

## Water Safety Policy

Document Owner	Head of Property Safety
Prepared by	Operations Director
Approved by	Operations Management Team Directors Group
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Monitoring, Auditing and Reporting	<ol style="list-style-type: none"> <li>1. Data Compliance Manager - performance reporting</li> <li>2. TSMs and associated audits</li> <li>3. Quarterly compliance report to Directors Group</li> </ol>

## **1. Scope and Aims**

- 1.1. The water safety policy details how Hexagon Housing Association (Hexagon) meets the requirements of the Health and Safety at Work Act 1974 and the Management of Health and Safety at Work Regulations 1999 (the Management Regulations). In addition to this, the policy provides assurance to Hexagon residents that measures are in place to ensure compliance with the Control of Substances Hazardous to Health Regulations 2002 (as amended) and to identify, manage and/or mitigate risks associated with hot and cold-water systems and any other systems that may cause exposure to legionella bacteria.
- 1.2. The policy is relevant to all Hexagon employees, tenants, residents, contractors, and other persons who may work on, occupy, visit, or use its premises, or who may be affected by its activities or services. It should be used by all to ensure they understand the obligations placed upon Hexagon to maintain a safe environment for tenants, residents, and employees within the home of each tenant/resident and within all non- residential premises or areas of buildings.
- 1.3. Hexagon will follow a systematic approach to the management of water hygiene to ensure it meets the requirements set out in the Health and Safety at Work Act 1974, Management of Health and Safety at Work Regulations 1999, COSHH Regulations 2002, Approved Code of Practice L8 2013 and other relevant legislation relating to this policy.

## **2. Equality and Diversity**

- 2.1. An equality and diversity impact assessment has been carried out and is attached as an appendix to this Policy.

## **3. Resident Consultation**

- 3.1. The Repairs Group will be consulted on this policy in September 2024. Their views will guide whether further consultation is undertaken. If further consultation is undertaken and it impacts on this policy, it will be brought back to the Directors Group for consideration and approval.

## **4. Policy Statement**

- 4.1. Hexagon acknowledges and accepts its responsibilities with regard to water hygiene safety and preventing exposure to legionella. It is our objective to ensure that the risk of water born bacteria is minimised by the actions of Hexagon at all levels of the organisation and that individuals understand their duty, within each role, to appropriately contribute to the effective management of this type of bacteria.

4.2. The key objectives of this policy are to establish:

- 4.2.1. Water safety management principles
- 4.2.2. Duties of Employers and Landlords
- 4.2.3. Inspection programme
- 4.2.4. Compliance Follow up Work
- 4.2.5. Record Keeping
- 4.2.6. Training
- 4.2.7. Non-Compliance
- 4.2.8. Audit and Inspection

4.3. Detailed below are the key policy principles relating to water safety.

## **5. Water safety management principles**

5.1. Hexagon will hold accurate records against each property it owns or manages setting out the requirements for water hygiene risk assessments and safety checks and maintenance of all watersystems that could present a risk of exposure to legionella.

5.2. Hexagon will appoint a competent 'Duty Holder' responsible for the control of legionella and water hygiene safety. The 'Duty Holder' will have overall responsibility for legionella control. The 'Duty Holder' should appoint a competent person or persons to take day-to-day responsibility for controlling any identified risks from legionella bacteria, known as the 'responsible person'. This will include management of risk assessments, production of a written scheme and the implementation of that scheme to prevent or control the risks.

5.3. Hexagon will ensure that all properties are risk assessed by a competent person for potential to cause exposure to legionella. This risk assessment should include management responsibilities:

- 5.3.1. Including the name of the competent person carrying out the risk assessment;
- 5.3.2. A description of the system, any potential risk sources, and any controls currently in place to control risks;
- 5.3.3. Monitoring, inspection, and maintenance procedures;

5.3.4. Records of the monitoring results, inspection and checks carried out and a review date identified.

5.4. Where the risks are assessed to be insignificant and are being properly managed to comply with the law, no further action is required. Hexagon will periodically review these risk assessments; the review will be dependent on documented risk levels with the maximum length of time between reviews being 5 years) in or if anything changes in the system.

5.5. The number of people using the water system (high rise blocks) and the client group (supported housing) will impact on the assessed risk level.

Risk Level	Review timescale
High	2 yearly
Medium	3 yearly
Low	5 yearly

5.6. Hexagon will ensure that 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. This 'written scheme' will control any risks from legionella by identifying:

5.6.1. The system, e.g. developing a written schematic;

5.6.2. Who is responsible for carrying out the assessment and managing its implementation;

5.6.3. The safe and correct operation of the system;

5.6.4. What control methods and other precautions are required and what checks will be carried out to ensure risks are being managed and how often.

5.7. Hexagon will ensure that a risk assessment for water hygiene safety is carried out on all void properties prior to commencing works and that any identified risk control measures are fully implemented.

5.8. Hexagon will maintain and store adequate records in respect of all risk assessments, written schemes of control, remedial works, water quality tests and audits and shall keep these records for the time they remain current and for at least 5 years thereafter.

