



**COUNCIL HOUSING**

**WATER SAFETY POLICY**

**JULY 2025**

**Policy:** COUNCIL HOUSING WATER SAFETY POLICY

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1.0	First issued	Steve Colk	01/08/2025

**Links to Council Corporate Plan 2025-28**

Council ambition	Linked?
<b>Working for a prosperous future</b> <i>We want to ensure the best possible local economy, with opportunities for our residents to succeed and achieve</i>	Yes
<b>Healthier, safer communities</b> <i>Residents should feel safe in our Borough and supported to be more active in order to improve their health and wellbeing</i>	Yes
<b>A greener and cleaner environment</b> <i>It's important to everyone that we look after our environment</i>	No
<b>Restoring the Council to good health</b> <i>We will place our Council on a sound financial footing and ensure resilience – delivering the service our residents deserve and expect</i>	Yes
<b>We ♥ Castle Point</b> <i>We will help create and maintain the best possible place to live in, work in and visit</i>	Yes

**Lead Officer responsible for owning the Policy and internal approval body (meeting / board where the Policy is approved for adoption or approved for referral to PFH or Committee for adoption)**

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**Lead Member and Committee responsible for approving Policy:**

**Name:** COUNCILLOR ROB LILLIS, PORTFOLIO HOLDER FOR HEALTH, WELLBEING AND HOUSING

**Equality Impact Assessment undertaken?**

Yes

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## **1. Introduction**

- 1.1 As a responsible social housing landlord, Castle Point Borough Council ("the Council") is committed to keeping the people safe that live in the homes it owns and manages. The purpose of this document is to describe how the Council manages its legal obligations in relation to water safety for its housing stock. The Policy demonstrates how the Council complies with current legislation and approved codes of practice.
- 1.2 The Council has duties as a landlord of domestic premises under section 3 of the Health and Safety at Work Act (etc.) 1974 (HSW) to ensure, as far as is reasonably practicable, that the conduct of their undertaking does not present a risk to the health and safety of persons that are not its employees. The Council will follow the guidance in the HSE's Approved Code of Practice L8. In addition, the Defective Premises Act 1972, requires the Council to take reasonable care to ensure that tenants and visitors are safe from personal injury and illness caused by the condition of the premises.
- 1.3 In addition, the Landlord and Tenant Act 1985 requires all rented property to be fit for human habitation at the beginning of the tenancy and further requires the landlord to maintain that basic standard. In addition to this, the Policy provides assurance that measures are in place to demonstrate compliance with the Control of Substances Hazardous to Health Regulations 2002 (as amended) and to identify, manage and/or mitigate risks associated with hot and cold-water systems and any other systems that may cause exposure to legionella bacteria.
- 1.4 This Policy should be read in conjunction with the Council's Housing Water Safety Procedure which details the processes and procedures for the operational management of water safety risk in its housing stock.
- 1.4 This Policy forms part of the wider organisational commitment to driving a Health and Safety culture amongst tenants, leaseholders, Council employees and contractors (as detailed within the Council's Health and Safety Policy).

## **2. Scope**

- 2.1 This Policy applies to Council housing only. The Policy relates to all homes owned by the Council and those it manages such as the homes in the private sector leased portfolio. The Council has a responsibility for ensuring that water supplies are safe for use. The Policy covers individual homes and communal areas where water supplies are present, ensuring the control and management of legionella bacteria in water systems. This Policy includes all water pipework, taps and water tanks in the tenant's home but excludes any pipework, taps or individual water tanks (unless the water tank is communal) in a leaseholder's home.
- 2.2 The Council is committed to protecting all relevant persons from the risk of harm from legionella bacteria in water systems in the homes it owns, manages, or maintains.
- 2.3 The Policy should be used by all Council employees to ensure they understand the obligations placed upon the Council to maintain a safe environment for tenants, leaseholders, Council employees and contractors, within the home of

each tenant, and within all common areas of buildings and other properties it owns and manages.

