

Water Hygiene & Legionella Procedure

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Version Control

Date	Owner	Version	Reason for Change
October 2024	Victoria Hennessy	2.0	Update following compliance audit October 2023
October 2019	Jackie O'Neill	1.0	Completion of staff training

Summary of Changes

Section	Change
All	Update following compliance audit October 2023 Update following compliance audit October 2023 Drafted against latest legislation and with access process.
All	Name Change from Legionella and Water Hygiene Management Procedure

Water Hygiene & Legionella Procedure



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1.0 Introduction

We recognise that Legionella Bacteria and Water Hygiene can be a major risk to the lives of customers, colleagues, people who work on our behalf, and members of the public who live in our homes or visit our properties. The health effects relating to Legionella bacteria and water hygiene safety incidents also poses significant risks to all people using hot and cold water systems within Ark properties if it is not managed correctly. This procedure should be read in conjunction with the Water Hygiene Safety Policy. This procedure describes our arrangements for ensuring that:

- We comply with our legal duty under the Health and Safety at Work (etc) ACT 1974 (HASAWA) which requires employers to ensure the health, safety, and welfare at work for all employees and “others” which could be customers, contractors, visitors, or members of the public.
- We comply with The Management of Health and Safety at Work Regulations 1999 which places a duty to risk assess, in this case this is to assess the risks associated with Water Hygiene safety, for all properties with a hot and cold water supply, Water systems, components and associated pipework, managed and operated by Ark.
- We comply with all relevant regulations, in particular Water Hygiene Safety, including the Control of Substances Hazardous to Health Regulations 2002 (COSHH) provide a framework of actions designed to assess, prevent or control the risk from bacteria like Legionella and take suitable precautions. We will also comply with the Approved Code of Practice: [Legionnaires' disease: The control of Legionella bacteria in water systems \(L8\)](#) which contains practical guidance on how to manage and control the risks in our hot and cold water systems.

The Water Hygiene Safety Policy contains all relevant legislation, regulations, standards, and guidance with which we will comply, in relation to Water Hygiene safety.

This Water Hygiene safety procedure also includes other associated risks with water including drinking water and the risk of scalding through water heated to high temperatures.

1.1 Overview of Legionella Bacteria

Legionnaires’ disease is a potentially fatal pneumonia caused by legionella bacteria. It is the most well-known and serious form of a group of diseases known as legionellosis. Other similar but usually less serious conditions include Pontiac fever and Lochgoilhead fever. Infection is caused by breathing in small droplets of water contaminated by the bacteria.

The disease cannot be passed from one person to another. Everyone is potentially susceptible to infection but some people are at higher risk e.g. those over 45 years of age, smokers and heavy drinkers, those suffering from respiratory or kidney disease and people whose immune system is impaired.

Legionella bacteria are common in natural water courses such as rivers and ponds. Since legionella bacteria are widespread in the environment, they may contaminate, proliferate and grow in other water systems such as cooling towers (Ark do not have any) and hot and cold water services which can be found in most Ark buildings. The bacteria thrive at temperatures between 20°C and 45° C if the conditions are right, e.g. if a supply of nutrients is present such as rust, scale, algae, sediment and other bacteria. Legionella bacteria are killed by high temperatures which is the main method of control (pasteurisation or thermal disinfection) where temperatures of above 55 degrees centigrade or above should be achieved.

If small water droplets are created (aerosols) and dispersed into the atmosphere, then people in the vicinity may be at risk of inhaling the bacteria. We must first risk assess to identify how people can be harmed and then we need to eliminate or reduce the risk, control measures must be in place to prevent the proliferation of the organism in water systems and to minimise the generation of water droplets and aerosols.

1.2 Legal Requirements

Comply with the following legal requirements:

- The Health and Safety at Work etc. Act 1974
- The Management of Health and Safety at Work Regulations 1999
- Housing Scotland Act 2006
- The Tolerable Standard (under the Housing (Scotland) Act 2006)
- The Control of Substances Hazardous to Health Regulations 2002 (COSHH)
- The Approved Code of Practice (ACOP) Legionnaires' Disease: The Control of Legionella
- Bacteria in Water Systems (L8)
- Water Supply (Water Quality) (Scotland) Regulations 2016
- The Water Supply (Water Fittings) (Scotland) Byelaws 2014
- HSG274 – Legionnaires' disease: Technical Guidance Part 2: The control of legionella bacteria in hot and cold-water systems • INDG458 - Legionnaires' disease: A brief guide for duty holders
- BS 8580-1:2019 Water Quality – Risk assessments for legionella control. Code of practice
- Right to Repair Regulations (under the Housing (Scotland) Act 2006)
- Building Standards (Scotland) Regulations 2014

- Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR 2013)
- The Workplace (Health, Safety & Welfare) Regulations 1992
- Construction, (Design and Management) Regulations 2015
- Scottish Health Technical Memorandum 04-01

The specific requirements for the control of legionella bacteria in the workplace are provided in “Legionnaires’ disease. The control of Legionella bacteria in water systems”, Approved Code of Practice L8 (Fourth Edition),” (ISBN 978 0 7176 6615 7), published by the Health & Safety Executive. The principal requirements include:

- Identifying and assessing sources of risk;
- Where risks cannot be eliminated, preparing a written scheme (course of action) for preventing or controlling the risk;
- Appointing a Duty Holder
- Implementing and managing the scheme – appointing a person to be managerially responsible, often referred to as the ‘responsible person’;
- Maintaining records and checking that what is being done is effective;
- Providing training for persons with delegated responsibilities.

Compliance with L8 ensures compliance with duties under the Health and Safety at Work Act 1974 and the Control of Substances Hazardous to Health Regulations (COSHH) 2002.

L8 (Fourth Edition) has been approved by the Health and Safety Commission, with the consent of the Secretary of State. It gives practical advice on how to comply with the law. If the advice is followed, Ark will be complying with the law in respect of those specific matters on which the Code gives advice.

Ark may use alternative methods to those set out in the Code in order to comply with the law. However, the Code has a special legal status. If Ark is prosecuted for breach of health and safety law and it is proved that it did not follow the relevant provisions of the Code, Ark will need to show that it has complied with the law in some other way or a Court will find you at fault.

The L8 document also contains guidance issued by the Health and Safety Commission and Executive. Following the guidance is not compulsory and Ark is free to take other action. But, if Ark does follow the guidance it will normally be doing enough to comply with the law. Health and Safety inspectors seek to ensure compliance with the law and may refer to this guidance as illustrating good practice.

