

Cheshire West & Chester Council

Council Housing

Legionella Control and Water Hygiene Policy

Issue date: July 2025

Review date: July 2028



Cheshire West
and Chester

1. Management Information

Approval Date:	July 2025
Next Review Date:	July 2028
Policy Owner:	Janet Lawton, Head of Housing Delivery
Responsible Service Area:	Council Housing Management Service
Responsible Director:	Director of Economy and Housing

Annual Checks

Policy owners should ensure that an annual check of hyperlinks, roles, and names is undertaken. These checks are in addition to formal review process. Please see Policy and Procedure framework guidance for further details.

2. Introduction

The policy outlines the Councils approach to managing and controlling the risk of legionella within its housing stock. It sets out responsibilities, monitoring arrangements and assurance measures to safeguard residents, staff, contractors and visitors whilst demonstrating compliance with legal and regulatory duties.

3. Aim of Policy

The aim of this policy is to provide a framework for the control of Legionella, including assurance that measures are in place to identify, manage and mitigate the risks associated with Legionella, in respect of tenant's homes. It applies across the Councils own housing.

This policy supports us in ensuring that we meet our obligations as a landlord, and employer, and seeks to provide assurance that Legionella control is appropriately managed. We aim to ensure, so far as reasonably practicable, that council tenants, staff, contractors and the public are not exposed to any risks to their health, safety and wellbeing from Legionella.

The policy is relevant to all staff, tenants, contractors and other persons or stakeholders who may work on, occupy, visit or use our premises, or who may be affected by our activities or services.

When we use the terms 'we', 'our' and 'us' within this policy, we mean the Council unless otherwise stated.

The policy objectives are to:

- Provide clear lines of responsibility for the management of Legionella control
- Specify individual responsibilities in the management of Legionella control
- Clarify our approach to Legionella Risk Assessments (LRAs)

- Clarify the method of reviewing and monitoring Legionella control
- Meet our legal and moral obligations as a landlord

4. Strategic context

This policy helps the Council to meet the following local and national strategic aims.

Social Housing Regulations Act 2023 – Consumer Standards

- Quality and Safety Standard
- Transparency, Influence and Accountability Standard
- Tenancy Standard

[CWAC Borough Plan 2024 – 2028](#) - sets out how the Council will work with all its residents to build a stronger future where the Council and residents all play their part in creating thriving, caring and sustainable communities.

The Borough Plan has six missions as follows:

- Starting well - The best start for the borough`s children and young people, with improved opportunity, a healthier start, greater resilience in families and the best possible support and care when it is needed.
- Tackling hardship and poverty - More people feel more financially secure as the causes and impact of hardship and poverty are addressed by working alongside residents.
- Resilient people living their best lives - Local people are enabled to flourish, be healthy, happy and independent for longer in supportive communities.
- Opportunity in a fair local economy - Local people and businesses contribute to and benefit from a strong and fair local economy.
- Neighbourhood pride - Residents live in well maintained, connected and safe places with good and affordable homes.
- Greener communities - Individuals, public services and businesses take action to move to tackle the climate emergency, achieve net zero, protect the natural environment and adapt to the impact of climate change.

[Together with Tenants Charter | Cheshire West and Chester Council Council-housing-asset-management-strategy-final Tenant Engagement Strategy 2025-30](#)

5. Definitions and legislation

Legionella is a type of bacteria that can develop in water systems and if inhaled through water droplets can cause Legionnaires disease, a potentially serious lung infection. Effective control measures are required to prevent growth and protect health.

Legislation

The application of this policy will ensure compliance with the regulatory framework and the new consumer standards (safety and quality standard) for social housing in England, which was introduced on the 1st April 2024 and is now applied by the Regulator of Social Housing.

However, the principal legislation applicable to this policy is the 'Health and Safety at Work Act 1974', The Management of Health and Safety at Work Regulations 1999', Control of Substances Hazardous to Health Regulations 2002 (COSHH) These place a duty on the landlord to take measures to ensure, as far as is reasonably practicable, the safety of the people on their premises and in the immediate vicinity.

This policy also operates in the context of the following legislation:

- HSE Approved Code of Practice L8 Legionnaires' Disease - the Control of Legionella bacteria in water systems and supplementary guidance HSG274'.
- Housing Act 2004
- Health and Safety at Work Act 1974
- The Management of Health and Safety at Work Regulations 1999
- Management of Houses in Multiple Occupation (England) Regulations 2006
- Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006
- The Building Regulations 2010
- Electrical Equipment (Safety) Regulations 2016
- Corporate Manslaughter and Corporate Homicide Act 2007
- Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013
- The Social Housing Regulation Act (2023)

Arrangements should be considered in conjunction with the Council's corporate Health and Safety Policy, relevant regulations and the guidance produced by the 'Health and Safety Executive Approved Codes of Practice (ACoP)'.

