Water Management Plan and Policy

# Introduction

* 1. In accordance with the Health & Safety at Work Act 1974 and The Control of Substances Hazardous to Health Regulations 2002, Medway Council is committed to the protection of all service users from exposure to Legionella bacterium. Therefore, Medway Council has adopted, as far as is reasonably practicable, the principles of control and management identified in the Health & Safety Executive’s Approved Code of Practice and Guidance Document L8 “The control of Legionella bacteria in water systems.”
  2. Medway Council recognises their responsibility to implement in full, all requirements described in current relevant guidelines and legislation relating to the management and control of Legionellosis including Legionnaires’ Disease, particularly, the Health and Safety Executive's Approved Code of Practice – L8 and HSG 274 guidance documents.

# Purpose

* 1. As the landlord of the properties, Medway Council understands their duty of care to ensure that employees, residents, visitors, service users, contractors, and members of the public can use their buildings and facilities safely. This extends to ensuring that they are safe from risks associated with Legionella bacteria.

# Scope

* 1. This policy applies to all tenure and occupancy types and Medway Council staff involved in water management services including contractors and sub-contractors used on the Councils behalf.
  2. The scope of this policy applies to:
* All corporate buildings.
* All commercial leasehold properties where Medway Council is the designated landlord.
* All residential premises associated with the operated properties.

# Legislation and Guidance

* 1. External
     1. Health and Safety at Work Act etc. 1974
     2. Control of Substances Hazardous to Health Regulation 2002
     3. The Health & Safety Executive’s Approved Code of Practice - L8
     4. HSG 274 Part 2: The control of legionella bacteria in hot and cold-water systems
     5. HSG 274 Part 3: The control of legionella bacteria in other risk systems
     6. BS 8580-1:2019 Water quality. Risk assessments for Legionella control. Code of practice
     7. BS 7592:2008 Sampling for Legionella bacteria in water systems. Code of practice
     8. Reporting of Injuries, diseases, and Dangerous Occurrences Regulations (RIDDOR)
     9. The Management of Health & Safety at Work Regulations
     10. The Water Supply (Water Fittings) Regulations
     11. The Corporate Manslaughter and Corporate Homicide Act 2007.

# Policy Statement

* 1. Medway Council will take all reasonable measures to establish effective systems to manage the risks associated with Legionella bacteria and in accordance with the requirements of the above legislation and guidance will:

1. Appoint a person(s) to take responsibility (the “Responsible Person” and “Deputies”) to control and manage the risk of exposure. The Responsible Person will have sufficient authority, competence, appropriate training and knowledge of the current regulations and guidance to ensure that all operational procedures are carried out in a timely and effective manner.
2. Ensure all persons involved in the management and control of risk, or whose daily activity could impact on risk management controls receive appropriate training. With regard to external suppliers, the Responsible Person will seek evidence of appropriate training and competence.
3. Implement a programme of assessments for the risk of Legionella bacteria in water systems across all property types, and implement measures to remove, replace, minimise and/or control residual risks as required.
4. Implement a written scheme programme of routine inspections, tests, sampling, and maintenance to ensure control measures remain in place and are effectively controlling the risk.
5. Maintain records of water systems, training, corrective actions and remedial works, and results of routine inspections, tests, sampling, and maintenance activity. Records will be held for at least 5 years.
6. Provide suitable information to tenants to ensure they are aware of the measures applied to all water systems and their obligations to use the system correctly.
7. Ensure the design of relevant services for new, refurbished, or modified properties complies with the requirements of this document and relevant regulations.
8. Appoint a suitably qualified and competent contractor and consultant to provide support with all aspects of Legionella control.
9. To maintain an open information policy and will work with residents, tenants, staff, contractors, consultants, and statutory bodies to agree and deliver solutions to manage legionella bacteria issues.
10. To implement this document by empowering designated employees with appropriate, training, specialist support and resources needed to safely manage and control Legionella bacteria in Medway Council premises.
11. No variation to this Policy or the accompanying Legionella Risk Management Procedures document will be allowed except following changes to business requirements, legislation, guidance, and best practice.
12. Legionella compliance audit of the current management plan, control procedures and day-to-day activities will be undertaken on all sites on an annual basis to determine whether current control is compliant with current legislation and guidance and efficient.

