

# Corporate Policy and Strategy Committee

10.00am, Tuesday, 15 May 2018

## Council Water Safety Policy

<b>Item number</b>	7.4
<b>Report number</b>	
<b>Executive/routine</b>	
<b>Wards</b>	All
<b>Council Commitments</b>	

### Executive Summary

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The new Council Water Safety Policy (“Policy”) is a sub-policy of the Council’s Health and Safety Policy. It sets out a commitment to protecting the health and safety and welfare of our employees and third parties. Its main objective is to protect the health and safety of employees and third parties from risks associated with inhalation and ingestion exposure to water that contain bacteria, chemicals or other contaminants at levels harmful to health.

The Policy replaces the existing Policy and Procedures for the Control of Legionella Bacteria in Water Systems in Council Properties, dated 2003. It takes into account the Council’s new structural arrangements and provides greater clarity on health and safety roles and responsibilities. It sets out accountabilities for water safety for both Council non-housing properties and assets and for Council housing properties.

## Council Water Safety Policy

### 1. Recommendations

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- 1.1 It is recommended that Committee approve the Water Safety Policy.

### 2. Background

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- 2.1 The Health and Safety at Work etc. Act 1974 places a general duty on employers to protect, so far as is reasonably practicable, the health and safety and welfare of employees and others affected by their work activities.
- 2.2 The Health and Safety Executive (HSE) Approved Code of Practice and guidance on regulations (dated 2013), 'The control of legionella in water systems' (L8), sets out expectations on how to comply with legal duties in relation to *Legionella*.
- 2.3 This Policy sets out how the Council will comply with all applicable legal and regulatory requirements, including the Approved Codes of Practice, standards, and guidance.

### 3. Main report

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- 3.1 The Policy replaces the existing Policy and Procedures for the Control of Legionella Bacteria in Water Systems in Council Properties, dated 2003. It extends the scope to include both *Legionella* and other bacterial and chemical contaminants in water systems and potable drinking water.
- 3.2 The Policy takes into account the Council's organisational structure arrangements and provides greater clarity on roles and responsibilities for managing water safety.
- 3.3 The Policy applies to all employees and third parties who interact with Council services but are not employees.
- 3.4 The Policy applies to:
  - 3.4.1 designing and maintaining water systems in a way that avoids the conditions necessary to support the growth of *Legionella* bacteria and other harmful bacteria, chemicals or contaminants; and
  - 3.4.2 provision of potable drinking water.

- 3.5 The Policy statement sets out the Council's commitment to protect employees and third parties from risks associated with exposure to *Legionella* and other bacteria, chemicals and contaminants at levels harmful to health.
- 3.6 The Policy content sets out requirements for managing water safety that must be met.
- 3.7 The key changes compared with the existing Policy and Procedures for the Control of Legionella Bacteria in Water Systems in Council Properties, dated 2003, are as follows:
- 3.7.1 Policy Statement
- The Policy sets out the overall intent and key controls for managing water safety risks.
- 3.7.2 Policy content
- The Policy requirements have been written to fulfil the requirements set out in Approved Code of Practice and guidance on regulations (L8). The requirements are clearly defined, providing clarity on the key controls for Council non-housing buildings and assets, and Council housing properties.
- 3.7.3 Roles and responsibilities
- The roles and responsibilities in the Policy are aligned with the Council's Health and Safety Policy, and in turn reflect the current Council structures. Greater clarity is set out for key roles, including those with responsibilities for Property and Facilities Management and Housing Property.

## 4. Measures of success

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- 4.1 Improved performance in relation to water safety, and reduced likelihood of ill-health and fatality arising from exposure to *Legionella* bacteria and contaminated water.
- 4.2 Measures of success include improved and effective arrangements for water safety management, resulting in fewer water samples testing positive for *Legionella* and other harmful bacteria, chemicals, and contaminants.
- 4.3 The increased clarity on roles and responsibilities will ensure that everyone knows their responsibilities in relation to water safety.

