

# Group Water Hygiene Policy

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## Summary

Housing 21 recognises that it has a duty to protect employees, residents, visitors, and the public who may come into contact with the water systems it manages. The organisation will take all reasonable precautions to ensure the water storage systems within its control are safe and to prevent or control the harmful effects of contaminated water (e.g. legionella) to residents, employees and other persons working at or using its premises.

This policy sets out Housing 21's commitment to meeting its obligations as Duty Holder for all relevant legislation and statutory guidance, to provide safe homes for our residents, safe workplaces for our employees and ensure the safety of visitors.

This policy covers the management and control of legionella in water systems in all residential and commercial properties owned and managed by Housing 21. Housing 21 is committed to ensuring that our resident's homes and workplace premises are safe and secure places to live and work in.

## Equality, Diversity and Inclusion

Housing 21 aspires to embed diversity and inclusion within all our organisational activities to enable these principles to become part of our everyday processes.

## Contents

### Legislation and Regulations

1. SCOPE
  - 1.1 Legal and Regulatory Framework
  - 1.2 Oldham PFI and Kent PFI
  - 1.3 Aims, Objectives and Approach
  - 1.4 Implementation
  - 1.5 Scope of Buildings
  - 1.6 Record Retention
  - 1.7 Contractors
  - 1.8 Quality Assurance
  - 1.9 Data Management and Performance
  - 1.10 Resident Engagement
  - 1.11 Significant Non-compliance and Escalation
2. ROLES AND RESPONSIBILITIES
3. CONTRACTORS PERFORMANCE
4. CONSULTATION
5. ASSOCIATED GUIDANCE DOCUMENTS

<b>Legislation and Regulations</b>
The principle legislative and regulatory documents applicable to this policy
Health & Safety at Work etc Act 1974
The Management of Health and Safety at Work Regulations 1999
Approved Code of Practice L8 – Legionnaires Disease – The control of legionella bacteria in water systems
Legionnaires Disease: Technical Guidance HSG274
Control of Substances Hazardous to Health Act (COSHH) 2002
Building Regulations – Approved Document G (03/16)
British Standard 8580-1:2019
British Standard 7592:2021
Landlord and Tenant Act 1985
Defective Premises Act 1972

## 1. SCOPE

Legionella bacteria can cause Legionnaires' disease, a potentially fatal form of pneumonia. For Legionnaires' disease to develop, the legionella bacteria are water borne and is usually transferred by inhalation of water droplets. Under normal conditions, the disease cannot be passed from one person to another.

Housing 21 will ensure so far as reasonably practical, that residents, employees, and visitors to our properties are not exposed to any risks to their health or safety in relation to water.

### 1.1 Legal and Regulatory Framework

The Approved Code of Practice (ACOP) L8 – HSG274 provides advice on the requirements of the Health and Safety at Work Act 1974 and the Control of Substances Hazardous to Health Regulations 2002 and applies to the risk of exposure to legionella bacteria, the causative agent of legionellosis, including Legionnaires' disease.

The Code further provides guidance on compliance with the relevant parts of the Management of Health and Safety at Work Regulations 1999.

The application of the policy will ensure compliance with the Regulator of Social Housing's regulatory framework and consumer standards (Home Standard) for social housing in England.

### 1.2 Oldham PFI and Kent PFI

The Oldham and Kent portfolio are managed under PFI contracts. While there are some variations required due to differences in ownership and funding streams, our principles of ensuring statutory compliance remain the same.

Whilst compliance of these PFI contracts is managed outside of Housing 21's Property Compliance team, group assurance is obtained through reporting and review alongside Housing 21 for all core reports.

Further information for Oldham PFI and Kent PFI can be obtained through the Oldham PFI and Kent PFI employees detailed in this policy.

### 1.3 Aims and Objectives

Housing 21 recognises that it has a duty to protect employees, residents and those who may encounter the water systems under its control. This Policy sets out the organisation's commitment to ensuring sufficient systems are in place to prevent an outbreak of Legionnaire's disease and to ensure the organisation complies with the relevant legislation.

