

Policy and Sustainability Committee

10:00am, Thursday, 10 June 2021

Council Water Safety Policy 2021-24

Executive/routine	Routine
Wards	
Council Commitments	

1. Recommendations

- 1.1 It is recommended that the Policy and Sustainability Committee approves the Council Water Safety Policy 2021-24.

Stephen S. Moir
Executive Director of Resources

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Council Water Safety Policy 2021-24

2. Executive summary

- 2.1 The new Council Water Safety Policy ('Policy') sets out a commitment to protecting the health, safety and welfare of our employees and third parties from risks associated with the inhalation and ingestion exposure to water that has the potential to contain bacteria, chemicals or other contaminants at levels harmful to health.
- 2.2 This Policy reconfirms the position of the Council with regards regulatory compliance with water safety standards and the control of water contaminants, specifically the control of Legionella in Council water systems and clarifies the scope of water safety to include water carrying vehicles and /or assets that produce aerosols/droplets.

3. Background

- 3.1 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.
- 3.2 The bacterium Legionella pneumophila and related bacteria are common in natural water sources such as rivers, lakes and reservoirs, but usually in low numbers. They may also be found in purpose-built water systems, such as cooling towers, evaporative condensers, hot and cold-water systems¹ and spa pools. If conditions are favourable, the bacteria may multiply, increasing the risks of legionnaires' disease, and it is therefore important to control the risks by introducing appropriate control measures.
- 3.3 The Health and Safety at Work etc. Act 1974 places a general duty on employers to protect, so far as is reasonably practicable, the health and safety and welfare of employees and others affected by their work activities.
- 3.4 The Health and Safety Executive (HSE) have produced several codes of practice and practical guides for the control of legionella in water systems (see below) which set out their expectations on how employers should comply with legal duties in relation to Legionella.

¹ A water system includes all plant/equipment and components associated with that system, e.g. all associated pipework, pumps, feed tanks, valves, showers, heat exchangers, quench tanks, water softeners, chillers etc.

- 3.5 This Policy sets out how the Council will comply with all applicable legal and regulatory requirements, including the Approved Codes of Practice, standards, and guidance.

4. Main report

- 4.1 The Policy replaces the existing Council Water Safety Policy, 15 May 2018, and reconfirms the position of the Council with regards regulatory compliance with water safety standards and the control of water contaminants, specifically the control of Legionella in Council water systems. It further clarifies the role of duty holders and the scope of water safety to include vehicles and assets that store water and/or produce aerosols/droplets.
- 4.2 The Policy applies to all employees and third parties who interact with Council services but are not employees, as appropriate.
- 4.3 The Policy applies to:
- 4.3.1 designing and maintaining water systems in a way that avoids the conditions necessary to support the growth of Legionella bacteria and other harmful bacteria, chemicals or contaminants;
 - 4.3.2 testing and water monitoring to ensure water standards are being maintained;
 - 4.3.3 buildings, vehicles and other assets that store water and/or produce aerosols/droplets, as appropriate; and,
 - 4.3.4 provision of potable drinking water.

5. Next Steps

- 5.1 This revised policy will be brought to the attention of all employees along with additional support information for duty holders.

6. Financial Impact

- 6.1 There is an existing, accredited, water safety specialist provision, arrangements and procedures within the Council therefore it is unlikely there will be additional cost.

7. Stakeholder/Community Impact

- 7.1 By adopting this policy, the Council will be ensuring both employees, service users and other third parties who resort to our buildings and/or use Council vehicles and assets are safe, so far as is reasonably practicable, from the risk of harm from water contaminants.

- 7.2 Consultation and engagement has taken place with recognised Trade Unions and relevant changes made.
- 7.3 Consultation and engagement has taken place with Directorates and Divisions and associated management teams, and relevant changes made.
- 7.4 There are no negative equality or sustainability issues arising from this Policy.

8. Background reading/external references

- 8.1 The risk associated with Legionellosis and other water contaminants will be managed in compliance with the undernoted legislation and guides:
- 8.1.1 The Control of Substances Hazardous to Health Regulations 2002 (as amended) (ACOP [Link](#)).
 - 8.1.2 Legionnaires' disease. The control of legionella bacteria in water systems. Approved Code of Practice and guidance L8 (Fourth edition) ([Link](#)).
 - 8.1.3 HSG247 Legionnaires' disease technical guidance 2014.
 - Part 1 – Cooling towers ([Link](#)).
 - Part 2 – Hot and cold water services ([Link](#)).
 - Part 3 – Other systems ([Link](#)).
 - 8.1.4 HSG 282 The control of legionella and other infectious agents in spa-pool systems (First edition) 2017 ([Link](#)).
 - 8.1.5 The Control of Legionellosis: A recommended code of conduct for service providers The British Association of Chemical Specialities and the Water Management Society 2005 ([Link](#)).
 - 8.1.6 The Notification of Cooling Towers and Evaporative Condensers Regulations 1992 SI 1992/2225 TSO 1992 ([Link](#)).
 - 8.1.7 The Health and Safety at Work etc, Act 1974 ([Link](#)).
 - 8.1.8 The Management of Health and Safety Regulations 1999 ([Link](#)).

