



GUILDFORD
B O R O U G H

Water Hygiene (Legionella) Policy

Housing Services

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1. Introduction

- 1.1. As a landlord, Guildford Borough Council must meet the legal obligations which require us to deal with the risks associated with legionella bacteria within the properties we own or manage. Legionella bacteria can cause a potentially fatal form of pneumonia called Legionnaires' disease. People contract Legionnaires' disease by inhaling small droplets of water containing the bacteria.
- 1.2. As far as is reasonably practicable, we must introduce measures to reduce and/or control exposure to legionella bacteria, including managing the conditions that support the growth of the bacteria in water systems.
- 1.3. The key objective of this policy is to ensure that our employees, partners and residents are clear on our legal and regulatory water hygiene obligations. This policy provides the framework our staff and partners will operate within to meet these obligations.
- 1.4. This policy forms part of our wider organisational commitment to driving a health and safety culture amongst staff and contractors (as detailed within our Health and Safety Policy). It will be saved on our shared drive and distributed to all relevant members of staff.

2. Scope

- 2.1. This policy applies to the following property types:
 - 2.1.1 Communal blocks.
 - 2.1.2 Sheltered schemes.
- 2.2. Some aspects of this policy also apply to individual domestic properties (houses, flats, bungalows, etc). Applicable items will be clearly referenced.
- 2.3. This policy is relevant to all our employees, residents, contractors, stakeholders, and other persons who may work on, occupy, visit, or use our premises, or who may be affected by our activities or services. Adherence to this policy is mandatory.

3. Roles and responsibilities

- 3.1. The Joint Strategic Director has overall governance responsibility for ensuring this policy is fully implemented to ensure full compliance with legislation and regulatory standards. The Compliance Manager is responsible for reviewing this policy every two years (or sooner if there is a change in legislation or regulation).
- 3.2. Senior Management Team (SMT) will receive monthly performance reports in respect of water hygiene safety and ensure compliance is being achieved. They will also be notified of any non-compliance issue identified.
- 3.3. The Housing Operations Board will receive quarterly performance reports in respect of water hygiene and ensure compliance is being achieved. They will also be notified of any non-compliance.

- 3.4. Under the requirements of the Social Housing (Regulation) Act 2023, we have appointed the Head of Housing as our Health and Safety Lead. They have strategic responsibility for the management of water hygiene and ensuring compliance for this is achieved and maintained. They will oversee the implementation of this policy.
- 3.5. The Compliance Manager is the Responsible Person and has operational responsibility for the management of water hygiene safety and will be responsible for overseeing the delivery of these programmes. The Mechanical and Electrical Engineer assigned to Water Hygiene is the Deputy Responsible Person.

4. Legislation, Guidance and Regulatory Standards

- 4.1. **Legislation** - The principal legislation applicable to this policy is as follows:
 - 4.1.1 The Health and Safety at Work Act 1974.
 - 4.1.2 The Control of Substances Hazardous to Health Regulations 2002 (as amended).
 - 4.1.3 This policy also operates within the context of additional legislation (see Appendix 1).
- 4.2. **Approved Code of Practice (ACoP)** – The principal ACoP applicable to this policy is:
 - 4.2.1 ACoP L8 - Legionnaires' disease: The control of legionella bacteria in water systems (4th edition 2013).
- 4.3. **Guidance** – The principal guidance applicable to this policy is as follows:
 - 4.3.1 HSG274 - Legionnaires' disease: Technical guidance Part 2: The control of legionella bacteria in hot and cold-water systems (2014).
 - 4.3.2 HSG274 - Legionnaires' disease: Technical guidance Part 3: The control of legionella bacteria in other risk systems (2013).
 - 4.3.3 INDG458 - Legionnaires' disease: A brief guide for duty holders (2012).
 - 4.3.4 BS 8580-1:2019 Water quality, risk assessments for Legionella control – Code of practice.
- 4.4. **Regulatory standards** – we must ensure we comply with the Regulator of Social Housing's (RSH) regulatory framework and Consumer Standards for social housing in England; the Safety and Quality Standard is the primary one applicable to this policy. The Social Housing (Regulation) Act 2023 changes the way social housing is regulated and may result in future changes to this policy.
- 4.5. **Sanctions** – failure to discharge our responsibilities and obligations properly could lead to sanctions, including prosecution by the Health and Safety Executive (the HSE) under the Health and Safety at Work Act 1974; prosecution under the COSHH Regulations; prosecution under the Corporate Manslaughter and

Corporate Homicide Act 2007; and via a regulatory judgement from the Regulator of Social Housing.