## 5. Financial impact

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- 5.1 There is no immediate financial impact for the operational estate arising from this Policy.
- 5.2 The financial impact for Housing Property is estimated at £120K over three years (c. £2 per year per home to ensure compliance). These costs will be met from the Housing Revenue Account.

## 6. Risk, policy, compliance and governance impact

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- 6.1 Failure to manage water safety in water systems, including drinking water, can result in ill-health or fatality. This includes Legionnaires' disease, which is a potentially fatal form of pneumonia.
- 6.2 The potential impact of failure to manage water safety also includes legal liabilities, regulatory censor, financial losses, business disruption and reputational damage.

## 7. Equalities impact

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- 7.1 There are no equalities issues arising from this Policy.

## 8. Sustainability impact

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- 8.1 There are no sustainability issues arising from this Policy.

## 9. Consultation and engagement

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- 9.1 Consultation and engagement has taken place with Trades Unions.
- 9.2 Consultation and engagement has taken place with key role holders, and with stakeholders in the service areas.

## 10. Background reading/external references

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- 10.1 [The Health and Safety Executive \(HSE\) Approved Code of Practice and guidance on regulations 'The control of legionella bacteria in water systems'. L8 \(Fourth edition\). Published 2013.](#)

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## 11. Appendices

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Appendix 1 - Council Water Safety Policy

# Council Water Safety Policy

**Implementation date: 1 June 2018**

## Control schedule

<b>Approved by</b>	
<b>Approval date</b>	
<b>Senior Responsible Officer</b>	Susan N Tannahill
<b>Author</b>	Sam Jennings
<b>Scheduled for review</b>	June 2019

## Version control

<b>Version</b>	<b>Date</b>	<b>Author</b>	<b>Comment</b>
0.1	15 May 2018	Sam Jennings	The Council Water Safety Policy replaces the Policy and Procedures for the Control of Legionella Bacteria in Water Systems in Council Properties

## Committee decisions affecting this policy

<b>Date</b>	<b>Committee</b>	<b>Link to report</b>	<b>Link to minute</b>
15 May 2018	Corporate Policy and Strategy Committee		

# Council Water Safety Policy

## Policy statement

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- 1.1 As set out in the Council Health and Safety Policy, we take all reasonable steps to protect the health and safety and welfare of our employees and third parties.
- 1.2 We recognise the risks associated with exposure to aerosols, and from drinking water, which contain harmful bacteria, chemicals or other contaminants. This can pose a risk to the lives of our employees and third parties including members of the public, contractors, service users, and pupils. Aerosols containing *Legionella* bacteria pose a significant risk to susceptible individuals.
- 1.3 The main objective of this Policy, which is a sub-policy of the Council Health and Safety Policy, is to protect our employees and third parties from risks associated with exposure to aerosols, and drinking water, that contain bacteria, chemicals, or other contaminants at levels harmful to health. We will do this by:
- appointing Responsible Person(s), setting out clear roles and responsibilities and ensuring adequate cover at all times, for management of *Legionella* bacteria;
  - having measures in place to ensure responsibilities are being discharged;
  - implementing measures to fulfil the requirements set out the Health and Safety Executive (HSE) Approved Code of Practice and guidance on regulations 'The control of legionella bacteria in water systems' (L8) and other relevant regulations, standards and guidance;
  - designing water systems in a way that avoids the conditions necessary to support the growth of *Legionella* bacteria, and other harmful bacteria, chemicals or contaminants;
  - ensuring appropriate information, instruction and training is given to all relevant Council employees;
  - ensuring effective communication within the Council and with contractors;
  - engaging suitably qualified and experienced employees or contractors to carry out works on water systems;
  - engaging accredited and competent organisations to carry out water quality testing; and
  - supplying potable drinking water.
- 1.4 This Policy should be made available to all persons working under the control of the Council and to interested parties on request. Those with specific responsibilities must familiarise themselves with the contents of this Policy.

## Scope

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- 2.1 The Council Water Safety Policy applies to all employees. In addition, it extends to third parties who interact with Council services but are not employees such as members of the public, contractors and service users.
- 2.2 The Policy applies to all Council buildings and assets where we have control, to any extent, of the water systems.
- 2.3 Water safety in swimming pools is out of the scope of this Policy, except where there is a *Legionella* risk, e.g. spa and hydrotherapy pools, and the hot and cold water systems that serve showers and other welfare facilities.