9. Appendices

- 9.1 Appendix 1 - Council Water Safety Policy 2021-24

Council Water Safety Policy

Implementation date: 10 June 2021

Control schedule

Version control

Approved by	Policy and Sustainability Committee
Approval date	10 June 2021
Senior Responsible Officer	Dr Stephen S. Moir, Executive Director of Resources
Author	Robert H. Allan, Interim Council Health and Safety Senior Manager and Jemma Tennant, Operational Manager, Scientific and Bereavement Services
Scheduled for review	10 June 2024

Subsequent committee decisions affecting this policy

Version	Date	Author	Comment
0.1	15 May 2018	Sam Jennings	The Council Water Safety Policy replaces the Policy and Procedures for the Control of Legionella Bacteria in Water Systems in Council Properties.
0.2	10 Jun 2021	Robert H. Allan and Jemma Tennant	The Council Water Safety Policy supersedes the 2018 version.

Date	Committee	Link to report	Link to minute
01 Jun 2020	Corporate Policy and Strategy Committee	Council Health and Safety Policy 2020 - 23	

Council Water Safety Policy

1. Policy Statement

- 1.1 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.
- 1.2 The bacterium Legionella pneumophila and related bacteria are common in natural water sources such as rivers, lakes and reservoirs, but usually in low numbers. They may also be found in purpose-built water systems, such as cooling towers, evaporative condensers, hot and cold-water systems¹ and spa pools. If conditions are favourable, the bacteria may multiply, increasing the risks of legionnaires' disease, and it is therefore important to control the risks by introducing appropriate control measures.
- 1.3 The City of Edinburgh Council will ensure, so far as is reasonably practicable, that the risk associated with Legionellosis and other water contaminants will be managed in compliance with the relevant legislation and approved codes of practice.

2. Scope

- 2.1 The City of Edinburgh Council Water Safety Policy applies to all employees. In addition, it extends to third parties who interact with Council services but are not employees such as members of the public, contractors and service users.
- 2.2 The Policy applies to all Council buildings, sites and assets (including water carrying vehicles, public fountains, spa and hydrotherapy pools, hot and cold-water systems that serve showers and other welfare facilities, etc.) where the Council has control, to any extent, of the water systems.

3. Policy Aims

- 3.1 The main aim of this Policy, which is a sub-policy of the Council Health and Safety Policy, is to protect our employees and third parties from risks associated with exposure to aerosols, and drinking water, that contain bacteria, chemicals,

¹ A water system includes all plant/equipment and components associated with that system, e.g. all associated pipework, pumps, feed tanks, valves, showers, heat exchangers, quench tanks, water softeners, chillers etc.

or other contaminants at levels harmful to health.

3.2 This will be achieved by:

- a) appointing Duty Holder(s), setting out clear roles and responsibilities and ensuring adequate cover at all times, for management of water quality;
- b) having measures in place to ensure responsibilities are being discharged;
- c) implementing measures to fulfil the requirements set out the Health and Safety Executive (HSE) Approved Code of Practice and guidance on regulations 'The control of legionella bacteria in water systems' (L8) and other relevant regulations, standards and guidance (as indicated above);
- d) designing water systems in a way that avoids the conditions necessary to support the growth of Legionella bacteria, and other harmful bacteria, chemicals or contaminants;
- e) producing detailed procedures (Service Area, Water Safety Management Plans) to support the implementation of this Policy.
- f) employing accredited and competent specialists to undertake suitable and sufficient risk assessments of water systems and to carry out water quality testing microbiological and chemical testing of potable and non-potable water);
- g) engaging suitably qualified and experienced employees or contractors to carry out works on water systems;
- h) ensuring appropriate information, instruction and training is given to all relevant Council employees;
- i) ensuring effective communication within the Council and with contractors; and,
- j) constituting a Water Safety Group with a remit to continuously monitor and review this Policy, Service Area Water Safety Management plans and any adverse events involving water quality to ensure water safety risks are managed effectively.

4. Implementation

4.1 This policy supersedes the Council Water Safety Policy 2018 and will come into effect 10 June 2021.

5.0 Roles and Responsibilities

5.1 The Council will organise its water safety arrangements around existing organisational governance and assurance structures and will ensure the provision of robust leadership and management systems, with clearly defined roles and responsibilities, for water safety risks.

5.2 The City of Edinburgh Council

The City of Edinburgh Council as the governing body and employer, have the overall statutory responsibility for occupational health and safety, including water safety within the Council.

