



guardians of drinking water quality  
**DRINKING WATER INSPECTORATE**

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**THE DRINKING WATER**  
**INSPECTORATE**

**GUIDANCE ON THE**  
**NOTIFICATION OF EVENTS**

# **DWI GUIDANCE ON THE NOTIFICATION OF EVENTS**

## **1 Introduction**

- 1.1 Water companies are required to notify the Inspectorate of any event, which by its nature has adversely affected or is likely to adversely affect the quality or sufficiency of the water supplied.
- 1.2 This requirement is set out in paragraph 7(1) of the Water Undertakers (Information) Direction 2004 ('the Direction'), which came into effect on 16 January 2004. Similar requirements were set out in earlier Directions.
- 1.3 Over the years the Inspectorate has provided water companies with guidance on event notification by way of Information Letters, the most recent being in July 1999 (Information Letter 13/99). This guidance updates the earlier guidance. It also takes account of various changes in the legislation under Water Act 2003, the relevant sections of which came into force on 1 October 2004.

## **2 The Water Undertakers (Information) Direction 2004**

- 2.1 Paragraph 7 of the Direction provides generic guidance on the notification of events to the Inspectorate and the associated provision of information. It does not specify the type of events that should be notified.
- 2.2 The requirements of the Direction are enforceable under section 18 of the Water Industry Act 1991 ('the Act').
- 2.3 Paragraph 7 of the Direction is given in Annex 1 for reference.

## **3 Definitions**

- 3.1 In order to assist water companies in their decision making processes, the Inspectorate has developed the following definitions:

**Event** – any occurrence, which by its nature is required to be notified under the Direction.

It is not possible to provide an exhaustive list of situations that might be regarded as events. A list of examples, based on experience, can be found in Annex 2.

The decision on whether or not to notify the Inspectorate has to rest with the water company, taking into account the particular set of local circumstances at

the time. Notification is always prudent if a situation has generated consumer concern, especially in respect of drinking water quality and health, but we expect companies to take a pragmatic view. For example, in terms of event notification, there is no need to notify routine consumer complaints about water quality unless their character, singularly or collectively, would be considered unusual and thus amount to an event.

**Incident** – this is a sub-set of events, including but not limited to:

- Any sudden and unexpected breach of Part III of the Water Supply (Water Quality) Regulations 2000 (England) and 2001 (Wales); or
- Any breach of Part VII of the above Regulations; or
- Any unusual deterioration in water quality; or
- Any significant risk to the health of consumers; or
- Significant consumer perception of changes in water quality; or
- Significant consumer concern about the quality of the water supplied; or
- Any combination of the above.

**Non Incidents** – all other event notifications not classified as incidents.

- 3.2 The term ‘significant’ is used frequently in the Direction and in the above definitions of an incident. It is not possible to give a precise definition of its meaning in this context, as it will depend on each particular set of circumstances. Generally ‘significant’ should be taken to mean higher than normal levels of contacts from consumers expressing concern. However it should be borne in mind that a serious problem with a water supply may come to light through a report by just a single consumer. The terms ‘unexpected’ and ‘unusual’ are also used and should be likewise interpreted sensibly.
- 3.3 Paragraph 7(1)(a) makes specific reference to ‘significant risk to the health of persons to whom the water is supplied’. Companies therefore need to take account of more than just physical health, for example, a situation that is protracted causing anxiety to those affected directly or indirectly through publicity.
- 3.4 It is always better to inform the Inspectorate of a perceived problem with drinking water quality, even if the situation does not subsequently develop into an event, rather than the Inspectorate being made aware via a third party. This also applies to local or national media interest in drinking water issues that could result in consumer concern. No further action is required if the situation does not develop, other than to inform the Inspectorate of the outcome.

## 4 The Notification Process

- 4.1 The notification and reporting requirements are set out in paragraphs 7(2) to (4) of the Direction (see Annex 1).
- 4.2 The company should contact the Inspectorate as soon as it is aware of a notifiable problem or of a developing situation, which might become notifiable. During normal office hours this should be done by telephone or email to the Company's Audit Inspector. A follow up email should be sent, if the initial contact is by telephone, in order to satisfy the requirements of the Direction. If the Audit Inspector is not available the cascade system given in the Defra Emergency Telephone Directory should be followed. The follow up email should also be copied to the Deputy Chief Inspector.
- 4.3 A pragmatic approach needs to be taken for situations that arise out of normal office hours. Notification of minor events can probably wait until the next working day, unless they escalate in the meantime. All significant events should be notified by telephone to the Audit Inspector, with the cascade system being used if he or she is not available. Out of hour notifications should be followed up by email on the next working day.
- 4.4 A list of the minimum information that should ideally be supplied with the initial notification is given in Annex 3. This can be given over the telephone, with a follow up email as necessary. However it is recognised that some of this information may not be readily available at the time of the initial contact. Every effort should be made to include as much information as possible in the interim report, which has to be submitted to the Inspectorate within three working days of the initial notification (See Annex 4). Updates should be provided during the intervening period if the situation escalates.
- 4.5 The interim report should always be sent to the company's Audit Inspector. The report may be sent electronically and should be copied to the Deputy Chief Inspector in case the Audit Inspector is out of the office. This is to ensure that the company can be advised of the event classification within the required time period. The industry will be informed of any changes in contact details.