## Definitions

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- 3.1 **Building or Site Health and Safety Responsible Person** – Building or Site H&S Responsible Person is allocated to the most senior role holder in the Service Area with the greatest number of employees in the building, e.g. Head Teacher, Care Home Manager, Depot Manager. For some locations, a nominated Building or Site H&S Responsible Person may be required.
- 3.2 **Competent person** – A competent person is someone with the necessary skills, knowledge and experience in relation to hazard identification, risk assessment and the determination of necessary controls, and includes knowledge of legal and regulatory requirements.
- 3.3 **Duty holder** – The owner or operator of a water system that the public can access. The role of the duty holder is to ensure any potential risk is assessed, and that procedures are in place should a risk be identified.
- 3.4 **Legionella** – *Legionella* bacteria are common and can be found naturally in environmental water sources such as rivers, lakes and reservoirs, usually in low numbers. *Legionella* bacteria may also enter purpose built water systems and can be found in cooling tower systems, hot and cold water systems, spa pools and other plant which use or store water.
- 3.5 **Legionnaires' disease** – Legionnaires' disease is a potentially fatal or permanently debilitating form of pneumonia which can affect any person but which principally affects those who are susceptible because of age, illness and/or immunosuppressant. It is caused by the bacterium *Legionella pneumophila* and related bacteria. *Legionella* bacteria can also cause less serious illnesses which are not fatal or permanently debilitating. The collective term used to cover the group of diseases caused by *Legionella* bacteria is legionellosis.

- 3.6 **Legionella responsible person** – person appointed to assess the risks and to take day-to-day responsibility for controlling any identified risk from *Legionella* bacteria. The responsible person will have the appropriate level of authority, competence and knowledge to carry out their role effectively and in a timely way.
- 3.7 **Log book** – Property Facilities Management refer to this as a Water Care Asset Register. Housing Property refer to this as a *Legionella* Log Book.
- 3.8 **Microbiological testing** – a method of analysing water samples to estimate the numbers and type of bacteria present.
- 3.9 **Multi-occupied Building H&S Responsible Person** – Property and Facilities Management will take responsibility for the Multi-occupied Building H&S Responsible Person for designated buildings as follows: City Chambers and Waverley Court. In addition, they will take on this role for the Central Library.

For all other multi-occupied buildings, the most senior role holder in the Service Area with the greatest number of employees based in the building will take on the role. For some locations, a nominated Multi-Occupied Building H&S Responsible Person may be required.

- 3.10 **Notifiable incidents** – any cases of legionellosis involving an employee who has worked on hot or cold water systems that are likely to be contaminated with *Legionella* bacteria must be reported to the Health and Safety Executive.
- 3.11 **Potable water** – water that is safe to drink.
- 3.12 **Reasonably foreseeable risk of Legionella** – where any of the following conditions exist:
- water temperature in all or some parts of the system is between 20–45°C;
  - water is stored or re-circulated as part of the system;
  - there are sources of nutrients such as rust, sludge, scale, organic matter and biofilms;
  - the conditions are likely to encourage bacteria to multiply; and
  - a means of creating and spreading breathable droplets (aerosols).

In addition to the above, there must be the presence of susceptible people who may be exposed to aerosols.

- 3.13 **Water system** – includes all plant/equipment and components associated with that system, e.g. all associated pipework, pumps, feed tanks, valves, showers, heat exchangers, water softeners, and chillers.

- 3.14 **Written scheme** – specifies the measures required to control *Legionella* risk, with reference to the *Legionella* risk assessment, and comprises:
- an up-to-date plan showing the layout of the plant or water system, including parts temporarily out of use;
  - a description of the correct and safe operation of the system;
  - the precautions to take;
  - checks to carry out to ensure the written scheme is effective, and the frequency of such checks; and
  - the remedial action to take if the written scheme is shown to be not effective.