# Management Structure

* 1. The key parties responsible and involved in the successful delivery of this policy are:
* Duty Holder
* Responsible Person
* Deputy Responsible Person

## Duty Holder

6.2 The duty holder has overall responsibility for management of the water systems, to provide direction to ensure all other teams within Medway Council are aware of the symptoms of Legionnaires’ disease and legionellosis, and the importance of the control of legionella bacteria. The Duty Holder should ensure that adequate resources are available for the monitoring and recording of appropriate procedures which comply with the ACOP. Ensure adequate resources are available training and supervision to employees identified as having a role to undertake in the implementation of legionella management procedures. Appoint a Responsible Person

## Responsible Person(s) and appointed Deputies

6.3 The Responsible Person and appointed Deputies are responsible for implementation and management of the practical aspects of the control of Legionella bacteria in properties owned and managed by Medway Council, including the competence of all persons involved. Also, to establish and maintain direct lines of communication with the various operational parts of Medway Council business; specialist contractors and consultant, ensuring a efficient two-way exchange of information and records. Establish suitable arrangements to manage identified risk areas, including identification of management responsibilities. Ensure that adequate resources are available to address any needs identified in the risk assessments and that the risk assessments are acted upon. Review the risk assessments and remedial measures implemented every two years. Ensure that the established procedures are brought to the attention of all persons affected by them. Appoint the Statutory Compliance. Deputy Responsible Person/s shall keep permanent records of all Risk Assessments, remedial works in relation to the risk assessments, ensure a copy of the up to date risk assessment is held in the on-site water services logbook and to ensure the day to day control systems in place are managed effectively. Keep a permanent record of all remedial works carried out in the on site water safety logbook.

6.4 Legionella Service Providers

6.5 Legionella Service Providers provide practical advice on management and the control of legionella; undertake legionella risk assessment surveys and reports; carry out monitoring, maintenance, testing, inspection, audits, trusted advisory and sampling of water systems; and provide legionella training to Medway Council staff and service providers as required.

## Meetings

* 1. The Responsible Person and/or Deputy will hold regular review meetings with both the specialist legionella contractor and consultant:
     1. Contractor – Meetings - Details, outcomes, and actions agreed in these meetings are to be recorded in writing and circulated to the various operational functions of Medway Council. The non-conformances identified in the meeting will be noted and reviewed for the next meeting. If the contractor is failing to fulfil the requirements Medway Council will follow the escalation procedure for failure to provide.
     2. Specialist Consultant - Meetings **-** Independent specialist legionella consultants will be appointed to generally support Medway Council for Legionella management including:
* Providing advice on current Legionella legislative requirements and best practice.
* Carrying out third party audits to ensure compliance with delivery of the Legionella Policy.
* Review and advice on the design of water installations to new build schemes and major refurbishment.
* Carrying out Legionella awareness training and refresher training.
  1. It is Medway Council duty to make reasonable enquiries to ensure that the consultant is competent, experienced, and suitably trained.

## Appointment of Management

* 1. Medway Council understand that all appointed management are competent, trained, and aware of their responsibilities. Responsibilities will be well defined in writing and understood by all appropriate management. The Health & Safety Executive’s Approved Code of Practice and Guidance Note L8, three key distinct roles:
* Duty Holder
* Responsible Person
* Deputy Responsible Person

### Duty Holder

Name: Rebecca Wilcox

Position: Chief Housing Officer

Email: [rebecca.wilcox@medway.gov.uk](mailto:rebecca.wilcox@medway.gov.uk)

Telephone Number: 01634 333581

* 1. Has overall responsibility for the control of legionella in water systems across Medway Council managed residential and non-residential owned, managed, and leased property portfolio including provision of the necessary resources for the successful implementation of the organisation’s Legionella Policy.