## 5 Actions taken by the Inspectorate

- 5.1 On receipt of the initial notification, the Inspectorate circulates outline details of the event to policy colleagues in Defra, the Welsh Assembly Government, and to key external stakeholders (the Food Standards Agency, the Environment Agency and Department of Health), *as appropriate*. Ministers may be advised if the event is of sufficiently high profile or has occurred in their constituencies.

- 5.2 Within 5 working days of receipt of the interim report on the event, the Inspectorate will advise the company, either by email or in writing, whether:
- The event is considered to be an incident and that a final report should be submitted within 20 working days of the initial notification; or
  - The event is considered to be an incident and the interim report is sufficient to be considered as a final report, subject only to the provision of specified ancillary information; or
  - The event is considered to be a non incident and no further information is required from the company, other than any outstanding results of the analysis of sample; or
  - The company has not provided sufficient information to classify the event and further information is required, which may include a final report.

A list of the minimum information that should ideally be supplied in the final report is given in Annex 5.

- 5.3 The Inspectorate accepts that there will be occasions when the company's investigations cannot be completed within the 20 working days reporting period, either because of the complexity of the event or because additional information is required from third party studies (eg epidemiological reports). In these situations, the Inspectorate is prepared to grant an agreed extension to the reporting period on request from the water company. In order to meet the requirements of the Direction the request and the agreed extension have to be in writing, although correspondence may be submitted electronically.
- 5.4 It is for the Inspectorate to decide whether an event notification constitutes an incident or a non incident. Thus it is in the water company's interests to ensure that **all** information relevant to assessing the event is submitted in a timely and accurate manner.
- 5.5 All notifications will be fully assessed by the Inspectorate and a concluding letter will be sent to the company. This will usually be within 60 working days of receipt of **all** relevant information but the process may take longer if, for example, an external report is outstanding. The Inspectorate will inform the company by email of the reason why an assessment cannot be concluded within the target time.
- 5.6 For most non incidents, the assessment will take the form of a standard letter confirming the classification and closing the file. However there will be occasions when a non incident justifies a more detailed letter, either because of the unusual nature of the event or because of the way in which it was handled by the company.
- 5.7 If the event is perceived to be serious or unusual, the Inspectorate may need to consider a visit to the site. This requirement will depend on the circumstances of the

incident and will be reviewed on a case by case basis. The company will also be notified in advance of the visit.

5.8 A flow diagram of the process is given in Annex 6.

#### Enforcement Action

5.9 The Inspectorate may consider initiating enforcement action under section 18 of the Act if a wholesomeness standard was contravened during the event, especially if the problem is likely to recur. Likewise enforcement may be considered for any other breach of an enforceable regulatory duty during the event.

5.10 If a Directive standard was contravened during the event, the water company may wish to discuss with its Audit Inspector whether it is appropriate to make an application for an authorised departure.

#### The supply of water unfit for human consumption

5.11 The supply of water unfit for human consumption is an offence under section 70 of the Act. This section has been amended under Section 20 of Schedule 8 of Water Act 2003, which came into force 1 October 2004. Under the amendment the Inspectorate is able to investigate and take proceedings against 'anyone involved in the supply of water'. Thus water companies and their contractors, and holders of combined licenses granted under the 2003 Act and their contractors will all be potentially liable in the event of water unfit for human consumption being supplied.

5.12 Section 57 of Water Act 2003 also amended section 86 of the Act to allow the Chief Inspector of Drinking Water to institute proceedings in relation to the quality and sufficiency of water supplied using a water undertaker's supply system. This means that any person(s) whose actions result in a backflow or backsiphonage incident that affects the quality of water in the distribution system could be liable.