- 2.4 All references to the Council within this document refer to the Council's function as a landlord of a home. This Policy excludes all non-residential buildings.
- 2.5 This Policy applies to all tenants and leaseholders, Council employees, contractors, stakeholders, and other persons who may reside, work on, visit, or use its premises, or who may be affected by its activities or services. The Policy outlines the obligations placed upon the Council to maintain a safe environment within the home and within all common water supplies of blocks of flats and sheltered schemes.

### 3. Definitions

ACOP L8	Approved Code of Practice for Legionnaires' disease
The Council	Castle Point Borough Council
Installation Pipework	Pipework for conveying water for a particular consumer and any associated valve or other water fitting including any pipework used to connect a water appliance to other installation pipework and any shut off device at the inlet to the appliance.
HSE	Health and Safety Executive
HSG274 Parts 1-3	A Health and Safety Executive (HSE) document that provides technical guidance on the control of Legionella bacteria in various water systems. It is divided into three parts: Part 1 focuses on evaporative cooling systems, Part 2 on hot and cold-water systems, and Part 3 on other risk systems.
Legionella	Legionella is a genus of gram-negative bacteria that can cause legionellosis including a pneumonia-type illness called Legionnaires' disease which is a lung infection you can get from inhaling droplets of water from things like shower heads and taps.
Lochgoilhead fever	a mild, flu-like illness caused by Legionella, like Pontiac fever. It is a non-pneumonic form of legionellosis (named after a place in Scotland)
Pontiac fever	is a mild, flu-like illness caused by Legionella bacteria. Pontiac fever doesn't affect the lungs, and symptoms are usually selflimited, lasting 2-5 days.

### 4. Aims and Objectives of the Policy

- 4.1 The aim of this Policy is to ensure the safety of the tenants, leaseholders (and their visitors) that live in the Council's homes. The Council will do this by fulfilling its legal obligations and duty of care to ensure that water systems are safely installed, maintained and safe to use.
- 4.2 The key objective of this Policy is to ensure that the Council, Senior Leadership Team, tenants and leaseholders, Council employees and contractors are clear on its legal and regulatory water safety obligations. This Policy provides the

framework for Council employees, contractors and stakeholders to follow to ensure that the Council meets its obligations.

## **5. Policy Statement**

- 5.1 The Council will ensure, so far as is reasonably practicable, that its tenants, leaseholders, their visitors, Council employees, and contractors are properly protected from the risks relating to water safety in the homes and communal areas it owns and manages.
- 5.2 The Council takes its responsibility to manage the risk from water systems in the homes it owns and manages very seriously, and aims to reduce the risk by ensuring:
- a) there is a clear approach for maintenance and servicing of hot and cold water installations.
  - b) there is a prompt, efficient, cost-effective repair, servicing and inspection regime.
  - c) all statutory requirements are complied with.
  - d) remedial works are prioritised.
  - e) that the approach for the safe use of stored water including provision for inspection and monitoring, is properly managed.
  - f) accurate records are kept.
  - g) the risks associated from stored hot water are managed and the likelihood of scalding is reduced.
  - h) the Council is committed to training and developing relevant staff.

## **6. Legislation, Regulation and Guidance**

- 6.1 The Council is committed to ensuring that the water systems in tenants' homes and the water systems for leaseholders (if the supply is communal) remain safe and fit for purpose. In achieving this, the Council complies with relevant legislation and regulations. The following list sets out the key legislation, regulation and guidance:
- Health and Safety at Work (etc) Act 1974
  - Landlord and Tenant Act 1985
  - Housing Act 2004
  - Homes (Fitness for Human Habitation) Act 2018
  - Management of Health & Safety at Work Regulations 1999
  - Workplace (Health, Safety & Welfare) Regulations 1992 (as amended)
  - The Construction (Design and Management) Regulations 2015
  - The Health and Safety at Work etc. Act 1974
  - HSE's Approved code of practice and guidance on regulations L8 Legionnaires' disease: the control of Legionella bacteria in water systems
  - HSG 274 part 2 'The control of legionella bacteria in hot and cold-water systems
  - HSG 274 part 3 'The control of legionella bacteria in other risk systems'
  - Control of Substances Hazardous to Health Regulations 2002 (COSHH)
  - The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR)

