

Water Safety Policy

Date reviewed: September 2024

Purpose: The key objective of this policy is to describe how Bernicia will meet the required statutory, contractual, and regulatory requirements in relation to water safety. It will also cover how Bernicia Board, as Duty Holder, will receive assurance.

Scope: The scope of this policy includes legionella management, scalding prevention, and un-adopted water systems.

Definitions: Legionella is a naturally occurring bacterium and is common within environmental water sources such as rivers, lakes, and reservoirs, usually in low numbers.

Legionella bacteria can survive under a wide range of environmental conditions, but growth is most prolific between temperatures of 20°C and 45°C. In order to reduce the possibility of creating conditions in which the risk of exposure to legionella bacteria is increased, it is important to control the risk by introducing measures which do not allow the bacteria to proliferate.

Date for review: September 2025

Responsibility: Head of Compliance

1. Introduction

- 1.1 At the time of policy approval Bernicia owns and manages in the region of 14,000 tenanted properties. Water systems within blocks and to individual dwellings within the housing stock need to be risk assessed, kept safe for use, and if required, be regularly maintained.

This policy explains how Bernicia's commitment to water safety will be met. It is supported by the Compliance Strategy and a Water Safety Management Plan which provides detailed guidance and procedures.

2. Policy statements

- 2.1 The key objective of this policy is to describe how Bernicia will meet the required statutory, contractual, and regulatory requirements in relation to water safety. It will also cover how the Board, as Duty Holder, will receive assurance.

The scope of this policy includes legionella management, scalding prevention, and un-adopted water systems.

Bernicia will comply with all current and relevant legislation and specifically as detailed in the following:

- Legionella Bacteria in Water Systems technical guidance (HSG 274) and approve code of practice L8.
- Control of Substances Hazardous to Health Regulations 2002 (COSHH)

Bernicia takes the view that delivery of the commitments within this policy will ensure that the requirements of other legislation, such as the Health and Safety at Work etc. Act 1974 and Landlord Tenant Act 1985 will also be met.

In addition, as a Registered Provider Bernicia must meet the requirements of the Regulator for Social Housing's (RSH) Homes Standard.

It is essential to ensure that customers, contractors, staff, and visitors remain safe in Bernicia's properties. Failure to properly discharge our legal or regulatory responsibilities may also result in:

- Prosecution by the Health and Safety Executive under Health and Safety at Work Act 1974

- Prosecution under Corporate Manslaughter and Corporate Homicide Act 2007
- RSH's serious detriment judgement
- Reputational damage
- Loss of confidence by stakeholders in the organisation

2.2 In order to comply with regulatory standards and legal obligations, and to ensure the safety of its customers, staff, contractors and other visitors to its properties, Bernicia will:

Process

- Provide clear lines of responsibility for the management of water safety supported by written guidance in the Water Safety Management Plan.
- Ensure that a clear and consistent process including front-line engagement and enforcement is in place to obtain access to properties to undertake water safety checks, which shall include legal action when required.
- Proactively assess available data for relevant information about the customer to help gain access (disability, vulnerability, local connections, etc.).

Delivery

- Regularly review existing properties and assess risk within new stock through a desk top review which will identify those properties at potential high risk of legionella.
- All properties with communal stored water systems, and where a potential risk has been identified at desk top review, will have a Legionella Risk Assessment (LRA) undertaken.
- All other potentially high risk properties will be subject to an LRA to determine if further management is required.
- The review period for future risk assessments will be established through a risk-based approach within the initial risk assessment carried out by the competent person.
- A water safety management and monitoring programme will be established as required from the LRA findings.
- A sample of domestic properties without LRAs will be assessed within an ongoing annual programme of desk top assessment, to determine the level of risk by heating/hot water system archetype

and take action to ensure that staff, customers, contractors, and visitors are not exposed to legionella bacteria.

- Void properties will be flushed, and shower heads disinfected or replaced as part of the void management process or before the customer occupies the property.
- Implement measures to reduce the risk of scalding by installing Thermostatic Mixer Valves (TMVs) to targeted high risk properties, as detailed within the Water Safety Management Plan.
- Remove lead pipework that may still exist within the housing stock as Bernicia is made aware.
- Maintain un-adopted water systems to the required standards as defined within the Water Safety Management Plan.
- Inspect and Maintain Pumping Stations and Hot Water Plant.

Contractors Competency

Bernicia has responsibility to ensure that contractors are competent, and the following controls will operate to ensure competence can be demonstrated.

- Only those registered with and licensed by the Health & Safety Executive/Legionella Association will be permitted to undertake water management/control in our properties.
- Only trained and competent contractors shall be engaged to undertake any water safety related work. This will be done by the information collected via Bernicia's approved list and/or via the procurement process.
- Carry out an assessment of all contractor competencies annually or at change of contract/contractor, as detailed within the Water Safety Management Plan.

Internal Competency

- Maintain a skills/training matrix to ensure that all staff undertaking key roles within the scope of this policy have appropriate training.
- Will operate a detailed competence framework including regular appraisals as part of the Water Safety Management Plan.

Data

- Maintain an up to date Master Database (Keystone) of all properties where it has a responsibility to provide water safety checks and maintenance.
- For each relevant property record maintain up to date data confirming which aspects of the water systems and appliances within the scope of this policy exist and do not exist and the organisation's associated responsibility.
- Where a requirement exists hold data and certification relating to the last 5 years.
- Where a requirement does not exist hold appropriate evidence.

Assurance

- Ensure that all persons involved with water safety are properly trained and accredited.
- Carry out works-based assurance activity including checks on certification and post-inspection of onsite works to the level stated within the Management Plan. A proportion of such checks will be carried out by an independent party.
- Set a timetable for the review of the Water Safety Policy and the associated Management Plan.

Communication

- Encourage customers, through the provision of publicity information, to allow access to carry water safety checks and inspections and remedial works.

3. Responsibility for implementation

- 3.1. The policy was implemented on November 2020 following Executive Teams approval and will be reviewed annually.

Staff will be made aware of the policy via an agreed training programme. A copy of the policy will be available on the staff intranet and will also be uploaded to the Bernicia website.

4. Monitoring the policy

- 4.1 A detailed performance management suite is defined within the Water Safety Management Plan.

Commentary will be provided for any properties out of date to include the date they became overdue, days overdue, and their position within the access process to bring them back into a compliant position. Commentary will also be provided if any properties have outstanding overdue actions. To provide additional context commentary will also include information on the proportion of activities within the reporting period that were undertaken before and after their due date.

The following assurance activity will be undertaken and reported in line with the Water Safety Management Plan:

- Internal audit
- Non-negotiable Compliance Testing
- Strategic review
- 3rd Party Assurance

5. Equality and Diversity

- 5.1 An Equality, Diversity and Inclusion Impact Assessment was completed on 30/09/2024.

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