

Public Document Pack



**Service Director – Legal, Governance and
Commissioning**

Julie Muscroft

The Democracy Service

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Please ask for:

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Monday 21 March 2022

Notice of Meeting

Dear Member

Ad Hoc Scrutiny Panel – Residential Housing Stock, Health and Safety Compliance

The **Ad Hoc Scrutiny Panel – Residential Housing Stock, Health and Safety Compliance** will meet in a **Virtual Meeting - online** at **1.00 pm** on **Tuesday 29 March 2022**.

This meeting will be live webcast. To access the webcast please go to the Council's website at the time of the meeting and follow the instructions on the page.

The items which will be discussed are described in the agenda and there are reports attached which give more details.

A handwritten signature in black ink, appearing to read "Julie Muscroft", on a light-colored background.

Julie Muscroft

Service Director – Legal, Governance and Commissioning

Kirklees Council advocates openness and transparency as part of its democratic processes. Anyone wishing to record (film or audio) the public parts of the meeting should inform the Chair/Clerk of their intentions prior to the meeting.

The Ad Hoc Scrutiny Panel – Residential Housing Stock, Health and Safety Compliance members are:-

Member

Councillor Elizabeth Smaje
Councillor Susan Lee-Richards
Councillor Amanda Pinnock
Councillor Anthony Smith
Linda Summers (Co-optee)

Kevin McAllister (Advisor)

Agenda

Reports or Explanatory Notes Attached

Pages

1: Membership of the Panel

To receive any apologies for absence.

2: Minutes of the Previous Meeting

1 - 2

To approve the Minutes of the meeting held on 9th March 2022.

3: Interests

Councillors will be asked to advise if there are any items on the Agenda in which they have a disclosable pecuniary interest, which would prevent them from participating in any discussion or vote on an item, or any other interests.

4: Admission of the Public

Most debates take place in public. This only changes when there is a need to consider certain issues, for instance, commercially sensitive information or details concerning an individual. You will be told at this point whether there are any items on the Agenda which are to be discussed in private.

5: Deputations and Petitions

The Panel will receive any petitions and hear any deputations from members of the public. A deputation is where up to five people can attend the meeting and make a presentation on a particular issue of concern, relevant to that body's terms of reference. In accordance with Council Procedure Rule 10 (2) members of the public should provide at least 24 hours' notice of presenting a deputation. A member of the public can also hand in a petition at the meeting subject to the petition relating to something on which the body has powers and responsibilities.

6: Water Safety Management and Lift Safety Management Policy Review

3 - 20

The Panel will receive a report on the updates made to the Water Safety Management Policy and the Lift Safety Management Policy.

The policies are to be submitted to the Building Safety Assurance Board on 24th March 2022 and any feedback from the Board will be reported verbally.

Contact: Eric Hughes – Head of Assurance and Transformation

Contact Officer: Sheila Dykes

KIRKLEES COUNCIL

AD HOC SCRUTINY PANEL – RESIDENTIAL HOUSING STOCK, HEALTH AND SAFETY COMPLIANCE

Wednesday 9th March 2022

Present: Councillor Elizabeth Smaje
Councillor Susan Lee-Richards

Co-optee: Linda Summers (Co-optee)

Apologies: Councillor Amanda Pinnock
Councillor Anthony Smith
Councillor Harpreet Uppal
Kevin McAllister (Specialist Advisor)

42 Membership of the Panel

Apologies were received from Councillors Amanda Pinnock, Anthony Smith and Harpreet Uppal, and Kevin McAllister.

43 Minutes of the Previous Meeting

The minutes of the meeting of the Panel held on 1st February 2022 were agreed as a correct record.

44 Interests

No interests were declared.

45 Admission of the Public

All items were considered in public.

46 Deputations and Petitions

No deputations or petitions were received.

47 Public Question Time

No questions were received.

48 Gas Safety Management and Electrical Safety Management - Policy Review

The Panel received a report in respect of the updates made to the Gas Safety Management Policy and the Electrical Safety Management Policy to ensure alignment with Council policy and terminology, and to reflect legal and regulatory requirements.

Naz Parkar - Service Director, Homes and Neighbourhoods, Eric Hughes – Head of Assurance and Transformation and Asad Bhatti – Head of Asset Management attended to present the report and respond to Members' questions.