## Policy content

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- 4.1 In non-housing Council buildings and assets, we identify and manage risks associated with *Legionella* bacteria by:
  - 4.1.1 appointing a Responsible Person, setting out roles and responsibilities, and ensuring adequate cover at all times;
  - 4.1.2 assessing all buildings and assets to determine where there is a reasonably foreseeable risk of *Legionella*;
  - 4.1.3 conducting *Legionella* risk assessments of all Council non-housing properties and assets where risk of *Legionella* is reasonably foreseeable;
  - 4.1.4 reviewing *Legionella* risk assessments in compliance with HSE L8 Guidelines, and where there have been any changes to water systems, or following a positive test for *Legionella* bacteria;
  - 4.1.5 producing and implementing, for each building or asset, a written scheme for controlling the risk of exposure to *Legionella* bacteria, comprising: schematic design, safe and correct operation of the system, precautions to be taken, checks to be carried out, and remedial actions to be taken;
  - 4.1.6 ensuring all new water systems are designed in a way that minimises the opportunity for the growth of *Legionella* bacteria;
  - 4.1.7 ensuring that any repair or upgrade works to water systems are carried out by competent employees or contractors, and in liaison with the Water Quality Officer, ensuring effective communication within the Council and with contractors;
  - 4.1.8 maintaining a readily accessible Water Care Asset Register for each building or asset; and
  - 4.1.9 providing training to all employees with responsibilities for water safety.
- 4.2 In Council housing properties, we identify and manage risks associated with *Legionella* bacteria by:
  - 4.2.1 appointing a Responsible Person, setting out roles and responsibilities, and ensuring adequate cover at all times;
  - 4.2.2 conducting a desk-top assessment of *Legionella* risk for each type of water system supplying our housing properties;
  - 4.2.3 conducting *Legionella* risk assessments where the risk of *Legionella* is reasonably foreseeable;

- 4.2.4 for each *Legionella* risk assessment, producing and implementing a written scheme for controlling the risk of exposure to *Legionella* bacteria, comprising: schematic design, safe and correct operation of the system, precautions to be taken, checks to be carried out and remedial actions to be taken;
  - 4.2.5 maintaining a *Legionella* log book at each multi-story building, and other property types where the risk of *Legionella* is reasonably foreseeable;
  - 4.2.6 ensuring that any repair or upgrade works to water systems are carried out by competent employees or contractors, in liaison with the responsible person, ensuring effective communication within the Council and with contractors;
  - 4.2.7 providing information to tenants on measures to reduce the risk of *Legionella*; and
  - 4.2.8 providing training to all employees with responsibilities for water safety.
- 4.3 Where buildings owned by the Council are leased to third parties on a full maintenance and repair lease, responsibility for the management of water safety is clearly set out in the lease agreement.
  - 4.4 Where we lease buildings from a third party, we ensure that responsibility for managing water safety is clearly set out in the lease agreement. Where this responsibility lies with the owner/landlord, we co-operate in ensuring that *Legionella* management arrangements are managed effectively.
  - 4.5 Emergency procedures are established for dealing with suspected or confirmed cases of Legionnaires' disease.
  - 4.6 Emergency procedures are established where water samples have tested positive for *Legionella* bacteria, or other bacteria, chemical or contaminants at levels harmful to health.
  - 4.7 We investigate all cases where there is a positive identification of *Legionella* bacteria.
  - 4.8 We report notifiable incidents of Legionnaires' disease to the Health and Safety Executive.
  - 4.9 Arrangements are established for unoccupied or infrequently used buildings or assets, where there is a risk of *Legionella* due to stagnant water.
  - 4.10 We provide potable drinking water.
  - 4.11 We carry out microbiological and chemical testing of potable and non-potable water.

- 4.12 We produce detailed procedures to support the implementation of this Policy.
- 4.13 We have a Water Safety Standing Group with a remit to continuously monitor and review this Policy and its supporting Procedures to ensure water safety risks are managed effectively.

## **Implementation**

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- 5.1 Implementation will be effective from 1 June 2018.
- 5.2 This Policy supersedes the Policy and Procedures for the Control of Legionella Bacteria in Water Systems in Council Properties, dated 2003.

