

**Water Regulations Advisory Committee
Enforcement Working Group
24th June 2002
Room 3, 2nd Floor, Ashdown House**

Those present:

Members

John Roy (Chair, WRAC)
John Swaffield (WRAC)
Geoff Marsh (WRAC)
Terry Stephenson (WRAC)
Richard Clayton (WRAC)
Steve Tuckwell (Water Regulations Advisory Scheme)

Secretariat

Peter Jiggins Martin Macdonald Nicola Clarke Grant Gahagan

Apologies

Bernard Bateman (WRAC member)
Rob Mynard (Secretariat)
David Gibson (WRAC member)

Item 2 – Background and Action Plan

1. The members considered how to take forward the recommendations of the WRAC report relating to the preparation of a Best Practice Guide and notification. (Recommendations 1-3 & 5). It was agreed that WRAS would lead in the development of the Guide and that the Enforcement Working Group (EWG) would provide a steer to oversee and monitor its progress. There followed a brief discussion about the notification requirement and how this might be better enforced and promoted across the industry.

Item 3 – Best Practice Manual (Recommendations 1-3) (WRAC EWG2002(01)See Annex1)

2. The group generally agreed that at present, the approach to the document would be one of 'Best' rather than 'Good' practice, although this would be open to further discussion in the future. Members discussed how the document would be compiled in practice and it was suggested that WRAS would enlist knowledgeable individuals to form a project group. Acknowledging the tight timescale, it was agreed that suggestions for names and an outline of the potential contents would be taken to the WRAS Management Committee meeting on the 23rd July.
3. Members agreed that a draft document should be available by Christmas. The document would include recommendations on issues such as service level agreements, outsourcing and how enforcement should be carried out, with a determination of benchmarking and success measurements. Risk assessment would also be an important aspect. There followed a discussion of particular aspects that should be considered in the preparation of the document and it was re-iterated and agreed that the guide should be non-prescriptive.
4. It was agreed that a member of the EWG would be invited to attend the WRAS meetings to guide in the development of the document. A draft contents page would be circulated to the Group before the full WRAC meeting on the 25th September. The Group considered that the 'shell' surrounding the WRAS document should be written in about February.

Action: WRAS

Item 4 – Notification (Recommendation 5) (WRAC EWG2002(01)See Annex 1)

5. Members acknowledged that the outcome of taking forward this recommendation would flow into the development of the Best Practice Guide. The Group discussed the history of notification and considered the possibility of co-opting additional members to broaden the range of views and exchange information. It was suggested that this could be facilitated by hosting a forum with presentations by key industry, government and agency representatives with the potential for 'break-out' discussion groups. The Secretariat agreed to consider this option.

Action: Secretariat

Item 5 – Role of WRAS (Recommendation 9)

6. The group acknowledged the work that WRAS has done to date and considered that its central role in developing the Best Practice Guide would help to raise the profile of the organisation in a more proactive manner and fulfil this recommendation.

Item 6 – Next Steps

7. Steve Tuckwell agreed to take the Group's views to the WRAS Management Committee on the 23rd July and to begin work on the items discussed in the meeting. It was agreed that a member of the Group would attend the future WRAS meetings for preparation of the Best Practice Guide. WRAS would inform members of the dates for these meetings in due course.

Action: WRAS and EWG

Post-meeting note

8. It is with regret that John Roy has informed the Secretariat of his resignation from WRAC and as Chair of the Enforcement Working Group for personal reasons. John Swaffield has agreed to take-over this position in future.

**WRAC Secretariat
July 2002**

Annex 1

WATER REGULATIONS ADVISORY COMMITTEE.

ENFORCEMENT WORKING GROUP

Remit

1. The group has been asked to:
 - a) Prepare a "Best Practice Guide" on enforcement for use by water companies and/or their appointed contractors. The deadline for this is April 2003.
 - b) Review the operation of and recommend any changes to the notification procedures in the Regulations. The deadline for this is 31 December 2002.
 - c) Consider, especially with Working Group 2, how to best utilise the expertise of WRAS in achieving the best possible means enforcement of the Regulations by water companies.

Water companies have a legal duty to enforce the Regulations.

Organisation of the Working Group

2. One matter for consideration is how the Working Group should tackle its workload. Should we break down further into sub-groups to look at specific issues, appoint individuals to look at specific issues and report back or deal with everything at Working Group level? Members' views are sought on this matter, bearing in mind the tight timescales.
3. Recommendation 1 of the Review indicates that water companies and WRAS should be involved in the development of the best practice manual. At this meeting the Working Group will need to consider the level of involvement we wish from companies, both in terms of numbers, but also relevant expertise in relation to use of IT, customer services, risk assessment, public relations as well as enforcement. Suggestions regarding nominations will be welcomed and considered at the meeting.
4. In addition to seconding personnel from water companies the Working Group may wish to consider the involvement of personnel from outside the water industry such as BRAC, building control officers, trading standards officers, building employers groups, professional bodies etc. Again suggestions regarding nominations for all or sections of the task will be welcomed and considered at the meeting.
5. Set out below are some of the issues that it is considered the Working Group will need to address. The list is by no means exhaustive and members are requested to propose further items that they consider to be worthy of inclusion. When this list has been finalised, it is proposed to develop a work plan to achieve the deadlines set out above.
6. When preparing our recommendations, especially in relation to the best practice manual, the Working Group will have to recognise that any list of actions should not be prescriptive as they may not be appropriate to every company due to local

circumstances. However, any list developed should be used to ensure that each company adequately addresses their particular needs in complying with the Regulations taking into account proportionality, cost effectiveness and robustness while at the same time providing a consistent approach that will enable companies or organisations operating nationally to receive the same level of service wherever their property is located.