5. Obligations

- 5.1. The Health and Safety at Work Act 1974 places a duty on us, as an employer and landlord, to ensure our employees and others affected by our undertakings (for example, residents), are not exposed to health and safety risks, including the risk from legionella.
- 5.2. We have a legal obligation under Control of Substances Hazardous to Health (COSHH) to prevent or control exposure to biological agents, including legionella.
- 5.3. The Council is the 'Duty Holder' as defined by ACoP L8 and we must take necessary precautions to prevent, reduce or control the risks of exposure to legionella.
- 5.4. As the Duty Holder, we must:
 - Carry out a risk assessment for all hot and cold-water systems, cooling plant and any other systems that can produce water droplets to identify and assess potential risks.
 - Implement measures to either eliminate, reduce or control identified risks.
 - Appoint a Responsible Person to take managerial responsibility for:
 - Carrying out risk assessments.
 - Producing written schemes of control (a practical, risk management document used to control the risk from exposure to legionella).
 - Implementing the written scheme of control.
 - Appoint a Deputy Responsible Person who will provide cover to the responsible person in their absence.
 - Keep associated records for five years.

6. Statement of Intent

- 6.1. We acknowledge and accept our responsibilities and obligations under the legislation outlined in Sections 4 and 5.
- 6.2. We will review legionella risk assessments using a risk-based approach. Schemes will be assessed as high, medium or low risk.
- 6.3. Written schemes of control will be in place for all properties risk assessed as requiring controls to manage the risk of legionella exposure.
- 6.4. When properties become void, we will flush the water system before undertaking any work and before the void property is re-let.
- 6.5. We will carry out checks to identify pipework 'dead legs' and remove them within void properties and any properties where we are carrying out adaptations or planned investment work.
- 6.6. When we acquire properties (existing or new build) we will follow the same process

as for void properties, and we will ensure that there are no pipework 'dead legs' present when we take possession of the property. Additionally, we will remove any flexible pipework installed as final connections to taps and replace with solid copper.

- 6.7. We will operate a robust process for the management of immediately dangerous situations identified from the legionella risk assessment, water testing/monitoring regime or suspected legionella outbreak.
- 6.8. We will use the legal remedies available within the terms of the tenancy and lease agreement should any resident, leaseholder or shared owner refuse access to carry out essential water hygiene related inspection and remediation works. Where resident vulnerability issues are known or identified we will ensure we safeguard the wellbeing of the resident.
- 6.9. We will operate effective contract management arrangements with the contractors responsible for delivering the service, including ensuring contracts/service level agreements are in place, conducting client-led performance meetings, and ensuring that contractors' employee and public liability insurances are up to date on an annual basis.
- 6.10. We will establish and maintain a risk assessment for water hygiene management and operations, setting out our key water hygiene risks and appropriate mitigations.
- 6.11. To comply with the requirements of the Construction, Design and Management Regulations 2015 (CDM) a Construction Phase Plan will be in place for all repairs work to void and tenanted properties (at the start of the contract and reviewed annually thereafter), component replacement works and refurbishment projects.

7. Programmes

- 7.1. Communal blocks and other properties – We will ensure all communal blocks and other properties (supported schemes/offices) that we own or manage are subject to an initial visit to establish whether a legionella risk assessment (LRA) is required. Thereafter, if an LRA is required, the property will be included on the LRA programme. If an LRA is not required, we will record this on our core asset register.
- 7.2. For all properties on the LRA programme, we will undertake a risk-based approach to renewing the LRAs. This will be supplemented by an annual internal desktop review.
- 7.3. LRAs will be reviewed in the following circumstances:
 - Change in building use.
 - Change in internal layout of water system.
 - Change in building occupation that increases the risk due to health.
 - After a confirmed or suspected outbreak of Legionella.
 - Following a water hygiene audit (if required).

