

WATER SAFETY POLICY

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| Executive Summary: |
| <p>This policy sets out our legal and regulatory duties in respect of water safety and what we will do to ensure we comply with them. The policy includes details of the safety check programme we will operate to achieve this, and the measures we will take to ensure the programme is delivered safely and in a timely manner. It also sets out how we will monitor delivery of the policy and of the programme.</p> |

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| Policy Grouping/Directorate | Property Compliance / Property Services | |
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1 Introduction and Aims

- 1.1 As a landlord, RBH must meet the legal obligations which require us to deal with the risks associated with legionella bacteria within the properties we own or manage. Legionella bacteria can cause a potentially fatal form of pneumonia called Legionnaires' disease, and people can contract this by inhaling small droplets of water containing the bacteria.
- 1.2 As far as is reasonably practicable, we must introduce measures to reduce and/or control exposure to legionella bacteria, including managing the conditions that support the growth of the bacteria in water systems.
- 1.3 The key objective of this policy is to ensure our Senior and Executive Leadership Teams, colleagues, partners and customers are clear on our legal and regulatory water safety obligations and what we will do to comply with them. This policy provides the framework our colleagues and partners will operate within to meet these obligations.
- 1.4 The aims of the policy are:
 - To ensure that RBH has identified and complied with all relevant legal duties in respect of water safety.
 - To ensure that RBH is meeting our regulatory duties in respect of water safety.
 - To help deliver our objectives within our Corporate Strategy to ensure our customers live in safe homes and that we are delivering customer focused services which meet their needs.
- 1.5 This policy forms part of our wider organisational commitment to driving a health and safety culture amongst colleagues and contractors and it will be shared with all relevant RBH colleagues and partners.

2 Context

- 2.1 The Management of Health and Safety at Work Regulations 1999 and the Health and Safety at Work Act 1974 place a duty on RBH, as an employer and landlord, to ensure our employees and others affected by our undertakings (for example, customers), are not exposed to health and safety risks, including the risk from legionella.
- 2.2 We have a legal obligation under the Control of Substances Hazardous to Health Regulations 2002 (as amended) (COSHH) to prevent or control exposure to biological agents, including legionella.
- 2.3 Approved Code of Practice (ACOP) L8 sets out Health and Safety Executive (HSE) guidance on how to comply with the legal duties and requirements on water safety, and we are expected to adhere to this ACOP. RBH is the 'Duty Holder' as defined in L8, and we must take necessary precautions to prevent, reduce or control the risks of exposure to legionella.
- 2.4 The HSE has also published a number of guidance documents relating to asbestos management, which duty holders should also follow, including:
 - HSG274 – Legionnaires' disease technical guidance (parts 1, 2 and 3)
 - INDG458 - Legionnaires' disease: A brief guide for dutyholders

- BS 8580-1:2019 Water quality, risk assessments for Legionella control – Code of practice

2.5 As the Duty Holder, we must:

- Carry out a risk assessment for all hot and cold water systems, cooling plant and any other systems that can produce water droplets to identify and assess potential risks.
- Implement measures to either eliminate, reduce or control identified risks.
- Appoint a Responsible Person to take managerial responsibility for
 - Carrying out risk assessments;
 - Producing written schemes of control (a practical, risk management document used to control the risk from exposure to legionella); and
 - Implementing the written scheme of control.
- Appoint a Deputy Responsible Person who will provide cover to the responsible person in their absence.
- Keep associated records for five years.

2.6 This policy will support RBH to comply with the following regulatory standard:

Consumer Standards – Safety and Quality Standard

The delivery of this policy will support us to comply with the requirement to take all reasonable steps to ensure the health and safety of tenants in their homes and associated communal areas. This policy has identified the legal requirements that relate to water safety, and sets out what we will do to comply with them.

3 Values

3.1 The policy fits with all the mutual values of RBH:

Putting People First: We listen with empathy, respond with compassion, and make it easy for our customers to access our services. We will respond to requests from customers about water safety within their home, and be empathetic to any concerns.

Doing What We Say: We earn trust through honesty, integrity, caring and keeping our promises.

Working As One: We embrace our mutuality and work together to deliver great outcomes for the people living in our homes and communities.

Delivering Quality: We invest wisely in our people and make it easy for them to deliver services and create places that our customers are proud to call home.

Open & Transparent: We are curious, embrace diverse ways of thinking and seek feedback to help us improve.

4 Policy Statement

4.1 We acknowledge and accept our legal and regulatory duties as outlined in Section 2.

4.2 We will maintain a core asset register of all properties we own and/or manage, with component/attribute data against each property to show water safety requirements.