Ad Hoc Scrutiny Panel – Residential Housing Stock, Health and Safety Compliance - 9 March 2022

It was noted that all policies had been standardised in response to the feedback from the Panel at the previous meeting.

Questions, comments and responses were put forward as follows:

- In respect of the process for checking the technical content of the policies generally, and, for example, if there was a change to the relevant legislation, it was explained that all policies were checked by the relevant in-house teams as a first line of defence. The second line was through submission to the Building Safety Advisory Board (BSAB) and, currently, the Ad Hoc Scrutiny Panel, and the third line was when they were audited.
- A decision was to be made about whether the named individual/role, with responsibility for compliance with statutory health and safety responsibilities, as required by the White Paper, would be the Service Director for Homes and Neighbourhoods or the Strategic Director, Growth and Regeneration.
- In order to assist in achieving 100% compliance, it was anticipated that some predictive analysis would be undertaken to establish if there were any patterns in respect of no-access properties.
- There was a separate data management policy which was applicable to any of the operational safety management policies. This policy provided guidance in respect of the use of personal data.
- If any personal data was used to undertake analysis and identify trends, this would be anonymised and not processed in a way that would breach the relevant legislation.
- Detail in respect of how the compliance data would be recorded, managed and validated would be included in the underlying procedures.

with the following revisions or amendments to the policies being recommended:

- Corrections to paragraphs 4.1 of both policies, 4.4 in the Gas Safety Policy and 4.7 in the Electrical Safety Policy to refer to 'gas' or 'electrical' as appropriate and an addition to paragraph 4.7 of both policies: '...where all other attempts to gain access *have failed*...'
- Add appropriate wording to all policies to confirm that remedial actions will be undertaken within the relevant timescale (and as set out within the detailed underlying procedure), in order to be clear that this is a requirement and as a matter of good practice.
- Add a statement to all policies to the effect that the Authority will handle the recording, management and validation of compliance data to ensure that it enables accurate and reliable reporting and offers assurance to the appropriate places.
- Inclusion of a list of the key performance measures that will be used within the policies, with how they will be calculated and any further detail being included within the underlying procedure. This would assist in providing a golden thread through policy to procedure to performance.
- Policies to be explicit about the cycle/timescale for monitoring and audit.
- Paragraph 5.5 of the Gas Policy amended to include the title of the Director within Homes and Neighbourhoods who is to be notified.



Name of meeting: Ad Hoc Scrutiny (Council Housing Health and Safety Compliance)

Date: 29th March 2022

Title of report: Lift Safety and Water Quality Policy Review

Purpose of report: The following report updates Ad Hoc Scrutiny (Council Housing Health and Safety Compliance) on the updates made to the Lift Safety Management policy and Water Quality Management policy

Recommendations for Ad-Hoc Scrutiny: Scrutiny Committee is recommended to note these policies.

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	Not Applicable
Key Decision - Is it in the <u>Council's Forward Plan (key decisions and private reports)</u>?	No Private Report/Private Appendix – No
The Decision - Is it eligible for call in by Scrutiny?	Not Applicable
Date signed off by <u>Strategic Director</u> & name Is it also signed off by the Service Director for Finance? Is it also signed off by the Service Director for Legal Governance and Commissioning?	Naz Parkar, Service Director Homes and Neighbourhoods
Cabinet member portfolio	Cllr Cathy Scott

Electoral wards affected: ALL

Ward councillors consulted: No

Public:

Has GDPR been considered? Yes

EXECUTIVE SUMMARY

The Compliance Review conducted by Anthony Brown recommended the Council revise the policies associated with the 6 Compliance areas of:

- Asbestos Management
- Fire Safety
- Gas Safety
- Electrical
- Water Safety and Hygiene (Water Quality)
- LOLER (Lift Safety)

The attached policies cover the areas of Lift Safety (Appendix 1) and Water Quality (Appendix 2). They have taken account of the recommendations of the compliance review and also the feedback received from the Panel on the Fire and Asbestos policies and as such seek to ensure:

- Consistency with the Council's Policies
- Standardisation and consistency across each of the 6 safety polices related to building safety
- Overall governance oversight is clarified
- Communication with and the responsibility of tenants in enabling compliance with the policies
- The role and responsibilities of the legal department in supporting 'no access' cases is clarified

The attached policies will be reviewed by the Building Safety Assurance Board on 24th March 2022. A verbal update on the feedback from the BSAB will be provided in the Ad-Hoc Scrutiny Meeting.