## 1.4 Implementation

To ensure compliance with legal and regulatory frameworks, Housing 21 will:

- Maintain an operational risk management approach.
- Identify and assess sources of risk.
- Understand and comply with all relevant legislation.
- Undertake Legionella risk assessments for all properties with shared water supplies at least every two years and sooner if there is a significant change.
- Review and carry out remediation and monitoring actions as identified in the risk assessment within the appropriate timescales.
- Provide monitoring and management programmes as required.
- Implement, manage, and monitor risk appropriate precautions to prevent or minimise the risk of exposure to Legionella.
- Employ competent and skilled contractors, monitoring the performance of these contractors on an ongoing, regular basis.
- Provide regular training and information for employees involved in controlling legionella to ensure that knowledge is appropriate and in line with current legislation and guidance.
- Appoint LCA accredited contractors.
- Report on our performance including internal checks and audits to the Board.

## 1.5 Water Hygiene Management Plan

Housing 21's Water Hygiene Management Plan, details the organisation's approach to water hygiene. Implementing the processes and controls detailed in the Water Hygiene Management Plan will reduce the risk of legionella development.

The management plan details actions and processes regarding:

- Roles and responsibilities
- Management arrangements, including water hygiene risk assessments, monitoring regimes, managing non-conformities/exceptions, remedial actions, temperature regime controls
- Operational guidance, including flushing underutilised outlets, concerns about water quality, positive legionella samples
- Training
- Resident information
- Suspected/positive cases of Legionnaires' Disease
- Performance reporting

## 1.6 Record Retention

In accordance with HSG 274 records will be retained for the period they remain current and for at least two years afterwards, except for records kept for monitoring and inspection, which will be kept for at least five years.

## 1.7 Contractors

Contractors appointed to carry out water hygiene management work will be registered by the Legionella Control Association (LCA) for each service they undertake (see Water Hygiene Management Plan – Appendix 1 for Contractors Specification/Schedule). Reports provided will comply with BS8580-1:2019. Sampling for legionella bacteria in water systems will comply with BS7592:2021.

### 1.8 Quality Assurance

Quality assurance is implemented in line with Housing 21's Board Assurance Framework principles.

#### 1.8.1 First line of defence:

- A Water Hygiene Policy and Management Plan are in place and updated within agreed timescales
- Role appropriate water hygiene training is provided where required
- Risks are well understood and managed at an operational and corporate level
- Performance against defined KPIs are regularly reported to Housing 21's Executive Management Team, Safety Forum and Board

#### 1.8.2 Second line of defence:

- Management oversight is provided as per the roles and responsibilities defined in the Water Hygiene Management Policy and Management Plan
- Reporting provides assurance to management and is aligned to regulatory requirements where necessary (e.g. Tenant Satisfaction Measures)

#### 1.8.3 Third line of defence:

- Housing 21 appoints LCA accredited water hygiene contractors
- Additional independent assurance of Housing 21's approach to managing water hygiene will be arranged via external audits as per Housing 21's audit schedule

### 1.9 Data Management and Performance

Property Compliance data is managed in line with the Asset Management and Property Compliance Data Framework, which identifies key data, its source, reporting requirements, accuracy checks and owners. The framework is reviewed annually by the Head of Data and Governance, Head of Group Property Compliance and National Compliance Manager to ensure it still meets requirements.

Performance against the following KPIs will be regularly reported to the Board, Safety Forum, Investment Development Committee and on Housing 21's quarterly scorecard:

- % of courts with risk assessment no more than 24 months old (calculated to end of month)
- % of courts which have had a monthly regime check no more than one month old
- Number of positive legionella samples

### 1.10 Resident Engagement

General information about electrical safety, Housing 21's approach to managing it and residents' responsibilities is available via Housing 21's Building and Fire Safety Guide online and in booklet format. Further water hygiene communications will be provided as and when required.