5.9. Hexagon will ensure that a sample audit is undertaken of 10% of all written schemes of control by an independent competent person to ensure that all control actions are being fully and robustly implemented.

- 5.10. Hexagon will ensure that only suitably competent consultants, surveyors, risk assessors and engineers undertake works in respect of water hygiene safety.
- 5.11. Hexagon will make written schemes of control in communal areas of buildings available to inform occupants on how the risk of exposure to legionella bacteria is being managed and controlled.
- 5.12. Hexagon will ensure that robust processes and controls are in place to ensure that all remedial works identified through risk assessments and subsequent control activities are completed within a reasonable timescale commensurate with the risk identified.

Risk Level	Timescale for addressing issue
High	1 month
Medium	3 months
Low	6 months

- 5.13. Hexagon will ensure robust processes and controls are in place to ensure that any suspected outbreak of Legionellosis is properly reported as required under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR).
- 5.14. Hexagon will ensure that robust processes and controls are in place to manage works to void and occupied properties that may affect existing water hygiene and legionella safety controls.

## 6. Duties of Employers and Landlords

- 6.1. In order to comply with the Approved Code of Practice L8 2013 and other relevant legislation relating to water hygiene Hexagon will:
  - 6.1.1. Appoint a Duty Holder to lead the management of water hygiene and ensure compliance is achieved and maintained.
  - 6.1.2. Appoint suitably competent and qualified Responsible Person(s) to take day to day responsibility for controlling any identified risk from legionella bacteria.
  - 6.1.3. Ensure only suitably competent consultants and contractors, registered members of the Legionella Control Association (LCA) or equivalent, are procured and appointed to deliver water hygiene services.
  - 6.1.4. Ensure all properties managed have risk assessments completed identifying all risks relating to water hygiene.

- 6.1.5. Establish written schemes of control to provide specific detail on how to manage any risks identified.
- 6.1.6. Implement and maintain regular inspection, servicing and maintenance regimes as identified in the written schemes of control.
- 6.1.7. Ensure robust processes and controls are in place to manage water hygiene in void properties.
- 6.1.8. Maintain accurate records relating to the management of water hygiene.
- 6.1.9. Ensure robust processes and controls are in place to ensure that any suspected outbreak of Legionellosis is properly reported as required under the RIDDOR.

## **7. Inspection Programme**

- 7.1. Hexagon will carry out a programme of risk assessments and risk assessment reviews to all properties containing any water system that could present a risk of exposure to legionella. These risk assessments will be reviewed at least every 5 years, utilising a risk based approach i.e., the highest risk buildings will be reviewed more frequently, or after any works have been completed to the installation.
- 7.2. Risk assessments will be carried out to individual domestic properties, however, due to the high number of such properties this will be a representative proportion based on similar design, size, age, and water supply. Hexagon will carry out a programme of maintenance visits by competent persons to all properties that have a written scheme of control in place. These programmes will ensure that all maintenance and testing set out in the written scheme of control is fully completed at the times and intervals stated.
- 7.3. Hexagon will appoint an independent competent person to complete a programme of compliance audits to 10% of written schemes of control to ensure that all control actions are being fully and robustly implemented.

## **8. Compliance Follow up Work**

- 8.1. Hexagon will ensure there is a robust process in place for the management of any follow-up works required following the completion of a water hygiene/ legionella risk assessment or where identified by the competent person when undertaking required maintenance activities.

- 8.2. Hexagon will ensure that there is a robust process in place to collate and record details of all remedial works and water testing completed against individual installations.
- 8.3. Hexagon will ensure there is a robust process in place to investigate and manage all RIDDOR notices issued with regard to water hygiene and legionella safety.

## **9. Record Keeping**

- 9.1. Hexagon will maintain a core electronic asset register 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 water hygiene risk assessment carried out.
- 9.2. Hexagon will maintain accurate records of all written schemes of control and any associated remedial works and water testing and keep these for a period of not less than 5 years. Records should include the person or people responsible for conducting the risk assessment, managing, and implementing the written scheme; any significant findings of the risk assessment; the written control scheme and its implementation; and the results of any inspection, test or check carried out, together with the dates. This should include details about the state of operation of the system, i.e., in use/not in use.
- 9.3. Hexagon will maintain accurate records on the qualifications of all consultants, surveyors, risk assessors and engineers undertaking water hygiene works.

## **10. Competent Persons**

- 10.1. Hexagon will ensure that the Duty Holder appoints a suitable competent person who will lead responsibility for operational delivery of water safety. This person shall hold a recognised qualification in legionella compliance and control to meet the training needs of a 'duty holder' or 'responsible' person for legionella control.
- 10.2. Hexagon 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. The responsible person will check the relevant qualifications of employees working for these contractors 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.