L8 applies to:

- Hot and cold water systems;

- Plant or systems containing water likely to exceed 20°C, which may release aerosols during routine operation or maintenance;
- Cooling towers; (not applicable to Ark stock)
- Evaporative condensers. (not applicable to Ark stock)

1.3 Principal Objectives of the Procedure

The principal objectives of the legionella and water hygiene procedure are:

- To articulate how we will risk assess our premises to identify which properties will require a site risk assessment
- Employ a suitably competent risk assessor to carry out the assessment
- Understand how risks can be eliminated
- Confirm the written scheme which needs to be in place to manage the residual risks
- Identify roles which will manage this work stream
- Identify which training will be required for which roles
- Confirm how we will measure our performance against what is required.
- To safeguard anyone who may be affected by legionella or similar bacteria within or close to any Ark premises;
- To ensure an effective management system is in place;
- To prevent possible cross contamination between mechanical plant, user equipment and hot and cold water and wholesome water supplies within Ark premises.

1.4 Roles and Responsibilities

A full list of roles and responsibilities regarding the management of Water Hygiene safety is set out within the Water Hygiene safety policy. For the purpose of this procedure the duty holder, responsible person and deputy responsible person for Water Hygiene safety for Ark are listed below:

1.5 Duty Holder

The Director of Development and Business Experience will be responsible for ensuring there is suitable and sufficient resources in place to deliver the arrangements set out within this policy and supporting procedure.

Ultimately, the statutory duty holder has responsibility for full implementation of the Policy.

The statutory duty holder is responsible for the following:

- appointing a responsible person to manage risk on a day-to-day basis
- ensuring that sufficient resources are provided for satisfactory control
- ensuring that the appointed responsible person and deputy are competent to fulfil their responsibilities.

1.6 Responsible Person

The Asset and Compliance Manager will oversee the day-to-day management of water hygiene and safety and is the appointed responsible person in line with L8 ACOP.

The appointed responsible person for the management of the water services has a primary role to act as administrator in the management control of water quality in accordance with the Approved Code of Practice (ACOP L8).

It is the responsibility of the appointed responsible person to:

- Ensure that only competent contractors who are fully aware of the duties and responsibilities assigned to them are used on site. A Legionella Control Association (LCA) Certificate can be used as an indication of company competence.
- Ensure that the records system is kept up to date and made site specific.
- Be fully aware of the status of the site's water systems, which represent a risk to the health of anyone who may come into contact with them.
- Coordinate corrective actions whenever an emergency action is needed.
- Review the management programme and change/improve any aspects that are highlighted by the review process.
- Ensure that the Water Hygiene Risk Assessment is up-to-date and available for inspection at all times. If, at any time, there is reason to believe the risk assessment is no longer valid then have the risk assessment reviewed at least every two years (not statutory frequency but deemed appropriate by Ark).
- Maintain awareness of developments in technology and legislation that may further reduce the risk of legionellosis.
- Liaise with the deputy responsible person and keep them up-to-date.
- Ensure the responsibilities of the appointed responsible person moves down the management structure to the deputy responsible person during periods of absence.

1.7 Deputy Responsible Person

Asset Compliance and Contract Officer will have the responsibility of day-to-day management of the Water Hygiene safety check/service programme and management of

Ark's appointed Water Hygiene Safe registered contractor in line with L8 ACOP.

1.8 Water hygiene competent contractor

The contractor is responsible for the provision of water risk assessment, review, monitoring and remedial works throughout Ark properties included in the contract list of locations. This responsibility is subject to the agreement between the responsible person and the water hygiene contractor. This contractor shall provide services as defined by the written scheme of control.

Training certificates and competency statements for site operatives regarding the control of water quality are to be filled in the relevant section of each site log book.

The water hygiene specialists are also responsible for providing information regarding the chemicals they bring onto site for the treatment of the water services in the building.

Control of Substances Hazardous to Health (COSHH) safety data sheets and assessments should be displayed at the point-of-use and filed in the relevant section of this log book.

Typically, the water treatment contractor is responsible for ensuring that up-to-date procedures and risk assessments in accordance with the Management of Health and Safety at Work Regulations are available before undertaking works at the building. These should be filed in the relevant section of this log book.

All monitoring, inspection and test results produced on site by the water treatment specialist are to be recorded in the relevant section of this log book. All other certificates, documents and test results are to be provided to the client for inclusion in the relevant sections.

Where test results fall outside parameters, and indicate that control of a system may have been lost, then the water treatment specialist must inform the appointed responsible person or their deputy immediately and confirm their discussions on the same day by email, including what work needs to be carried out to enable control of the building.

2.0 Learning & Development Requirements

Employees who are responsible for works associated with Legionella and Water Hygiene Safety will be required to read, understand, and comply with Ark's Policy AM 08 and Procedure AM 01j and complete any training that is required of their role.

3.0 Water hygiene – Assessing the Risk of Ark properties (LRAs)

3.1 Water hygiene risk assessment procedure

Legionella risk assessments, also known as Water hygiene risk assessments are the principal means by which we identify hazards and associated risks within our properties. This process starts by looking holistically at all available data to carry out an initial desk top risk assessment of all properties owned, managed and leased by Ark.

3.2 Preliminary desktop risk assessment of all properties

An initial desk top Legionella - water safety and hygiene risk assessment (LRA) will be carried out for all Ark properties owned and managed by the organisation. All existing data (boiler, heating and water system types) will be used to determine the risk category for each building considering the hot and cold water system type, customer profile, and overall risk of exposure to customers and others. The purpose of a LRA is to help us establish all of the following:

- Identification of the water sources and systems in our properties, including potential conditions for the growth of legionella bacteria (e.g. stored water in tanks).
- Identification of customers who may be at risk from legionella bacteria and why they may be at risk (e.g. older persons in sheltered schemes).
- Evaluation of water safety and hygiene risks, including the adequacy of water safety and hygiene measures, testing, inspection, monitoring and maintenance.
- Identification of any remedial actions which are required to prevent scalding or prevent and eliminate the growth of and human exposure to legionella bacteria.
- Identification of any cold water systems where potable (wholesome drinking water) is not fed directly from the mains for example fed from tanks or a well.
- Identification of any controls to manage potable water systems not fed by the mains to ensure the water is maintained to the required British standard.

