



**Cobalt**  
■■■ Housing

**WATER SAFETY  
POLICY**

<b>Lead Director</b>	<b>Director of Property</b>
<b>Reference</b>	POL 17
<b>Version Date</b>	August 2023

## **1. Introduction & Aim**

- 1.1 The purpose of this policy is to ensure Cobalt meets its statutory obligations as a landlord and seeks to provide assurance that water safety is adequately managed, ensuring the safety of our tenants, leaseholders, staff and the general public. To ensure compliance with the Regulations, a comprehensive Water Safety Management Plan will provide detailed control systems and processes to support the identification and management of water hygiene within our properties.
- 1.2 At Cobalt Housing we are committed to ensuring that all our residents' homes, our offices and commercial properties are safe and secure places in which to live and work.
- 1.3 The aim of the Policy is to ensure so far as reasonably practicable that our residents, employees and the general public, are not exposed to any risks to their health or safety from legionella.
- 1.4 This policy applies to all residential and commercial properties owned and managed by Cobalt Housing Limited.

## **2. Policy Statement**

- 2.1 Cobalt Housing acknowledges and accepts its responsibilities with regard to water safety and will ensure that at all times we work in accordance with the required legislation, regulations and guidance referred to in section 5.
- 2.2 This policy will apply to offices; general needs accommodation; other residential rented properties owned by Cobalt Housing and communal areas including leaseholders/shared ownership. The policy will also extend to all individuals employed by Cobalt including contractors and sub-contractors.
- 2.3 Cobalt will take all reasonably practicable steps to prevent and control the risk from legionella in the buildings that we own or manage including residential properties, offices and commercial buildings.

## **3 Policy Principles**

### **3.1 Landlord Obligations**

- 3.1.1 Cobalt will hold accurate records against each property it owns or manages setting out the requirements for water hygiene risk assessments, safety checks and maintenance of all water systems that could present a risk of exposure to legionella.
- 3.1.2 Cobalt will ensure that only suitably competent consultants, surveyors, risk assessors and engineers undertake works in respect of water hygiene safety.
- 3.1.3 Cobalt will ensure that a risk assessment for water hygiene safety is carried out on all void properties prior to commencing works. Any identified risk control measures are fully implemented and recorded as part of the void process.

- 3.1.4 Cobalt will make written schemes of control in communal areas of buildings, available to occupants by written request. The document will explain how the risk of exposure to legionella bacteria is being managed and controlled.

### **3.2 Compliance Remedial Work**

- 3.2.1 Cobalt will ensure there is a robust process in place for the management of any follow-up works required following the completion of a water hygiene/ legionella risk assessment or where identified by the competent person when undertaking required maintenance activities.
- 3.2.2 Cobalt will ensure that there is a robust process in place to collate and record details of all remedial works and water testing completed against individual installations. This will include photographic evidence of works carried out along with certification being ingested into Cobalt's document management system. Only upon receipt of certification will payments be processed.
- 3.2.3 Cobalt will ensure there is a robust process in place to investigate and manage all RIDDOR notices issued with regard to water hygiene and legionella safety.

### **3.3 Record Keeping**

- 3.3.1 Cobalt will maintain a core asset register of all properties with a duty to manage water safety have a written scheme of control for water hygiene in place. This register will also hold data against each property asset of the water hygiene risk assessment carried out.
- 3.3.2 Cobalt will maintain accurate records of all written schemes of control and any associated remedial works and water testing and keep these for a period of not less than 5 years. Cobalt will keep accurate records on the qualifications of all consultants, surveyors, risk assessors and engineers undertaking water hygiene works. This information will be gathered as part of the Procurement process and retained electronically.

### **3.4 Audit**

- 3.4.1 Cobalt will instruct an independent competent person to carry out an audit of water hygiene and legionella safety at least once every three years. This audit will specifically test for compliance with the regulation, legislation and codes of practice and identify any non-compliance issues for correction.
- 3.4.2 Cobalt will ensure that annually a sample audit is undertaken of 10% of all written schemes of control by an independent competent person to ensure that all control actions are being fully and robustly implemented.