This policy is required to ensure that we meet the requirements of HSE Approved Code Of Practice L8 Legionnaires' Disease - the Control of Legionella bacteria in water systems and supplementary guidance HSG274'.

6. How the policy will be delivered

We will take all reasonably practicable steps to prevent and control the risk from Legionella in the properties that we own.

We will provide all our tenants, staff, contractors and visitors with clear advice on Legionella control, and where required, skills, training and resources to ensure that they remain safe from Legionella. We will also provide a clear and transparent process for undertaking LRAs and any works or actions that arise from these.

We are committed to keeping tenants, staff, contractors and visitors to our properties safe from Legionella risk and meeting our obligations as a landlord under all current

and relevant legislation, whilst also following best practice in relation to Legionella control.

Risk Assessments

Risk assessments will be carried out every two years to all buildings with non-domestic water systems. Risk assessments will also specify the necessary control measures to be implemented and delivered through the procedures which support the delivery of this Policy. In addition to this each Risk Assessment will be subject to an annual desktop review.

A Written Scheme of Control will be implemented to control the residual risk. This risk management document clearly identifies measures required to control the risk from exposure to legionella bacteria and how those measures are implemented and managed.

Roles and responsibilities

The Compliance Manager is responsible for, either directly or through delegation:

- Operational implementation and delivery of this policy.
- Ensuring that any associated procedures are implemented and kept up to date.
- Ensuring that LRA Programme is monitored, measured and reviewed, and Legionella performance is reported to the Board.
- Monitoring and reviewing the effectiveness of Legionella training and policy development.
- Ensuring LRAs and any remedial works are regularly carried out and reviewed.
- Ensuring that there is a programme of Legionella monitoring that meets all relevant standards, legislation and best practices.
- Ensuring that routine quality assurance checks in relation to Legionella are undertaken.
- Ensuring that the quality and integrity of Legionella control related data, including Legionella risk management, such as LRAs, testing, and remedial works, meet legislative requirements.
- Ensuring staff under their management are trained and competent in Legionella control/awareness to a level appropriate to their roles and responsibilities.
- Ensuring that there are formal embedded arrangements for reporting serious incidents related to Legionella control, as defined in relevant procedures.

The Compliance Manager will:

- Exercise overall control within their functional area of responsibility to ensure compliance with Legionella control legislation and this policy.
- Provide sufficient resources to fulfil their functional area's Legionella safety responsibilities and to report any non-compliances or inadequately controlled Legionella risks that require further resources.
- Promote the participation of staff and managers in improving Legionella safety e.g. by facilitating discussion of Legionella safety issues at team meetings.

- Receive any exception reports on any urgent Legionella safety issues requiring an Cabinet decision at functional area level.

The Compliance Manager will, with assistance from their staff:

- Be held accountable for the Legionella awareness of their staff and activities under their control and will ensure that the requirements of this policy are complied with.
- Take action to resolve any situations that may adversely affect the safety of staff or other persons and rectify any problems within their control or escalate to an appropriate manager, as soon as practicable.
- Give all staff under their control adequate information, instruction, training and supervision to carry out their duties safely and competently, paying particular attention to new/inexperienced staff and trainees.
- Seek competent advice, where necessary, and act appropriately on the advice and recommendations given.

All staff will:

- Ensure that they comply with this policy to ensure that the aims, objectives and intent of the policy are achieved.
- Take reasonable care for the safety of themselves and other persons who may be affected by their acts or omissions.
- Report accidents, incidents and near misses with the potential for injury or damage to their line manager or supervisor.
- Co-operate with their managers, colleagues and other relevant persons in matters relating to this policy.

Other Relevant Roles and Responsibilities

The Council's Executive Cabinet has ultimate responsibility for Legionella control across all council properties and will resource and allocate appropriately qualified and suitably experienced persons to assist in discharging our duty for Legionella control, and the implementation of this policy.

The Council Housing Management Board has accepted the role of duty holder and has strategic oversight for the management of Legionella control and ensuring compliance is achieved and maintained.

The Compliance Manager will ensure that the Legionella surveyor discharges their duties outlined within this policy.

The Compliance Manager will utilise the reconciliation dashboard and provide monthly updates on property lists across all systems ensuring stock lists match and reporting any discrepancies to the Legionella control surveyor for further investigation.

The Compliance Manager will ensure, through regular checks and audits, that compliance with this policy, and health and safety legislation in general, is maintained with respect to the implementation of this policy across the Council's housing.

There are also other operational roles with responsibility for property and tenancy management whose titles vary. These roles shall support resident liaison in respect of Legionella safety and manage the response or completion of LRA recommendations and actions relevant to the management of our properties or tenancies under their influence, where required.

Training and Competence

All staff are supported by a range of training across the organisation, which as a minimum, shall include general information, on the job training, instructions, briefings and e-learning relevant to their roles and responsibilities.