5.13 The Inspectorate's prosecution policy in respect of allegedly supplying water unfit for human consumption was first published in July 1995. Prosecution may be considered if there is sufficient evidence to demonstrate that:

- illness or other health effect was experienced, normally by at least two consumers, which was associated with the quality of the water supplied; or
- the quality of the water supplied was such that normally at least two consumers rejected it for drinking, cooking or food preparation on aesthetic grounds; or
- the concentration of a substance in, or value of a property of, the water supplied during the incident was at a level at which illness or other health effect may be expected in the long term even though none was manifest in the community at the time; and

the Inspectorate considers that:

- the water company does not have a defence that it took all reasonable steps and exercised all due diligence for securing that the water was fit for human consumption on leaving its pipes or was not used for human consumption during the incident; and
- such a prosecution is regarded as being in the public interest.

It should be noted that a prosecution may be considered in circumstances where only a single property has been affected.

5.14 If the Inspectorate believes that an offence may have been committed, the company will be informed at the earliest possible opportunity, and usually within 60 days of the Inspectorate receiving **all** relevant information on the incident, that further investigations are being undertaken. The company will also be invited to assist the Inspectorate with its investigations, which will include all or some of the following:

- taking statements from consumers affected by the incident;
- taking statements from company personnel and others involved in the incident; and
- interviewing under caution a senior manager or director of the company to establish more fully the cause of the incident and the extent of the alleged offence.

#### Dissemination of information

5.15 Very occasionally the assessment of a serious or unusual incident may generate a number of action points or lessons to be learnt that are relevant to the industry as a whole. In such cases the Inspectorate will disseminate the relevant information by way of a separate report or Information Letter to all companies and relevant stakeholders.

## **6 Reporting in the Inspectorate's Annual Report**

6.1 The Inspectorate will report on the total number of event notifications in the Chief Inspector's Annual Report, along with the number of events classified as incidents. Incidents will be classified by type and compared year on year, by company and/or region as appropriate.

6.2 The Chief Inspector's Statement may also refer to a significant incident or a frequently occurring type of incident of relevance to the industry as a whole.

## ANNEX 1

### **PARAGRAPH 7 OF THE WATER UNDERTAKERS (INFORMATION) DIRECTION 2004**

#### **Provision of information - events, incidents, emergencies etc.**

7. – (1) A water undertaker shall notify the relevant authority of–
- (a) the occurrence of any event which, by reason of its effect or likely effect on the quality or sufficiency of water supplied by it, gives rise or is likely to give rise to a significant risk to the health of persons to whom the water is supplied. This will include any event notified by a water undertaker to a local authority and health authority under the provision of regulation 35 of the 2000 Regulations;
  - (b) any other matters relating to the supply of water which:–
    - (i) in the opinion of the undertaker, is of national significance; or
    - (ii) has attracted or, in the opinion of the undertaker, is likely to attract significant local or national publicity; or
    - (iii) has caused or, in the opinion of the undertaker, is likely to cause significant concern to persons to whom water is supplied;
  - (c) any reports of disease in the community which it appears might possibly be associated with a water supply.
- (2) The notification required by this paragraph shall be given:–
- (a) as soon as may be after the event or matter has come to the undertaker's attention, by telephone or other appropriate means to such official in the Department for Environment, Food and Rural Affairs as shall have been notified to the water undertaker for that purpose; and
  - (b) no later than three working days after compliance with sub-paragraph 2(a) above, in writing (including fax or electronic mail) addressed to the relevant authority.
- (3) The notification in writing shall include–
- (a) particulars of the event or matter;
  - (b) an assessment of the effect or likely effect on the quality or sufficiency of water supplied by the water undertaker;
  - (c) an estimate of the population affected and whether particularly sensitive water users such as hospitals, schools, food manufacturers etc are affected;
  - (d) such information as may be available as to the cause or likely cause of the event or matter;
  - (e) particulars of the action taken or proposed to be taken in relation to the event or matter to inform and protect customers and to rectify the situation, and an estimate of when supplies are likely to be back to normal;

- (f) a list of the persons (other than customers of the undertaker) notified of the event or matter, and a copy of any notices issued to customers and to the press as respects the event or matter; and
  - (g) the number of customers of the undertaker who complained about the quality of their water supply and the names, addresses and telephone numbers of all such complainants or where there are more than 50 complainants, of the first 50 complainants.
- (4) Within 20 working days of the date of the notification in writing, or such longer period as may in any case be agreed with the relevant authority, the water undertaker shall submit a report relating to the event or matter and containing:-
- (a) such information as is necessary to supplement the information given in accordance with paragraph 2(b) above;
  - (b) if samples were taken in connection with the event or matter, particulars of the time at which the samples were taken, the places from which the samples were taken and the results of the analysis of the samples;
  - (c) a copy of any report or advice provided to the water undertaker by its medical, scientific or technical advisers, any local authority or any health authority;
  - (d) an assessment of the effectiveness of the action taken in respect of the event or matter and of the adequacy of arrangements for liaison with the local authority, the health authority, the Environment Agency, the emergency services and the public as the case may be;
  - (f) a statement of any lessons learned and of any the proposals, if any, for further action identified by the undertaker as being necessary or desirable in the light of the event or matter; and
  - (g) such other information relating to the event or matter which the undertaker considers relevant.

