

Policy:

Housing Water Hygiene Policy

Original Implementation Date: September 2026



Control Schedule

Policy Owner:	Paul Ingram, Head of Housing Assets		
Policy Author:	Stuart Campbell, Housing Safety and Compliance Manager		
Approved By:	Cabinet		
Approval Date:	10 th September 2026	Minute reference:	138
Policy Review Due:	September 2029	Review Cycle:	Tri-annually
EIA completed:	July 2026	EIA Review Due:	July 2029

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Policy Statement

1. As a landlord, Ashford Borough Council (ABC) is responsible for the maintenance and repairs to its homes and other buildings it owns and manages, which includes managing the risks associated with legionella bacteria. 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.
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.

Scope of the policy

3. This policy applies to housing assets that are owned and managed by Ashford Borough Council, both socially rented housing and properties used as temporary or move-on accommodation. These include blocks of domestic Independent Living Schemes and supported housing schemes.
4. This policy does not cover temporary accommodation that is used by Ashford Borough Council but owned and managed by others. Water hygiene obligations in those buildings rest with the organisations that own and manage those buildings. It does not cover other buildings owned and managed by ABC, which are covered by our corporate Water Hygiene Policy.
5. 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.
6. The policy should be used by all to ensure they understand the obligations placed upon the Council to maintain a safe environment for residents and employees, within the home of each resident, and within all communal areas of buildings and other properties we own and/or manage. Adherence to this policy is mandatory and it is supported by robust procedures.

Relationship with other existing policies

7. This policy should be read alongside our corporate Water Hygiene Policy and the Housing Water Hygiene Procedure.
8. This policy forms part of our wider organisational commitment to driving a positive health and safety culture amongst staff, contractors and for our tenants (as detailed within our corporate Health and Safety Policy).

Legal Framework

9. This policy ensures we fulfil our statutory and regulatory obligations under the following principal legislation and regulations:
 - Health and Safety at Work Act 1974
 - Management of Health and Safety at Work Regulations 1999 (Management Regulations)
 - Control of Substances Hazardous to Health Regulations 2002 (as amended) (COSHH)
 - Safety and Quality Consumer Standard 2024
10. The principal approved codes of practice and guidance applicable to this policy are as follows:
 - ACoP L8 - 'Legionnaires' disease: The control of legionella bacteria in water systems' (4th edition 2013)
 - HSG274 - Legionnaires' disease: Technical guidance Part 1: The control of legionella bacteria in evaporating cooling systems (2013)
 - HSG274 - Legionnaires' disease: Technical guidance Part 2: The control of legionella bacteria in hot and cold water systems (2014)
 - HSG274 - Legionnaires' disease: Technical guidance Part 3: The control of legionella bacteria in other risk systems (2013)
 - INDG458 - Legionnaires' disease: A guide for duty holders Leaflet (HSE Books 2012)
11. This policy also operates within the context of the following legislation:
 - Landlord and Tenant Act 1985
 - Workplace (Health Safety and Welfare) Regulations 1992
 - Public Health (Infectious Diseases) Regulations 1998
 - 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 2016
 - Homes (Fitness for Human Habitation) Act 2018
 - Data Protection Act 2018

Key Roles and Responsibilities

12. The Chief Executive has overall responsibility for water hygiene management within Ashford Borough Council.
13. The Assistant Director of Housing has overall strategic responsibility for water hygiene safety in relation to our housing assets.

14. The Head of Housing Assets is the operational lead for housing assets water hygiene safety and compliance.
15. The Compliance Manager is responsible for the operational delivery of this policy.

