



Water Hygiene Policy - Housing

Newark & Sherwood District Council
Policy Document
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Summary

Newark & Sherwood District Council's (NSDC) Water Hygiene Policy outlines responsibilities, risk assessments, training, and procedures to manage and control Legionella bacteria in water systems, ensuring compliance with legal requirements and safeguarding public health through regular monitoring, maintenance, and response actions.

1.0 Introduction

1.1 Legionnaires' disease is a potentially fatal form of pneumonia caused by Legionella bacteria. It is the most serious condition within a group of illnesses collectively known as legionellosis. Other forms, such as Pontiac Fever and Lochgoilhead Fever, present similar symptoms but are generally less severe.

1.2 Infection occurs through the inhalation of small droplets of water (aerosols) contaminated with Legionella bacteria. The disease is not transmitted from person to person. While everyone is potentially susceptible, certain groups are at higher risk, including individuals over 45 years of age, smokers, heavy drinkers, those with chronic respiratory or kidney conditions, and people with weakened immune systems.

2.0 Where is Legionella Found?

2.1 Legionella bacteria are naturally present in freshwater environments such as rivers and ponds. However, they can also colonise artificial water systems, including cooling towers and domestic hot and cold-water systems. The bacteria can survive at low temperatures but proliferate in water temperatures between 20°C and 45°C, especially where nutrients such as rust, sludge, scale, algae, and other microorganisms are present.

3.0 Scope and Application

3.1 This policy applies to all water systems under the Council's control where there is a potential for aerosol generation and a reasonably foreseeable risk of exposure to Legionella bacteria. These include:

- Water systems incorporating cooling towers.
- Water systems incorporating evaporative condensers.
- Domestic hot and cold-water systems.
- Any other plant or system containing water likely to exceed 20°C and capable of producing aerosols during operation or maintenance.

4.0 General Responsibilities

4.1 As an employer and landlord, NSDC has a legal duty to assess and manage the risk of Legionella exposure to employees, tenants, and the public. The Council must:

- Identify and assess sources of risk.
- Develop and implement a management plan to control or eliminate the risk.

- Appoint a competent Responsible Person to oversee the programme.
- Provide appropriate training to relevant staff.
- Maintain accurate records and regularly review the effectiveness of control measures.

4.2 NSDC will communicate with its tenants on Legionella risks and provide guidance and relevant signposting regarding Legionella.

5.0 Specific Responsibilities

To ensure that water systems under NSDC control are managed in accordance with relevant legislation and the general duties outlined above, the following roles have been assigned specific responsibilities.

5.1 Chief Executive

The Chief Executive holds ultimate responsibility for ensuring the full implementation of this policy and its associated procedures.

5.2 Directors

NSDC Directors are responsible for ensuring the implementation of the Council's Legionella Policy within their respective business units. They must ensure that adequate resources are made available to manage legionella risks, as far as is reasonably practicable, without risk to employees or others.

They are also responsible for ensuring that appropriate monitoring is undertaken to verify compliance with this policy and associated risk assessments.

5.3 Business Manager Building Safety & Asset Investment

The Business Manager shall:

- Ensure sufficient budget and resources are allocated to manage water systems in line with relevant guidance and risk assessments.
- Implement managerial systems to ensure all required checks and maintenance are completed.
- Ensure all identified controls and recommendations are actioned. Where this is not possible, an action plan must be implemented or a written justification recorded in the legionella premises file.
- Nominate the Surveyor as the Responsible Person for each water system identified by a risk assessment, with documentation recorded accordingly.

5.4 Compliance Manager

The Compliance Manager shall:

- Oversee the successful procurement of the Water Treatment Services ensuring that specification satisfies NSDC's service delivery requirements.

- The Compliance Manager will be responsible for the management of the contract and the fulfilment of the contractual obligations.
- Carry out quarterly reviews of the contract delivery.
- Ensure that all checks are completed at the required frequencies.
- Escalation of all non-compliance occurrences to the Safety & Risk Manager, and the Business Manager Building Safety & Asset Investment accordingly.
- The Compliance Manager will be appointed as the responsible person in lieu of the Surveyor for business continuity.