Best Practice Manual

7. Issues to be considered during the preparation of this document are:

- a) use of WRAS to achieve consistency of approach including unofficial arbitration
- b) risk assessment including prioritisation of high risk properties and maintaining up to date data
- c) level of inspection of new properties both non-domestic and domestic, achieving the correct balance
- d) level of programmed inspections of (and return cycles) for existing properties, should we recommend a particular approach e.g. by property type or by concentrating on a particular area?
- e) recommendations on level of and targeting of resources to meet requirements of the Regulations including use of dedicated teams for programmed inspections
- f) should the inspections be carried out in-house or outsourced (Service Level Agreements)
- g) advance warning to sectors or geographic areas when inspections are planned
- h) monitoring compliance with internally set targets for inspections
- i) notification (see below)
- j) personnel –
 - i. internal or outsourced
 - ii. training in regulations, IT, etc.
 - iii. internal communications e.g. with customer services, billing etc. and external communications, the customer or installer
 - iv. organisational structures / reporting which will allow informed decision making at a strategic as well as an operational level
 - v. transfer of local knowledge to database
- k) public relations – proactively raising awareness within the construction industry, distributive trades and professional bodies and the general public
- l) distribution of WRAS Information and Guidance Notes (IGNs) and specific industry guidance booklets
- m) availability of formal written procedures (Q.A. approved?).
- n) databases –
 - i. to record and activate inspection
 - ii. record plans and diagrams
 - iii. notification
 - iv. customer contact
 - v. programming
 - vi. training
 - vii. validation
 - viii. recording change of use of properties, avoiding abortive visits
 - ix. distribution of information and trends
- o) liaison with building control and planning departments
- p) inspection of supply pipes

- q) re-inspection of properties including whether charges should be made after a certain number of visits
- r) type approval of new properties including national approvals, customising individual properties and what if any departure should be allowed before requiring re-approval. Who should do this if it is adopted (turnaround times)?
- s) times allowed for rectification of non-compliance
- t) record keeping of inspections (to a standard that will meet legal compliance requirements)
- u) water conservation and water efficiency link to inspection including any necessary promotional literature
- v) liaison with leakage control in respect of Regulation matters. Especially important in respect of communications if elements of either are outsourced.
- w) set up non-compliance hotlines either nationally or for each company?

Notification

- 8. This area of work is inextricably linked to the best practice guide and the vast majority of the conclusions from this section will need to be incorporated into that document, if approved by the full committee and DEFRA / Ministers.
- 9. How wide a forum should be convened to seek views of others and what form should it take bearing in mind the time constraints?
- 10. Issues to be considered during the preparation of this document are:
 - a) Raising awareness of the need to notify with developers, construction industry, professional bodies, local authorities etc.
 - b) development of standard notification procedures (and forms) for new and existing properties
 - c) processing of notification including recording of data
 - d) "incentives" to ensure increased notification such as withholding connections until notification has taken place and proposals have been approved, membership of Approved Contractors' schemes, provision of fast-track connections etc.
 - e) implication for company workloads if / when proactive approach is taken with notification
 - f) liaison (at national level?) with local authority building control / planning departments in respect of interchange of information on development in their area
 - g) type approvals (see previous section)
 - h) prioritisation of inspections following notification (see previous section)
 - i) internal communication with respect to other department or external contractors
 - j) notification of inspections to customers when return cycle of inspections are due
 - k) identify those areas of the notification procedures that require to be amended and suggest alternatives

WRAS

11. In Recommendation 9 of the Review, the Committee asked that

“WRAS strengthen its central role in assisting the water industry to enforce the Regulations by becoming the focus for the development of the best practice guidance manual and a national Approved Contractor scheme.”

12. The Working Group (and full Committee) need to recognise the delicate relationship that exists between WRAS and its constituent member water companies, i.e. WRAS can make recommendations but it cannot ensure compliance of individual members, only the Regulator or Government can do that. Nevertheless, it hoped that the WRAS Management Committee will provide confirmation of their support for WRAC's proposals at its meeting on 23 July 2002. An earlier indication of water industry views may be forthcoming at the meeting of the WRAS Technical Committee to be held on 18 June 2002.

13. However, rather than delay consideration of these matters until after these meetings, it may be of assistance to WRAS if the Working Group continue to develop their ideas, as it might allow WRAS to quantify any resource implications which may result from our deliberations

14. In view of the wish for the involvement of WRAS in a national Approved Contractor scheme there will be the need for close liaison between our Working Group and Working Group 2, which is working on Approved Contractor schemes, to avoid duplication of effort especially in view of time constraints.

15. Issues to be considered during the preparation of this document are:

- a) general promotion of the Regulations to as wide an audience as possible
- b) acting as a central point of contact for manufacturers, trade bodies, water companies and customers in respect of its' free advisory service
- c) obtaining agreement on, seeking approval of and subsequent distribution of consistent advice on matters relating to the enforcement of the Regulations to all interested parties
- d) continued preparation and production of Information and Guidance Notes (IGNs) and sector specific advice booklets
- e) continue with testing and approval of fittings for compliance with the Regulations together with the production of the Materials and Fittings Directory. Could this be available on the Internet rather than just as hard copy? There will need to be close liaison with Working Group 3, who will no doubt take the lead in this area.
- f) as far as is possible ensure that water companies are committed to the Scheme
- g) continue their role as an informal, no-cost arbiter
- h) ensure that the “Water Regulations Guide” is kept up to date and that sufficient copies are published to meet demand
- i) production and distribution of the “Water Regulations Bulletin”
- j) ensure in conjunction with the British Plumbing Employers Council (BPEC) that the Regulations training package is kept up to date
- k) continue to represent the water industry with Government in issues relating to the Regulations
- l) involvement with any national Approved Contractor scheme (Working Group 2).

John Roy, June 2002.