Obligations

16. As a landlord and an employer, we have legal obligation under the Management Regulations and the Health and Safety at Work Act 1974 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.
17. We have a legal obligation under COSHH to prevent or control exposure to biological agents, including legionella.
18. We are 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
19. 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:
 - i. Carrying out risk assessments
 - ii. Producing written schemes of control (a practical, risk management document used to control the risk from exposure to legionella); and
 - iii. Implementing the written scheme of control.
 - Keep associated records

Statement of Intent

20. We acknowledge and accept our responsibilities under the legislation outlined above.
21. We will review legionella risk assessments when appropriate where a water system is likely to undergo change and is therefore a higher risk.
22. We will commission a contractor to complete all testing, planned maintenance, and preventative maintenance programmes for water hygiene.
23. Written schemes of control will be in place for all properties risk assessed as requiring controls to manage the risk of legionella exposure.
24. 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.

25. We will comply with the requirements of the Construction, Design and Management Regulations 2015 (CDM) for all maintenance works.
26. 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.

Inspection Programmes

27. We will carry out a programme of Legionella Risk Assessments (LRA) to our blocks and properties containing any shared water system that could present a risk of exposure to legionella. These risk assessments will be reviewed at intervals determined by a competent person, or after any works have been completed to the installation.
28. We will undertake testing and monitoring (for example, monthly temperature checks) as set out within any written schemes of control.

Follow-up work

29. We will ensure there is a robust process in place for managing any required follow-up works following the completion of an LRA or ongoing monitoring (where the work cannot be completed at the time of the check).

Competent Persons

30. Only suitably qualified and 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.

Non-Compliance/Escalation

31. Our definition of 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.
32. Any non-compliance issue identified at an operational level will be formally reported to the Head of Housing Assets in the first instance, who will agree an appropriate course of corrective action with the Assistant Director of Housing. Issues should be reported within 24 hours of the issue being known.
33. 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. In such instances, the issue will also be reported to the appropriate Member Committee.

Data and Records

- 34. We will maintain a core asset register of all properties we own or manage setting out which properties require a LRA.
- 35. We will operate a robust process to manage all changes to our assets, including property acquisitions and disposals, to ensure that properties are not omitted from water hygiene programmes and the programme remains up to date.
- 36. We will hold LRA dates and inspection records and written statements of control against each relevant property we own or manage. We will keep all water hygiene records and data for the duration that we own and manage the property/in line with our document retention policy and will have robust processes and controls in place to maintain appropriate levels of security for all water hygiene related data.

Performance Reporting

- 37. We will report robust key performance indicator (KPI) measures for water hygiene compliance. These will be collected monthly and quarterly and reported internally and externally and as required by the Regulator of Social Housing.

Quality Assurance

- 38. We will ensure there is a programme of third-party quality assurance audits. Annual audits will be undertaken to all systems identified as a high risk.
- 39. We will carry out regular independent audit of water hygiene safety, to specifically test for compliance with legal and regulatory obligations and to identify any non-compliance issues for correction.

Resident Engagement

- 40. We consider good communication, feedback and consultation essential in the effective delivery of water hygiene programmes. We will work in collaboration with our involved residents to use a variety of ways to communicate clearly and transparently with our residents to understand performance and involve them to help shape services around compliance.

Vulnerabilities

- 41. We will ensure that we take resident vulnerabilities into account when carrying out any inspections or water hygiene works.

Equalities Impact Assessment

- 42. We are committed to welcoming and valuing diversity, promoting equality of opportunity and tackling unlawful discrimination in accordance with the Equality Act 2010. We, in delivering this policy, will have regard to the Public Sector Equality Duty and ensure that no individual is discriminated against based on their sex, sexual orientation, marital status, pregnancy and maternity, gender reassignment, race, religion, belief, disability or age.
- 43. The Public Sector Equality Duty is a duty on us and that responsibility cannot be delegated to a contractor/service provider and is a continuing duty.
- 44. An Equality Impact Assessment has been undertaken to assess the impact this policy will have on affected persons with protected characteristics. The review concluded that there were no known adverse impacts on any persons with protected characteristics.

Review of Policy

- 45. This policy will be updated every three years or sooner in the event of any major legislative or operational changes.