

Title Water Hygiene Policy

Applicable Company: Calico Homes

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Signed Off By: Calico homes board

Review Cycle: Annually

Revision Date: 22/04/2025

Next Review Date: 21/04/2027

Policy Checklist Completed? Yes



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1.0 Introduction and objectives

- 1.1 As a landlord, Calico Homes (Calico) must meet the legal obligations which require us to deal with the risks associated with legionella bacteria within the properties we own and manage. Legionella bacteria can cause a potentially fatal form of pneumonia called Legionnaires' disease. People contract Legionnaires' disease 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 that our Board, Senior leadership team (SLT), employees, partners and customers are clear on our legal and regulatory water hygiene obligations. This policy provides the framework for our colleagues and partners in order to meet these obligations.
- 1.4 This policy forms part of our wider organisational commitment to driving a health and safety culture amongst our colleagues and contractors (as detailed within our corporate Health and Safety Policy). It will be saved on our shared drive and distributed to all relevant colleagues.

2.0 Scope

- 2.1 This policy is relevant to all our employees, customers, contractors, stakeholders and other persons who may work on, occupy, visit, or use our premises, or who may be affected by our activities or services.
- 2.2 The policy should be used by all to ensure they understand the obligations placed upon Calico homes to maintain a safe environment for customers and employees within the home of each customer, and within all communal areas of buildings and other properties we own and manage. Adherence to this policy is mandatory.

3.0 Roles and responsibilities

- 3.1 The Board has overall governance responsibility for ensuring this policy is fully implemented to ensure full compliance with legislation and regulatory standards. As such, the Board will formally approve this policy and review it annually (or sooner if there is a change in legislation or regulation).
- 3.2 For assurance that this policy is operating effectively in practice, the Board will receive regular updates on its implementation, water hygiene safety performance and non-compliance.
- 3.3 SLT will receive monthly performance reports in respect of water hygiene safety and ensure compliance is being achieved. They will also be notified of any non-compliance issue identified.
- 3.4 The Managing Director has strategic responsibility for the management of water hygiene safety, and ensuring compliance is achieved and maintained. They will oversee the implementation of this policy.
- 3.5 The Facilities Manager has operational responsibility for the delivery of water hygiene safety and will be responsible for overseeing the delivery of the programme: the Compliance contracts manager is the Responsible Person.
- 3.6 Housing teams will provide support where gaining access to properties is difficult.

4.0 **Legislation, guidance and regulatory standards**

- 4.1 **Legislation** - The principal legislation applicable to this policy is as follows:
 - The Health and Safety at Work Act 1974.
 - The Management of Health and Safety at Work Regulations 1999 (the Management Regulations).
 - The Control of Substances Hazardous to Health Regulations 2002 (as amended) (COSHH).
 - This policy also operates within the context of additional legislation (see Appendix 1).
- 4.2 **Approved Code of Practice (ACoP)** – The principal ACoP applicable to this policy is:

- ACoP L8 - Legionnaires' disease: The control of legionella bacteria in water systems (4th edition 2013).

4.3 **Guidance** – The principal guidance applicable to this policy is as follows:

- HSG274 - Legionnaires' disease: Technical guidance Part 1: 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).
- BS 8580-1: 2019 – Water Quality. Risk assessments for Legionella control.
- INDG458 - Legionnaires' disease: A brief guide for duty holders (2012).

4.4 **Regulatory standards** – We must ensure we comply with the Regulator of Social Housing's regulatory framework and consumer standards for social housing in England; the Safety & Quality is the primary one applicable to this policy.

4.5 **Sanctions** – Failure to discharge our responsibilities and obligations properly could lead to sanctions, including: prosecution by the Health and Safety Executive (the HSE) under the Health and Safety at Work Act 1974; prosecution under the COSHH Regulations; prosecution under the Corporate Manslaughter and Corporate Homicide Act 2007; and via a regulatory notice from the Regulator of Social Housing.

5.0 **Obligations**

5.1 The Management Regulations and the Health and Safety at Work Act 1974 place a duty on us, 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.

5.2 We have a legal obligation under COSHH to prevent or control exposure to biological agents, including legionella.

5.3 Calico is the 'Duty Holder' as defined by ACoP L8 and we must take necessary precautions to prevent, reduce or control the risks of exposure to legionella.

5.4 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.