3.3 Risk categorisation of properties

Following the completion of a desk top risk assessment, all of our properties will be categorised as being higher, medium or low risk. These are defined as follows:

Risk Category	Description	Actions Required
Higher Risk	<ol style="list-style-type: none"> 1. sheltered schemes (vulnerable customers and shared water systems) 2. Offices (Places of work) 3. Housing with care 4. HMO's 	LRA required by suitably competent contractor. Use LRA to determine remedials, monitoring regimes and assessor suggested review frequency. Add to overarching written scheme or create new one.
Medium Risk	<ol style="list-style-type: none"> 1. Any general needs communal properties with shared water 2. Any general needs communal properties with shared outlets 3. Any domestic property with stored water (tank fed) 	Initial LRA for items 1 and 2. Then decide future review or control regime to put in place. For 3 risk assess on a reasonable risk proportionate programme.
Low Risk	<ol style="list-style-type: none"> 1. Any domestic property without stored water e.g. combi boiler 2. Shared ownership or leasehold where confirmed not Ark responsibility 	If no stored water, and water usage is appropriate to turn over entire system, no further formal action required. Deemed low risk

Water hygiene risk assessments may be generic (e.g. by property type), related to circumstances (e.g. void properties) or they may be property-specific due to the complexity and uniqueness of its design or use for example sheltered schemes or offices. Once the desktop risk assessment has been completed, the above table will be used to determine if a property needs a site-specific risk assessment (high and medium risks) or whether there is no further requirement to carry out a site specific site risk assessment (low risk)

Water hygiene site specific risk assessments will contain all of the following information:

- Description of the location and property.
- Identification of hazards.
- People at risk.
- Hazard control measures.
- Water hygiene management.
- Schematic of water system.
- Summary of water safety and hygiene risks and of existing control measures.

- Number of colleagues.
- Number of customers.
- Building use.
- Priority issues within the building.
- Actions and recommendation.
- Building water safety and hygiene risk rating.
- Date and time of assessment.
- Name and signature of the assessor

Water risk assessment reviews (site specific) will be undertaken at least every two years or sooner on sheltered schemes if specified within the risk assessment, and a documented risk-based approach will be taken for general needs accommodation for medium risk based on the “initial desktop risk assessment”. 2 years is not a statutory frequency, but deemed appropriate by Ark.

Any water safety and hygiene risk assessment will be completely renewed (not reviewed) when there is reason to suspect that it is no longer valid, or there has been a significant change in the property that has affected the water safety and hygiene measures or a significant change within the management arrangements. Reasons for review could include any of the following:

- A change of use of the property or the introduction of a new water system.
- Significant alterations to the property (including those carried out by a customer with or without our agreement).
- Significant changes to water-related fixtures or fittings.
- The failure of water safety and hygiene precautions.
- A significant reduction in the numbers of people using the building.
- A change in the customer profile or composition of people using the property.
- A water safety and hygiene incident or significant ‘near miss’.
- Issues arising from other water safety and hygiene risk assessments.
- Any other significant change which could impact on water safety and hygiene within the property.
- When there has been a significant change to the management structure, e.g. on site staff change or responsible person change

The frequency and programme of water safety and hygiene risk assessments is managed by the responsible person. Reviews of water safety and hygiene risk assessments should include all of the following elements:

- A review of the risk assessment to identify if there have been any changes in the property that has affected the water safety and hygiene measures.
- To check that the Written Scheme of control is being complied with.

- To check that the expected monitoring has taken place and all records (including in the premises logbook) are up to date.
- To check if any remedial works arising from the previous risk assessment have been carried out.
- To confirm that the specialist water safety and hygiene contractor has carried out its statutory visits.

All water safety and hygiene risk assessments and reviews of risk assessments will be undertaken on our behalf by a competent and independent organisation who is appointed by the 'responsible person'.

As part of the appointment process an HSE HSG274 Part 2: 2014 assessment of competency will be carried out.

The competence of the company will be demonstrated through membership of the Legionella Control Association (LCA) and undertaking the risk assessments in accordance with BS8580 and. LCA membership can be viewed by following this link:

<https://www.legionellacontrol.org.uk>

The responsible person will verify the competence of the people who are undertaking the water safety and hygiene risk assessments on behalf of the company. The risk assessor will be Legionella Control Association (LCA) accredited.

Evidence will be obtained to confirm the competence of the company and water safety and hygiene risk assessors on an annual basis.

Should the responsible person determine the need to do so, a sample of quality checks will be undertaken on water safety and hygiene risk assessments and will be carried out by a third-party contractor appointed specifically to carry out such auditing work on our behalf. If on site and/or desk-top audits identify quality issues, the management team may increase this regime to provide us with the quality assurance that we require.

The responsible person or deputy responsible person is required to review every risk assessment or risk assessment review when completed by the contractor. They will be required to review all actions resulting from the risk assessment, these are usually split into three categories:

- Management Actions – These are usually actions that will need to be actioned by the compliance team. For example, Inspection records need to be made available or duty holder needs to be nominated
- Water Hygiene Remedials – specific to the hot or cold system, physical work is required for the system. For example, increase temperature to storage device to 60 degrees or remove additional pipework back to main branch

- Other hazards or issues identified – This is where other work may be required for example no access to a specific area which needs resolving or pipework needs lagging or labelling.

Each remedial action reviewed by the responsible person or deputy responsible person will either need to be agreed or disputed. If the responsible person needs further clarity from the contractor to verify if the remedial is appropriate or not, or if there is a dispute, a telephone call or email to the nominated contact with the contractor will be required to resolve and document the outcome.

The deputy responsible person will ensure there are records kept of all outstanding remedials and a create tracker for all LRA works as part of policy and procedure review. If the incumbent contractor has a portal, the responsible person will be required to identify if the portal is suitable to track all outstanding remedials and close these out on the portal once completed so that assurance can be given for all remedials raised to date. The reporting required from the responsible person will be:

- Total remedials identified for each property
- How many have been disputed and resolved
- How many have been completed
- How many are outstanding.

The contractor will categorise all remedials according to their level of risk. The level of risk will determine what action will be taken and the timescale for the action to be resolved.

This is explained in the table below:

Risk Level	Property Classification	Action
N/A	No Risk	No action needed
Low	Low Priority	Action at first opportunity
Medium	Medium Priority	Schedule as soon as convenient
High	High Priority	Immediate action

Actions linked to High Priority risks will be escalated to the responsible person before the assessor leaves the site. If the property is unoccupied (new development or acquisition), the responsible person must ensure that the property will not be occupied until the high risk remedial work has been completed. If the property is occupied, then immediately (same day) remedial work will be organised by the responsible person or suitable additional engineering controls will be put into place to mitigate risks until remedial actions can be completed. In extreme cases, if the remedial work or engineering controls cannot be put

into place immediately, decanting occupants from a building may become a last resort to ensure customer safety.

