



Water Safety Policy

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1. Introduction

- 1.1 Dover District Council (“the Council”) are responsible for maintaining and repairing properties within its Housing Revenue Account (HRA) including its shared areas. The Policy outlines the measures the Council will take to ensure water safety and control or minimise the risks associated with legionella bacteria and other organisms in the shared water systems. These measures aim to reduce and/or control the growth and proliferation of legionella, and minimise, as far as reasonably practicable, exposure to water droplets and aerosols in the domestic housing stock.

2. Definitions

- 2.1 For the purposes of this Policy:
- ‘We’, ‘ours’, ‘us’ and ‘landlord’ refers to Dover District Council. We are the landlord because we own and manage homes through the HRA tenancy agreement.
 - ‘Staff’ refers to members of staff who provide housing related services, including housing management, housing options, strategic housing, and property services.
 - ‘Contractors’ refers to third party organisations who provide housing-related services on our behalf.
 - ‘Tenants’ refers to an individual or individuals who have an active tenancy agreement with the Council and live in and rent a Council-owned property.
 - ‘LRA’ refers to a Legionella Risk Assessment. This assessment identifies the risks of exposure to legionella in the shared water systems present in a premises and the necessary control measures required.
 - ‘Written scheme’ refers to a written document that details the characteristics, components, operational methods, and management of water systems to help maintain the compliant control of legionella bacteria.
 - The ‘Policy’ refers to this HRA Water Safety Policy.

3. Definition of legionellosis

- 3.1 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, although

some people are at higher risk. Legionnaires' disease is normally contracted by inhaling small droplets of water (aerosols), suspended in the air, containing the bacteria.

4. Policy purpose and scope

- 4.1 The purpose of this Policy and its associated procedures is to set out how the Council will inspect and complete the Legionella Risk Assessments (LRAs) on all shared hot and cold-water systems, cooling plant and any other systems that can produce water droplets within its housing stock. The Council will monitor the shared water systems on the frequency and methods in accordance with applicable guidance. This Policy intends to prevent exposure to legionella bacteria by ensuring compliance with water hygiene legislation.
- 4.2 We are responsible for maintenance and repairs to our buildings within our HRA, this includes Council properties with an active tenancy agreement, void/empty properties, and internal and external shared areas of properties owned or partially owned by the Council.
- 4.3 This policy and associated procedures must be used by all Council staff and approved contractors working on the Council's behalf to ensure they understand the obligations placed upon the Council to maintain the safety of our tenants within their homes.
- 4.4 The Policy should be read alongside the following Policies:
- Vulnerable Tenant Policy

5. Policy aims

- 5.1 The aim of this Policy is to take all reasonable steps to ensure the health and safety of tenants in their homes and associated communal areas (shared areas), the specific aims of the Policy are:
1. To ensure the water safety of the Council's shared water systems.
 2. Reduce the risk of harm caused by legionella bacteria through LRAs and regular monitoring.
 3. Council staff and contractors are clear and confident about our responsibilities relating to shared water systems in accordance with relevant guidance.
 4. Establish a system to record inspections and LRAs to monitor compliance.

6. Legal duties

Legal duties owed to employees

- 6.1 Health and Safety at Work Act 1974 (HSW Act) is the primary piece of legislation covering occupational health and safety. The Act requires employers to ensure their work environments are safe and free from risks to health. It sets out the duties which:

- Employers have towards employees and members of the public
 - Employees have to themselves and to each other
- 6.2 Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR) is the law that requires employers, and other people in charge of work premises to inform the Health and Safety Executive (HSE) or relevant enforcing authority that a work-related accident or incident has happened. This is so that the HSE can respond to ensure compliance with health and safety law, we must report and keep records of all:
- work-related fatalities
 - work-related reportable injuries
 - diagnosed cases of reportable occupational diseases
 - certain dangerous occurrences (incidents with the potential to cause harm)

Legal duties owed to employees and tenants

- 6.3 The HSW Act and Control of Substances Hazardous to Health Regulations 2002 (as amended) (COSHH) place a duty, as an employer or person in control of a premises (e.g. a landlord), to take suitable precautions, to assess, prevent or control the risk of exposure to legionella. Therefore, the Council are the duty holder.