- Water Supply (Water Fittings) Regulations 1999
- The Provision and Use of Equipment Regulations 1998
- Building Regulations 2000 (amended)
- British Standard (BS8580) Water Quality-Risk Assessments for Legionella Control Code of Practice 2010
- BS 8558 2015 'Guide to the design installation, testing and maintenance of services supplying water for domestic use within buildings and their curtilages - complementary guidance to BS EN 806'
- Tenancy Agreement
- Lease Agreement

The TSM measures under the Safety and Quality Standard relevant to this Policy include:

- TP02 – Satisfaction with repairs
- TP04 – Satisfaction that the home is well maintained
- TP05 – Satisfaction that the home is safe
- BS04 – Water safety checks

## 7. Legionella

- 7.1 Legionellosis is the collective name given to the pneumonia-like illness caused by legionella bacteria. This includes the most serious Legionnaires' disease, as well as the similar but less serious conditions of Pontiac fever and Lochgoilhead fever. Legionnaires' disease is a potentially fatal form of pneumonia, and everyone is susceptible to infection.
- 7.2 The Council ensures that the control and management of legionella bacteria in water systems and the prevention of scalding within dwellings it owns, water systems in dwellings are installed, maintained, and are serviced as set out in the approved Code of Practice and Guidance Document:
  - L8 Legionnaires' disease - The Control of Legionella Bacteria in Water Systems
- 7.3 Water system risk assessments, inspections and testing are undertaken at appropriate frequencies to minimise the risk of legionella and scalding due to incorrect water temperatures. For the purpose of the above, a water system includes all plant and equipment and components associated with that system (for example, all pipework, pumps, feed tanks, valves, showers, heat exchangers, quench tanks, water softeners, chillers).
- 7.4 As the Duty Holder, the Council manages all aspects of the delivery of water treatment testing and anti-scalding, associated testing, repairs, upgrades and the provision of new installations.
- 7.5 Specific water testing is undertaken by specialist contractors, who will only use suitably qualified, competent individuals to undertake the works according to the requirements set out in the risk assessments or guidance contained within the Control of Legionella Bacteria in Water Systems. Client management and monitoring systems are implemented to ensure necessary provisions are conducted in a timely and compliant manner.

## **8. New Build**

- 8.1 The architect or specialist contractor or engineer appointed by the Council shall ensure all capital schemes are designed to the relevant standards and include any changes that may be necessary and agreed upon through architect instructions. Emphasis should be given to ensure the stocks of water are not excessive and all new services are commissioned and chlorinated prior to the connection to existing systems where appropriate. The architect employed by the Council shall ensure the design complies with the relevant standards and all new services are commissioned and chlorinated prior to connection with existing systems. All operational documentation and manuals must be available otherwise handover will not be accepted.

## **9. Tenant and Leaseholder Responsibilities**

- 9.1 The Council will encourage tenants and leaseholders, through the provision of publicity information, to allow access to carry out water safety checks and inspections in their homes and communal areas. It is the tenant's responsibility to provide access to their home to enable the Council to carry out the water safety checks or any remediation work. The Council will use the legal remedies available within the terms of the Tenancy Agreements should any tenant refuse access.
- 9.2 To undertake works it may be necessary to disrupt hot and cold water supplies. Prior to planned works being undertaken and where consistency of service is to be disrupted, written confirmation will be provided. It is the tenant's responsibility to ensure they:
- a) identify how they will manage with a temporary provision of water.
  - b) prepare the work area by clearing possessions including the loft space. In situations where the tenant is unable to manage, support is agreed.
  - c) notify any repair / fault promptly.
- 9.3 It is the tenant's or leaseholder's responsibility to inform the Council if they have any vulnerability or has a medical need with a reliance on having access to water. The Council, where necessary, will make temporary provision of water for all tenants and leaseholders if the water disruption is for longer than 8 hours.
- 9.4 Any sheltered scheme tenant, or a tenant with a protected characteristic as identified in the Equality Impact Assessment, who has a prolonged period of absence of 2 weeks or more, leaving their home unoccupied, will need to contact the Council to arrange for a contractor to attend and carry out a flush to their home, on or shortly before their return home. See the Water Safety Procedure for clarity on instructions in sheltered schemes.
- 9.5 Where tenants plan to conduct property alterations and improvements, including additions or improvements, authorisation from the Council must be sought prior to any works being undertaken. If works are approved, tenants are responsible for ensuring appropriate safety checks are conducted and all relevant certificates are supplied following the works or installation as set out in the Tenancy Agreement.