### 1.11 Significant Non-Compliance and Escalation

Housing 21's definition of significant non-compliance is any incident which has the potential to result in a potential breach of legislation or regulatory standard, or which causes a risk to health or safety. All significant non-compliance issues will be reported and escalated as soon as possible, and no later than 24 hours after the incident occurred, or of a Housing 21 employee being made/becoming aware of it.

Any incidents identified at an operational level should be formally reported via the ERICA accident/incident reporting system and the process followed which will include investigating the incident and preventing recurrence.

In cases of serious non-compliance, EMT and the Board will review the issue in line with regulatory frameworks and decide if it warrants disclosure to the Regulator of Social Housing, Health and Safety Executive and/or any other relevant organisation.

## 2. ROLES AND RESPONSIBILITIES

The HSE Approved Code of Practice L8 "Legionnaires' disease: The control of legionella bacteria in water systems" and "Legionnaires' disease: Technical guidance" document HSG 274 identify two roles having specific responsibility for the management of legionella bacteria:

- The Duty Holder – Housing 21: employer or a person in control of the premises
- Competent Person(s): someone with day-to-day responsibility for managing and controlling all identified risks from legionella bacteria to protect the health and safety of others.

Water Hygiene Management will be the responsibility of the Deputy Chief Executive at a strategic level and the Head of Group Property Compliance at an operational level, with delegation and support from identified competent employees.

### 2.1 The Board

Are responsible for:

- Overall governance for ensuring the Water Hygiene policy is fully implemented to ensure full compliance with regulatory standards, legislation, and approved codes of practice.
- The Board will formally approve this policy and review it every three years (or sooner if there is a change in regulation, legislation, or codes of practice).
- The Board will receive regular updates on the implementation of this policy and water hygiene compliance performance, together with notification of any non-compliance issues identified.

### 2.2 Executive Management Team/ Safety Forum

The Executive Management Team (EMT) will receive reports on the compliance with the policy and ensure performance is being achieved, together with notification of any non-compliance issues identified.

They will ensure resources are allocated to meet the requirements set out within the Water Hygiene Management Policy.

### 2.3 Chief Executive and Deputy Chief Executive

The Chief Executive retains the overall responsibility for the implementation of this policy.

The Deputy Chief Executive has managerial responsibility for the control of legionella bacteria within Housing 21 premises and will delegate Housing 21's duties to manage water hygiene across the organisation by appointing suitably qualified persons with specific roles and responsibilities.

### 2.4 Housing 21: Head of Group Property Compliance Oldham PFI: Head of Oldham Kent PFI: Operations Manager

Are responsible for the operational delivery of the policy and ensuring that:

- Policy and procedures are effectively implemented, regularly reviewed and kept up to date.
- Competent employees are employed to provide technical support on water hygiene matters.
- Our duty of care to our customers, employees and contractors is robust.
- The Executive Team are advised of any problem arising in connection with the management of water safety and compliance with the Water Hygiene Management Policy.
- The organisation has employees assigned with responsibility for the day-to-day management of contracts to ensure contractors deliver safety related checks on time.
- In conjunction with the compliance (For Housing 21) and technical services teams, support unresolved 'non-conformities/ exceptions' identified through the monitoring regime which are escalated to them by the water hygiene contractor

### 2.5 Housing 21: National Property Compliance Manager and Contracts Manager(s) Oldham PFI: Property Services Manager Kent PFI: Operations Manager

Are responsible for:

- Procuring competent LCA accredited contractors (Kent PFI service contractors form part of PFI framework).
- Organising, managing, and monitoring the contractors appointed to carry out water hygiene monitoring regimes.
- Dealing with contractor related complaints and escalations where necessary.
- Updating programmes to include/remove any additional properties following any new builds, acquisitions, major stock investment works or disposals.
- Notifying relevant persons when a positive legionella sample is identified by the contractor and recording updates
- In conjunction with the technical services team, support unresolved 'non-conformities/ exceptions' identified through the monitoring regime which are escalated to them by the water hygiene contractor