- 4.3 We will operate a robust process to manage all changes to our assets, including property acquisitions and disposals, to ensure that properties are not omitted from water safety programmes and the programme remains up to date.

Water safety programme

- 4.4 **Communal blocks and other properties** – We will ensure all communal blocks and other properties that we own or manage are subject to an initial visit to establish whether a legionella risk assessment (LRA) is required. Thereafter, if an LRA is required, the property will be included on the LRA programme. If an LRA is not required, we will record this on our core asset register.
- 4.5 For all properties on the LRA programme, we will undertake LRAs and then review them every two years, or more frequently where a water system is likely to undergo change and is therefore a higher risk.
- 4.6 We will also review LRAs in the following circumstances:
- Change in building use.
 - Change in internal layout of water system.
 - Change in building occupation that increases the risk due to health.
 - After a confirmed or suspected outbreak of Legionella.
 - Following a water hygiene audit (if required).
- 4.7 **Domestic properties** – We will undertake an annual programme of five per cent sample surveys in domestic properties. These will be prioritised according to the perceived level of risk (based on design, size and age of property, and type of water supply).
- 4.8 We will put written schemes of control in place for all properties risk assessed as requiring controls to manage the risk of legionella exposure.
- 4.9 **Testing and monitoring** - We will undertake testing and monitoring (for example, monthly temperature checks) as set out within any written schemes of control.
- 4.10 We will ensure there is a robust process in place for the management of any follow-up works required following the completion of an LRA or ongoing monitoring (where the work cannot be completed at the time of the assessment or check).
- 4.11 **When properties become void**, we will flush the water system, including any shower loop, before undertaking any work. If the property is not to be made available for relet (i.e. it is being held as a ‘long term void’) or where a period of very cold weather is forecast, we will drain down the system. In all cases, the water system will then be flushed and recommissioned before the property is let, and the shower head replaced or sterilised.
- 4.12 We will carry out checks to identify pipework ‘dead legs’ and remove them within void properties and any properties where we are carrying out adaptations or planned investment work.
- 4.13 When we acquire properties (existing or new build) we will follow the same process as for void properties, and we will ensure there are no pipework ‘dead legs’ present when we take possession of the property.

- 4.14 We will operate a robust process for the management of immediately dangerous situations identified from the legionella risk assessment, water testing/monitoring regime or suspected legionella outbreak.
- 4.15 We will operate a robust process for the management of immediately dangerous situations identified from the water safety check and in any other circumstances.
- 4.16 We will use the legal remedies available within the terms of the tenancy and lease agreement should any customer, leaseholder or shared owner refuse access to carry out essential water hygiene related inspection and remediation works. We will also work with other statutory agencies to support our attempts to gain access. Where customer vulnerability issues are known or identified we will ensure we safeguard the wellbeing of the customer.
- 4.17 We will operate effective contract management arrangements with any contractors who support the delivery of the water safety programme and who carry out work on water systems in our homes. This will include ensuring contracts/service level agreements are in place, conducting client-led performance meetings, and ensuring that contractors' employee and public liability insurances are up to date on an annual basis.

Managing risk

- 4.18 We will establish and maintain a risk assessment for water safety management and operations, setting out our key water safety risks and appropriate mitigations.
- 4.19 We will operate a process for identifying and managing customers who are at risk and support our attempts to gain access, including mitigation plans to manage any specific risks identified.
- 4.20 To comply with the requirements of the Construction (Design and Management) Regulations 2015 (CDM) a Construction Phase Plan will be in place in respect of all repairs to void and tenanted properties (at the start of the contract and reviewed/updated annually thereafter), component replacement works and refurbishment projects.
- 4.21 We will operate a robust process to investigate and manage any **RIDDOR notifications** submitted to the HSE in relation to water safety and will take action to address any issues identified and lessons we have learned, to prevent a similar incident occurring again.
- 4.22 We will operate a robust process for **dealing with and escalating any significant non-compliance**. Our definition of significant non-compliance is: any incident which has the potential to result in a material breach of legislation or regulatory standard, or which causes a risk to health or safety.
- All non-compliance issues will be reported and escalated as soon as possible, and no later than 24 hours after the incident occurred, or of an RBH employee becoming aware of it.
 - Any non-compliance issue identified at an operational level will be formally reported to either the relevant Service Manager or Head of Service in the first instance, who will agree an appropriate course of corrective action with the Director of Property Services. The Director of Property Services will report details of the same to the Executive Leadership Team.

- In cases of serious non-compliance, the Executive Leadership Team will consider whether it is necessary to disclose the issue to the Regulator of Social Housing as required by the regulatory framework, or any other relevant organisation such as the Health and Safety Executive. In such instances, the issue will also be reported to Board.