## ANNEX 2

### EXAMPLES OF EVENTS TO BE NOTIFIED

The following occurrences should be notified as events, along with any other occurrence that the company considers may be an event:

- a) Any event or sequence of events leading to a significant and unexpected deterioration in the quality of a raw water source, which impacts, or may impact (eg affect longer term filter performance) on the microbiological and/or chemical quality of the associated treated water;
- b) Any event or sequence of events leading to a significant and unexpected or unusual deterioration in the quality of the water entering supply;
- c) Any event or sequence of events leading to a significant and unexpected or unusual deterioration in the quality of the water at any point within the distribution system;
- d) Any event or sequence of events leading to a significant deterioration in the aesthetic quality of the water supplied and resulting in consumer concerns (e.g. taste/odour; discolouration);
- e) Any event or sequence of events leading to a significant and unexpected breach of Part III of the Water Supply (Water Quality) Regulations 2000 (England) and 2001(Wales);
- f) Any potential risk to health, whether affecting a single property or more than one property (e.g. the detection of indicators of faecal contamination such as E.coli or Enterococci in the water supplied or the risk of such a presence), which results in the issuing of advice to boil water as a precautionary measure (except when issued prior to carrying out planned work);
- g) Any significant consumer concern, whether affecting a single property or more than one property (e.g. hydrocarbon/solvent permeation or any other situation where there could be a potential risk to health), which results in the issuing of advice not to use the water (except when issued as a precautionary measure prior to carrying out planned work);
- h) Any malfunction of disinfection equipment or those upstream treatment stages necessary to prepare the water for disinfection, which has not resulted in automatic shut down of the water treatment works on high or low residual chlorine alarms or, regardless of the length of time of the failure, has compromised the Ct value as defined by the Company's operational procedures for that works;

- i) Any malfunction of the treatment process, which has not resulted in automatic shut down of the treatment works and, regardless of the length of time of the failure, has compromised the efficacy of other parts of the treatment train and there could be uncertainty about the quality of treated water that has entered supply, as defined by the Company's operational procedures for that works:
- j) Any operational samples containing more than 1 *Cryptosporidium* oocyst in 10 litres of treated water supplies, whether or not an outbreak in the community has been confirmed or is suspected;
- k) Any significant increase in the number of confirmed cases of cryptosporidiosis (or any other disease that may be transmitted through drinking water) in the community, reported to the Company by the local or health authority (or by any other source) as potentially related to drinking water supplies;
- l) Any notification made to the local and health authority under the provision of regulation 35;
- m) Any burst mains causing significant deterioration in water quality to a significant proportion of the population supplied;
- n) Any significant loss of supplies and/or potential depressurisation of part of the distribution system (eg burst mains; unexpected emptying of a service reservoir; or depressurisation associated with the operation of booster pumps);
- o) Any suspected or actual occurrence of backflow/back-siphonage;
- p) Any significant publicity or media interest relating to drinking water quality issues, either locally or nationally, which could give rise to consumer concerns;
- q) Any significant complaint relating to drinking water quality made by a local consumer representative (e.g. local councillor, Member of Parliament, NGO or resident's association), which may result in media interest and thus consumer concern.

## ANNEX 3

### INFORMATION THAT SHOULD BE INCLUDED IN THE INITIAL NOTIFICATION

**It is recognised that the person making the initial notification may not have all the information below to hand. It is also recognised that some of the information, as listed, may not be applicable to every event. Any omissions that are relevant must be included in the 3 day interim report.**

- Name of Company
- Name of event (and company reference, if applicable)
- Name of person making the notification
- Date/time of notification
- Date, time, location of event
- Nature of the event
- Estimated population or number of properties affected, including whether any hospitals, schools or food manufacturers are likely to be affected
- Likely cause(s) of the event
- Action taken to inform/protect consumers, including sensitive water users
- Action being taken to rectify the situation
- Effect or likely effect on the quality and sufficiency of the water supplied
- Any breach, or likely breach, of a chemical or microbiological standard
- Is there, or could there be, a risk to public health
- Any medical, scientific, toxicological or technical advice sought or received; from whom; and actions taken in respect of that advice
- Nature and extent of sampling
- Have LAs/HAs been informed? (Name, address (including email address if available) and telephone number of contact)

Have other organisations been informed? (e.g. WaterVoice, adjacent water companies) If so, the name, address (including email address if available) and telephone number of the contact.