RECOMMENDATIONS

Members are asked to discuss the report and review the attached draft policies and feedback views and comments.

CONTACT OFFICER

Anthony Brown RMS Consultants /
Eric Hughes _ Head of Assurance and Transformation
Tel 01484 221000
Email eric.hughes@kirklees.gov.uk

BACKGROUND PAPERS AND HISTORY OF DECISIONS

Not Applicable

SERVICE DIRECTOR RESPONSIBLE

Naz Parkar, Service Director Homes and Neighbourhoods

Homes & Neighbourhoods

Lift Safety Management Policy

Author: Alison Clark-Williams

Publish Date: [Publish Date]

Review Date:

Next Review Date:

Approving body: Building Safety Assurance Board

Date Originated:		Approved by:	
Date Revised:		Approval Date:	
Ref:		Minute Number	

Contents

1. Introduction
2. Policy Scope
3. Policy Statement
4. Roles and Responsibilities
5. Monitoring and Review
6. Referenced Documents and Further Reading

1. Introduction

- 1.1. The aim of this document is to define the policy for Lift Safety Management in compliance with statutory legislation within all properties managed by Homes and Neighbourhoods (H&N) department of Kirklees Council.
- 1.2 This document outlines the standards required for lift safety, installation, maintenance and testing to ensure that risks are suitably assessed and effectively eliminated to minimise the likelihood of an incident occurring e.g. injury or death. This includes the identification and implementation of appropriate control measures and to make sure that lifting equipment is maintained through servicing and periodic examination to ensure that they continue to operate safely.
- 1.3 Applicable legislation and ACoP guidance includes, but not exhaustive to, the:
 - Health and Safety at Work etc. Act 1974
 - Management of Health and Safety at Work Regulations 1999
 - The Lifting Operation and Lifting Equipment Regulations 1998 (LOLER).
 - The Provision and Use of Work Equipment Regulations 1998 (PUWER).
 - The Workplace (Health Safety and Welfare) Regulations 1992
 - The Building Regulations 2004 – Part M
 - Construction (Design and Management) Regulations 2015
 - Disability and Discrimination Act 2005
 - Equality Act 2010
 - Housing Act 2004
 - Landlord and Tenant Act 1985
 - Data Protection Act 2018
 - Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR)
 - Homes (Fitness for Human Habitation) Act 2018
 - LG1 – SaFed – Guidelines on the supplementary tests of in-service lifts
 - INDG422 - Thorough examination of lifting equipment: A simple guide for employers (2008)
 - INDG339 - Thorough examination and testing of lifts: Simple guidance for lift owners (2008)

2. Policy Scope

- 2.1. This policy is aimed at all H&N employees, including any temporary or agency workers, apprentices and contractors who have responsibility for or may come into contact with lifting equipment in communal spaces during their normal work activities. It should be read and understood by all parties who have responsibilities relating to Lift Safety within H&N and have a duty of care under the Health & Safety at Work Act 1974, the Lifting Operation and Lifting

Equipment Regulations 1998 (LOLER) and Provision and Use of Work Equipment Regulations 1998 (PUWER).