Legal duties owed to tenants

- 6.4 Health and Safety Executive's (HSE) [Approved Code of Practice L8 \(ACOP L8\)](#) provides guidance to duty holders on the legal duties in the HSW Act and COSHH in relation to legionellosis, including risk assessments, control measures, the "responsible person", and record keeping.
- 6.5 [HSE's HSG274 Part 2 Legionnaires' disease: Technical guidance](#) (HSG27F Part 2) gives practical advice to duty holders on how to assess and control the risks due to legionella bacteria in accordance with their legal duties.
- 6.6 The Landlord and Tenant Act 1985 requires a landlord to:
- Keep in repair and proper working order the installations in the dwelling for the supply of water, gas, electricity and for sanitation, including basins, sinks, baths and sanitary conveniences.
 - Keep in repair and proper working order the installations in the dwelling-house for space heating and heating water.
- 6.7 The Housing Act 2004 introduces the Housing Health and Safety Rating System (HHSRS) which identifies whether any specified hazards are present and categorises those hazards according to objective criteria. A hazard is any risk of harm to the health or safety of an actual or potential occupier of accommodation that arises from a deficiency in the dwelling, building or land in the vicinity.
- 6.8 The Homes (Fitness for Human Habitation) Act 2018 amends the Landlord and Tenant Act 1985 to require all landlords to ensure that their properties, including any common

parts of the building, are fit for human habitation at the beginning of the tenancy and throughout.

- 6.9 The Social Housing (Regulation) Act 2023 introduced new rules that social housing landlords must comply with regarding the safety and quality of homes. The revised consumer standards set a requirement for social housing landlords to take all reasonable steps to ensure the health and safety of tenants in their homes and associated communal (shared) areas. Registered providers must also provide an effective, efficient and timely repairs, maintenance and planned improvements service for the homes and communal (shared) areas for which they are responsible.

Additional legislation and associated documents

- 6.10 The Policy also operates in the context of, but is not limited to:

- Health and Safety at Work Regulations 1999
- Corporate Manslaughter and Homicide Act 2007
- The Workplace (Health Safety and Welfare) Regulations 1992
- Construction (Design and Management) Regulations 2015
- Housing Health and Safety Rating System (HHSRS) 2006
- Data Protection Act 2018
- Public Health (Infectious Diseases) Regulations 1998
- Water Supply (Water Quality) Regulations 2016
- Water Supply (Water Fittings) Regulations 1999
- BS 8558 & Water Use in Domestic Buildings
- Water Regulations Approval Scheme
- Updated BS 8580-1:2019 for Legionella Risk Assessments
- BS 7592:2022 Sampling for Legionella Bacteria in Water Systems

7. Policy Statements

Roles and responsibilities

- 7.1 We, as the 'duty holder', are responsible for Health and Safety and must take the right precautions to reduce the risks of exposure to legionella, including:
- Identifying and assess sources of risk
 - Prepare a scheme for preventing or controlling the risk
 - Implement, monitor and manage precautions
 - Keep records of the precautions
 - Appoint a person to be managerially responsible for others
- 7.2 All staff are responsible for complying with safety legislation, this Policy, and associated processes when inspecting and risk assessing shared water systems.
- 7.3 The housing management team will provide key support in gaining access into properties where access is proving difficult in accordance with our tenancy agreement.

- 7.4 Contractors are responsible for complying with all relevant safety legislation in force at the time.
- 7.5 Cabinet will receive regular updates on the implementation of the Policy and water safety 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. This is the same report detailed in paragraphs 7.28 and 7.29.
- 7.6 The Head of Property Assets has strategic responsibility for the management of water safety and ensuring compliance is achieved and maintained, they will:
- Oversee the implementation of the Policy.
 - Be responsible for overseeing the delivery of the agreed water safety programme.
 - Prioritise and implement any works arising from the water safety inspections.
- 7.7 The Principal Compliance Officer is the 'responsible person' in accordance with ACOP L8. This is a suitably competent person (or persons) to take day-to-day responsibility for controlling any identified risk from legionella bacteria.
- 7.8 As per the Social Housing (Regulations) Act 2023 (amending the Housing and Regeneration Act 2008), our designated health and safety lead has the following responsibilities in relation to the health and safety of tenants:
- Monitoring compliance with health and safety requirements.
 - Assessing risks of failing to comply with these requirements.
 - Assessing hazards under the Housing Act 2004.
 - Notifying the Regulator of Social Housing about:
 - Risks of material failures.
 - Actual material failures.
 - Providing advice to the responsible body as to how we should address these risks and failures to ensure compliance.

Information on our designated health and safety lead is available on our website.