- 9.6 In addition, leaseholders who decide to let their properties will be reminded of their landlord obligations to their tenants.
- 9.7 For any water installation that has been undertaken by the tenant without permission of the Council and is found to be defective, the supply may be suspended, or a recharge raised to the tenant for any rectification work.

## **10. The Council's Responsibilities**

- 10.1 It is the Council's responsibility to keep homes it owns safe and free from health hazards. The Interim Head of Housing Technical Services will appoint suitably qualified persons to oversee the implementation of this Policy.
- 10.2 The associated Water Safety Procedure identifies the roles and responsibilities of those who will undertake the day-to-day tasks for water safety.
- 10.3 The Housing Act 2004 requires that properties are free from Category 1 HHSRS hazards; this includes hazards from water.
- 10.4 The Council will check that its contractors hold the relevant qualifications and accreditations when procured, and thereafter on an annual basis; the Council will evidence these checks and each contractor's certification appropriately, along with details of contractors' employers' liability, public liability and professional indemnity insurances are up to date on an annual basis. All evidence will be stored in the contract file, for the duration of the contract.
- 10.5 Under general health and safety law, the Council's responsible person in control of a premises has the health and safety duties and need to take suitable precautions to prevent or control the risk of exposure to legionella.
- 10.6 The Council will make provision for any tenant or leaseholder who is vulnerable or has a medical need with a reliance on having access to water. The Council, where necessary, will make temporary provision of water for all tenants and leaseholders if the water disruption is for longer than 8 hours.

## **11. Contractor Responsibilities**

- 11.1 The Council has a responsibility to ensure that contractors are competent.
- 11.2 Contractors and consultants must ensure their staff are competent to undertake tasks safely. They should be professionally trained to a standard appropriate to the various tasks they perform, such as risk assessment, advising on water treatment measures, sampling (both temperature and bacterial) or cleaning and maintaining water systems. The Legionella Control Association administers a code of conduct for organisations providing services to occupiers and owners of water systems.
- 11.3 Contractors are required to abide by relevant legislation, technical guidance and keep up to date with any amendments. They must comply with the Contractor Code of Conduct and the requirements of this Policy when undertaking water management.
- 11.4 Contractors and others working in the Council properties are required to demonstrate that their representatives understand how the work they undertake may impact on the water supplies. No works can begin until the method statement for the activity, has been approved by the Council.

Contractors must highlight any contingency arrangements arising from the absence of water supply and this must be agreed in advance of work commencing. Contractors are required to immediately report any risks or concerns to their manager and to the Council's Compliance Manager, and to stop ongoing works if the concern is significant or warrants immediate action. The contractor undertakes work in accordance with the specific requirements set out in the contract.

- 11.5 Contractors providing water treatment or maintenance services must communicate to the Compliance Manager any deficiencies in the water system or measures that may pose a significant risk of exposure to legionella bacteria. They also make the Compliance Manager and the responsible person aware of any limitations in their own expertise, products, or services so arrangements to ensure that these deficiencies or limitations are addressed.
- 11.6 The contractors will provide evidence to the Council prior to contracting and as part of managing the contract that they have the appropriate insurance in place as specified in the terms and conditions of the contract. In addition, the Council will check that its contractors are compliant with ACOP L8 & have trained their workforce on HSG274 Parts 1-3 when procured, and thereafter on an annual basis; the Council will evidence these checks and each contractor's certification appropriately, along with details of contractors' employers' liability, public liability and professional indemnity insurances are valid on an annual basis.