### 3.5 Non-Compliance

- 3.5.1 Any non-compliance issue identified at an operational level will be formally reported to the Director of Property in the first instance.
- 3.5.2 The Director of Property will agree an appropriate course of corrective action with the Compliance Team in order to address the non-compliance issue and report details of the same to the members of the Executive Management Team.
- 3.5.3 The Executive Management Team will ensure the Board and Audit & Risk Committee are made aware of any non-compliance issue, so they can consider the implications and take action as appropriate.
- 3.5.4 In cases of a serious non-compliance issue the Executive Management Team and Board will consider whether it is necessary to disclose the issue to the Homes England in the spirit of coregulation as part of the Regulatory Framework.

## 4 Risk Management

The key risk associated with non-delivery of this policy is:

Risk Register Ref:	Risk:
<b>COMP 01 - Health &amp; Safety Breach - Legionella</b>	Failure to comply with key landlord Health & Safety responsibilities for Legionella safety resulting in Health & Safety, compliance and regulatory breaches.
Risk Consequences:	Management and Mitigation:
<ul style="list-style-type: none"><li>• Health &amp; Safety breaches – Staff &amp; Contractors</li><li>• Health &amp; Safety – landlord compliance breaches</li><li>• Breach of regulatory requirements resulting in fines, penalties or criminal action</li><li>• Housing regulator adverse grading/intervention</li><li>• Insurance claims – customers/staff/contractors</li><li>• Negative Media/Reputation</li></ul>	<ul style="list-style-type: none"><li>• Robust Procurement Including Competency of Contractor</li><li>• Competent Consultants Utilised to Carry Out Legionella Risk Assessments</li><li>• Effective use of OHMS Attributes</li><li>• Effective Processes and Procedures</li><li>• Robust Schedule of Legionella Risk Assessments Completed</li><li>• Annual Tank Chlorination Carried Out</li><li>• Water Booster Testing Regime</li><li>• Quarterly Water Testing Regime</li><li>• Regular Contractor Performance Meetings</li><li>• Contractors paid for works upon receipt of certification</li></ul>

### Key Risk Indicators and Control Limits

Detailed below are the key performance indicators that are reported to board via the landlord compliance report.

- Total number of assets requiring assessment
- Percentage of legionella risk assessments completed
- Percentage of legionella risk assessments within time (review up to date)
- Total number of legionella actions identified
- Total number of legionella actions outstanding
- Percentage of outstanding actions following the legionella risk assessment

## **5 Regulatory & Legislative Compliance**

### **5.1 Regulatory Standards**

5.1.1 The application of this policy will ensure compliance with the regulatory framework and consumer standards (Home Standard) for social housing in England.

- ACoP L8 - 'Legionnaires' disease: The control of legionella bacteria in water systems' (4th edition 2013).
- Control of Substances Hazardous to Health Regulations 2002 (COSHH)
- Health and Safety at Work Act 1974
- INDG458 - Legionnaires' disease: A guide for duty holders Leaflet (HSE Books 2012)  
Additional Legislation
- RIDDOR - Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013
- The Management of Health and Safety at Work Regulations 1999

### **5.2 Links to Other Key Documents**

Asset Management Strategy

Health & Safety Policy

Asbestos Management Policy

Repairs Policy

## 6 Governance of this Policy

<b>Equality and Diversity</b>	Customers and vulnerabilities are taken into account in the development of any policies, procedures and plans and Cobalt will provide a tailored approach in respect of service delivery where possible.
<b>Financial and Links to VFM</b>	Business plan provision to deliver regulatory requirements to achieve landlord compliance.
<b>Privacy and Data Protection</b>	Consideration in terms of GDPR needs to be factored in where access is required to undertake a water safety inspection and tenant contact information is passed to the contractor.
<b>Health and Safety</b>	Failure to implement this policy carries significant risk in terms of health and safety for tenants, staff and contractors and embedding the policy will ensure landlord compliance for Cobalt.
<b>Development and Consultation</b>	The tenant consultative panel have reviewed the policy prior to its approval and recommendations have been adopted into the final version.
<b>Customer Profiles and Accessing Services Data</b>	Relevant data will be used to determine if a tenant requires support where access to a property is to be obtained.
<b>Monitoring and Review</b>	To provide assurance of how we meet the compliance requirements will be formally reported through KPI's, Landlord compliance reporting and operational risk updates.
<b>Roles &amp; Responsibility</b>	The Director of Property is responsible to the Chief Executive and the Board for ensuring the effective implementation of this policy. Implementation of and adherence to the Policy will be monitored by the Board

## 7 Definitions

LCA - Legionella Control Association

OHMS – Orchard Housing Management System