6.0 **Statement of intent**

6.1 We acknowledge and accept our responsibilities and obligations under the legislation outlined in Section 5.

6.2 We will appoint an external Water hygiene Specialist to carry out risk assessments on behalf of Calico Homes every two years and carry out an annual desktop review. We may increase frequency where a water system is likely to undergo change and is therefore presents a higher risk. Schemes will be assessed as high, medium or low risk.

6.3 Written schemes of control will be in place for all properties risk assessed as requiring controls to manage the risk of legionella exposure.

6.4 When properties become void, we will drain and flush the water system, including any shower loop, before undertaking any work. The water system will then be flushed and recommissioned before the property is let, and the shower head replaced or sterilised.

- 6.5 We will carry out ongoing 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.
- 6.6 When we acquire properties (existing or new build) we will follow the same process as void properties, and we will ensure that there are no pipework 'dead legs' present when we take possession of the property.
- 6.7 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.
- 6.8 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. Where customer vulnerability issues are known or identified we will ensure we safeguard the wellbeing of the customer.
- 6.9 We will operate effective contract management arrangements with the contractors responsible for delivering the service, including 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.
- 6.10 We will establish and maintain a risk assessment for water hygiene management and operations, setting out our key water hygiene risks and appropriate mitigations.
- 6.11 To comply with the requirements of the Construction, Design and Management Regulations 2015 (CDM) a Construction Phase Plan will be in place for all repairs work to void and tenanted properties (at the start of the contract and reviewed annually thereafter), component replacement works and refurbishment projects.
- 6.12 We will ensure there is a robust process in place to investigate and manage all RIDDOR notifications made to the HSE in relation to water hygiene safety and will take action to address any issues identified and lessons we have learned, to prevent a similar incident occurring again.

7.0 Programmes

- 7.1 **Communal blocks and other properties** – We will ensure all communal blocks and other non-domestic 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.
- 7.2 For all properties on the LRA programme, we will undertake LRAs and review the LRA every two years, or more frequently where a water system is likely to undergo change and is therefore a higher risk.
- 7.3 LRAs will also be reviewed 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).
- 7.4 **Domestic properties** – Within the lifetime of this policy we will implement an approach to the management of domestic properties. These will be prioritised according to the perceived level of risk (i.e. based on design, size, age and type of water supply).
- 7.5 **Void Properties** We will incorporate flushing at voids as a critical practice when managing short and long-term empty properties. This procedure will be carried out regularly as part of our standard practices.
- 7.6 **Thermostatic Mixing Valves (TMVs)** – During the course of this policy, we will identify TMVs and implement a program to manage them through an annual servicing schedule.
- 7.7 **Scalding** – We will consider our approach to the management of both regulated and unregulated water outlets to ensure our tenants are not at risk of scalding. Particularly in properties with tenants who may have a physical or cognitive impairment.
- 7.8 **Testing and monitoring** - We will undertake testing and monitoring (for example, monthly temperature checks) as set out within any written schemes of control.
- 7.9 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.

- 7.10 **Sampling and microbiological monitoring** – We will conduct water sampling and microbiological monitoring of all water-based systems installed at high-risk sites at least annually. This frequency will be determined by the risk assessments and existing control schemes outlined within the Legionella Risk Assessments (LRA). Records will be maintained and reviewed regularly.

8.0 **Data and records**

- 8.1 We will maintain a core asset register of all properties we own and 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).
- 8.2 We will operate a robust process to manage all changes to stock, including property acquisitions and disposals, to ensure that properties are not omitted from water hygiene programmes and the programmes remain up to date.
- 8.3 We will hold LRA inspection dates, LRA reports, and testing and monitoring records against all properties on each programme in Active H and Documotive.
- 8.4 We will keep water hygiene logbooks electronically (or securely on site where practical), for all properties on the LRA programme.
- 8.5 We will keep all records for at least five years and have robust processes and controls in place to maintain appropriate levels of security for all water hygiene related data.

9.0 **Customer engagement**

- 9.1 We consider good communication essential in the effective delivery of water hygiene programs, therefore we will establish a customer engagement strategy and communication programme. This will support customers in their understanding of water hygiene and legionella risk, advise them of how they can manage the risks within their properties, and encourage them to report any concerns about water safety.
- 9.2 We also aim to successfully 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.

We will display written schemes of control in communal areas of buildings to inform occupants of how the risk of exposure to legionella bacteria is managed and controlled.