5.3 Chief Executive and Corporate Leadership Team

The Chief Executive has delegated authority from the City of Edinburgh Council for the delivery, management and performance of this water safety policy and is supported in this by the Executive Directors who form the Council's Corporate Leadership Team (CLT), along with other relevant officers who attend that group.

5.4 Premises/Site Water Safety Duty Holders

Where a Council employee has control to any extent of a relevant premises, they will be the designated 'Duty Holder' within the definition of the above legislation, e.g. a head teacher, service area manager, etc. In Council operated multi-occupied premises/sites, in addition to their normal managerial responsibilities, the most senior manager with the largest number of staff on site (or selected by collective agreement) will be nominated the duty holder responsible for the co-ordination and co-operation of water safety responsibilities, as appropriate, of cross service area/third party boundaries in the premises or site.

The Duty Holder is responsible for water safety arrangements within the relevant premises/site and will be fully supported by responsible (competent) persons² to:

- conduct a suitable and sufficient assessment to identify and assess the risk of exposure to legionella bacteria or other contaminants from work activities and water systems on the premises and any precautionary measures needed.

The risk assessment should identify and evaluate potential sources of risk and:

- (a) the particular means of preventing exposure to legionella bacteria; or
- (b) if prevention is not reasonably practicable, the particular means of controlling the risk from exposure to legionella bacteria.

Where the assessment demonstrates there is no reasonably foreseeable risk or that risks are insignificant and unlikely to increase, and are properly managed, no further assessment or measures are needed. However, if the situation changes, or there is the belief that it is no longer valid the assessment should be reviewed and revised.

5.5 Head of Property and Facilities Management

The Head of Property and Facilities Management will fully support local non-domestic duty holders as the responsible (competent) person² (or other nominee) in compliance with the above duties and ensure adequate cover at all times (where a non-domestic site or asset does not have a duty holder the Head of Property and Facilities Management will also assume the duty holder role). This role holder (non-domestic) will produce written detailed procedures (a

² The designated responsible (competent) person is someone with sufficient authority and knowledge of the water installation to help take the measures needed to comply with the law. For non-domestic properties this will be the Head of Property and Facilities Management (or other approved nominee).

Service Area Water Safety Management Plan) to support the implementation of this Policy and appoint a suitable number of other competent persons to assist and manage risks associated with Legionella bacteria across the non-domestic estate and assets, specifically;

- a) assessing all buildings and assets (including to determine where there is a reasonably foreseeable risk of Legionella);
- b) conducting Legionella risk assessments of all Council non-domestic properties and assets, including public fountains or other aerosol generating structures;
- c) reviewing Legionella risk assessments in compliance with HSE (L8) guidelines, and where there have been any changes to water systems, or following a positive test for Legionella bacteria;
- d) producing and implementing a written Service Area Water Safety Management Plan³ for controlling the risk of exposure to Legionella bacteria;
- e) producing site/building risk assessments that contain, schematic design, safe and correct operation of the system, precautions to be taken, checks to be carried out, and remedial actions to be taken;
- f) ensuring all new water systems are designed in a way that minimises the opportunity for the growth of Legionella bacteria;
- g) ensuring that any repair or upgrade works to water systems are carried out by competent employees or contractors, and in liaison with Property and Facilities Management competent persons (water quality), ensuring effective communication within the Council and with contractors and other relevant third parties;
- h) maintaining a readily accessible Water Care Asset Register for each building or asset;
- i) maintaining a comprehensive centralised testing record database containing all relevant properties to ensure that required checks are being undertaken and tests of systems are being recorded; and
- j) providing appropriate specialist training⁴ to relevant employees, including duty holders, with responsibilities for water safety.

Where non-domestic buildings owned by the Council are leased to third parties on a full maintenance and repair lease, responsibility for the management of water safety will be clearly set out in the lease agreement as the leaseholders/occupier's responsibility, as appropriate. Where non-domestic buildings are leased buildings from a third party, we will ensure that responsibility for managing water safety is clearly set out in the lease agreement, as appropriate. Where this responsibility lies with the owner/landlord, we will co-operate in ensuring that Legionella management arrangements are managed effectively.

³ Note: Site specific (building) water management plans will be covered by the Legionella log-book and risk assessment, comprising schematic design, safe and correct operation of the system, precautions to be taken, checks to be carried out, and remedial actions to be taken, if required.

⁴ Corporate Health and Safety will deliver basic Legionella awareness training to the organisation. For more advanced training the Head of Property & Facilities Management will identify and provide such training.

5.6 Head of Place Development

The Head of Place Development will act as duty holder for all domestic property and associated assets. This role holder (Domestic) will produce and implement a written Service Area Water Safety Management Plan for controlling the risk of exposure to Legionella bacteria to support the implementation of this Policy and appoint responsible (competent) persons in compliance with the above duty holder duties, ensuring adequate cover at all times.