The issue will also be recorded and investigated in accordance with the RBH accident and near miss reporting process.

Training and competency

- 4.23 Our designated Responsible Person and Deputy Responsible Person will both be trained, instructed, and informed to the same level to enable them to assist in the monitoring of written control schemes.
- 4.24 Only suitably competent consultants, contractors and inhouse colleagues will undertake LRAs.
- 4.25 Only suitably competent consultants and contractors, registered with the Legionella Control Association (or equivalent), will undertake third party technical quality assurance checks.
- 4.26 We will check our contractors hold the relevant qualifications and accreditations when we procure them, and thereafter on an annual basis; we will evidence these checks and each contractor's certification appropriately.
- 4.27 We will deliver training on this policy and the procedures that support it, through appropriate methods including: team briefings; water safety awareness training; and on the job training for those involved in delivering the water safety programme, planned maintenance and repair works as part of their daily job. All training undertaken by RBH colleagues will be formally recorded.

Customer communications

- 4.28 We consider good communication essential in the effective delivery of water safety programmes, therefore we will establish a customer engagement strategy and communication programme to support customers in their understanding of water safety. This will include writing and/or texting them in advance of safety checks, taking account of any specific customer communication requirements. This will assist us in maximising access to carry out water safety checks where this should be required, encourage and support customers to report any concerns about water safety, and help us to engage with vulnerable and hard to reach customers. We will share information clearly and transparently and will ensure that information is available to customers via regular publications and information on our website via regular publications and information on our website via regular publications and information on our website. We will tailor our communications to meet any known needs of our customers.

5 Monitoring

- 5.1 We will maintain a core asset register of all properties we own or manage, setting out which properties require an LRA. We will also set out which properties require ongoing testing and monitoring as prescribed by the written control scheme (for example, monthly temperature checks).

- 5.2 We will hold LRA inspection dates, LRAs, and testing and monitoring records against all properties on each programme.
- 5.3 We will ensure there is a programme of third-party quality assurance audits of LRAs. Sampling will be risk-based, and the minimum sample size will be 5%.
- 5.4 Internally we will undertake 100 per cent desktop audits of all LRAs.
- 5.5 We will keep all records for at least five years and in line with our document retention policy, and have robust processes and controls in place to maintain appropriate levels of security for all water hygiene related data and records.
- 5.6 We will hold data and monitor performance against the following:
- Data – the total number of:
- Properties – split by category (domestic, communal and others);
 - Properties on the LRA programme;
 - Properties not on the LRA programme;
 - Properties with a valid and in date LRA;
 - Properties without a valid and in date LRA;
 - Properties due to an LRA within the next 30 days; and
 - Completed, in-time and overdue follow-up works/actions arising from the programme.
- Narrative - an explanation of the:
- Current position;
 - Corrective action required;
 - Anticipated impact of corrective actions; and
 - Progress with completion of follow-up works.
- 5.7 We will also monitor the number of RIDDOR notifications to the HSE about water safety and the actions take, through our Health and Safety Committee and report on this to Board.
- 5.8 We will report key performance indicator (KPI) data for water safety to our Executive Leadership Team (ELT) on a monthly basis, and to the Customer Service Committee on a quarterly basis. We will also report any non-compliance to Board on an exception basis, in accordance with our performance monitoring and KPI framework. We will report our performance to customers in our annual report, and through our website and other communication channels throughout the year.
- 5.9 We will carry out an internal or independent audit of water safety at least once every two years, to specifically test for compliance with legal and regulatory obligations and to identify non-compliance issues for correction.

6 Review

- 6.1 All RBH strategies, policies, service standards and procedures are reviewed on a regular basis to ensure that they are 'fit for purpose' and comply with all relevant legislation and statutory regulations.

- 6.2 This policy will go through the full policy approval process every 3 years and will undergo a desktop review annually. This is to ensure that it is fit for purpose and complies with all relevant and statutory regulations.

7 Links with Other RBH Documents

- 7.1 This policy links to the following policies and strategies:
- Homes and Communities Strategy
 - Gas and Heating Safety Policy
 - Electrical Safety Policy
 - Asbestos Safety Policy
 - Construction Design and Management (CDM) Policy
 - Disrepair Policy
 - Responsive Repairs Policy

8 Inclusivity statement

- 8.1 We are dedicated to fostering an inclusive and equitable environment for all. We ensure that everyone is valued and respected. Our policies aim to be inclusive, and will comply with UK laws, including the Equality Act 2010, to create a diverse and supportive environment for people to thrive.
- 8.2 We understand not everyone absorbs information the same way. If you have any difficulty understanding or interpreting this document please email people@rbh.org.uk or call Freephone 0800 027 7769. We will work with you to ensure your individual needs are met.