3.4 Record Keeping

This section identifies all of the data and information that we hold in relation to water safety and hygiene, where it is stored and responsibility for ensuring that complete and accurate records are kept on a timely basis.

All records will be held with Assets Lochside Way with copies issued for Log Book onsite as required. Info held on tracker, contractor portal, Assets and LRAs.

Ark colleagues who are responsible for data and information must ensure that the requirements of our data protection arrangements are met (where appropriate) in line with GDPR.

Record	Where held	Responsibility
Water hygiene risk assessments		
Initial water safety and hygiene risk assessments		
Reviews of water safety and hygiene risk assessments		
Remedial Action Tracker		
Evidence of the competence of water safety and hygiene risk assessor company and assessors		
Written Schemes		
Written Scheme of Control		
Monitoring records (Scheme Staff)		
Monitoring Records (Monitoring Contractor)		
Details of remedial actions completed		
Premises logbooks		

Record	Where held	Responsibility
Audits, inspections, enforcement or improvement action taken by statutory bodies		
Records of audits and inspections including any supporting documentation		
Records of enforcement action or similar undertaken by statutory bodies including any supporting documentation		
Training and awareness		
Training needs assessments		
Training records for all colleagues		
Performance management		
Details of key performance indicators (KPIs) and operational performance indicators (OPIs)		

Minutes will be taken at regular meetings with any company which undertakes water safety and hygiene risk assessments, monitoring and remedial works on our behalf in order to monitor performance, quality and progress.

4.0 Managing risks - Legionella bacteria, potable water & scalding

4.1 Eliminating risks

Wherever possible, foreseeable risks arising from legionella bacteria, scalding and drinking water (potable water) quality will be eliminated. Examples of how this can be achieved include the following:

- Removing water storage tanks (where water pressure is sufficient or can be converted to mains fed)
- Replacing water cylinders with combi boilers or other heating systems when boilers are renewed
- Removing infrequently used showers, taps and water fountains.

- Replacing plumbing components, fixtures and fittings.
- Installing thermostatic valves (to manage scald risks – carrying out scald assessments on vulnerable customers is key in identifying where to install).
- Cutting back redundant pipework to a shared supply where possible to avoid ‘dead-legs’.
- Ensuring the main source of drinking water is mains fed (e.g. Kitchen sink is mains fed and not tank fed). If tank fed, bacteria sampling will be required to monitor the quality of the water

4.2 Written schemes of control

Where it is not practicable to eliminate the risks of legionella bacteria in water systems or from scalding, the HSE ACoP L8 requires that a ‘Written Scheme’ of control is put in place.

For all applicable properties, we will ensure that a Written Scheme is put in place which includes all the following:

- A current plan showing layout of the water system, including parts temporarily out of use (a schematic diagram is adequate). (This can be obtained from the risk assessment).
- A description of the correct and safe operation of the system.
- The precautions to be taken including any physical treatments such as flushing the system or chemical treatments.
- Checks to be carried out to ensure the effectiveness of the Scheme and the frequency of such checks.
- Remedial actions to be taken in the event that the Scheme is shown not to be effective.

4.3 Water hygiene monitoring

There are a range of ways in which water systems in our properties will be managed, maintained and monitored in line with the recommendations of the risk assessment. The overarching written scheme of control in the appendix outlines what proportion of the monitoring regimes will be carried out by scheme staff and what proportion will be carried out by contractors. The principal Ark staff work to, is simple temperature checks and flushing of little used outlets and can be managed by scheme staff for applicable buildings as long as they are trained and have the correct equipment, and more complex tasks for monitoring will be carried out by the monitoring contractor. Arrangements will be specific to the property and can include any of the following:

- Checking the temperature and flow of water where it is stored and distributed including thermostatic mixing valves.
- Monitoring whether the demand for water has changed.

- Checking cleanliness of water systems for nutrient sources, water stagnation and growth of biofilms.
- Flushing water services.
- Cleaning and disinfecting water services.
- Sampling and testing for legionella bacteria in water systems.
- Inspection of water tanks and calorifiers
- Functional failsafe tests and servicing of Thermostatic Mixer Valves (TMV's)

Water systems installed in our properties will be tested in accordance with the manufacturer's instructions and relevant regulations and codes of practice, including HSG274 Part 2: 2014 and BS8558. This includes testing and inspection frequency and the type of testing and inspection that takes place.

Monitoring will only be undertaken by competent people and organisations. They will need to have provided evidence of their competency prior to undertaking any testing and inspection.

4.4 Responsibilities of permanent on-site Ark staff

Ark formerly operated a mixed approach to the method of testing and inspection and temperature monitoring / flushing of infrequently used outlets was undertaken by in-house scheme staff. From 1st of April 2025, temperature monitoring arrangements will be delegated across all schemes to a competent and independent organisation who is appointed by the 'responsible person'.

Monitoring arrangements for each property will be coordinated by the Asset and Compliance Contracts Officer and specified in spreadsheet templates within SharePoint and they will be based on our water safety and hygiene risk assessments requirements and overarching Written Scheme. This will enable evidence to be accessed by the Asset and Compliance Manager on a in real time to evidence completion of the monitoring tasks.

Any remedial actions which are identified during monitoring of water systems will be recorded in the SharePoint Spreadsheet.

4.5 Design and installation of our hot and cold-water systems

Water systems in complex buildings will be designed and installed on our behalf by competent organisations (system designers, engineers, contractors). This includes the specification, design, installation and commissioning of the water systems. Where beneficial, we will also work in partnership with the manufacturers of water systems.

Water systems which are solely for use within a customer's home and not shared with other customers, may be designed and installed by us whilst understanding the importance and liability of the role of designers under CDM Regulations.

Specifications and designs must, as a minimum, meet all required legislative and regulatory standards.

From time to time, we may utilise the support of specialist water safety and hygiene consultants to provide independent assurance on the design and installation of water systems.

4.6 Undertaking Work in Communal Areas, Voids and Customers' Homes

Work is undertaken in our properties, including communal areas and customers' homes by our approved water hygiene contractors. The nature of the work and the potential risks to the integrity of water systems from legionella bacteria will both affect how work is undertaken.