## **11. Training**

- 11.1. Implementation of this policy and the associated procedures will be supported by a range of training across Hexagon. The training will be bespoke to the individuals and refresher training will be provided as appropriate.
- 11.2. Training will include team briefings for those employees who need to have a basic understanding and awareness of water hygiene safety but who may not be actively involved in the delivery of the water hygiene policy. This will be basic legionella awareness training. On the job training, will be provided to those employees who will be responsible for managing the programme of water hygiene checks and repair works as part of their daily job. The responsible person for operational delivery will hold a recognised qualification in legionella compliance and control.

## **12. Non-Compliance**

- 12.1. Any non-compliance issue identified at an operational level will be formally reported to the Director of Operations in the first instance.
- 12.2. The Director of Operations will agree an appropriate course of corrective action with the team in order to address the non-compliance issue and report details to the members of the Directors Group.
- 12.3. The Directors Group will ensure the Board and the Audit & Risk Committee are made aware of any non-compliance issues, so they can consider the implications and take action as appropriate.
- 12.4. In cases of a serious non-compliance issue, the Directors Group and Board will consider whether it is necessary to disclose the issue to the Homes England in the spirit of co-regulation as part of the Regulatory Framework.

## **13. Audit and Inspection**

- 13.1. Hexagon will carry out an audit of water hygiene and legionella safety at least once every three years. This audit will specifically test for compliance with the regulation, legislation and codes of practice and identify any non-compliance issues for correction.

## **14. Legal Framework**

- 14.1. The application of this policy will ensure compliance with the regulatory framework and consumer standards for social housing in England, which was introduced by the Homes & Communities Agency (HCA) in April 2024.
- 14.2. The principal legislation applicable to this policy are the: -



- Health and Safety at Work Act 1974
- Management of Health and Safety at Work Regulations 1999 (the Management Regulations)
- Control of Substances Hazardous to Health Regulations 2002 (as amended) (COSHH).

14.3. Hexagon has a legal obligation under COSHH to prevent, or control, exposure to biological agents. Being harmful to human health, legionella falls within the scope of these regulations.

14.4. The principal codes of practice applicable to this policy are:

- A code of practice L8 - 'Legionnaires' disease: The control of legionella bacteria in water systems' (4th edition 2013).
- HSG274 - Legionnaires' disease: Technical guidance Part1: The control of legionella bacteria in evaporative 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 duty holders Leaflet (HSE Books 2012)

14.5. This water hygiene policy also operates in the context of the following legislation:

- Construction, Design and Management Regulations 2015
- Housing Act 2004
- RIDDOR 2013
- The Workplace (Health Safety & Welfare) Regulations 1992
- The Notification of Cooling Towers and Evaporative Condensers Regulations 1992
- Landlord and Tenant Act 1985

## **15. Related Hexagon policies, strategies, and procedures**

- Asset Management Strategy
- Independent Audit of Compliance Areas Policy
- Repairs Policy
- Water Management Procedure
- Voids Procedure

## Appendix 1: Equality Impact Assessment

### Part one: Initial Screening

<b>Name of policy, service or function</b>	<b>Water Safety Policy</b>
<b>Persons completing initial screening</b>	<b>Andy Vincent (Operations Director)</b>

#### Analysis of relevant data

<b>Data Type</b>	<b>Summary and Analysis</b>
Organisational Statistics	Hexagon undertakes water safety related activity in 50 blocks or supported housing schemes
National / Regional Statistics	The people most at risk for contracting Legionnaires' disease are those with weakened immune systems, as they have little defence against the onset of infection. People with diseases such as HIV/AIDS, cancer, or diabetes; those who are over the age of 65; and those who have recently undergone an organ transplant have a greater risk of infection. Also, those whose lungs are weakened due to smoking or chronic emphysema are at risk of infection after exposure to the bacterium legionella.
Qualitative data from colleagues managing/delivering the service area	This work is in communal areas – not individual properties

#### Resident Involvement

<b>Method</b>	<b>Data</b>
Resident Group	Hexagon will discuss this policy with the Repairs Group in September 2024  There will be a recommendation that the content of the policy is summarised and published in Home News and in the tenant's handbook.  An article will be prepared for the next edition of the magazine.

#### Screening

<b>Protected Characteristic</b>	<b>Is impact positive, negative, or none</b>			<b>Reason (include description of any data or research used)</b>
	<b>Positive</b>	<b>Negative</b>	<b>No Impact</b>	
<b>Age</b>	x			The water testing and risk assessment programme is designed to mitigate the risks of legionella for very young and older people

<b>Disability</b>	<b>x</b>			The water testing and risk assessment programme is designed to mitigate the risks presented to some residents with a disability
<b>Sex</b>			<b>X</b>	Vulnerability to legionella is not impacted by gender or any other protected characteristic- other than age or disability
<b>Gender reassignment</b>			<b>X</b>	
<b>Race</b>			<b>X</b>	
<b>Religion or belief</b>			<b>X</b>	
<b>Sexual orientation</b>			<b>X</b>	

**What are the arrangements for monitoring the policy and its impact on customers?**

Via the monthly KPI reporting and the quarterly DG report

**As no negative impact has been identified for any group in this screening that can be further mitigated via the water treatment and risk assessment programme, we will not proceed to Part 2 of the Equality Impact Assessment.**