### Responsible Person

Name: Adam Spokes

Position: Head of HRA Property and Development

Email: [adam.spokes@medway.gov.uk](mailto:adam.spokes@medway.gov.uk)

Telephone Number: 01634 333582

### Deputy Responsible Person

Name: Lee Deacon

Position: Property Services Operations Manager

Email: [lee.deacon@medway.gov.uk](mailto:lee.deacon@medway.gov.uk)

Telephone Number: 01634 333744

* 1. The Responsible Person has overall responsibility for the day-to-day management and delivery of the requirements of the Legionella Policy and the Legionella Risk Management Procedures document.
  2. The Deputy Responsible Person will be appointed to ensure that legal duties continue to be fulfilled when the Responsible Person is absent.
  3. The Responsible Person will sign and date their written appointments to confirm acceptance of their roles and understanding of their requirements of their duties.

### Responsible Manager

Name: Adrian Armour

Position: Compliance Project Manager

Email: [adrian.armour@medway.gov.uk](mailto:adrian.armour@medway.gov.uk)

Telephone Number: 07800 507431

The Responsible Manager has been given their authority by the “Responsible Person” to act on their behalf to oversee the day-to-day management of Legionella control for Medway Council. This person has responsibility for overseeing and co-ordinating the Legionella Policy and Procedure. This position carries with it the authority to put into effect such measures as are required to control the risk of legionellosis, both as a matter of routine and in the event of a crisis. The Responsible Manager also has a responsibility to ensure records are kept to confirm that this policy has been implemented. They have the responsibility for the day-to-day management including ensuring that the scheme of precautions to control the risk of legionellosis is implemented fully by competent persons. In particular they will:

* Oversee the control and management of legionellosis on behalf of the Duty Holder.
* Ensure that legionellosis risk assessments are carried out on behalf of the Duty Holder.
* Eliminate risk where reasonably practicable.
* Control risk where elimination is not reasonably practicable, by devising and implementing a scheme of precautions.
* Arrange maintenance, monitoring and management of the precautions controlling the risk, including reviewing the risk assessment if there has been any material change and at intervals not exceeding two years.
* Arrange the procurement of competent help, as required, including ensuring that the organisations and individuals deployed are competent and appropriately trained and experienced.
* Keep records.

## Communication

* 1. Medway Council understand that communications and management procedures are particularly important where several people are responsible for different aspects of the operational procedures.
  2. Lines of communication will be clear, unambiguous, and audited regularly to ensure they are effective. This also applies to outside companies and consultants who may be responsible for certain parts of the control regime.

# Assessment and Identification of Risk

* 1. Medway Council understands that it is a legal duty to carry out an assessment to identify and assess whether there is a risk posed by exposure to legionella from the hot and cold water system or any work associated with it.
  2. A suitable and sufficient assessment must be carried out to identify and assess the risk of exposure to Legionella bacteria from work activities and water systems on the premises and any precautionary measures needed. The Duty holder is responsible for ensuring the risk assessment is carried out and has all key elements identified in ACoP L8, HSG274 Parts 2 & 3 and BS8580‑1:2019.
  3. Where the assessment demonstrates there is no reasonably foreseeable risk or that risks are insignificant and unlikely to increase, and are properly managed, no further assessment or measures will be carried out. However, if the situation changes, the assessment should be reviewed and revised, if any changes are needed.
  4. Risk assessments for identified property types will be treated as living documents and will be reviewed when there is reason to believe they are no longer valid, including:
* Changes to the water system or its use.
* Changes to the use of the building in which the water system is installed.
* The availability of new information about risks or control measures.
* The results of checks indicating that control measures are no longer effective.
* Changes to key personnel.
* A case of legionnaires’ disease/legionellosis associated with the system.
  1. Risk assessments will be undertaken only by persons with suitable training and appropriate levels of competence as appointed or approved by the Responsible Person. When Legionella risk assessments identify required measures to remove or reduce risks they will be reviewed and carried out in a timely manner as responsive repairs or as part of a planned improvement programme if, and as appropriate.

