsible Person will ensure that any systems are safely isolated until a course of action has been agreed making sure that the system is not drained or disinfected before samples have been taken.

12. LEGIONELLA MICROBIOLOGICAL MONITORING REPORTING

- 12.1. In the event of a positive test result being notified the Responsible Person will be informed and seek competent advice from the appointed consultant.

13. RISKS OF AN OUTBREAK

- 13.1. Failure to implement this management plan could lead to a case or outbreak of legionellosis or Legionnaires' disease, potential resulting in the death or one or more persons. Additionally, such a tragedy would lead to a significant loss of reputation,

increased insurance costs, and possible repercussions such as a Health and Safety related prosecution and conviction for corporate manslaughter should gross negligence be identified.

14. COMMUNICATION

- 14.1. The Council understands that communication is a key factor in the risk assessment and control process. The Council will take all reasonable steps to ensure effective lines of communication are properly established and clearly laid down.
- 14.2. All identified risks will be communicated to the appropriate management, who will have sufficient authority to appoint a competent contractor to prioritise remedial actions and defects for effective control. The Council will review management and communication procedures as appropriate.

15. BUDGET

- 15.1. The Council will make available each year sufficient funds not just to support the anticipated serving program but also to support any necessary legal action against residents who will not permit access.

16. RESIDENTIAL ACCOMMODATION

- 16.1. The tenancy contract should clearly specify who has responsibility for maintenance and safety checks, including managing the risk from legionella. Where there is no contract or agreement in place or it does not specify who has responsibility, the duty is placed on the Council.
- 16.2. The Council will inform its tenants of the potential risk of exposure to legionella and its consequences and advise on any actions arising from the findings of the risk assessment, where appropriate. Tenants will be advised to inform the Council if the hot water is not heating properly or if there are any other problems with the system, so that appropriate action can be taken.

17. PROCEDURES

- 17.1. The Council will produce safety plan procedures that are to be read with this policy. Contractors will provide suitable procedures for the control measure tasks.

18. COMPLAINTS

- 18.1. If a tenant or leaseholder is not satisfied with the level of service they have received, the Council's [Corporate Complaints Procedure](#) can be followed. Complaints leaflets are also available from the Council offices.
- 18.2. The [Housing Ombudsman](#) can be contacted if further advice and support is needed on making a complaint to the Council.

19. DATA PROTECTION

- 19.1. The Data Protection Act 2018 and the UK GDPR regulate the processing of information relating to individuals, which includes the obtaining, holding, using or disclosing of such information.
- 19.2. The Council needs to collect and use certain types of information about its service users in order to carry out its everyday business and to fulfil its objectives and its statutory functions.
- 19.3. The Council's:
- [Data Protection Policy](#) sets out how it will protect special category and criminal convictions personal data; and
 - The [Housing Services \(landlord and tenant\) Privacy Notice](#) explains that the Council collects personal information to administer these services.

20. EQUALITY AND DIVERSITY

- 20.1. The Council is committed to welcoming and valuing diversity, promoting equality of opportunity and tackling unlawful discrimination in accordance with the Equality Act 2010. The Council, in delivering this policy, will have regard to the Public Sector Equality Duty and ensure that no individual is discriminated against based on their sex, sexual orientation, marital status, pregnancy and maternity, gender reassignment, race, religion, belief, disability or age.
- 20.2. The Public Sector Equality Duty is a duty on the Council and that responsibility cannot be delegated to a contractor/service provider and is a continuing duty.

21. REVIEW

- 21.1. This policy is to be reviewed annually to make sure it is effective and complies with current statutory requirements. A regular review will be conducted when:
- There are changes to the water system or its use.
 - There are changes to the use of the building in which the water system is installed.
 - There is availability of new information about risks or control measures.
 - The results of checks indicating that control measures are no longer effective.
 - There are changes to key personnel.
 - There is a case of legionnaires' disease/legionellosis associated with the system.
 - There are changes to current legislation and associated guidance documents.
- 21.2. Any changes are to be validated by the Councils responsible persons.

If you or anybody you know requires this or any other council information in another language, please contact us and we will do our best to provide this for you. Braille, Audio tape and large print versions of this document are available upon request.



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