- Any other relevant information (eg media interest)

## ANNEX 4

### **INFORMATION THAT SHOULD BE INCLUDED IN THE INTERIM REPORT TO BE SUBMITTED WITHIN THREE WORKING DAYS OF THE NOTIFICATION (AS APPLICABLE TO THE EVENT)**

All the information provided in the initial notification, plus:

- Updates of information not immediately available at the time of notification.
- Duration of the event and when supplies were returned to normal.
- Actions taken to protect consumers.
- Provision of alternative supplies.
- Details of investigations that have taken place or are taking place into the cause of the event.
- Details of any media interest, with copies of any press releases issued.
- If consumers complained about the quality of their supplies during the event, the names and addresses of the first 50 complainants with time of complaint and nature of complaint.
- Sometimes an event continues over several days. If complaints about the quality of the water continue to be received by the company for longer than 24 hours from the start of the event, the names, addresses and nature of complaint of the first 50 complainants received on each and every subsequent day should also be provided.
- Details of any recorded messaging used to inform consumers of the event, plus any subsequent updates.
- Details of all samples taken in connection with the event, including all on-site tests, with their location, time of sampling, and results, if available.
- Details of any event related sampling and analysis arrangements by any other agency, such as a local authority or the Health Protection Agency, if known at this stage.

## ANNEX 5

### **INFORMATION THAT SHOULD BE INCLUDED IN THE FINAL REPORT TO BE SUBMITTED WITHIN 20 WORKING DAYS OF THE NOTIFICATION (AS APPLICABLE TO THE INCIDENT)**

All the information specified in Annex 3 and Annex 4, plus:

- A chronological log of events from the point when the company was first aware of the problem developing to the point when the company considered the incident closed.
- Details of any further samples taken in connection with the incident, including on site tests, with their location and time of sampling, and results. Plus an update of any outstanding results from the interim report.
- Details of any samples taken by a third party (e.g. local authority, HPA)
- If the incident relates to a problem in the distribution system:
  - A plot/map of all complaints received in connection with the incident and incorporating the locations of all samples taken from hydrants and consumers' taps.
  - Schematic diagrams of all assets (e.g. water treatment works, pumping stations, service reservoirs, key valves in distribution) involved during the incident, demonstrating the inter-relationship between sites and the normal flow directions.
  - The same diagrams showing the flow directions that may have occurred during the incident.
  - Copies of risk assessments, method statements, and planning records associated with events leading up to the incident.
  - Copies of instructions to contractors and details of the level of supervision carried out. In the case of Partnership Agreements, an outline of what is in the agreement in terms of maintaining water quality and safeguarding public health; copies of instructions issued by the Company's Partner to their contractor and details of the level of supervision carried out by the Company's Partner.
- If the incident relates to a process failure at a water treatment works:
  - an up to date process and instrumentation diagram;
  - relevant sections of the Operating Procedures;
  - copies of all relevant SCADA records for 48 hours prior to the incident and during the incident, including alarms;
  - a copy of the relevant pages of the Control Room Log;
  - copies of the relevant calibration and maintenance logs;
  - copies of the Operators' training records;
  - any other associated relevant paperwork, including details of any similar previous occurrences during the six months prior to the incident.
- Details of communications with other organisations, including copies of any meeting notes and emails outlining actions/decisions by the parties involved.

- Details of any outbreak control meetings attended by the company, including minutes of meetings and other information provided by the company e.g. sampling arrangements.
- Copies of any additional advice provided to consumers, either by way of scripts or in writing.
- Copies of any media reports associated with the incident.
- Details of any lessons learnt from the incident and actions taken or being taken to prevent a recurrence of the incident. These should include any improvements in incident arrangements with local and health authorities, HPA etc.
- Any other information relating to the incident that the company considers relevant e.g. copies of any letters about the incident sent by the company to its consumers or to other stakeholders; copies of any photographs taken to highlight important aspects of the incident.

**If the Company has any doubts about the level of detail required in the 20 day report, it should discuss the matter with its Audit Inspector.**

**ANNEX 6 – Flow chart**

\* Targeted time frames that may be extended should further investigation or information be needed.  
 \*\* Targeted time frame that may be influenced by the Court.