Legionella Risk Assessments (LRAs)

- 7.9 We will carry out LRAs to properties containing any water system that could present a risk of exposure to legionella or any identified shared water systems within our HRA stock. This will establish any potential risks and implement measures to either eliminate or control identified risks.
- 7.10 The LRA will be reviewed at least every two years or sooner if there are significant changes.
- 7.11 We will periodically review LRAs, after any works have been completed to the installation, or if there is a significant change in case anything changes in the system.
- 7.12 All relevant compliance documentation for new builds will be provided to us at handover.

- 7.13 We will ensure that a risk assessed approach for water safety is adopted as part of the void process, prior to re-let. Long term voids will be drained down if possible.
- 7.14 Where appropriate, a written scheme (see definitions) should be prepared to prevent or control the risks of legionella. This should include the following and make reference to the LRA:
- An up-to-date plan showing the layout of the plant or water system, including parts temporarily out of use (a schematic diagram is sufficient);
 - A description of the correct and safe operation of the system;
 - The precautions to take;
 - Checks to carry out to ensure the written scheme is effective and the frequency of such checks;
 - The remedial action to take if the written scheme is shown not to be effective
- 7.15 Written schemes will dictate a programme of visits by competent persons to all properties which have a written scheme in place. These programmes will ensure that all maintenance and testing set out in the written scheme is fully completed at the times and intervals stated. The results of these visits will be recorded electronically.
- 7.16 We will implement a data reconciliation process to deal with all changes to stock, including new property acquisitions, disposals and stock transfers, to ensure that properties are not omitted from the compliance programme, and to ensure the programme remains up to date.
- 7.17 Access to properties
- Our tenancy agreement outlines that tenants must allow staff, contractor operatives, or agents acting on our behalf to enter the property at reasonable hours on requests for the purposes of inspecting the property or carrying out any works including water hygiene tests / checks that may be necessary. Unless otherwise agreed or in an emergency, or we are investigating alleged tenancy breaches, we will give tenants at least 24 hours' notice.
 - We will have a robust controlled access process in place should any tenant refuse access to carry out essential water safety related inspection and remediation works.
 - In accordance with our Vulnerable Tenant Policy, if the tenant's vulnerability is preventing the Council from entering the property to carry out and complete repairs and maintenance, we will work with the tenant to make adjustments that are reasonable and justified while allowing us to carry out the repair work.

Follow up work

- 7.18 We will ensure there is a robust process in place for the management of any follow-up works required following the completion of a LRA or where identified by the competent person when undertaking required maintenance activities.

- 7.19 We will ensure that there is a robust process in place for the management of immediately dangerous situations identified from the LRA or water testing/monitoring regime.

Competency and compliance

- 7.20 We 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. Any new employee will commence any required qualification within 12 months of the start of employment for any new operational leads.
- 7.21 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
 - HABC around the requirements of ACoP L8 - ‘Legionnaires’ disease: The control of legionella bacteria in water systems’.
 - Level 4 Diploma in Asset and Building Management Compliance or equivalent.
 - Or qualification and/or experience of equal standing.
- 7.22 We 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 LRAs, prepare written schemes of control and undertake works and monitoring in respect of water safety and legionella control.
- 7.23 The Property Assets team will check relevant qualifications to ensure that all persons are appropriately qualified for the work that they are carrying out. These checks will be undertaken on an annual basis and evidenced appropriately.

Record keeping

- 7.24 All LRAs, monitoring evidence and documentation will be recorded through our approved water safety contractor and our internal data management system.
- 7.25 We will hold accurate records against each property we own or manage, identifying when the water system was last inspected and risk assessed. We will review logbooks which are maintained by our contractor as per ACOP L8 guidelines.
- 7.26 We will establish and maintain a register of all properties that have a LRA and a written scheme of control for water safety in place.
- 7.27 We will hold accurate inspection dates and inspection records against each property we own or manage and will retain these for a period not less than 5 years.

Performance reporting

- 7.28 Robust key performance indicator (KPI) measures will be established and maintained to ensure we are able to report on performance in relation to water safety. We will also provide further information on our position within our narrative to enable understanding.
- 7.29 KPI measures will be produced and provided to the Corporate Management Team (CMT) and Cabinet on a quarterly basis. These KPI measures may include reporting on:

Data – the total number of:

- Properties – split domestic properties and communal installations (installations in shared areas);
- Properties on the LRA programme – split by communal installations and ‘other’ properties;
- Properties not on the LRA programme – split by communal installations and ‘other’ properties;
- Properties with a valid ‘in date’ LRA. This is the level of compliance expressed as a number and a % – split by communal installations and ‘other’ properties;
- Properties where the LRA has expired and is ‘out of date’. This is the level of non-compliance expressed as a number and a % – split by communal installations and ‘other’ properties;
- The number of follow up works/actions arising from any LRAs or inspections, and the numbers ‘completed’ – split by communal installations and ‘other’ properties.