## Property Programme

* 1. Medway Council recognises that all water systems require a Legionella risk assessment and for most residential settings, the risk assessment may show the risks are low. If the assessment shows the risks are insignificant and are being properly managed to comply with statutory requirements and keeping users safe, no further action may be required. However, Medway Council understand that it is important to review the assessment periodically in case anything changes in the system.
  2. It may be impractical to risk assess every individual residential unit. Medway Council understand that a representative proportion of the premises for which they have responsibility should initially be assessed, on the basis of similar design, size, age, and water supply, with the entire estate eventually assessed on a rolling programme of work.
  3. Due to the different types of property owned and managed, including a high number of individual of single dwelling with having a high turnover of water, Medway Council will take a different approach to risk assessing to avoid excessive and unnecessary costs by categorising the property types and the risk posed to exposure:
     1. Category A - risk assessments will initially be conducted over a 2-year programme then reviewed over a 2-year rolling programme or where there is reason to believe they are no longer valid. As part of this category, we will assess our Homes for Independent Living Accommodation and our HRA housing blocks of flats/maisonettes with medium/high likelihood of shared water services.
     2. Category B – risk assessments will initially be conducted over a 5-year programme then reviewed over a 5-year rolling programme or where there is reason to believe they are no longer valid. As part of this category, we will assess properties that have no associated common/shared spaces (i.e. House/Bungalow accommodation), with low likelihood of shared water services.

# Written Scheme of Control

* 1. Once the risk is identified and assessed, a written control scheme will be prepared, implemented, and properly managed for preventing or controlling legionella.
  2. The scheme will specify the various control measures, how to use and carry out those measures, who is responsible for the tasks and the correct operation of the water system. The scheme should be specific and tailored to the system covered by the risk assessment.

# Training and Competence

## Medway Council

* 1. All personnel involved with the management, control and prevention of Legionella will be provided with regular training so that they are properly updated on changes in legislation and best practice in the management and control of Legionella in water services.
  2. They will be properly trained to a level that ensures tasks are carried out in a safe, competent manner; and receive regular refresher training. Keep records of all initial and refresher training.
  3. The scope and effectiveness of the training Medway Council provide will be reviewed by the Responsible Person at least annually to ensure that the personnel involved are competent and capable of performing their specific duties. It is therefore important that the people involved in prevention, management and control are trained and aware of their responsibilities.
  4. The requirements for competence include successful completion of accredited training in Legionella awareness and the management of hot and cold-water systems, along with appropriate technical qualifications and experience in the installation, maintenance, and management of hot and cold-water systems. Legionella specific training must be refreshed every 3 years as a minimum. A list of accredited training providers can be found on the Legionella.

## Contractors and Consultants

* 1. Medway Council will appoint a suitably qualified and competent contractor to provide support with all aspects of Legionella control and management. The contractor and consultants will be required to provide Medway Council with training records and competence assessment for the person(s) working on the contract. All service providers will be members of the Legionella Control Association.

# Record Keeping

* 1. The Responsible Manager will ensure that appropriate records are kept. All records will be securely held, and any electronic information will be backed-up.
  2. Legionella risk assessments, written schemes and records are to be retained throughout the period they remain current and for a minimum two years after that period.
  3. The results of monitoring, inspections, tests, checks, temperatures and works undertaken, are to be recorded onto the Legionella Risk Management logbook and will be retained for at least five years.
  4. Dates and signatures will be required on all records for monitoring, inspections, tests, checks, and works undertaken. Electronic signatures will be acceptable.
  5. Medway Council will maintain records of all Legionella training of its employees.
  6. Following the disposal of any Medway Council owned, managed, or leased properties legionella records will be provided to the new owner/operator.

# Control Measures

* 1. The control measures required for each property or property type will be determined by the risk assessment for that particular property only and will be implemented under the control of the Responsible Person.
  2. A written scheme for controlling measures will be prepared by Medway Council and implemented and managed by the Responsible Person.
  3. The control regime will include as appropriate:
* Good design - for avoidance of water stagnation and low flow.
* Good design - avoiding use of materials in the water system that may harbour and encourage growth of bacteria or other nutrients.
* Temperature control, monitoring, inspection, and flushing.
* Correct and safe operation of equipment and plant including maintenance requirements and frequencies.
* Testing of water quality as required.
  1. To ensure control measures implemented remain effective the condition and performance of the system will be monitored; the frequency and extent of the routine monitoring will depend upon the operating characteristics of the system identified by the risk assessment.
  2. As a minimum, or in the absence of a suitable and sufficient risk assessment, the control measures and inspection programmes as given in table 2.1. of HSG 274 Part 2 The Control of Legionella Bacteria in Water Systems will apply.
  3. When Legionella sampling is undertaken the samples are to be analysed at a laboratory accredited by the United Kingdom Accreditation Service (UKAS) in accordance with the Approved Code of Practice L8. The samples are to be taken in accordance with BS 7592:2022 The actions required for any positive water analysis results is described in the Legionella Risk Management Procedures document.

