

Water Hygiene Safety Policy (Legionella)

Policy Owner	Patricia Carr, Group Health and Safety Manager
This policy is applicable to	All those within Karbon Homes and its subsidiary companies with strategic or operational responsibility for water hygiene safety.
Approved by	KMT
Date approved	27 th January 2022
Frequency of review	Every 2 years
Date of next review	August 2025
Implementation date	27 th January 2022
Key related documents (policy, procedure, customer literature)	All compliance documents.
Sources of best practice or guidance used in developing this policy	See section 2

Version control			
Version number (see note 1)	2	Author of Policy	Karbon Managers with advice from Savills – February 2018
		Reviewed by	Patricia Carr, Group Health and Safety Manager
Equality Impact Analysis (see note 2)	Initial/Full	Equality Analysis Date	August 2021
Privacy Impact Analysis (see note 2)	Initial/Full	Privacy Analysis Date	August 2021

Document change history		
Version	Date	Changed sections
2	August 2021	Cover page, 1.0, 2.0, 4.0, 5.0, make explicit the inclusion of YHA
3	January 2023	Cover page, remove references to YHA and replace with reference to all subsidiary companies. Change review frequency to annually
4	17 th February 2024	Annual review – no changes
5	23 rd August 2024	Amended to include reference to our Approach to Vulnerability Policy

Consultation	
Consultation Group (if applicable)	Date of Consultation (if applicable)

Staff	Not applicable
Union(s)	Not applicable
Customers	Not Applicable
Human Resources / Organisation Development	Not applicable
Health and Safety Working Group	August 2021
Other stakeholder (please state) KMT	January 2022

Risk policy is designed to control
To comply with all regulatory and legislative requirements plus ensure the safety of staff and customers.

1.0 Objectives of the Policy

Karbon Homes and all its subsidiary companies (hereby known as 'The Group') are regulated by the [Regulatory Framework for Social Housing 2015](#), and the statutory responsibility for discharging the landlord obligations surrounding water hygiene (Legionella) safety rests with them. The Group must also undertake a monitoring role to ensure that they can demonstrate a validated landlord compliance position, thereby leading to the Group being overall compliant against Legislative and Statutory requirements.

The objectives of this policy are detailed below;

- To ensure that all Group residential properties provide a safe environment within which our customers can live,
- To ensure that all Group commercial premises provide a safe environment within which our colleagues and visitors can work,
- Establish the key principles that the Group will utilise to ensure water hygiene safety across the entire stock portfolio,
- The Group will discharge the landlord's duty and provide clear lines of responsibilities for the management of water safety in relation to the following;
 - Health and Safety at Work etc. Act 1974 (HASWA) Section 3 (2)
 - To so far as is reasonably practicable mitigate the risk associated with legionella bacteria
 - Management of Health and Safety at Work Regulations 1999 (MHSWR)
 - Undertake an assessment of the risks to health and safety of employees and others who may be affected by their work activity

- Control of Substances Hazardous to Health Regulations 2002 (COSHH) in relation to regulations 6 & 7 and regulation 12:
 - Undertake a suitable & sufficient risk assessment
 - Identify potential sources of legionellosis (a collective term for diseases caused by Legionella bacteria including Legionnaires' Disease, Pontiac Fever and Lochgoilhead Fever)
 - Define measures necessary to prevent exposure (i.e. eliminate) or, if not reasonably practicable, implement other measures to prevent exposure
 - Prevent or control potential risks
 - keep and maintain the correct records
 - Ensure effective transfer of information with instruction and training
- Implement and comply with the guidance detailed in the control of Legionella Bacteria in Water Systems technical guidance (HSG 274 Parts 1, 2 & 3) and Approved Code of Practice and Guidance on the Regulations L8).
- To achieve water safety compliance in accordance with our Water Safety Management Plan.
- Provide clear lines of responsibilities for the management of water hygiene safety.
- Ensure the Water Safety Management Plan supports the delivery of this policy.
- Provide a commitment to customers who are affected by water safety to communicate and raise awareness regarding the key issues.

This document will be stored in Karbon Homes SharePoint for internal stakeholders and will be available to view by external stakeholders via Karbon Homes internet portal.

2.0 Compliance with Regulatory Standards and Legal Obligations

The application of this policy ensures compliance with the regulatory framework for social housing in England introduced by the HCA in April 2012 which requires all housing providers to 'meet all applicable statutory requirements that provide for the health and safety of the occupants in their homes'.

The Group acknowledges and accepts its responsibilities under Section 3 (2) of the Health and Safety at Work etc. Act 1974 (HASWA), the Control of Substances Hazardous to Health Regulations 2002 (COSHH), Management of Health and Safety at Work Regulations 1999 (MHSWR) and HSG 274 to ensure that our buildings are safe to work and / or live in and are properly managed to the highest standards.