Narrative - an explanation of the:

- Current position;
- Corrective action required;
- Anticipated impact of corrective action;
- Progress with completion of follow-up works

Quality assurance

- 7.30 We will appoint an independent competent person and/or consultant to complete an audit of compliance at least once every two years. This audit will specifically test for compliance with the regulation, legislation and codes of practice and identify any non-compliance issues for correction.

Non-compliance / escalation process

- 7.31 The definition of non-compliance in relation to this Policy refers to any incident which results in a potential breach of legislation or regulatory standard, or which causes or has the potential to cause a significant risk to health or safety, including RIDDOR (see para 6.2).
- 7.32 Any non-compliance issue identified at an operational level will be formally reported to the Head of Property Assets and the Designated Health and Safety Lead in the first instance.

- 7.33 The Head of Property Assets will agree an appropriate course of corrective action with the relevant operational teams to address the non-compliance issue and report details of the same to CMT.
- 7.34 CMT will ensure the Portfolio Holder for Housing, Skills and Education is made aware of any non-compliance issue so they can consider the implications and take action as appropriate.

8. Implementation, monitoring and review

- 8.1 Monitoring is necessary to ensure that the Council delivers the aims and objectives set out in this Policy. Senior Managers will be responsible for ensuring that staff are complying with this Policy and national guidance on water safety and legionella prevention.
- 8.2 Staff will be provided with procedures to ensure that they comply with the Policy provisions and both legislation and regulation. The procedures will also ensure that staff are providing a consistent approach to water safety.
- 8.3 This Policy will be reviewed every three years, or in response to relevant changes in legislation, organisational structure, development of good practice, or to address operational issues.
- 8.4 Any minor amendments required will be made by Officers of the Council. Any significant amendments required as a result of changes to legislation or regulation, or Council operations, will be approved by the Council's cabinet. Where significant changes are required, relevant Officers and teams will be consulted before these are implemented.

9. Complaints

- 9.1 The Council's definition of a complaint is:
- "An expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the organisation, its own staff, or those acting on its behalf, affecting an individual resident or a group of residents."*
- 9.2 The Council takes complaints made about any service it provides, officers who work for the Council or contractors who provide our services, seriously. If a tenant wishes to make a complaint about the service they have received, a Council officer or contractor, they can be made:
- In writing (letter or email)
 - Using our online complaint form
 - Using the Council's Complaint Leaflets (these are available at the Council's office reception, or our residents can request them to be posted)
 - Via telephone; or
 - In person by an appointment

- 9.3 Reasonable adjustments will be made during the complaints process for vulnerable residents (please see our Vulnerable Tenant Policy).
- 9.4 All complaints received will be dealt with in accordance with the Council's Complaints Policy and Procedure. More information about how to make a complaint can be found on our website: [If you are unhappy \(dover.gov.uk\)](https://www.dover.gov.uk/if-you-are-unhappy).

10. Equality, diversity and inclusion

- 10.1 The Council is committed to promoting equality of opportunity and to eliminating unlawful discrimination on the grounds of race, age, disability, gender, sexual orientation, religion, belief, financial status, and any other difference that can lead to discrimination or unfair treatment considering the principles of the Equality Act 2010. Please see our Equality Policy for more details.
- 10.2 A full Equality Impact Assessment (EIA) was conducted for this policy in accordance with our Public Sector Equality Duty (PSED) when carrying out our duties (s149 of Equality Act 2010). The overall impact for each characteristic is deemed to be positive. Where potential negative impacts to individuals have been identified, particularly in relation to age and disability, mitigative actions have been documented on the EIA.

11. Data protection and confidentiality

- 11.1 We process personal data in compliance with data protection legislation including the Data Protection Act 2018 & General Data Protection Regulation 2016. All processing of personal data will be done in line with the data protection principles and where appropriate the necessary exemption applied.
- 11.2 Full details of how we store and use personal information about our residents can be found on our website and in our privacy statement at www.dover.gov.uk/privacy. This will also contain contact information if you have any questions or require assistance from the data protection/information governance team.

12. Version control

Approval date	TBC
Approved by	Cabinet
Policy owner	Property Services
Scheduled review	TBC

Policy controls sheet

Date	Summary of change	Author and approver
		Author: Approver(s):