- 7.4. Testing and monitoring - we will undertake testing and monitoring (for example, monthly temperature checks) as set out within any written schemes of control.
- 7.5. We will ensure there is a robust process in place for the management of any follow-up works required following the completion of an LRA or ongoing monitoring (where the work cannot be completed at the time of the assessment or check).

8. Data and records

- 8.1. We will maintain a core asset register of all properties we own or manage, setting out which properties require an LRA. We will also set out which properties require ongoing testing and monitoring as prescribed by the written control scheme (for example, monthly temperature checks).
- 8.2. We will operate a robust process to manage all changes to stock, including property acquisitions and disposals, to ensure that properties are not omitted from water hygiene programmes and the programmes remain up to date.
- 8.3. We will hold LRA inspection dates, LRAs, and testing and monitoring records against all properties on each programme. Within the lifecycle of this policy, we will transfer the records onto the TCW system.
- 8.4. We will keep water hygiene logbooks electronically (or securely on site where practical), for all properties on the LRA programme.
- 8.5. We will keep all records for at least five years or for the duration that we own and manage the property/in line with our document retention policy and have robust processes and controls in place to maintain appropriate levels of security for all water hygiene related data.

9. Resident engagement

- 9.1. We consider good communication essential in the effective delivery of water hygiene programmes. We will support residents in their understanding of water hygiene and legionella risk, advising them of how they can manage the risks within their properties, and to encourage them to report any concerns about water safety.
- 9.2. We also aim to successfully engage with vulnerable and hard to reach residents. We will share information clearly and transparently and will ensure that information is available to residents via regular publications and information on our website.

10. Competent Persons

- 10.1. We have appointed a Responsible Person (the Compliance Manager) and a Deputy Responsible Person (the Mechanical Engineer). They should both be trained, instructed, and informed to the same level and should assist in the frequent monitoring of written control schemes. Therefore, they should hold a relevant qualification such as Legionella training for duty holders and responsible persons assured by City and Guilds, the BOHS P901 – Management and control of building hot and cold-water services, Level 2 Award in Legionella Awareness (or equivalent), or Level 4 VRQ Diploma in Asset and Building Management. If they do not have these already, they will obtain them within 24 months of the approval of this policy.
- 10.2. Only suitably competent consultants and contractors, registered with the Legionella Control Association (or equivalent), will undertake LRAs, prepare written schemes of control and undertake works in respect of water hygiene and legionella control.
- 10.3. Only suitably competent consultants and contractors, registered with the Legionella Control Association (or equivalent), will undertake third party technical quality assurance checks.
- 10.4. We will check that our contractors hold the relevant qualifications and accreditations when we procure them, and thereafter on an annual basis; we will evidence these checks and each contractor's certification appropriately.

11. Training

- 11.1. We will deliver training on this policy and the procedures that support it, through appropriate methods including team briefings, basic water hygiene awareness training, and on the job training for those delivering the programme of LRAs and water hygiene testing and monitoring, as part of their daily job. All training undertaken by staff will be formally recorded.

12. Performance reporting

- 12.1. We will report key performance indicator (KPI) measures for water hygiene safety that follow the requirements set out in the Tenant Satisfaction Measures (TSMs) which came into force on 1 April 2023 and must be reported to the RSH on an annual basis.
- 12.2. We will report the following water hygiene performance:

Report recipient	Frequency
Regulator of Social Housing	Annual
The Senior Management Team (Housing)	Monthly
Housing Operations Board	Quarterly

12.3. We will also endeavour to report on the following:

Data – the total number of:

- Properties with a valid and in date LRA.
- Properties without a valid and in date LRA.
- Properties due an LRA within the next 30 days.
- Overdue follow-up works/actions.