It is essential we ensure customers, residents, employees, contractors and visitors remain safe in our premises (both individual homes and offices). Failure to properly discharge our legal responsibilities may result in:

- Prosecution by the Health and Safety Executive under Health and Safety at Work etc. Act 1974
- Prosecution under Corporate Manslaughter and Corporate Homicide Act 2007
- Regulator of Social Housing serious detriment judgement
- Reputational damage
- Loss of confidence by stakeholders in the organisation

This policy operates within the context of regulatory legal frameworks as follows:

- [Health and Safety at Work etc. Act 1974](#)
- [Landlord and Tenant Act 1985](#)
- [The Health and Safety at Work etc. Act 1974 Section 3 \(2\)](#)
- [Management of Health and Safety at Work Regulations 1999](#)
- [Workplace \(Health Safety & Welfare\) Regulations 1992](#)
- [Control of Substances Hazardous to Health Regulations 2002 \(COSHH\) in relation to Regulations 6 & 7 and Regulation 12:](#)
- [The Control of Legionella Bacteria in Water Systems: Technical Guidance: HSG 274](#)
- [Approved Code of Practice: Legionnaires' Disease – The control of Legionella bacteria in water systems \(L8 Fourth Edition\)](#)
- [HSE Guidance - Controlling Legionella in Nursing & Residential Care Homes](#)
- [Pressure Systems Safety Regulations 2000](#)
- [Reporting of Injuries, Diseases and Dangerous Occurrences Regulations \(2013\)](#)
- [Equality Act 2010](#)
- [The Construction Design and Management Regulations 2015](#)
- [The Regulatory Framework for Social Housing 2015](#)

3.0 Scope

This policy relates to offices, general needs housing, supported housing, sheltered housing, other rented properties owned by the Group, communal areas including leaseholders/shared ownership, other rented housing managed by the Group on behalf of a third party, remote plant and garages (unless other parties are explicitly specified for statutory responsibility in the lease or management agreement.)

Where properties are managed on behalf of third party property owners, statutory responsibility will be detailed in the terms of the management agreement.

This policy is applicable to all properties that imposes a 'Duty of Care' on the Group in relation to customers, employees, consultants and contractors, while visiting, working or living in and around the Group's premises where a reasonably foreseeable risk of exposure to Legionella bacteria exists including in the following situations;

- Water systems incorporating a cooling tower or evaporative condenser
- Hot and cold water systems
- Other plant and systems containing water which are likely to exceed 20C and which may release a cloud of droplets and/or droplet nuclei (residue that remains when water has evaporated) during operation or when being maintained

- Other risks systems containing water including but not limited to emergency showers and sprinkler systems.

4.0 Policy detail

This policy must always be read in conjunction with the Water Safety Management Plan.

The potential risk within the Group's properties will initially be established through desk top review of all stock which will identify those properties of potential high risk that should be subject to a Legionella Risk Assessment (LRA) to determine further management requirements.

In addition, we will work with third party landlords who are managing properties which contain The Group's tenants to ensure that a Legionella Risk Assessment (LRA) is undertaken where required. Where there is a requirement, and the LRA has not been undertaken, if necessary the Group will arrange for it to be undertaken and recharge the landlord.

A sample of domestic properties will be assessed to determine the level of risk and take action to ensure that customers are not exposed to legionella bacteria.

All Group properties with communal stored water systems, and where a potential risk has been identified at desk top review, will have a LRA undertaken and will be regularly monitored, repaired and maintained to approved standards to ensure they stay in good condition. A water safety management and monitoring programme, (in Legionella Legislation terms referred to as a Written Scheme of Control) will be established as required from the LRA findings.

Risk reduction priorities related to water safety are detailed within the Water Safety Management Plan and will be considered as part of the annual budget setting process.

There will be a detailed record of all attempts to gain access. If reasonable access is not provided the Group will escalate action and seek a legal or legislative remedy to ensure access is gained at the earliest possible opportunity in accordance with best practice.

We will proactively assess data for relevant information about the customer to help gain access (disability, vulnerability etc.). The process will be detailed in the Water Safety Management Plan.

Emergency evacuations relating to water safety should be read in conjunction with the local emergency response plan and Karbon Homes Business Continuity Plan (BCP) should an emergency incident be declared.

Legionella Risk Assessment (LRA)

Where required and within stock considered to be at risk, LRAs shall be undertaken in accordance with the Water Safety Management Plan.