Access may be required to customers' homes to undertake work (assessment, remedials or monitoring). Every attempt is made to gain access to a property with the customer's consent. However, if access or contact is not achieved to enable work to take place, we will follow the forced access procedure which may include legal action to obtain access.

Vulnerable customers will be dealt with compassionately and all avenues will be explored to gain access and arrange appointments at times which are convenient to them. However, legal action to obtain access to a customer's home will be taken if required. If so, we will ensure that the customer receives appropriate support.

This may involve engaging support services and professional agencies, providing an interpreter, and contacting their nominated next of kin or carer. If we are seriously concerned about a customer, we may make a referral to a safeguarding body, or an appropriate emergency services provider.

4.7 Repair works or remedials to hot and cold-water systems

Repairs or remedial works may be carried out by other contractors other than our appointed water hygiene contractors; this can be heating engineers, plumbers or others carrying out general work which can affect our hot and cold water systems.

Where there is any risk that the integrity of any water system has been or could be compromised by undertaking the repair or servicing, it is essential that the issue is brought to the attention of the 'responsible person' as a matter of urgency. In their absence the issue must be reported to the deputy responsible person or Duty Holder. This is to enable a

survey or investigation of the work to be urgently made and an appropriate course of action agreed upon.

4.8 Planned works

Risk assessments will be reviewed prior to any planned works which affect our hot and cold water systems. These must include the risk from legionella bacteria in water systems and scalding, taking account of the property and customer profile, and provide confirmation that risks are minimised or appropriately mitigated and any significant changes to existing water systems.

In addition, before work can commence, checks must be made of existing drawings, records and the relevant water safety and hygiene risk assessment to ensure that the proposed work will not compromise water safety and hygiene arrangements that are in place.

Planned works are only undertaken by approved contractors. In order to obtain assurance of the competence of a contractor's workforce, it will be necessary for the contractor to have provided evidence of their competency to Ark staff. Work will only be permitted to commence when we are satisfied that their risk assessments and method statements contain appropriate water safety and hygiene arrangements and responsibilities.

Once works are underway, and at their completion, checks will be carried out to ensure that any risks are being managed and that the work is not compromising water safety and hygiene arrangements. This is a central aspect of our approach to contract management.

4.9 Void properties

As a general principle, outlets on hot and cold-water systems should be used at least once a week to maintain water flow and avoid stagnation. Void properties which are unoccupied for extended periods of time may present an increased risk from legionella bacteria. These could be voids properties that are hard to let, those that require major works, or properties that have been decanted pending refurbishment, demolition or disposal.

Void properties will be subject to a risk assessment relating to legionella bacteria in water systems, taking account of the property, length of time it will be unoccupied and the profile of the new customer with consideration to instate a suitable flushing regime or draining the system down if left for long periods.

The risk assessment must provide confirmation that risks are minimised or appropriately mitigated before the new customer can become the lawful occupier.

Upon request, we will explain to a new customer (including assignments (mutual exchanges and successions) how to operate water systems and their associated controls. The new customer will be shown where and how to operate the stopcock.

4.10 Properties with third party management arrangements

For any customers who live in properties in which third party management companies may be responsible for undertaking aspects of health and safety compliance, we will:

- understand our responsibilities and those of third-party management companies
- gain assurance that third party managing agents fulfil their health and safety compliance responsibilities.
- review lease protocols within Rubixx by all to understand the responsibilities with respect to water hygiene.

4.11 Home improvements

As part of the Alterations and Improvements Policy and Procedure customers who are tenants must seek our permission in writing before undertaking changes to the structure or fixtures and fittings in their home. All requests will be considered.

We will not give permission when the work may affect the structure or safety of the building or may cause a maintenance problem now or in the future which may affect the hot and cold-water system for that building.

We will normally agree to a customer's request, when doing so confirming that the work must be carried out by a competent person in a lawful, safe, considerate and professional manner. We will ensure that completed works (including documentation) are inspected by a suitably qualified and competent person.

We will confirm in writing that the customer will be responsible for ensuring the improvement or alteration remains safe and well maintained.

When the customer moves out of their home, where we agree, the customer may leave in place any alterations or improvements, in which case they will become our property and responsibility to maintain.

If we do not agree that any alterations or improvements can remain in situ when the customer moves out of their home, they will need to remove it, whether or not we gave permission for the work to take place and reinstate the property to its original state prior to when the work took place.

4.12 Change of use of an existing property

From time to time, we change the use or dispose of one of our existing properties. We also acquire properties, which can be newly built or an existing property from a third party.

Where a change of use of an existing property is planned, a new water safety and hygiene risk assessment must be carried out to identify, evaluate, remediate and manage the risks arising from legionella bacteria in water systems in the property based on the new use of the property.

The results of the new water safety and hygiene risk assessments will be recorded and managed in the contractor portal. Remedial actions will be recorded in and managed through a tracker spreadsheet.

All remedial actions, except where this is categorised as low, must have been completed before the property can be used for its new purpose in line with the timescales set out above.

The new occupants of the property must be provided with water safety and hygiene information relevant to the property, including precautions and what to do in the event of a water safety and hygiene incident.

4.13 Disposal of an existing property

Where an existing property is to be disposed of to a third party, we will provide information about water systems upon request.

In this situation, disposal means that the legal ownership of the property is transferred from us to a third party through its sale, by being gifted or leased.

Once the disposal has been completed, we will no longer have any responsibility for water safety and hygiene within the property if it is a freehold disposal. If it is a leasehold disposal, for example of one of our flats, we may retain a responsibility for water safety and hygiene depending on the terms of the lease and water system in place.

Prior to disposal, due to the property's change in use (for example it may be empty for a period of time, boarded up and services decommissioned), a risk assessment must be carried out to ensure that any water hygiene and safety (and other) compliance checks are undertaken periodically (frequency depending on the duration it is empty) and prior to the disposal being completed.

4.14 Acquisition of an existing property

Where we are acquiring an existing property from a third party and we will become responsible for water safety and hygiene within the property, we will obtain water safety and hygiene records from the third party and a new water safety and hygiene risk

assessment must be carried out to identify, evaluate, remediate and manage all the water safety and hygiene hazards in the property based on its intended use.

This will determine whether any existing water safety and hygiene protection measures including its design are effective, suitable and sufficient. It will also help us to determine whether we will require and/or obtain any warranties, guarantees or similar from the third-party following completion of the transaction.