3. Policy Statement

- 3.1 Homes and Neighbourhoods is responsible for the maintenance and repair of circa 22,500 domestic and non-domestic premises owned and managed by Kirklees Council. As a responsible social landlord, H&N is committed to minimise the risks associated with lift safety and ensure that all communal lifting equipment in premises managed by H&N is maintained in good working order. Whilst the contract management responsibility of lifting equipment servicing and Thorough Examinations are undertaken by the Corporate Land & Property Department, H&N will support to ensure that all works, including installation, maintenance and testing, are carried out in compliance with the Lifting Operation and Lifting Equipment Regulations 1998 (LOLER), Provision and Use of Work Equipment Regulations 1998 (PUWER) and other regulatory and industry body requirements.
- 3.2 This policy aims to ensure that we meet our obligations as a landlord, and seeks to provide assurance that lifting equipment safety is effectively managed to ensure the safety of our employees, contractors, tenants, leaseholders and members of the general public.
- 3.3 To ensure the safety of relevant persons by means of suitable management of Lifting Equipment safety, H&N will:
- Invest in replacing communal lifting equipment based on their life-cycle and repairs history.
 - Ensure that Thorough Examinations are carried out:
 - Before use for the first time in conjunction with external consultants;
 - After substantial and significant changes have been made;
 - At least every six months if the lift is used at any time to carry people or every 12 months if the lift is only carrying loads (or in accordance with an examination scheme as prepared by a competent person), or in accordance with our insurer's specification; and
 - Following exceptional circumstances such as damage to, or failure of, the lift, long periods out of use, or a major change in operating conditions which is likely to affect the integrity of the equipment.
 - For the purpose of this policy, the competent person is our Insurer.
 - All lifts that we install in properties owned or managed by H&N will be fully accessible for disabled users, as per the requirements of the Disability Discrimination Act 2005, the Equality Act 2010, and to the specifications outlined in Part M of the Building Regulations 2004, and if relevant, taking into account the relevant EN81 standards.

- H&N will endeavour to ensure that all lifting equipment will be in full working order at all times. Where we become aware of a breakdown we will ensure our lift contractor attends within 2 hours.
- H&N will operate robust processes to deal with entrapment situations. In the event of any persons becoming trapped in a lift we are responsible for we will ensure our lift contractor attends within 30 minutes dependent on travel conditions.
- H&N will support the Corporate Land and Property Team in operating a robust process to manage and rectify immediately dangerous situations identified during a lift safety check or any other maintenance work.
- Remedial actions identified during routine servicing or Thorough Examination which cannot be remediated during the visit will be resolved at the nearest opportunity, and within timeframes agreed with the Corporate Land and Property Team.
- All passenger lifts will have an intercom that dials directly to a dedicated call centre. Call handlers will contact emergency services if there is an urgent concern for a person's welfare. For Platform Lifts, emergency call buttons are in place which link to the Remote Warden call system which is linked to Civic 3 and is subject to 24 hour monitoring.
- H&N will support the Corporate Landlord and Property Team in operating effective contract management arrangements with the contractors responsible for delivering the service, including ensuring contracts 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.
- H&N and the Corporate Landlord and Property Team will establish and maintain a risk register for lift safety management and operations, setting out the key lift safety risks and appropriate mitigations.
- To comply with the requirements of the Construction (Design and Management) Regulations 2015 (CDM), a Construction Phase Plan will be in place for all component replacement works and refurbishment projects (at the start of the contract and reviewed annually thereafter). This plan will detail what is required to reinstate lifts affected by the works, to ensure they are safe to use and continue to comply with relevant legislation.
- H&N will support the Corporate Land and Property Team in ensuring there is a robust process in place to investigate and manage all RIDDOR notifications made to the HSE in relation to lift safety.
- H&N will maintain a core asset register of all properties we own or manage. The register will also record which properties have lifts which require ongoing servicing and maintenance. This register will also hold

data against each property asset of the type, age and condition of lifting equipment in place.

- H&N will operate a robust process to manage all changes to stock, including property acquisitions and disposals, and share this information with the Corporate Land and Property Team to ensure that properties are not omitted from lift safety programmes and the programme remains up-to-date.
- H&N will support the Corporate Land and Property Team in maintaining records of the following against all properties on each programme:
 - Thorough examination dates and reports;
 - Servicing and maintenance dates and reports;
 - Any examination schemes in place;
 - Evidence of completed remedial works; and
 - Entrapment incidents.
- H&N will support the Corporate Land and Property Team in keeping all records for at least five years and have robust processes and controls in place to maintain appropriate levels of security for all lift safety related data and records.
- The Corporate Land and Property Team will inform H&N of all occurrences of non-compliance. This includes 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. All non-compliance issues will be reported and escalated as soon as possible, and no later than 24 hours after the incident occurred or becoming aware of it.
- All incidents of non-compliance identified at an operational level will be formally reported to the General Manager – Compliance & Quality (or nominated deputy) in the first instance, who will agree an appropriate course of corrective action with the Head of Building Safety and the Service Director for Homes & Neighbourhoods who in turn will report details of the same to the SMT.
- In cases of serious non-compliance, the H&N SMT and Corporate SLT 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.