Specifically; this role holder (domestic) will ensure responsible (competent) persons identify and manage risks associated with Legionella bacteria by:

- a) conducting Legionella risk assessments where the risk of Legionella is reasonably foreseeable and recording and maintaining records of the same, including any test results, actions and inspections;
- b) maintaining a Legionella logbook at each multi-story building, sheltered housing property, temporary accommodation and other property types where the risk of Legionella is reasonably foreseeable;
- c) ensuring that any repair or upgrade works to water systems are carried out by competent employees or contractors, and in liaison with Place (Development) competent persons (water quality), ensuring effective communication within the Council and with contractors;
- d) reviewing Legionella risk assessments in compliance with HSE (L8) guidelines, and where there have been any changes to water systems, or following a positive test for Legionella bacteria;
- e) providing information to tenants on measures to reduce the risk of Legionella; and
- f) providing appropriate specialist training⁵ to relevant employees with responsibilities for water safety.

5.7 Head of Place Management

The Head of Place Management will be the duty holder in respect to water carrying vehicles under the control of Place Directorate and adopt similar standards and practices as the Head of Place Development including the development of a written Water Safety Management Plan. Given the number and types of vehicles within Place Management, service level arrangements with water quality specialists within Place (Development) (or other such competent body), will be entered into for this purpose.

5.8 Health and Safety Senior Manager

The Health and Safety Senior Manager is responsible for:

- a) Defining the content of this Policy and reviewing on a three yearly basis and/or after any significant incident, and updating as necessary;

⁵ Corporate Health and Safety will deliver basic Legionella awareness training to the organisation. For more advanced training, the Heads of Place (Development) & (Management) will identify and provide such training.

- b) Providing guidance, interpretation and materials as required, to help achieve compliance with this Policy;
- c) Ensuring notifiable cases of Legionnaires' disease are reported to the Health and Safety Executive;
- d) Providing Legionella awareness training, as part of the Corporate Health and Safety training schedule;
- e) Defining the minimum required compliance information / metrics that should be used to continually evaluate compliance, and reporting onwards appropriately; and
- f) Ensuring consultation with employees and their representatives on health and safety matters, including water safety.

5.9 Line Managers

Line Managers are responsible for:

- a) Ensuring that the Policy is communicated, understood and followed by their direct reports and others under their control; and
- b) Ensuring that appropriate Legionella training is provided as appropriate for their direct reports and others under their control, and records are maintained.

5.10 Water Safety Group

To ensure consistency across the Council with regards water safety, to learn from adverse events, changes in industry standards or health and safety law, etc. the Heads of Property and Facilities Management and Place Development will form a Water Safety Group whose remit will be to meet periodically (not less than every 8 weeks) for the aforementioned purposes. The composition and constitution of this group will be decided by both Heads of Service, chaired by the same on a rotating basis, and will include a representative from Corporate Health and Safety.

6.0 Related documents

6.1 The reference documents applicable to this policy are;

- The Control of Substances Hazardous to Health Regulations 2002 (as amended) (ACOP [Link](#)).
- Legionnaires' disease. The control of legionella bacteria in water systems. Approved Code of Practice and guidance L8 (Fourth edition) HSE Books 2013 ISBN 9780717666157([Link](#)).
- HSG247 Legionnaires' disease technical guidance 2014.
 - Part 1 – Cooling towers ([Link](#)).
 - Part 2 – Hot and cold water services ([Link](#)).
 - Part 3 – Other systems ([Link](#)).
- HSG 282 The control of legionella and other infectious agents in spa-pool

- systems (First edition) 2017 ([Link](#)).
- The control of legionellosis: A recommended code of conduct for service providers The British Association of Chemical Specialities and the Water Management Society 2005 ([Link](#)).
 - The Notification of Cooling Towers and Evaporative Condensers Regulations 1992 SI 1992/2225 TSO 1992 ([Link](#)).
 - The Health and Safety at Work etc, Act 1974 ([Link](#)).
 - The Management of Health and Safety Regulations 1999 ([Link](#)).

7. Integrated impact assessment

- 7.1 This policy has been assessed as beneficial to employees and the community with no negative integrated risk impact.

8. Risk assessment

- 8.1 Failure to adopt this policy and contents carry the following risks;
- a) non-compliance with United Kingdom water safety legislation and HSE approved codes of practice and guides, potentially leading to enforcing authority actions and/or criminal and civil litigation.
 - b) Poor water quality leading to a range of water borne diseases, including Legionellosis.
 - c) failure to:
 - secure employees' safety at work;
 - protect non-employees against the water safety risks arising from work activities.

9. Review

- 9.1 In line with the Council's Policy Framework this policy will be reviewed every three years or more frequently if required or best practice materially changes.