Narrative - an explanation of the:

- Current position.
- Corrective action required.
- Progress with completion of follow-up works.

In addition:

- The number of RIDDOR notifications to the HSE with regards to water safety.

13 Quality assurance

13.1 We will endeavour to undertake internal desktop audits to 10 per cent of all water hygiene documentation.

13.2 We will endeavour to establish an independent audit of water hygiene safety at least once every two years, to specifically test for compliance with legal and regulatory obligations and to identify any non-compliance issues for correction.

14 Significant non-compliance and escalation

14.1 Our definition of significant non-compliance is any incident which has the potential to result in a potential breach of legislation or regulatory standard, or which causes a risk to health or safety, and which needs to be managed as an exception to routine processes and procedures.

14.2 All non-compliance issues will be reported and escalated as soon as possible, and no later than 24 hours after the incident occurred, or an employee becoming aware of it.

14.3 Any non-compliance issue identified at an operational level will be formally reported to the Compliance Team in the first instance, who will agree an appropriate course of corrective action with the Head of Service and report details of the same to SMT.

- 14.4 In cases of serious non-compliance, the Joint Strategic Director of Housing, Communities and the Environment and the Joint Assistant Director Housing Services will consider whether it is necessary to disclose the issue to the RSH as required by their regulatory framework, or any other relevant organisation such as the HSE.
- 14.5 We will ensure there is a robust process in place to investigate and manage all RIDDOR notifications made to the HSE in relation to water hygiene safety and will take action to address any issues identified and lessons we have learned, to prevent a similar incident occurring again.

15 Glossary of terms

- 15.1 This glossary defines key terms used throughout this policy:
- BOHS: British Occupational Hygiene Society.
 - Duty Holder: the owner of the non-domestic premises or the person or organisation that has clear responsibility for the maintenance or repair of non-domestic premises, for example through an explicit agreement such as a tenancy agreement or contract.
 - Legionellosis: a collective term for diseases caused by legionella bacteria including the most serious Legionnaires' disease, as well as the similar but less serious conditions of Pontiac fever and Lochgoilhead fever.
 - LRA: Legionella Risk Assessment – an assessment which identifies the risks of exposure to legionella in the water systems present in a premises and the necessary control measures required.

16 Equality and diversity, vulnerability, and reasonable adjustments

- 16.1 The Council is committed to promoting fair and equal access to services and equal opportunities in employment, the procurement of goods and as a community leader. The Council's policies, procedures and day to day practices have been established to promote an environment which is free from unlawful and unfair discrimination, while valuing the diversity of all people.
- 16.2 Discrimination on the grounds of race, nationality, ethnic origin, religion or belief, gender, marital status, sexuality, disability, and age is not acceptable: the Council will take action to ensure no person using the council's premises or services receives less

favourable treatment or is disadvantaged by requirements or conditions that cannot be justified. The Council will tackle inequality, treat all people with dignity and respect and continue to work to improve services for all service users.

- 16.3 The legal framework for the Council's approach is provided by the Equality Act 2010, including the Public Sector Equality Duty (section 149 Equality Act 2010) under which a public authority must have regard to the need to try to eliminate discrimination, harassment, victimisation and to advance equality of opportunity and foster good relations between people with differing characteristics.

17 Additional legislation

- 17.1 This policy also operates within the context of the following legislation:

- The Defective Premises Act 1972.
- Landlord and Tenant Act 1985.
- Homes (Fitness for Human Habitation) Act 2018.
- The Occupiers' Liability Act 1984.
- Public Health (Infectious Diseases) Regulations 1988.
- The Workplace (Health Safety and Welfare) Regulations 1992.
- The Management of Health and Safety at Work Regulations 1999 (the Management Regulations).
- Water Supply (Water Fittings) Regulations 1999.
- Housing Act 2004.
- Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR).
- Construction (Design and Management) Regulations 2015.
- Water Supply (Water Quality) Regulations 2018.
- Data Protection Act 2018.
- Social Housing (Regulation) Act 2023