5.5 Surveyor

The Responsible Person shall:

- Will be competent to satisfy the L8 competence requirements
- Ensure 100% compliance is maintained across all sites, by ensuring contractors and DLO complete all required checks and maintenance.
- Accurate recording of all mitigation work recorded.
- Recorded Water Risk Assessment actions are monitored to completion using Compliance Management Software.
- Ensure risk assessments are produced, reviewed, and updated for all new builds or alterations within their business unit.
- Carry out reviews of control of legionella policies and procedures
- Provide compliance figures for reporting to the Compliance Manager.
- Non-compliance will be reported to the Compliance Manager.

5.6 Safety & Risk Management Officer

Provides competent support across the Council to ensure compliance with relevant legislation and guidance, including advice and audits to support duty holders.

5.9 Competent Contractor

For all contracted premises, the Competent Contractor shall:

- Routine Testing and Analysis: Regular water hygiene testing, sampling, and laboratory analysis to ensuring safe water quality.
- Risk Assessments: Comprehensive Legionella risk management assessments to identify and mitigate potential hazards.
- System Maintenance: Preventative maintenance of water systems to inhibit bacterial growth and ensure ongoing safety.
- Remedial Works: System cleaning and repairs to address any issues identified during inspections or testing.
- Compliance Support: Provision of digital documentation and guidance to meet health and safety audit requirements. Contractor

to retain documentation for a minimum of two-years and make readily available to NSDC upon request.

6.0 Risk Assessments

- 6.1 All Council premises, except those where third-party tenants are clearly responsible for water system maintenance under a letting agreement, shall be assessed to determine the need for a full legionella risk assessment. This initial assessment must be conducted by a Competent Person and documented. Records must include premises where the risk is deemed low or insignificant and does not require a full assessment or management plan.
- 6.2 The Business Manager/Responsible Person shall ensure that all legionella risk assessments under their remit are reviewed continuously reviewed based on monitoring results, changes in use, or system performance by a Competent Person.
- 6.3 NSDC complete frequency of checks within managed buildings as outlined within the HSE's ACOP guidance and the service delivery through contractual arrangements in place with specialist contracts.
- 6.3 Legionella control must be considered during the design phase of all new buildings. A risk assessment must be completed prior to occupation for all managed properties whilst void. Management of sheltered schemes and communal centres requires continuous review of the effectiveness of the risk management systems in place.
- 6.4 All risk assessments and associated documentation shall be retained for a minimum of five years.
- 6.5 Each assessment shall include:
 - Identification and evaluation of potential sources of risk.
 - Methods of prevention.
 - Methods of control.

7.0 Records

- 7.1 The following records are maintained electronically and at each premises (for communal water systems/buildings only):
 - Legionella risk assessment and management plan.
 - Schematic diagram of the water system.
 - Site reports and recommendations from the competent contractor.
 - Records of all on-site tests and maintenance.
 - Details of all works undertaken to ensure safe system management.
 - Training records.
 - Risk assessments will be retained for a period of five years, and monitoring records for two years.

- These records will be electronically retained and managed within NSDC's Compliance Management Software for audit purposes and accessibility for regulators.

7.2 The Business Manager/Responsible Person shall ensure that copies of all maintenance records, reports, risk assessments, recommendations, and sampling reports are forwarded to both the client and the Safety & Risk Management Officer.

8.0 Training

8.1 All individuals involved in the management of legionella must receive appropriate training. This includes:

- Competent Persons.
- Nominated site staff.
- Business Manager.
- Responsible Persons managing the Competent Contractor.

8.2 The legionella management contract shall include provisions for the Competent Contractor to identify training gaps on contracted sites and deliver appropriate training to address them.

8.3 The Business Manager/Responsible Person is responsible for facilitating legionella training as required, based on contractor recommendations or business unit needs.

8.4 The Responsible Person must ensure that trained, contractors are available to conduct required checks.

9.0 Alterations to existing water systems

9.1 Risk assessments must be reviewed prior to commissioning any new water systems or following alterations to existing systems. During this review it may be necessary to commission a new Water Risk Assessment. This is the responsibility of the Business Manager/Responsible Person or the officer commissioning the work (if not managed by Asset Management).

9.2 The Business Manager/Responsible Person shall ensure that all schematic drawings are updated to reflect any alterations.