## Roles and responsibilities

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6.1 Health and safety roles and responsibilities are set out in the Council Health and Safety Policy. Roles and responsibilities relating specifically to this Policy are set out below.

### 6.2 Head of Property and Facilities Management

The Head of Property and Facilities Management has responsibility for the management of water safety in non-housing Council buildings and assets, except those managed by third parties on our behalf and leased buildings.

- Act as the named Responsible Person for the management of *Legionella* risk in non-housing Council buildings and assets, and ensure roles and responsibilities are set out for the day to day management of *Legionella* risk;
- Appoint Water Quality Officer(s);
- Responsible for maintaining a central register of buildings and assets under the control of Property and Facilities Management, which is used to identify where *Legionella* risk assessments may be required;
- Ensure written procedures are in place to implement the requirements of this Policy;
- Ensure responsibilities for managing water safety risks are clearly set out in lease agreements between the Council and third parties;
- Ensure that appropriate *Legionella* training is provided to all relevant employees;
- Ensure emergency procedures are in place where water samples test positive for *Legionella* bacteria or other bacteria, chemicals or contaminants harmful to health;
- Ensure emergency procedures are in place if Legionnaires' disease is confirmed or suspected;
- Ensure all cases where there is a positive identification of *Legionella* bacteria are investigated;
- Ensure effective communication within the Council and with contractors;
- Provide potable drinking water; and
- Ensure sufficient resources are made available to implement their responsibilities under this Policy.

### 6.3 Head of Place Development

The Head of Place Development has responsibility for the management of water safety in Council housing property.

- Act as the named Responsible Person for the management of *Legionella* risks in Council housing property and ensure roles and responsibilities are set out for the day to day management of *Legionella* risk;

- Appoint lead officer(s) for *Legionella*;
- Ensure *Legionella* risk assessments are carried out for water systems in housing property under Council control where there is a reasonably foreseeable risk;
- Ensure written procedures are in place to implement the requirements of this Policy;
- Ensure that appropriate *Legionella* training is provided to all relevant employees;
- Ensure emergency procedures are in place if Legionnaires' disease is confirmed or suspected;
- Ensure emergency procedures are in place where water samples test positive for *Legionella* bacteria or other bacteria, chemicals or contaminants harmful to health;
- Ensure all cases where there is a positive identification of *Legionella* bacteria are investigated;
- Ensure tenants are provided with information on reducing *Legionella* risks;
- Ensure effective communication within the Council and with contractors; and
- Ensure sufficient resources are made available to implement their responsibilities under this Policy.

#### 6.4 **Heads of Service**

Heads of Service are responsible for the management of water safety in assets, plant or equipment that are outside the control of Property and Facilities Management. Heads of Service are also responsible for the management of *Legionella* risk in any materials used.

- Ensure *Legionella* risk assessments are carried out for water systems in assets, plant and equipment under their control, where there is a reasonably foreseeable risk of *Legionella*;
- Ensure risk assessments are carried out, and appropriate control measures implemented, where any materials or substances used present a risk of *Legionella*, e.g. compost;
- Ensure written procedures are in place to implement the requirements of this Policy;
- Ensure that appropriate *Legionella* training is provided to all relevant employees;
- Ensure emergency procedures are in place where water samples test positive for *Legionella* bacteria or other bacteria, chemicals or contaminants harmful to health; and
- Ensure sufficient resources are made available to implement their responsibilities under this Policy.

## 6.5 Building or Site Health and Safety Responsible Person

At building/site level, the duty holder, working under the direction of the Heads of Service, is responsible for overseeing all aspects of the day-to-day implementation of this Policy in their areas of control, and:

- Ensuring that the requirements of this Policy are communicated and followed by all employees and third parties;
- Ensuring that actions identified from the *Legionella* risk assessment are carried out;
- Ensuring that actions identified from risk assessments for *Legionella* risks in substances/materials are carried out;
- Ensuring that infrequently used outlets are flushed on a weekly basis;
- Ensuring the log book is kept up to date and is readily available at all times to those employees of the Council, external contractors and others who may need to refer to the log book; and
- Ensuring the emergency procedures are followed where notified that a water sample has tested positive for *Legionella* or other bacteria, chemical or other contaminant harmful to health.