**2.6 Housing 21: Head of Technical Services/ Technical Services Manager**  
**Oldham PFI: Property Services Manager, supported by Housing 21 Technical Services**  
**Kent PFI: Operations Manager, supported by Housing 21 Technical Services**

Are responsible for:

- Advising Executive Team of any problem arising in connection with the management of water safety and compliance with the Water Hygiene Management Policy.
- Identifying potential risks, directing investigations, undertaking audits, and developing management strategies.
- Support unresolved 'non-conformities/ exceptions' identified through the monitoring regime which are escalated to them by the water hygiene contractor or inhouse teams

**2.7 The National Health and Safety Manager**

Is responsible for:

- Ensuring policies and procedures are written and remain up to date.
- Ensuring staff awareness and training in relation to water hygiene is provided within the organisation.
- Communicating legislative changes and advice relating to changes to the Executive Team and the Board.

**2.8 Housing 21: Scheme Managers**  
**Oldham PFI: Neighbourhood Services Manager**  
**Kent PFI: Scheme Managers**

Scheme Managers have operational responsibility for property management. They are responsible for:

- Identifying all locations within their scheme where water is not being used regularly (under-utilised outlets)
- Implementing a weekly flushing regime of all under-utilised outlets.
- Managing the response or completion, as appropriate, of water risk assessment actions and any other remedials which may arise from water regime checks, and ensuring remedial works are completed in the required timeframe.
- Supporting with access during monthly monitoring regime checks and liaising with the specialist contractor on site to determine what works are being carried out and in which dwellings.
- Reporting positive legionella readings and positive/suspected cases of Legionnaire's Disease through ERICA.

## 2.9 Resident Responsibilities

Residents will be provided with information on water safety, including what Housing 21 does to manage water safety and what they can do to eliminate the risk of legionella.

Residents must allow appointed contractors into their home to service/check the water systems where necessary. If residents refuse access, Housing 21 will follow the [No Access Procedure](#).

Residents should maintain their own appliances and water outlets in line with health and safety guidelines with regards to Legionella control e.g., taps, shower heads.

Where not carried out by external contractors, residents will be advised and reminded that shower heads should be regularly cleaned and disinfected.

Residents should not adjust the temperature setting of hot water cylinders or calorifiers as this could lead to legionella.

## 2.10 Water Hygiene Contractors

Only appropriately skilled and competent employees or contractors will carry out water hygiene checks and maintenance.

A person shall be deemed skilled to carry out the appropriate inspection and testing only if they have sufficient qualification, knowledge and experience.

## 2.11 Training

All employees will receive water hygiene management training appropriate for their role.

All employees will be adequately informed and instructed regarding the identification, management, and risk from exposure to water-borne bacteria.

### 3. CONTRACTOR PERFORMANCE

Contractor performance will be reviewed, audited, and compliance monitored regularly to ensure that the programme of service and inspection and resulting tests continue to comply with this policy.

The data held will consist of dates the last test was carried out and the resulting certificate.

If employees have concerns, or a resident has raised a concern, regarding contractor performance employees should utilise the [Property Compliance Escalation Form](#), located on the intranet or contact the Property Compliance team directly to discuss their concerns. These concerns will be reviewed by the Contracts Managers who will raise issues at either future contract management meetings or immediately with the contractor, depending on the severity of the concern. Once resolved, the Contracts Manager will provide feedback to the individual who raised the initial concern.

### 4. CONSULTATION

Housing 21's Health and Safety Forum and Policy Steering Group have been consulted about the development of this Policy.

Specific input of technical advice has been sought from Housing 21 employees with operational knowledge of water hygiene management.

Housing 21's Primary Authority, South Cambridgeshire District Council, Environmental Health have been consulted on the development of this policy.

### 5. ASSOCIATED DOCUMENTS AND GUIDANCE

Housing 21: Water Hygiene Management Plan