4. Roles and Responsibilities – To be discussed in BSAB

- 4.1. The Director of Homes and Neighbourhoods has strategic responsibility for the management of lift safety, and ensuring compliance is achieved and maintained. They will oversee the implementation of this policy.

- 4.2 The Housing Advisory Board [HAB] has overall governance responsibility for ensuring this policy is fully implemented in order to ensure full compliance with legislation and regulatory standards. This oversight will be supported by the Building Safety Assurance Board (BSAB) – an officer Board of compliance and building safety officers. As such, the HAB will formally approve this policy and review it every year (or sooner if there is a change in legislation or regulation).
- 4.3 For assurance that this policy is operating effectively in practice, the Building Safety Assurance Board will receive regular updates on its implementation.
- 4.4 The Housing Advisory Board will receive quarterly performance reports in respect of lift safety and ensure compliance is being achieved. They will also be notified of any non-compliance issue identified.
- 4.5 The Head of Building Safety has operational responsibility for the management of lift safety and will be responsible for overseeing the delivery of these programmes. The Head of Building Safety will fulfil the role of the appointed Duty Holder and will be the overall Responsible Person on behalf of H&N.
- 4.6 Housing teams will provide support where gaining access to properties is difficult, as part of the no access process and will engage with Legal Services and/or Environmental Services where appropriate to enforce access where necessary.

5. Monitoring and Review

- 5.1 This policy will be reviewed annually or following any legal or regulatory changes.
- 5.2 Monitoring lift safety and updating risk assessments are an integral part of the Lift Safety Management System.
- 5.3 A system of formal audit (internal and / or external) of the Lift Safety Management System must be in place to ensure that both Policy and Procedures are being implemented.
- 5.4 The Health and Safety Group will maintain an on-going audit plan to address the management of lift safety, reporting key findings to the Service Director and the Building Safety Assurance Board.
- 5.5 Where the Head of Building Safety or appointed competent person(s) have reason to believe that the Lift Safety Management System is not achieving the aims of this Policy, the Service Director for Homes and Neighbourhoods and the SHE Manager shall be notified, and a review of the System shall be carried out. If the review identifies deficiencies, the Head of Building Safety shall take action to amend the System as required.
- 5.6 Communicate and consult employee and contractors by bringing the Policy, and any subsequent amendments, to their attention through induction and training. This may be in alternate formats / languages as and when necessary.

- 5.7 Lift Safety Guidance information and the Lift Safety Management Policy are available on the H&N website for tenants, Elected Members and the wider public. The information may be in alternate formats / languages as and when necessary.
- 5.8 Regular communications on Lift Safety, including the responsibilities of H&N, tenants and leaseholders, will be included in the Communication Strategy (in development).

6. REFERENCED DOCUMENTS AND FURTHER READING

- The H&N Lift Safety Management System
 - Health and Safety at Work etc. Act 1974
 - Management of Health and Safety at Work Regulations 1999
 - The Lifting Operation and Lifting Equipment Regulations 1998 (LOLER).
 - The Provision and Use of Work Equipment Regulations 1998 (PUWER).
 - The Workplace (Health Safety and Welfare) Regulations 1992
 - The Building Regulations 2004 – Part M
 - Construction (Design and Management) Regulations 2015
 - Disability and Discrimination Act 2005
 - Equality Act 2010
 - Housing Act 2004
 - Landlord and Tenant Act 1985
 - Data Protection Act 2018
 - Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR)
 - Homes (Fitness for Human Habitation) Act 2018
 - LG1 – SaFed – Guidelines on the supplementary tests of in-service lifts
 - INDG422 - Thorough examination of lifting equipment: A simple guide for employers (2008)
 - INDG339 - Thorough examination and testing of lifts: Simple guidance for lift owners (2008)

Homes & Neighbourhoods

Water Quality Policy

Author: Neil Turner

Publish Date:

Review Date:

Approving body: Building Safety Assurance Board

Issue Date	
Reviewed	DD MM YYYY
Next Review Date	DD MM YYYY

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1 Introduction

- 1.1 The aim of this document is to define the policy for the Control and Management of Legionella Bacteria in Water Systems in compliance with statutory legislation within all properties managed by Kirklees Council Home and Neighbourhoods (H&N).
- 1.2 This document outlines the standards required for the effective control and management of Legionella bacteria. H&N acknowledge that health hazards may arise from exposure to Legionella bacteria and are committed to ensuring that risks are suitably assessed and effectively eliminated or managed to minimise the likelihood of Legionella related health risks to customers, employees, contractors and any other persons occupying and using its premises, as far as is reasonably practicable. This includes ensuring that appropriate information is made available to any person who may work on or with plumbing and water installations.
- 1.3 Applicable legislation includes, but not exhaustive to, the:
- Health and Safety at Work etc. Act 1974.
 - Management of Health and Safety at Work Regulations 1999;
 - HSE publications including the Approved Code of Practice: (L8) Legionnaires' disease - The Control of Legionella Bacteria in Water Systems 2013.
 - Technical guidance: HSG 274 Legionnaires Disease:
 - Part 1: The control of Legionella bacteria in evaporative cooling systems (2013).
 - Part 2: the control of Legionella bacteria in hot and cold water systems (2014).
 - Part 3: the control of Legionella bacteria in other risk systems (2013).
 - BS 8580:2019 Water Quality. Risk assessments for Legionella control. Code of Practice.
 - Construction (Design and Management) Regulations 2015.
 - The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) 2013.
 - Control of Substances Hazardous to Health (COSHH) Regulations 2002.
 - Management of Health & Safety regulations (MHSWR) 1999

2 Policy Scope

- 2.1 This policy is aimed at all H&N employees and contractors who have responsibility for / or may come into contact with water systems or equipment during their normal work activities. It should be read and understood by all parties who have responsibilities relating to Water Quality Management within H&N and a duty of care under the Health & Safety at Work Act 1974 and the Approved Code of Practice: (L8) Legionnaires' disease - The Control of Legionella Bacteria in Water Systems.
- 2.2 Legionellosis is 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. Legionnaires' disease is a potentially fatal form of pneumonia and everyone is susceptible to infection. People contract Legionnaires' disease by inhaling small droplets of water (aerosols), suspended in the air, containing the bacteria. Certain conditions increase the risk from Legionella if:
- The water temperature in all or some parts of the system may be between 20-45 °C, which is suitable for growth.
 - It is possible for breathable water droplets to be created and dispersed eg aerosol created by a cooling tower, or water outlets
 - Water is stored and/or re-circulated.
 - There are deposits that can support bacterial growth providing a source of nutrients for the organism eg rust, sludge, scale, organic matter and biofilms.

3 Policy Statement

- 3.1 H&N is responsible for the maintenance and repair of circa 22,500 domestic and non-domestic premises owned by Kirklees Council. As responsible social landlords, H&N is committed to minimise the risks associated with water quality in compliance with the Approved Code of Practice: (L8) Legionnaires' disease - The Control of Legionella Bacteria in Water Systems and all other regulatory and industry body requirements.
- 3.2 This policy aims to ensure that we meet our obligations as a landlord and seeks to provide assurance that the control of Legionella is effectively managed to ensure the safety of our employees, contractors, tenants, leaseholders and members of the general public.
- 3.3 H&N will:
- Maintain a safe and healthy environment in premises managed by H&N.
 - Prepare a management plan that sets out in detail the procedures to manage the risks from Legionella.
 - Take the necessary steps to put the plan into action.

- Ensure that all water systems are flushed prior to letting of H&N managed properties.
- Assess each maintenance, upgrade and renewal scheme for modifications to water systems to prevent, control or reduce the risk of Legionella.
- Review and monitor the plan annually, or sooner if there are any changes to legislation or working practices and act on it so that the plan remains relevant and up-to-date.
- Establish and maintain emergency procedures for responding to an incident where high levels of Legionella have been detected or there is a suspected case of Legionellosis.
- Ensure that each individual domestic and commercial gas engineer and plumber is trained, competent and holds relevant industry recognised qualifications.
- Maintain up to date records of the H&N assets and the water quality precautions, controls and testing which is carried out at the properties.
- Undertake regular water quality audits.
- Communicate to other persons that they have a duty to co-operate as far as is necessary to allow H&N to comply with the above requirements.