## 6.6 Edinburgh Scientific Services (ESS) / Competent External Provider

Responsible for:

- Managing a programme of *Legionella* risk assessments to establish and maintain records of the condition of water systems in Council buildings and assets under our control;
- Sampling and testing water systems to check for the presence and levels of *Legionella* bacteria, other bacteria, and chemicals;
- Assessing risks related to obtaining and testing water samples and putting in place suitable control measures;
- Issuing reports to the appropriate responsible person, duty holder and Facilities Management or Head of Service on the findings and results of the risk assessments and testing;
- Carrying out routine inspection and maintenance of water systems as determined by individual risk assessments, including: monthly water temperature checks, quarterly showerhead disinfection and annual water tank and calorifier inspections;
- Carrying out water system disinfections in accordance with BS 6700:1987;
- Issuing and maintaining log books; and
- Providing expert advice on the management of water systems.

## 6.7 **Water Quality Officer(s) (Property and Facilities Management)**

For Council non-housing properties, responsible for:

- Ensuring compliance with statutory requirements for the management of *Legionella* bacteria;
- Maintaining a database of water quality information to record: contracts in place, assessment and testing results, and actions undertaken to reduce risk of *Legionella* bacteria;
- Managing performance of contractors and suppliers appointed to provide water quality management services;
- Reviewing *Legionella* risk assessments and identifying and arranging any urgent remedial works;
- Developing a prioritised annual programme of remedial works to water systems to reduce *Legionella* risk;
- Ensuring effective communication within the Council and with contractors;
- Assisting in raising awareness of *Legionella* risks; and
- Providing expert advice on the management of water systems.

## 6.8 **Corporate Health and Safety Manager**

The Corporate Health and Safety Manager is responsible for:

- Defining the content of this Policy and reviewing on an annual basis and after any major incident, and updating as necessary;
- Providing guidance, interpretation and materials as required, to help achieve compliance with this Policy;
- Ensuring notifiable cases of Legionnaires' disease are reported to the Health and Safety Executive;
- Providing *Legionella* training, as part of the Corporate Health and Safety training schedule;
- Defining the minimum required compliance information / metrics that should be used to continually evaluate compliance, and reporting onwards appropriately;
- Responsible for maintaining a 'well-sighted' opinion on compliance with the Policy across the Council; and
- Ensuring consultation with employees and their representatives on health and safety matters, including water safety.

## 6.9 Line Managers

Responsible for:

- Ensuring that the Policy is communicated, understood and followed by their direct reports and others under their control; and
- Ensuring that appropriate *Legionella* training is provided as appropriate for their direct reports and others under their control, and records are maintained.

## 6.10 Contractor Management

It is the responsibility of the Contract Owner within the Service Area / Department to:

- Ensure that any contractor appointed to carry out works to water systems is competent in the type of work being carried out;
- Liaise with the Water Quality Officer (Council non-housing buildings and assets) or lead officer for *Legionella* (Council housing properties) prior to any works being carried out to Council water systems; and
- Provide contractors with all necessary information including this Policy and relevant Procedures.

## Related documents

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7.1 Related documents include:

7.1.1 [Council Health and Safety Policy](#)

7.1.2 [HSE Approved Code of Practice and guidance on regulations 'The control of legionella bacteria in water systems'](#). L8. Published 2013.

## Equalities impact

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8.1 There are no equalities issues arising from this policy.

## Sustainability impact

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9.1 There are no sustainability issues arising from this policy.

## **Risk assessment**

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- 10.1 Failure to manage water safety in water systems, including drinking water, can result in employee or third party ill health. This includes Legionnaires' disease, which is a potentially fatal form of pneumonia.
- 10.2 The potential impact of failure to manage water safety also includes legal liabilities, regulatory censor, financial losses, business disruption and reputational damage.

## **Review**

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- 11.1 In line with the Council's Policy Framework, this policy will be reviewed annually or more frequently if required.