LRAs will be routinely reviewed to ensure continued suitability and recorded on the water safety data storage system and will be retained for 5 years and include the following as a minimum;

- Consider who may be especially at risk.
- Evaluate and eliminate or reduce the risk from legionella as far as is reasonably practicable and provide general legionella precautions to deal with any residual risk

The review period for future risk assessments will be established through a risk-based approach within the initial risk assessment and agreed with the specialist Water Safety Advisor / Contractor. The next proposed review date will be recorded within the programme management system (in the case of insignificant risks being identified this could include a recommendation that no further risk assessment is required).

The proposed review period will be considered within each subsequent risk assessment review and be either confirmed or amended in accordance with any change in circumstances. Further details relating to the contents of the assessments are detailed in the Water Safety Management Plan.

Legionella control measures and remedial work required resulting from the LRA will be prioritised and a timescale for action applied so that a regular regime of monitoring and testing will be undertaken to minimise the risk of legionella. The procedures, including timescales for completing all LRA actions, are detailed in the Water Safety Management Plan.

Scalding can occur in many situations in all types of buildings owned and managed by the Group. Temperature controls for new installations will be set in accordance with appropriate guidelines which refers to maximum hot water and surface temperatures for safe use.

Where properties are managed on behalf of external owners, responsibility should be set out in the terms of the management agreement.

Water Safety Commitments

The Group will work within the following commitments;

- We shall work towards 100% compliance with the requirements of Section 3 (2) of the Health and Safety at Work etc. Act 1974 (HASWA), Management of Health and Safety at Work Regulations 1999, Control of Substances Hazardous to Health Regulations 2002 (COSHH) and HSG 274 Technical Guidance and Approved Code of Practice (ACOP) L8.
- Identify and assess the risks of Legionellosis where communal water systems are present in either the workplace or domestic properties and minimise the risks and take reasonable precautions
- All detailed LRAs will be undertaken within the inspection programme timescales by persons who are competent, experienced and have been correctly trained to carry out these duties

- General precautions will be taken and to remove potential Legionella risks through the delivery of our planned programmes of work in all of our properties.
- Vacant properties will be flushed and shower heads disinfected as part of the void management process or before the customer occupies the property if the property has been empty for longer than 7 days.
- Regular routine water checks and testing will be undertaken to mitigate the risk of the legionella bacteria developing within properties identified as being at risk.
- All heating installations relating to sheltered and supported properties and communal facilities will be equipped with Thermostatic Mixing Valves (TMVs) over the next 5 years.
- All activities will be subject to compliance with the General Data Protection Regulations 2018.

Property Classification.

- All Group properties will be categorised where a risk from Legionella exists to customers, employees and others who may be affected by their work activity including all supported and sheltered accommodation, and common parts of other tenures
- All properties identified as not having a current water safety risk assessment will be subject to an annual review to ensure a material change has not been undertaken that would deem the properties to be included within the water management programme.

Record Keeping

- The requirement whether to undertake a LRA or not will be held within Capita.
- All records relating to this service shall be kept for a minimum of 5 years. Certificates associated with the LRA will be held in an electronic document management system (SharePoint) and shall be made available to customers when requested.
- We will carry out regular validation checks to identify whether properties not recorded as requiring a water risk assessment on Capita are required to be added to the Capita water management database.
- A water assessment will be completed on each property newly added to Capita at the time of recording such to determine if a water risk assessment is required, such changes will include:
 - New Property Acquisitions
 - New Build
 - Refurbishment
 - Change of Tenancy or Tenure (any reason)

- There will be a detailed record of all attempts to gain access and the Group will take all necessary steps to ensure access is obtained through following legal best practice. The process will be detailed in the Water Safety Management Plan.

Contractors' Competency

The Group has responsibility to ensure that contractors are competent and the following controls will operate to ensure competence can be demonstrated.

- Only those Legionella / Water Treatment Contractors registered with the appropriate body such as the Legionella Control Association and approved by the Group, will be permitted to carry out work in our properties.
- All associated water safety related works will be undertaken by trained and competent contractors and only contractors procured through our procurement processes shall be engaged to undertake any water safety related work. This will include a competence assessment against the nature of the work to be completed for any proposed contractor.
- Contractor accreditations will be monitored and updated during each contractor progress meeting to ensure accuracy and a validation audit will be undertaken annually.

Internal Competency

The Group will ensure that all colleagues undertaking key roles within the delivery and management of this area will have access to training and support applicable to their roles.

As part of the Water Safety Management Plan a detailed competence framework will operate including regular appraisals.

5.0 Monitoring

The **Karbon Homes Board** will act as overall Duty Holder as the landlord and will receive regular reports on the performance of this policy and are accountable for ensuring its implementation. In terms of the Technical Guidance HSG274 and ACoP L8 local managers will be identified as specific duty holders under the regulations to ensure water hygiene safety policy compliance.