## **12 Monitoring and Continual Improvement**

- 12.1 The management actions necessary to ensure the safety of tenants regarding water safety are monitored, using a set of Key Performance Indicators (KPIs) by the Interim Head of Housing Technical Services.
- 12.2 The Council will report Key Performance Indicator (KPI) measures for water safety that follow the requirements set out in the Tenant Satisfaction Measures (TSMs) which came in to force 01 April 2023. Performance must be reported to the Regulator of Social Housing on an annual basis; however, the Council will report internally monthly to its Senior Leadership Team.
- 12.3 The Interim Head of Housing Technical Services will also report quarterly to the Cabinet and monthly to the Portfolio Holder for Health, Wellbeing and Housing, and all reporting information will be shared on the Council's website. The relevant TSM for Water Safety is defined in **BS04 – Water safety checks**: Proportion of homes for which all required legionella risk assessments have been carried out.
- 12.4 The Compliance Team will monitor the implementation of and compliance with this Policy. The risk associated with water safety will be recorded and assessed through the Council's Housing Service Risk Register.
- 12.5 Water safety performance indicators will be reported monthly to the Senior Leadership Team, together with any significant issues that arise.

- 12.6 Performance information will be published on the Council's website and in its Tenants' Newsletter as part of the annual report to tenants against the Tenant Satisfaction Measures particularly BS04 Water Safety.
- 12.7 Audits and reviews provide data reflecting the effectiveness of this Policy and identify opportunities to achieve continual improvement in the management of water safety at the Council. The Council will commission an independent audit of water safety at least once every two years, to specifically test for compliance with legal and regulatory obligations and to identify any non-compliance issues. An action plan will be developed for any issues identified during the audit, with appropriate timescales agreed for corrective actions to be carried out.

### **13. Data and Records**

- 13.1 The Council will maintain a core asset register of all properties it owns or manages, with component/attribute data against each property to show water safety testing and inspection requirements. All data including certificates will be updated onto its compliance system.
- 13.2 The Council will operate a robust process to manage all changes to stock, including property acquisitions and disposals, to ensure that properties are not omitted from the water safety programme and the programme remains up to date.
- 13.3 The Council will keep all records and data in line with its Document Retention Policy and will have robust processes and controls in place to maintain appropriate levels of security for all water safety related data, including how it will share sensitive information with its contractors.

### **14. Equality, Diversity and Inclusion**

- 14.1 The safety of the Council's tenants, leaseholders and Council employees is of the utmost importance. This Policy has been written to protect all concerned, considering all protected characteristics as set out in the Equality Act 2010.
- 14.2 The Council will ensure that relevant information is communicated in an accessible and understandable way with the aim of keeping people safe. This may include clear signage, instruction, and in some cases liaising with those giving support to a tenant, in accordance with Data Protection.
- 14.3 A full Equality Impact Assessment (See Appendix 1) has been carried out which determined there is a negative impact specific to those with age and disability as a protected characteristic. People over the age of sixty, smokers over the age of 45, people who are alcohol dependent, and those with chronic conditions like respiratory or kidney disease and diabetes, are more at risk of legionella. Consequently, the Council has adopted a different approach to water safety in its sheltered housing to protect those over the age of 60. In respect of our general needs accommodation, provided the Council is made aware of all underlying health conditions, the Council's risk assessment process will identify all vulnerabilities, and will put into place mitigating actions to ensure these people are protected.

## **15. Communication**

- 15.1 Once the Policy is approved, a summary document "a policy on a page" will be placed on the Council's website with a link to the full Policy. An approved version of this Policy will be published internally and accessible to Council employees.
- 15.2 The Council recognises good communication is essential in the effective delivery of water safety programmes.
- 15.3 The Council will also aim to successfully engage with vulnerable and hard to reach tenants and leaseholders. The Council will share information clearly and transparently and will ensure that information is available to tenants and leaseholders via regular publications and information on its website.
- 15.4 The Council will provide all tenants with information on how to manage legionella in their homes.