Where we are acquiring an existing property from a third party and we are not the freeholder (for example, because we are acquiring leasehold flats or there is a managing agent) and there is a shared water supply, we will ensure that we understand who is responsible for water safety and hygiene within the property and any responsibilities that we have. If we are not responsible for the water hygiene and safety, we will ensure that arrangements are put in place so that we can demonstrate that we have made reasonable attempts to ensure that the third party is fulfilling its water hygiene and safety responsibilities.

The results of the new water safety and hygiene risk assessment, including remedial action, are recorded in and managed through the contractor portal and tracker spreadsheet.

All remedial action, except where this is categorised as low, must have been completed before the property can be used for its new purpose.

The new occupants of the property must be provided with water safety and hygiene information relevant to the property, including precautions and what to do in the event of a water safety and hygiene incident.

4.15 Development or acquisition of a newly built property

Where we are developing or acquiring a newly built freehold property from a third party, and we will become responsible for water safety and hygiene within the property, then responsibility for identifying, installing and commissioning water systems which minimise the risks arising from legionella bacteria will be set out in the build contracts. The contract will also confirm details of any warranties, guarantees or similar from the third party. The developer will be required to demonstrate that the water systems have been commissioned in compliance with BS8558.

Where we are acquiring a new property from a third party and we are not the freeholder (for example, because we are acquiring leasehold flats or there is a managing agent), we will ensure that we understand who is responsible for water safety and hygiene within the property and any responsibilities that we have. If we are not responsible for water hygiene and safety, we will ensure that arrangements are put in place so that we can demonstrate

that we have made reasonable attempts to ensure that the third party is fulfilling its water hygiene and safety responsibilities.

The design of the water systems which minimise the risks arising from legionella bacteria and scalding in the property will be undertaken by a competent third party where evidence has been provided to us of their competence.

Our role is to appoint competent consultants and contractors to oversee the design and construction process being clear on who is designing components and who is acting as 'principal designer' under CDM regulations. We will ensure that the appropriate certification, documentation, health and safety information and operation and maintenance manuals are handed over, reviewed and accepted as complete and in date at practical completion. It is also our responsibility to ensure that testing and inspection arrangements are in place. These documents and information will be supplied to asset colleagues at completion phase.

Where required, upon acquisition and before occupation, a new water safety and hygiene risk assessment will be carried out to identify, evaluate, remediate and manage all the water safety and hygiene hazards in the property based on its intended use.

The results of the new water safety and hygiene risk assessments will be recorded and managed in the contractor portal. Remedial actions will be recorded in and managed in the tracker spreadsheet.

All remedial action, except where this is categorised as low, must have been completed before the property can be used for its new purpose in line with the timescales set out above.

The new occupants of the property must be provided with water safety and hygiene information relevant to the property, including precautions and what to do in the event of a water safety and hygiene incident.

4.16 Summary of Ark actions

We will promote customer awareness of water safety and hygiene and the risks arising from legionella bacteria in water systems and scalding on our website and through other channels such as leaflets and customer newsletters.

When a customer becomes the lawful occupier of one of our properties, we will ensure they are provided with water safety and hygiene information relevant to their home. This will include all of the following:

- General information about water safety and hygiene in the home.
- Details about what to do in the event of a water safety and hygiene incident, including, where relevant, the process for alerting us about the incident.

- The tenants handbook includes details of tenants responsibilities in relation to water safety and hygiene including, where required, any obligations that are contained in the occupancy agreement we have with them to seek our agreement prior to making any changes to their home.

This will apply to all customers, including tenants, licensees, leaseholders and shared owners. It also applies whether they have moved into one of our vacant homes, succeeded to a tenancy or through assignment (including a mutual exchange). It does not apply to people who do not have a contractual relationship with us, such as tenants of leaseholders.

We will also provide updated water safety and hygiene information every two years, or more frequently if there are any changes to arrangements for the management of water safety and hygiene.

All staff who visit, inspect and work in Ark Properties must ensure that:

- Suitable regimes are in place for general maintenance, disinfection, cleaning and monitoring of specialised water systems / departmental equipment, and that records are kept.
- Ensure that personnel who operate and maintain specialised water systems / departmental equipment are suitably trained.
- The Asset Management / Care & Support staff are notified and given the opportunity to comment and advise in advance of any intended alteration to the domestic water distribution system(s) prior to works being instructed or commencing.
- The Asset Management / Care & Support staff are notified of any hot or cold water outlet which is under-used or used intermittently (infrequently used outlets) so that an appropriate management plan can be discussed and implemented by the on site staff.
- All specialised water systems / departmental equipment connected to water supplies are risk assessed for legionella exposure.
- Ensure that drinking water chillers are regularly serviced and maintained by Ark Housings drinking water chiller service provider with records retained on file.
- The Asset Management / Care & Support staff to minimise the risk of cross contamination of domestic hot and cold water and wholesome water supplies should seek advice and guidance from Property Management / Care & Support staff of any changes that occur to hot and cold water supplies.

5.0 Reporting

Our performance regarding Legionella (water hygiene) risk assessments, reviews, remedials and monitoring, will be reported as required, through our established Performance Management Framework.

Measures will include:

- Number of higher risk properties requiring a risk assessment and the number which have a valid risk assessment and subsequent review in date
- Number of medium risk properties requiring a risk assessment and the number which have a valid risk assessment and subsequent review in date
- Number of properties classed as low risk which require no further action
- Number of remedials outstanding
- The number of sites which require monitoring and how many sites have had the monitoring completed within date (monthly basis)

Any remedial actions which are identified during monitoring of water systems will be recorded and actioned.

5.1 Emergency Procedures (Incidents, Near Misses & Enforcement)

Details of our approach to identifying and responding to any unplanned event, potential emergency or disaster, including water safety and hygiene incidents (i.e. an outbreak of legionellosis), is explained in our business continuity plan. The business continuity plan details arrangements for communications between colleagues and with customers.

5.2 Communication with the HSE and other statutory bodies

The Responsible Person and Duty Holder are responsible for reporting incidents to the HSE as required (including RIDDOR reportable incidents), and for managing contact with the HSE and other statutory bodies.

5.3 Water hygiene incidents and near misses

All water safety and hygiene incidents, including near misses, will be logged including details of any follow-up actions. This may include, but is not limited to the following:

- Making a claim with our insurers.
- Undertaking remedial work.
- Investigating the circumstances that led to the incident.
- Undertaking remedial action that is required to improve water safety and hygiene at the location of the water safety and hygiene incident and at other properties.
- Communicating with customers to improve water safety and hygiene awareness.
- Working with the relevant local water company, police, HSE or other statutory agencies.

