

Code for Adoption Agreements

Water sector documents: Change proposal (Ref 003)

Modification proposal	Appendix G to the water sector guidance - Levels of Service: Change of metric definition (S5/1a)
Independent Water Adoption Panel Recommendation	The Panel recommended approving the change proposal
Decision	Ofwat has approved this change proposal
Publication date	27 January 2022
Implementation date	3 February 2022

Background

Affinity Water submitted this change proposal, on behalf of Water UK's Levels of Service subgroup, on 5 July 2021 to the Independent Water Adoption Panel (**the Panel**), with the Panel publishing the proposal on its website on the same day. The function of the Panel is to consider change proposals to the [water sector guidance and model water adoption agreement which apply to companies operating wholly or mainly in England](#). These documents were developed by companies as required by the [Code for Adoption Agreements \(the Code\)](#) and came into effect in January 2021. A change proposal is defined in the Code as a proposed change to the sector guidance or the model adoption agreements.

Affinity Water has requested a change be made to the levels of service set out in Appendix G to the water sector guidance, which water companies comply with in the performance of activities related to the delivery of self-lay schemes. The change proposal was made following the WaterUK Levels of Service sub-group's annual review of all Levels of Service metrics. Specifically, Affinity Water has requested a change be made to self-lay performance metric (**SLPM**) S5/1a (review request and carry out final connection).

The Panel considered the change proposal at its meetings on 27 July 2021 and 12 October 2021. In the Panel's meeting in July, it decided to recommend that Ofwat should approve the

proposal, but it requested additional time to consider improving the proposed draft wording put forward in the change proposal. Ofwat agreed to provide the Panel with an extension to submit its recommendation until 31 October 2021. On 29 October 2021, the Panel provided its recommendation.

The change proposal

Affinity Water has requested a change be made to SLPM S5/1a (review request and carry out final connection). This level of service metric currently reads:

"Within 14 calendar days from receipt of all valid test results and paperwork complete the Final Connection".

The accompanying notes explain:

"To be used when the SLP requests that the water company make the Final Connection. Water Company to reconfirm date with SLP. All information should be submitted at the same time:

- Valid pressure test result.
- Valid bacteriological sample result.
- As-laid drawing of mains to be connected.
- Formal request for works to be carried out by the Water Company".

Affinity Water has requested a change because water companies are required by SLPM S5/1a to complete final connections for SLPs within 14 calendar days from receipt of all valid test results but they are also required (by water quality obligations¹) to bring a main into service within 14 days of a satisfactory water quality (bacteriological) sample being taken. If the final connection is not made within 14 days of the sample being taken, the water quality obligations require the new main to be flushed and the water quality sample is required to be re-taken before the final connection is made.

Affinity Water pointed out that it is not possible to get the results of the water quality sample on the same day as the sample is taken. As a result, the 14 day period that starts after the SLP provides all the valid test results to the water company will include several days in which the water company would not be able to make the connection as it would be more than 14 days since the SLP took the water quality sample.

¹ Legal requirements for the quality of water intended for human consumption are set out in the Water Supply (Water Quality) Regulations 2016. Additional guidance is set out in Water UK's [Principles of Water Supply Hygiene](#). All of Water UK's member companies are committed to implementing the guidance set out in this document. The requirement for new mains to be brought into service within 14 days of a satisfactory water quality sample being taken is set out in section [TGN2 – Distribution System \(New Mains and Services\)](#) part 15.

As a result, Affinity Water proposed that the levels of service set out in Appendix G to the water sector guidance is modified to require that water companies have 14 days to make the final connection from the point at which a satisfactory bacteriological test sample is taken by an SLP, rather than from the point at which the SLP provides the test results. This would remove any potential confusion over the period in which the final connection to the new main can be made.

Consultation and assessment

In submitting its recommendation, the Panel confirmed that it met the Code requirement² to assess the change in terms of:

- The need for change, for example, is it a service improvement or is it needed to address a particular issue?;
- Consistency with the principles and objectives of the Code, and any relevant statutory requirements; and
- The impact of the change (be it positive and/or negative) on customers and on water and sewerage companies.

The Panel did not receive any comments from interested parties following its publication of this change proposal.

Ofwat has consulted with the Drinking Water Inspectorate (**DWI**) about this change proposal. The DWI agreed with the basics of the proposal and did not suggest any alterations to the proposed text, while noting the importance of following best practice when undertaking water quality sampling and analytical practice.

Panel recommendation

On 29 October 2021, the Panel recommended to Ofwat, by unanimous decision, that it approve the change proposal using the amended language provided by the Panel and modify the levels of service at Appendix G to the water sector guidance accordingly. The Panel stated that it took account of the following factors:

- It is practically difficult for companies to deliver a connection in less than 14 days which puts pressure on the laboratory results to be delivered on day one (which the Panel noted is, in effect, impossible).
- The change proposal is consistent with previous definitions used which the Panel considered may have been overlooked in the development of the levels of service and the change to the current definition may, therefore, not have been intentional. The

² See paragraph 3.8.11 of the Code.