## **16. Review of Policy**

- 16.1 This Policy will be reviewed initially after a period of 12 months and then every two years, unless new legislation or good practice, or in the event of a relevant major incident means it needs to be reviewed sooner.

## **17. Consultation**

- 17.1 The Council is committed to meaningful engagement and involvement. This Policy has not yet involved tenant or leaseholder consultation.
- 17.2 The Council intends to consult with tenants and leaseholders on this Policy, once the Council's structure for tenant and leaseholder engagement is in place following the work it is doing with the Tenant Participation Advisory Service (Tpas).

## **18. Training**

- 18.1 The Council will maintain a skills/training matrix to ensure that all staff undertaking key roles within the scope of this Policy have appropriate training.
- 18.2 The Council will operate a detailed competency framework including regular appraisals as part of the Water Safety Procedure.
- 18.3 The Council will deliver training on this Policy and the procedures that support it, including team briefings; basic water safety awareness training; and on the job training for those delivering the water safety programme, planned maintenance and repairs works as part of their daily job, to ensure all staff understand their responsibilities for water safety.
- 18.4 Training records will be maintained for all courses attended.

## **19. Significant Non-Compliance and Escalation**

- 19.1 The Council's definition of significant non-compliance is any incident which has the potential to result in a 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 Council employee being made aware.

- 19.2 Any non-compliance issue identified at an operational level will be formally reported to the Housing Compliance Manager in the first instance, who will agree an appropriate course of corrective action with the relevant Assistant Director and Interim Head of Housing Technical Services. The Assistant Director will report details of the same to a member of the Senior Leadership Team which includes the Chief Executive, Director, Corporate and Customer, Director, Commercial and Assets and Director, Place and Communities, Assistant Director, Legal & Democratic Services and Monitoring Officer and Assistant Director, Finance & Procurement and Section 151 Officer.
- 19.3 In cases of a serious non-compliance the Chief Executive will notify the Leader, Deputy Leader and the Cabinet Member for Health, Wellbeing and Housing.
- 19.4 In cases of serious non-compliance, the Chief Executive will consider whether it is necessary to disclose the issue to the Regulator of Social Housing as required by the regulatory framework, or any other relevant organisation such as the Health and Safety Executive.

## **20. Governance**

- 20.1 The Council has overall responsibility for ensuring that this Policy is implemented to ensure compliance with the law.
- 20.2 The Chief Executive reports to Cabinet to demonstrate accountability for corporate health and safety across the Council and is accountable for ensuring that health and safety compliance management duties in its landlord function are properly controlled and managed to keep Council tenants and leaseholders safe. Under Section 26 of the Constitution (the Officer Scheme of Delegation) the Chief Executive is authorised to delegate duties to the Directors who are then responsible to take decisions for the effective sub delegation of duties within their service areas of responsibility, this to ensure the Council's statutory duties and functions are effectively discharged.
- 20.2 The day-to-day responsibility for managing water safety for the Council's housing stock is implemented in line with this Policy has been delegated, via the Chief Executive, to the Director, Place and Communities. In addition, the Assistant Director, Housing, Health and Partnerships is responsible for providing health and safety leadership across the Housing Service. The Water Safety Procedure also identifies the roles and responsibilities of those who will undertake the day-to-day tasks on behalf of the Director, Place and Communities.
- 20.3 The Director, Place and Communities has delegated their duty holder responsibility to the Interim Head of Housing Technical Services who has professional and technical responsibility for the homes and communal areas the Council owns.

## **21. Associated Policies and Procedures**

Castle Point Borough Council Health and Safety Policy  
Council Housing Maintenance and Repairs Policy  
Council Housing Water Safety Procedure

Council Housing Access Policy & Procedure  
Council Housing Lettable Standard  
Council Housing Repairs Policy  
Repairs Handbook  
Council Housing Disrepair Policy  
Council Housing Temporary Relocation (Decant) Policy  
Council Housing Asset Management Strategy

## **22. Appendices**

Equality Impact Assessment for Water Safety  
Process Map for Water Safety