We will review all incidents, including near misses, (particularly those where claims are made) to ensure that any lessons learnt are reflected in updates to policies, procedures and working practices to reduce the number of incidents and near misses and to mitigate our liability.

5.4 Audits, inspections, and action taken by statutory bodies

We will work closely with the relevant local water supplier, HSE, local authorities and other statutory bodies to obtain their advice and assistance in relation to water safety and hygiene in our properties. This can include audits and inspections of our properties and water systems and promoting water safety and hygiene awareness amongst our customers.

- We will respond promptly and positively to any enforcement or improvement action that is taken by a statutory body. Our response will include the following:
- We will review the conclusions of the statutory body and engage with them if we have reason to challenge or seek clarification of their conclusions and/or requirements.
- We will ensure that requirements are addressed within the specified or agreed timescale.
- We will identify if there are similar issues within our other properties. If so, we will take appropriate remedial action.
- Full details will be recorded and reported to the 'duty holder' and Chief Executive Officer.

5.5 Positive identification of Legionella bacteria present

If during routine monitoring and maintenance of hot and cold-water systems and related equipment, legionella bacteria of a concentration level likely to be hazardous to health is discovered then any systems likely to provide a medium for the spread of infection (e.g. water aerosol spraying equipment) must be immediately dealt with. In this case we will instruct the contractor to take samples, appropriately cleanse the system and then share the results of the samples once received. We will ensure appropriate control measures are put in place to restore the thermal or chemical control of a water system and add any additional control measures to the written scheme as to ensure continued control over the water system. As part of this process, we will review the risk assessment and written scheme and update as required.

6.0 Implementation and Review

6.1 Implementation

The Duty Holder and Asset and Compliance Manager are responsible for ensuring that this procedure is implemented.

The Asset Compliance and Contracts Officer will monitor the progress of all Legionella risk assessment programmes, reviews and remedial completion and will follow up with relevant contractors any delays in completing associated documentation.

The Asset Compliance and Contracts Officer will raise any concerns about a contractor's performance with the Asset and Compliance Manager who will follow up with the contractor as required. Further action will depend on the contractor's response.

As part of the regular reports on statutory checks, the Asset Compliance and Contracts Officer will submit performance data as required to the Asset Compliance Manager. The Asset Compliance Manager will provide reports as required for water hygiene safety performance and will be responsible for compiling performance data for the annual Arc return and annual statement.

The Duty Holder will be responsible for ensuring the performance data required and reporting frequencies are defined and to ensure the policy and procedure have been implemented, through performance management scrutiny with the Asset and Compliance Manager.

6.2 Review

The Asset and Compliance Manager will ensure that this procedure is reviewed at least every two years in line with the agreed review schedule.

Appendix 1- Written scheme of control

To be commissioned for approx. 70 properties across Ark

Refer to 4.2 Written schemes of Control

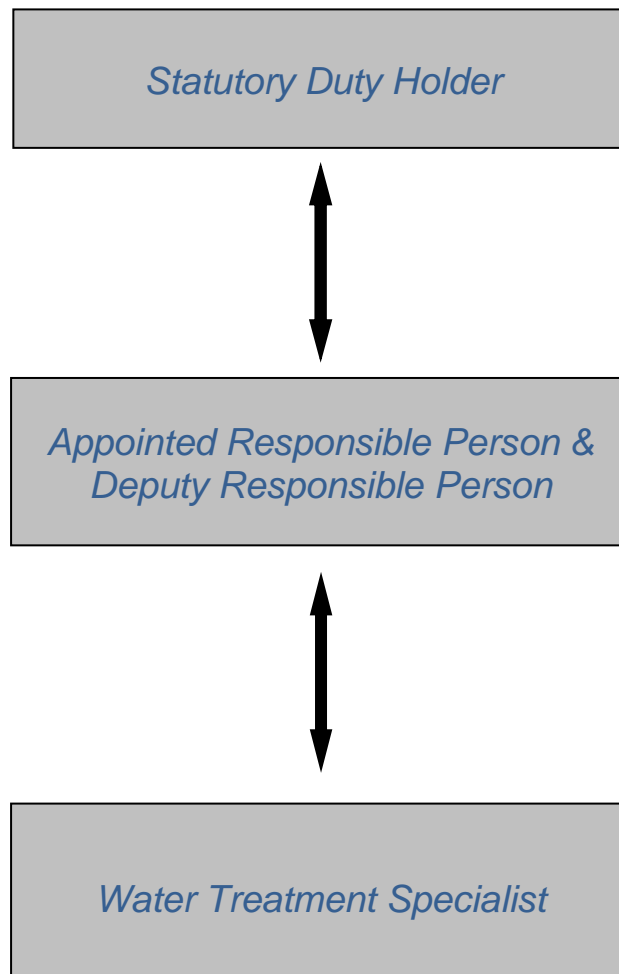
Where it is not practicable to eliminate the risks of legionella bacteria in water systems or from scalding, the HSE ACoP L8 requires that a 'Written Scheme' of control is put in place.

For all applicable properties, we will ensure that a Written Scheme is put in place which includes all the following:

- A current plan showing layout of the water system, including parts temporarily out of use (a schematic diagram is adequate). (This can be obtained from the risk assessment.
- A description of the correct and safe operation of the system.
- The precautions to be taken including any physical treatments such as flushing the system or chemical treatments.
- Checks to be carried out to ensure the effectiveness of the Scheme and the frequency of such checks.
- Remedial actions to be taken in the event that the Scheme is shown not to be effective.

Appendix 2- Communication Pathways

Main Communication Pathway



Appendix 3 - Role Clarification and Responsibilities

Ark Asset Management Structure

1. Director of Development and Business Experience

Overall responsibility for the delivery of all property and maintenance services. Accountable in leading the Housing and Asset Management team to deliver a range of quality services, whilst ensuring regulatory compliance is achieved through effective monitoring, regular reviews of Policies and Procedures and anticipating legal or compliancy requirements.

The role of Director of Development and Business Experience reports directly to the Chief Executive Officer on all Property Management matters.

The Director of Development and Business Experience shall be appointed as the Duty Holder for all matters associated with this Written Scheme and Procedures.

2. Asset Compliance Manager

Responsible for the management of planned / cyclical repairs and compliance contracts. Will assist on property management, governance, planning and the ensuring of regulatory compliance whilst monitoring, forecasting and reporting contractors' performances.