4 Roles and Responsibilities

- 4.1 The Director of Homes and Neighbourhoods has strategic responsibility for the management of Water Quality, and ensuring compliance is achieved and maintained. They will oversee the implementation of this policy.
- 4.2 The Housing Advisory Board [HAB] has overall governance responsibility for ensuring this policy is fully implemented in order to ensure full compliance with legislation and regulatory standards. This oversight will be supported by the Building Safety Assurance Board (BSAB) – an officer Board of compliance and building safety officers. As such, the HAB will formally approve this policy and review it every year (or sooner if there is a change in legislation or regulation).

- 4.3 For assurance that this policy is operating effectively in practice, the BSAB will receive regular updates on its implementation.
- 4.4 The Housing Advisory Board will receive quarterly performance reports in respect of asbestos safety and ensure compliance is being achieved. They will also be notified of any non-compliance issue identified.
- 4.5 The Head of Building Safety has operational responsibility for the management of water quality and will be responsible for overseeing the delivery of these programmes. The Head of Building Safety will fulfil the role of the appointed Duty Holder and will be the overall Responsible Person on behalf of H&N.
- 4.6 Housing teams will provide support where gaining access to properties is difficult, as part of the no access process and will engage with Legal Services and/or Environmental Services where appropriate to enforce access where necessary.
- 4.7 The H&N Legionella Responsible Person (LRP) and Deputy LRP will act as the Competent Persons for managing and controlling any identified risk from exposure to Legionella bacteria.

5 Monitoring and Review

- 6.1 This policy will be reviewed annually or following any legal or regulatory changes.
- 6.2 Monitoring water quality and updating risk assessments are an integral part of the Water Quality Management System.
- 6.3 A system of formal audit (internal and / or external) of the Water Quality Management System must be in place to ensure that both Policy and Procedures are being implemented.
- 6.4 The Health and Safety Group will maintain an on-going audit plan to address the management of water quality, reporting key findings to the Service Director for Homes and Neighbourhoods.
- 5.5 Where the Head of Building Safety or appointed competent person(s) have reason to believe that the Water Quality Management System is not achieving the aims of this Policy, the Service Director for Homes and Neighbourhoods and the SHE Manager shall be notified, and a review of the System shall be carried out. If the review identifies deficiencies, the Head of Building Safety shall take action to amend the System as required.
- 5.6 Communicate and consult employees and contractors by bringing the Policy, and any subsequent amendments, to their attention through induction and training. This may be in alternate formats / languages as and when necessary.

- 5.7 Water Quality Safety Guidance information and the Water Quality Management Policy are available on the H&N website for tenants, Elected Members and the wider public. The information may be in alternate formats / languages as and when necessary.
- 5.8 Regular communications on Water Quality, including the responsibilities of H&N, tenants and leaseholders, will be included in the Communication Strategy (in development).

7 Referenced Documents and Further Reading

- The Kirklees Council 'Corporate Water Quality Management Plan'
- H&N Water Quality Management Plan
- HSE publication L8
- Technical guidance: HSG 274 Legionnaires Disease, Parts 1, 2 and 3.
- BS 8580:2019 Water Quality. Risk assessments for Legionella control. Code of Practice
- Health and Safety at Work etc. Act 1974.
- Management of Health and Safety at Work Regulations 1999.
- Construction (Design and Management) Regulations 2015.
- The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) 2013.
- Control of Substances Hazardous to Health (COSHH) Regulations 2002.
- Workplace (Health, Safety & Welfare) Regulations 1992 (as amended).
- Building Regulations 2010.
- Corporate Manslaughter and Corporate Homicide Act 2007.
- Notification of Cooling Towers & Evaporative Condenser Regulations 1992.
- Public Health (Infectious Diseases) Regulations 1988.
- The Water Supply (Water Fittings) Regulations 1999.
- The Water Supply (Water Quality) Regulations 2010.
- Management of Health & Safety regulations (MHSAWR) 1999

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