10.0 **Equality and Diversity**

This policy ensures that all customers are treated equally, with no discrimination or victimisation based on any protected characteristic as outlined in the Equality Act 2010. Calico Homes has considered its public sector equality duties under Section 149 of the Equality Act 2010, which require the following:

- **Eliminating Discrimination:** Taking steps to prevent any form of discrimination, harassment, or victimisation.
- **Advancing Equality of Opportunity:** Ensuring equal opportunities for individuals with protected characteristics compared to those without.
- **Fostering Good Relations:** Promoting positive interactions and mutual understanding between individuals with different protected characteristics.
- **Ensuring Accessibility:** Calico Homes is committed to providing accessible formats of information, such as Braille, large print, and digital formats for those with visual impairments. We also ensure web accessibility for individuals with disabilities and offer translator services to support effective communication for all customers.

Additionally, the policy considers the diversity of customers in terms of their access to and the delivery of services, ensuring fair and inclusive treatment for all.

11.0 **Competent persons**

- 11.1 As part of our obligations, we must appoint a Responsible Person (Compliance Contract Manager) and a Deputy Responsible Person (Facilities Contracts Manager), who should hold a relevant qualification such as the BOHS P901 – Management and Control of Building Hot and Cold Water Services, a Level 2 Award in Legionella Awareness (or equivalent), or a Level 4 VRQ Diploma in Asset and Building Management."
- 11.2 Only suitably competent consultants and contractors, registered with the Legionella Control Association (or equivalent), will undertake

LRAs, prepare written schemes of control and undertake works in respect of water hygiene and legionella control.

11.3 Only suitably competent consultants and contractors, registered with the Legionella Control Association (or equivalent), will undertake third-party technical quality assurance checks.

11.4 We will check that our contractors hold the relevant qualifications and accreditations upon procurement and then on an annual basis thereafter. We will document these checks and each contractor's certification appropriately.

12.0 **Training**

12.1 We will deliver training on this policy and the procedures that support it, through appropriate methods including team briefings and where applicable, basic water hygiene awareness training. All training undertaken by colleagues will be formally recorded.

13.0 **Performance reporting**

13.1 We will report robust key performance indicator (KPI) measures for water hygiene safety. These will be provided to SLT monthly and to the Board a quarterly basis. As a minimum, we will report:

Data – the total number of:

- properties – split by category (domestic, communal and others).
- properties on the LRA programme.
- properties with a valid and in date LRA.
- properties without a valid and in date LRA.
- properties due 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 action; and
- progress with completion of follow-up works.

In addition:

- The number of RIDDOR notifications to the HSE with regards to water safety.

14.0 **Quality assurance**

- 14.1 We will ensure there is a programme of third-party quality assurance audits to ten per cent of LRAs. Annual audits will be undertaken to all systems identified as a high risk.
- 14.2 Internally we will undertake 100 per cent desktop audits of all LRAs and certification.
- 14.3 We will carry out an independent audit of water hygiene safety at least once every two years, to specifically test for compliance with legal and regulatory obligations and to identify any non-compliance issues for correction.

15.0 **Significant non-compliance and escalation**

- 15.1 Our 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 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 Calico employee becoming aware of it.
- 15.2 Any non-compliance issue identified at an operational level will be formally reported to the Compliance Contract Manager in the first instance, who will agree an appropriate course of corrective action with the Director of Maintenance and Compliance and report details of the same to ELT.
- 15.3 In cases of serious non-compliance, ELT and Board will consider whether it is necessary to disclose the issue to the Regulator of Social Housing as required by their regulatory framework, or any other relevant organisation such as the Health and Safety Executive.

16.0 **Glossary**

- 16.1 This glossary defines key terms used throughout this policy:
 - **BOHS:** British Occupational Hygiene Society.
 - **Duty Holder:** the owner of the non-domestic premises or the person or organisation that has clear responsibility for the maintenance or repair of non-domestic premises, for example through an explicit agreement such as a tenancy agreement or contract.

- **Legionellosis:** 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.
- **LRA:** Legionella Risk Assessment – an assessment which identifies the risks of exposure to legionella in the water systems present in a premises and the necessary control measures required.

Appendix 1 – Additional legislation

This policy also operates within the context of the following legislation:

- The Defective Premises Act 1972
- and Tenant Act 1985
- Homes (Fitness for Human Habitation) Act 2018
- The Occupiers' Liability Act 1984
- Public Health (Infectious Diseases) Regulations 1988
- The Workplace (Health Safety and Welfare) Regulations 1992
- Water Supply (Water Fittings) Regulations 1999
- Housing Act 2004
- Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR)
- Construction (Design and Management) Regulations 2015
- Water Supply (Water Quality) Regulations 2018
- Data Protection Act 2018