# Voids

* 1. Medway Council recognise that the risk may increase where the property is unoccupied for a short period. It is important that water is not allowed to stagnate within the water system and so dwellings that are vacant for extended periods should be managed carefully. Outlets on hot and cold-water systems should be used at least once a week to maintain a degree of water flow and minimise the chances of stagnation. To manage the risks during non-occupancy, Medway Council will implement a suitable flushing regime or other measures, such as draining the system if the dwelling is to remain vacant for long periods.

# Action to be taken on Suspicion of an Incident or Outbreak

* 1. The nominated Responsible Person(s) will then inform the Environmental Health Officer/Health and Safety Executive and ask for their immediate advice and assistance. It is normal for them to send in a team to investigate and rectify the problem. It is important for them to be able to trace where the disease has come from.
  2. The Responsible Person will ensure that any systems are safely isolated until a course of action has been agreed making sure that the system is not drained or disinfected before samples have been taken.

# Legionella Microbiological Monitoring Reporting

* 1. In the event of a positive test result being notified the Appointed Responsible Person will be informed and seek competent advice from the appointed consultant.

# Risks of an Outbreak

* 1. Failure to implement this management plan could lead to a case or outbreak of legionellosis or Legionnaires’ disease, potential resulting in the death or one or more persons. Additionally, such a tragedy would lead to a significant loss of reputation, increased insurance costs, and possible repercussions such as a Health & Safety related prosecution and conviction for corporate manslaughter should gross negligence be identified.

# Communication

* 1. Medway Council understands that communication is a key factor in the risk assessment and control process. Medway Council will take all reasonable steps to ensure effective lines of communication are properly established and clearly laid down.
  2. All identified risks will be communicated to the appropriate management, who will have sufficient authority to appoint a competent contractor to prioritise remedial actions and defects for effective control. Medway Council will review management and communication procedures as appropriate.

# Budget

* 1. Medway Council will make available each year sufficient funds not just to support the anticipated serving program but also to support any necessary legal action against residents who will not permit access.

# Residential Accommodation

* 1. The tenancy contract should clearly specify who has responsibility for maintenance and safety checks, including managing the risk from legionella. Where there is no contract or agreement in place or it does not specify who has responsibility, the duty is placed on Medway Council.
  2. Medway Council will inform tenants of the potential risk of exposure to legionella and its consequences and advise on any actions arising from the findings of the risk assessment, where appropriate. Tenants will be advised to inform the landlord if the hot water is not heating properly or if there are any other problems with the system, so that appropriate action can be taken. See appendix 1 below.

# Procedures

* 1. Medway Council will produce safety plan procedures that are to be read with this document. Contractors will provide suitable procedures for the control measure tasks.

# Role, responsibilities and authority

* 1. The Chief Housing Officer retains the overall responsibility for the implementation of this policy.
  2. The Duty Holder, Responsible Person and the Deputy Responsible person are responsible for the operational delivery of this policy and the associated procedures. This includes responsibility for monitoring and review, staff awareness and training, policy development and communication to customers.

# Monitoring, review and evaluation

* 1. This policy is to be reviewed every 2 years to make sure it is effective and complies with current statutory requirements. A regular review will be conducted when:
* Changes to the water system or its use.
* Changes to the use of the building in which the water system is installed.
* The availability of new information about risks or control measures.
* The results of checks indicating that control measures are no longer effective.
* Changes to key personnel.
* A case of legionnaires’ disease/legionellosis associated with the system.
* Changes to current legislation and associated guidance documents.
  1. Any changes are to be validated by Medway Councils nominated third party Legionella specialist consultant.

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Appendix 1

Water Hygiene Legionella leaflet
