

# CARE HOUSING ASSOCIATION

## WATER SAFETY MANAGEMENT POLICY



<b>Implementation Date</b>	<b>06.05.2021</b>
<b>Created By</b>	<b>Mark Heywood (Asset &amp; Compliance Manager)</b>
<b>Last Committee Review Date</b>	<b>02.09.2024</b>
<b>Next Review Due</b>	<b>September 2027</b>

### 1. Objectives of the Policy

1.1 Care Housing Association (Care) is regulated by the Regulator of Social Housing (RSH) and has a statutory responsibility for discharging the landlord obligations surrounding Water Safety Management (WSM) across all homes and offices owned or managed by Care.

1.2 The objectives of this policy are:

- To ensure that Care provide a safe environment for tenants, support staff, colleagues, third party employees, contractors and visitors who live, work at, or visit our properties.
- Establish key principles that will provide water safety and control legionella bacteria.
- Follow the guidance and recommendations of the Health and Safety Executive (HSE) Approved Code of Practice L8: Legionnaires Disease – The Control of Legionella in Water Systems – to ensure that:
  - All properties have a Legionella Risk Assessment (LRA) and installations & pipework are maintained in a safe condition.
  - Establish and maintain regular testing, checking, monitoring, and recording regimes at the intervals recommended in the LRA.
  - Establish and maintain water sampling, cleaning, and recording regimes at the intervals recommended in the LRA.
- To achieve 100% WSM compliance.
- To provide clear lines of responsibilities for the management of potable water, non-potable water, and the control of legionella.

### 2. Compliance with Regulatory and Legal Obligations

2.1 Care understands and accepts responsibility to safely manage water supply and storage installations plus the requirements of secondary legislation as detailed in the Safety and Quality Standards – Consumer Standards published in April 2024 and all associated secondary legislation. The application of this policy will ensure compliance with the regulatory framework for social housing in England.

2.2 The duties, as set out in Approved Code of Practice L8: Legionnaires Disease – The Control of Legionella in Water Systems as amended, rest with the “Duty Holder” (the person in charge of the premises and maintenance activities) in the non-domestic premises and those “common areas” (non-domestic areas) of properties providing rented accommodation.

2.3 It is essential to Care that tenants, support staff, colleagues, third party employees, contractors and visitors remain safe in the property in which they live, work at or visit. Failure of Care to discharge its legal responsibilities may result in:

- Prosecution by the HSE under the Health & Safety at Work Act 1974.
- Prosecution under Corporate Manslaughter and Corporate Homicide Act 2007.
- Serious detriment judgement by The Regulator for Social Housing (RSH).
- Reputational damage.
- Loss of confidence by stakeholders in the organisation.

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

- The Health & Safety at Work Act 1974
- The Health and Safety at Work Act 1974 Section 3
- The Public Health (Control of Diseases) Act 1984
- The Public Health (Infectious Diseases) Regulations 1988
- The Health and Safety at Work Regulations (1999)
- Management of Health & Safety at Work Regulations (1999)
- Management of Health & Safety at Work Regulations (Amendment) 2006
- Workplace (Health, Safety & Welfare) Regulations 1992
- The Control of Substances Hazardous to Health Regulations 2002 (COSHH)
- The Building Regulations 2010 (and amendments)
- Provision and Use of Work Equipment Regulations 1998
- Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (2013)
- Construction Design and Management Regulations 2015
- Landlord and Tenant Act 1985
- Equality Act 2010
- The RSH Regulatory Standards (The Safety and Quality Standard)
- Approved Codes of Practice (ACoP) (Health and Safety Commission)
  - ACoP L8: Legionnaires Disease – The control of legionella in water systems.
- HSG 274. Legionnaires Disease Technical Guidance
- BS 8580:2010 (Water Quality – Risk assessments for Legionella control – Code of Practice).
- Notification of Cooling Towers and Evaporative Condensers Regulations 1992

2.5 The policy should be read in conjunction with Care's: Water Safety Management Process; Contractor Competency Policy; No Access Process; Data Retention Policy.

### 3. Policy Detail

3.1 This policy relates to all properties, offices and communal areas owned or managed by Care unless other parties are explicitly specified for statutory responsibility in the lease or management agreement.

3.2 Care will work with landlords, third party care providers, managing agents and tenants as applicable to ensure that each property has a valid LRA, that annual and regular testing, monitoring, sampling and cleaning tasks are carried out in line with the recommendations of the LRA for the property and that the actions undertaken, or readings taken, are recorded in line with the WSM Process.

3.3 Water risk assessments shall be undertaken in accordance with the WSM Process.

3.4 Property LRAs will be routinely assessed and validated to ensure suitability and validity in accordance with the WSM Process.

3.5 Where deemed necessary by an Occupational Therapist or other appropriate person, temperature controls in the form of a Thermostatic Mixing Valve (TMV, sometimes called a thermostatic blending valve) will be installed.

3.6 Appropriate WSM will also take place in void properties to ensure safety and compliance when re-let.

3.7 Care will keep and maintain all records relating to WSM in line with the Data Retention Policy.

#### **4. Responsibility and monitoring**

4.1 Care will ensure that Legionella Risk Assessments and WSM works are only undertaken by technicians that are competent in line with Care's Contractor Competency Policy.

4.2 Care will request that the Support Provider's site-based staff are sufficiently competent to undertake and record basic regular water safety management tasks such as flushing little used taps or outlets.

4.3 Care's Board will act as Duty Holder and will receive regular reports on the performance of this policy. The Chief Executive is will retain the overall responsibility for the monitoring of and the consistent implementation of this policy, ensuring that any necessary remedial work and actions are undertaken to comply with the policy.

#### **5. Commitment and Review**

5.1 This policy will be reviewed every 3 years, or sooner if required by statutory or regulatory requirements, or best practice.