Panel considered this would support reverting to the previous definition as proposed. and

- The Panel stated the change will deal with some of the legal risks for companies in dealing with bacteriological tests submitted by SLPs that are outside of the validity period.

The Panel also noted that while it agreed in principle with the proposal, they suggested improvements to the wording, which would bring the amended metric into line with another metric in the levels of service set out at Appendix G, SLPM S4/2 (provide sample results and submit construction records). Their proposed change would clarify that the 14-day period is the permitted maximum and that “If there is a delay in submitting the sample results this could render them invalid due to the time limits imposed for water quality and public health purposes.”

The Panel recommended that the change proposal is accepted, but that its alternative wording is used instead of the draft wording set out in Affinity Water's proposal. It proposed changing the wording of SLPM S5/1a in the following way:

“Level of Service: Timescale Maximum

Provide a permanent supply connection within a maximum period of 14 days following receipt of satisfactory pressure and bacteriological testing of the self-laid mains.

Notes

To be used with the SLP requests that the water company make the final connection. Water company to reconfirm date with SLP. All information should be submitted at the same time:

- Valid pressure test result.
- Valid bacteriological sample result.
- As-laid drawing of mains to be connected.
- Formal request for works to be carried out by the water company.

If there is a delay in submitting the sample results this could render them invalid due to the time limits imposed for water quality and public health purposes.”

Our decision and reasons

We have considered the above issues, and all the supporting documentation provided to us by the Panel, and have decided to approve the change proposal. As set out above, the current wording of SLPM S5/1a states that a water company should make a connection to a self-laid main within 14 days of the receipt of all valid test results. However, this does not take into

account the time between the sample being taken after disinfection has been completed and the test results being submitted to the water company. As set out in Water UK's [Principles of Water Supply Hygiene](#), it is the period between the water quality sample being taken by the SLP and the connection being made that is relevant to the water company in terms of ensuring that appropriate water quality standards are maintained. As such, we agree that there is a need to modify the levels of service set out at Appendix G to the water sector guidance to align with relevant time limits.

The Panel recommended alternative wording to that which was put forward by Affinity Water in its change proposal (see above). The wording proposed by the Panel still included reference to a 14-day period which would begin on the day that the test results were submitted. We consider that the original proposal by Affinity Water to begin the 14-day period on the date that the sample is taken better reflects the period in which the water company is required to make the new connection under the Principles of Water Supply Hygiene.

We contacted the Panel on 8 December 2021 to ask for additional clarification on the Panel's reasoning for proposing an alternative wording to the change proposal. The Panel responded on 17 December 2021 acknowledging that it might have inadvertently created some difficulty and confusion by endeavouring to be too specific in its alternative wording and confirming that it would withdraw its alternative wording in favour of the original wording proposed by Affinity Water. In its change proposal, Affinity Water stated that the definition of the level of service should reflect the definition used in previous levels of service³:

“Provide a permanent supply connection within 14 days following satisfactory pressure and bacteriological testing of the self laid mains.”

We have used this as the basis for setting this level of service. The revised wording of the level of service - S5/1a – ‘Review request and carry out Final Connection’ is provided in Table 1. We have adjusted the wording from that proposed by Affinity Water in order to match the definitions used elsewhere in the Code, specifically, we changed the wording from “Provide a permanent supply connection...” to read “Provide the Final Connection...”

We have also removed the reference to the provision of paperwork from the wording of the metric as this paperwork will not be provided by the SLP to the water company on the date that the 14 day period of this metric begins. However, the requirement for SLPs to provide this information is still included in the notes associated with this metric. This change should in no way be taken to imply that SLPs are no longer required to provide this information to the water companies in a timely manner ahead of any final connections being made.

³ [Water UK Developer Services Metric Report – W15.1](#)

Table 1 – Revised Self-Lay Performance Metric – S5/1a

Connect Self-Laid Main – (Stage 5) – Water SLPM – S5/1a – Review request and carry out Final Connection	<p>Provide the Final Connection within a maximum period of 14 days following satisfactory pressure and bacteriological testing of the self-laid mains.</p> <p>Within 14 calendar days from receipt of all valid test results and paperwork complete the Final Connection.</p>	<p>To be used with the SLP requests that the Water Company make the Final Connection. Water Company to reconfirm date with SLP. All information should be submitted at the same time:</p> <ul style="list-style-type: none"> • Valid pressure test result • Valid bacteriological sample result • As-laid drawing of mains to be connected • Formal request for works to be carried out by the Water Company
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Text added to the original metric is shown in red and text that has been removed has been indicated using strikethrough text.

Decision notice

In accordance with paragraph 3.9.4 of the Code, Ofwat approves this Change Proposal.

Emily Bulman
Director, Markets and Charging