Both Karbon Homes' and its subsidiary companies **Boards** will receive regular summary reports of the performance in relation to the implementation of this policy and be responsible for ensuring the Group undertakes any necessary remedial action to comply with the policy.

The **Board** will receive regular summary reports of performance in relation to the implementation of this policy and be responsible for ensuring the Group undertake any necessary remedial action to comply with the policy.

Karbon Homes Audit and Risk Committee will be responsible for receiving quarterly reports and ensuring regulatory landlord compliance.

Karbon Homes Chief Executive will retain the overall responsibility for the monitoring and consistent implementation of this policy.

Assistant Director of Asset & Regeneration (Karbon Homes) and Heads of Asset Management and Maintenance (subsidiary companies) - The performance of the Responsible Person(s) duties is delegated to the Assistant Director of Asset & Regeneration (Karbon Homes) and Heads of Asset Management and Maintenance (subsidiary companies) who are responsible for ensuring that sufficient competent resources are in place to ensure their capability to comply with this policy. The duties are detailed in the Water Safety Management Plan.

Group Health and Safety Manager – Responsible Person duties for monitoring and review of this Policy are delegated to the Group Health and Safety Manager.

The water inspections attributes/components will be held in Capita and will be reconciled with the Group's main asset lists and replicated on the water database on a monthly basis in order to identify any additional properties which require including in the programme i.e. new build, acquisitions, etc.

Monthly reports will be generated for designated senior managers direct from the Capita databases to ensure compliance can be monitored against minimum agreed Performance Indicators. These will be detailed in the Water Safety Management Plan. The Audit and Risk Committee (3 monthly) and Board (six monthly) will receive high level KPIs as follows:

- % of Priority Scheme Properties with a Legionella Risk Assessment
- % of General needs properties where a desk top risk assessment has been undertaken
- % of properties within a legionella maintenance regime where testing has been completed.

Commentary will be provided for any properties overdue including proposed actions to be taken to bring them back into compliance.

The production of monthly performance reports will enable managers in all teams to monitor progress against agreed targets.

This service area will be included within the annual Internal Audit programme which will review, in particular, adherence to process, data and record keeping.

In addition, the Group will seek additional independent quality assurance to ensure we can robustly demonstrate water safety compliance by procuring a third party independent specialist to regularly inspect, monitor and report on the technical performance and quality of this business critical service area.

The independent specialist shall inspect a minimum of 5% of the LRAs and any remedial works arising and report their findings each month. The Group will be notified of any corrective actions that are required and records shall be recorded electronically.

Water safety is a high-risk area and this policy will be reviewed annually. An external strategic review will be undertaken every 2 years which will include reviewing all operating procedures. If as a result of either the findings of the internal audit process or the 3rd Party Independent Quality Assurances, the service is not performing to the desired level then this will trigger an earlier external strategic review.

6.0 Glossary of terms

- **Health and Safety Executive (HSE)** – Non-departmental public body in the United Kingdom responsible for the regulation and enforcement of workplace health, safety and welfare, and for research into occupational risks in England, Wales and Scotland.
- **Competent Person** - A competent person is someone who has sufficient training and experience or knowledge and other qualities that allow them to assist an organisation to meet the requirements of health and safety law.
- **Capita**, Housing Management System, Karbon Homes electronic housing management system
- **Business Continuity Plan (BCP)** – Plan that deals with Karbon Homes response in managing an emergency situation that affect the function of the organisation.
- **LRA** – Legionella Risk Assessment.

7.0 Equality and Diversity

This policy is implemented in line with the Group's Equality and Diversity Policy and associated legislation. Consideration will be given to all protected characteristics under the Equality Act 2010 to eliminate discrimination, advance equality of opportunity and foster good relations.

This policy and associated documents are available in different languages and alternative formats where necessary.

8.0 Data Protection and Privacy

We have a clear policy on data protection and sharing data with other partners/outside agencies under the requirements of the Data Protection Act 1998. This is clearly set out in our Data Management Policy which, along with the supporting Data Management Guidelines, must be followed throughout the operation of this policy.

9.0 Approach To Vulnerability Policy

This policy is applied in line with Our Approach To Vulnerability Policy. Everyone matters.

We want people to be treated fairly, have equality of opportunities, freedom, respect, and access to our services.

We will offer support, reasonable adjustments, and adaptations to remove barriers. We will discuss with our customers what is reasonable and appropriate.

In delivering this service we may need to escalate a particular case – if we do then customer vulnerabilities will be considered as part of the decision-making process.

We will support people with vulnerabilities to deliver this service. We will work alongside external agencies such as social services, the police and fire services and other appropriate agencies to help and support people with vulnerabilities in the delivery of our services but also to ensure we meet our statutory and regulatory requirements as a social landlord.

Details are provided in the appropriate areas in this policy.

All our customer policies are available on the website.