Contractors and other stakeholders acting on our behalf or instructions, are required to be suitably qualified to carry out the roles and responsibilities placed on them and must undertake regular auditing and training to ensure this suitability continues. The operational team with responsibility for delivery will check the relevant competencies, and where relevant, any third-party accreditations for the work that they are carrying out.

We will ensure that only suitably competent contractors and engineers that are third-party accredited are procured and appointed to undertake works on any water installations within any of our properties.

Resident Engagement

We will, where applicable and relevant, engage and communicate with our tenants to support them in their understanding of Compliance and Building Safety. This will be in a number of ways whether that is through the website social media channels, focus groups, Council Housing Management Board or any other communication channels we choose to utilise.

Notifications and Advice

We will encourage tenant water hygiene by:

- Providing access to any compliance documentation upon their request.
- Inform tenants of the importance of water hygiene on a regular basis, through the provision of information via various platforms on the website, and information during tenant sign-ups.

Non-Compliance

Any serious cases of non-compliance with this policy that is identified at a functional level will be formally reported to the Compliance Manager in the first instance.

They will agree an appropriate course of corrective action with the relevant party to address any such non-compliance's and, where appropriate, report details of the non-compliance to the Council as part of the Compliance Report discussed at both the monthly Contract Meetings and at Council Housing Management Board.

The Council in the form of the Head of Landlord Service will ensure, where appropriate, the Executive Cabinet and Council Housing Management Board are made aware of

any non-compliance so they can consider the implications of this and act as appropriate.

In cases of serious non-compliance with this policy, the Council's Head of Landlord Service, Executive Cabinet and Council Housing Management Board will consider whether it is necessary to disclose such non-compliance with any relevant regulatory bodies in the spirit of positive self- and co-regulation.

Implementation and Communication

The Compliance Manager, or staff deputising in their absence, will put in place monitoring arrangements to ensure that the systems and procedures outlined in this Policy are carried out. Where shortfalls in performance are found the necessary corrective action(s) will be taken at the appropriate management level.

If staff become aware of problems with the effective operation of this Policy or the associated Procedures, they should report this to the Policy Owner. This feedback will be incorporated into the policy and procedural review process.

Records

As part of this policy, the Council will maintain records of all:

- Properties that require an LRA.
- Water hygiene related training undertaken by staff and other relevant stakeholders.
- Reported Legionella outbreaks.
- External audits and enforcement actions.
- Completed LRAs and reviews, along with any significant findings and actions.
- Routine monitoring, tests and inspections.

These will be retained on approved electronic systems and shared network drives.

Legionella – Non-Domestic Risk assessments will be kept for two years or when renewed but no longer than two years and for monthly monitoring and inspection records these will be kept for five years.

We will also ensure robust processes and controls are in place to provide and maintain appropriate levels of security for all such related records and data.

7. Equality and reasonable adjustment statement

We value diversity and work to create an inclusive environment for customers and staff, where everyone has access to the same opportunities. We welcome our responsibility to comply with equalities legislation and regulatory requirements that relate to equity, diversity and inclusion and aim to do more. Through our activities we aim to remove systemic barriers to equal opportunities and eliminate all forms of discrimination, harassment, and victimisation within our organisation.

We are committed to providing excellent customer services, which are fair, equitable and inclusive. As such, we will endeavour to understand and make any reasonable adjustments required for customers in line with our Reasonable Adjustment Statement and the Equality Act 2010. Any reasonable adjustment provided will be recorded and kept under active review.

8. Related Documents

- HMC Legionella Control- Monitoring of Planned, Void and Maintenance Works Activities Procedure
- HMC Legionella Control in the Event of a Positive test for Legionnaires Disease Procedure
- HMC Legionella Control in the event of an outbreak of Legionnaires' Disease

9. Equality Analysis

Results of EA / Actions taken forward to mitigate any potential negative impacts	Inform that this policy can be provided in alternative formats. Inform about the ongoing equality and diversity training for staff in the delivery of this policy.
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10. Consultation and Business Intelligence

The policy was created in consultation with the Council's tenants, leaseholders and staff.

11. Monitoring and review

The Council Housing Management Board has responsibility for the monitoring and review of this policy. This policy will be reviewed every three years starting from the date it is approached and adopted.

The following KPIs will be monitored and reviewed periodically, as a minimum, and will be reported to the Councils Management Board, Executive Cabinet and Council Housing Management Board on a monthly and quarterly basis.

- Percentage of in-date risk assessments

12. Approval and Review History

The approval route for all policies and procedures is via the Cabinet Member for Homes and Planning who has delegated powers for policy approval from the Council's Executive Cabinet.

Date	Version	Approved by
30/07/2025	V1	Cabinet Member for Homes and Planning
29/09/2025	V1.2	Cabinet Member for Homes and Planning

13. Document Revision History

Date amended	Version	Key Changes
26/09/2025	V1.2	Revised version to take into account the insourcing of the housing management service from ForHousing.