10. Testing

10.1 Routine testing for legionella in domestic water systems is not recommended under the Approved Code of Practice (ACoP) L8. Testing will only be undertaken when:

- A case of legionella is linked to a specific water system

- Where a case of Legionella is identified mandatory testing and sampling will be conducted along with continuous treatment until clean.
- Significant failures or non-compliances suggest a high risk of legionella proliferation.
- Verification of the effectiveness of management systems is required.
- All testing will be conducted by the appointed Competent Contractor.

11. Reporting

- 11.1 The Competent Contractor must immediately notify the site manager and the Business Manager/Responsible Person of any failings or non-compliance.
- 11.2 The Business Manager/Responsible Person must notify the client and the Safety & Risk Management Officer of any non-compliance or faults.
- 11.3 The Responsible Person must notify the Business Manager, and the Safety & Risk Management Officer of any non-compliances identified during routine testing or maintenance.
- 11.4 The Responsible Person must also ensure that all records, including entries in the corporate electronic register, are completed by nominated site staff.

12. Decommissioning

- 12.1 For properties expected to remain unused for extended periods, water systems should be fully drained, and all calorifiers and water heaters taken offline.
- 12.2 For shorter periods, a weekly flushing regime should be implemented to prevent stagnation, with all actions recorded.

13. Re-commissioning

- 13.1 If a system has not been flushed or drained during its downtime, it must be disinfected before reuse. This must be conducted by a Competent Person.
- 13.2 If the system has been regularly flushed in accordance with contractor guidance, cold water systems may be returned to use without further action.
- 13.3 Hot water systems must be brought to full operating temperature (with recirculating pumps running, if applicable) and maintained at that temperature for at least one hour to ensure pasteurisation before returning to service.

14. Action in the event of detecting Legionella Bacteria

- 14.1 If a water sample returns a positive count of '≥100 cfu/L', the Business Manager/Responsible Person, with support from the Safety & Risk Management Officer, will coordinate appropriate action in line with 'Approved Code of Practice (ACoP) L8'. This includes:

- A site meeting with the Premises Manager and Safety & Risk Management Officer.
 - Advice on the implications of elevated legionella levels.
 - Removal of spray nozzles, shower heads, and other high-risk outlets.
 - Implementation of a safe flushing regime.
 - Review of outstanding risk assessment recommendations.
 - Investigation of contributing factors (e.g. temperature anomalies).
 - Consideration of chemical or thermal disinfection as temporary measures.
- 14.2 The Responsible Person, in collaboration with the Business Manager and the Safety & Risk Management Officer, will ensure control measures are implemented.
- 14.3 Cleaning and disinfection will remove bacteria but not the root cause. System modifications may be required to prevent recurrence.
- 15. Action in the event of a suspected case of Legionnaires' Disease**
- 15.1 If a case of Legionellosis is suspected in a staff member, the relevant Business Manager must immediately contact the Safety & Risk Management Officer to notify the HSE through submission of a RIDDOR report.
- 16. Audit and Review**
- 16.1 The Business Manager/Responsible Person and the Safety & Risk Management Officer shall meet at least every six months to evaluate records and compliance, conducting an annual audit of legionella management systems.
- 16.2 Business Managers must ensure monitoring mechanisms are in place to maintain the management plan and records.
- 16.3 Strategic Directors and Business Managers shall review legionella management performance.
- 16.4 The Business Manager/Responsible Person shall monitor the Competent Contractor to ensure contract compliance.
- 16.5 This policy shall be reviewed at least bi-annually, trigger points such as an identified case of Legionella, or sooner if legislation changes or incidents occur.
- 16.6 Water Hygiene reporting forms part of the suite of reports submitted to SLT and stakeholders for transparency, and independent audit carried out in line with service directorate requirements.
- 17. Legal Requirements**
- 17.1 This policy is underpinned by the following legislation and guidance:

- Health and Safety at Work etc. Act 1974.
- Management of Health and Safety at Work Regulations 1999.
- Control of Substances Hazardous to Health Regulations 2002 (as amended).
- Legionnaires' Disease: The Control of Legionella Bacteria in Water Systems (ACoP L8 Fourth edition 2013).