The role of the Asset and Compliance Manager reports directly to the Director of Development and Business Experience and line manages Asset and Compliance Contracts Officer.

The Asset Compliance Manager shall be appointed as the Responsible Person for all matters associated with this Written Scheme and Procedures.

3. Asset and Compliance Contracts Officer

Contribute to the effective and efficient management of the organisation's day to day cyclical and compliance programmes. Will manage contractors and assist in ensuring all statutory maintenance works are dealt with appropriately and in accordance with the relevant compliances and codes of practice.

The role of the Asset and Compliance Contracts Officer reports to the Senior Asset and Compliance Contracts Officer on daily matters.

The Asset and Compliance Contracts Officer shall be appointed as the Deputy Responsible Person for all matters associated with this written Scheme and Procedures.

The Asset and Compliance Contracts Officer shall support the Responsible Person in all matters associated with this Written Scheme and Procedures.

Ark Care and Support

1. Director of Care and Support

Overall responsibility for the delivery of high-quality services across Care and Support (C&S). Responsible for the development and delivery of business development strategies and for ensuring the efficient management of all resources within C&S. Responsible for ensuring the application of policies and procedures relating to the safe and effective delivery of C&S services

2. Assistant Director Care and Support

Responsible for delivery of high-quality services within a specific geographic area. Provides leadership and management support to Area Managers in all aspects of day-to-day delivery of services. Responsible for the management of both HR and financial resources and for leading negotiations with local authorities and participating in appropriate external forum. Ensures the implementation of policies and procedures and ensures that front line staff are developed and supported to fulfil their roles.

The Assistant Directors shall be responsible, and act as a contact point in supporting all Care & Support staff in carrying out their duties in respect of the management arrangements of this Written Scheme.

They will liaise and communicate all relevant issues with the Responsible Person and the Deputy Responsible Person.

3. Regional Manager - Coordinator

Responsible for the day-to-day delivery of services to people supported by Ark. Responsible for the effective management and deployment of resources across specific geographic areas. Leads the local management team to ensure systems and processes are implemented which guide the effective provision of support services. Provides leadership and management to Registered Operations Managers and Care and Support Managers.

The Area Manager shall be responsible for the coordination and communication of all Legionella matters for all locations throughout the areas of responsibility.

They will liaise and communicate all relevant issues with the C & S Assistant Director, ROM's, CSM's and Support Workers, or in their absence the Appointed Responsible Person / Appointed Deputy Responsible Person.

4. Operations Manager / Care and Support Manager – Site Responsible Person

Responsible for the day-to-day delivery of care and support staff teams to people supported by Ark. Provides guidance and supervision to front line staff on all aspects of support provision. Responsible for the deployment of staff resources and ensuring support is organised relating to service users need. Responsible for ensuring all support plans are implemented, reviewed and risk assessments are up to date, which ensures the safe provision of support to people.

They will liaise and communicate all relevant issues with the Area Manager, and in their absence the Assistant Director of C & S, with direct responsibility in supporting staff in carrying out their daily weekly and monthly tasks.

5. Support Worker

Delivers day-to-day physical, emotional and practical care and support. Ensures all aspects of service users support plans are delivered and monitors the health and wellbeing of service users. Ensures risk assessments are up to date and adhered to and provides social support to people enabling them to participate in the local community

They will liaise and communicate all relevant issues directly with the ROM / CSM, and in their absence the Area Manager.

6. Health & Safety Advisor

The Health and Safety Advisor within Ark provides advice and guidance to a range of management staff across the organisation. The postholder should be sufficiently trained to offer guidance and support to functional managers and to provide ongoing training for all Ark staff as required. Recommended training is shown in Appendix 6.

Appendix 4 - Responsibility Index

Frequency	Task	Responsibility
Weekly	Review list of infrequently used outlets and shower outlets – log results	Clearwater
Weekly	Flush infrequently used outlets and shower outlets	Care and Support / Housing / Assets
All occasions	Hot water temperature testing	Clearwater
Monthly	Temperature monitoring (sentinel outlets and additional representative outlets)	Clearwater
Three monthly	Shower head descaling and disinfection	Clearwater
Six monthly	Cold water tank inspection and temperature measurement	Clearwater
When required	Microbiological sampling of water systems	Clearwater
Annual	Review of water systems management/contract review	Clearwater
When required	Disinfection of Water Services	Clearwater
6 Monthly	TMV failsafe check	Clearwater
Annual	TMV failsafe & strip down	Clearwater
Monthly	Flow & return checks at calorifier	Clearwater
Annual	Hot water storage unit blow down or internal inspection	Clearwater
Two Yearly	Review risk assessment (L8)	Ark Asset Management / Clearwater

Appendix 5 - Contact Details

Statutory duty holder	Director of Development and Business Experience
Contact	Caryn Innes
Company	Ark Housing Association
Address	Lochside House Ground Floor, West Suite 3 Lochside Way Edinburgh Park EH12 9DT
Telephone No	0131 447 9027
Appointed responsible person	Asset and Compliance Manager
Contact	Victoria Hennessy
Company	Ark Housing Association
Address	Lochside House Ground Floor, West Suite 3 Lochside Way Edinburgh Park EH12 9DT
Telephone No	0131 447 9027
Deputy appointed responsible person	Asset and Compliance Contracts Officer
Contact	Lisa Walker
Address	Ark Housing Association
Address	Lochside House Ground Floor, West Suite 3 Lochside Way Edinburgh Park EH12 9DT
Telephone No	0131 447 9027
Water treatment specialists	Clearwater Technology Ltd
Main contact	Eilidh Ewart
Position/title	Account Manager
Telephone No.	01698 404508
Emergency Telephone No.	01276 21155

Appendix 6 - Recommended Training

POSITION	RECOMMENDED TRAINING COURSE
Director of Development and Business Experience	Responsible Person Training and Legionella Awareness Training
Asset and Compliance Manager	Responsible Person Training and Legionella Awareness Training
Asset and Compliance Contracts Officer	Responsible Person Training and Legionella Awareness Training
Director of Care and Support	Legionella Awareness Training
Assistant Director of Care and Support	Legionella Awareness Training
Regional Manager (RM)	Legionella Awareness Training
Operations Manager (OM)	Legionella Awareness Training
Care and Support Manager (CSM)	Legionella Awareness Training
Support Worker	Legionella Awareness Training
Health & Safety Manager	Responsible Person Training and Legionella Awareness Training