



Water Hygiene & Safety Policy

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Owner:	Victoria Hennessy	Job Title:	Asset and Compliance Manager
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Method of Delivery: (check as needed)			
<input type="checkbox"/> Learn Pro <input type="checkbox"/> Board Portal <input checked="" type="checkbox"/> Line Manager to Share (e.g. Agencies)		<input type="checkbox"/> Policy Owner to Notify (e.g. Contractors) <input type="checkbox"/> Other: _____	
Stakeholder Consultation Completed (check as needed)			
<input type="checkbox"/> Board of Management <input type="checkbox"/> All Staff <input checked="" type="checkbox"/> ET/SLT <input type="checkbox"/> Head Office Managers <input type="checkbox"/> Head Office Staff <input type="checkbox"/> Finance <input checked="" type="checkbox"/> Housing <input checked="" type="checkbox"/> Asset <input type="checkbox"/> ICT		<input type="checkbox"/> OD <input type="checkbox"/> Compliance <input type="checkbox"/> All Care & Support <input type="checkbox"/> C&S Managers (RM,OM, CSM) <input type="checkbox"/> C&S Staff <input type="checkbox"/> Contractors <input type="checkbox"/> Agency Staff <input type="checkbox"/> Unite the Union <input type="checkbox"/> Employee Voices Group <input type="checkbox"/> Other: _____	

Version Control

Date	Owner	Version	Reason for Change
October 2024	Victoria Hennessy	1.0	New policy required following compliance audit carried out in October 2023

Summary of Changes

Section	Change
All	Amended job titles in line with the new structure Amended role of responsible person and added deputy responsible person

Water Hygiene & Safety Policy

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1.0 Ark Values

Arks values are true to the core purpose of the organisation and the services we deliver. They determine our behaviours towards one another and what we should expect in our relationships with one another. Working within the following values will guide and help us deliver our vision and mission of Ark being an organisation where everyone is equal:

Trust

We have confidence in our people to deliver excellent services and trust in them to do so. We will develop trusting and honest relationships and our customers will feel assured that they can rely on us to deliver.

Respect

We treat everyone fairly and we listen. We are respectful of each person with whom we come into contact and expect our people to respond professionally and treat others as they would wish to be treated.

Understanding

We will operate with empathy and compassion and approach each situation with an open mind. We will question and challenge to ensure we achieve the right outcomes for customers and our people.

Equality

We believe everyone is equal and expect our people to create positive experiences where everyone feels valued and included.

Integrity

We will do the right thing and take responsibility for our actions. We will work together to uphold the highest standards of behaviour and practice.

2.0 Purpose

The purpose of this policy and the Water hygiene and Safety Procedure is to outline the statutory duties applicable to Ark, as an employer, landlord and registered provider of social housing in relation to water hygiene and safety within properties owned and managed by Ark Housing. The policy will identify key roles within the business to ensure we fulfil our statutory obligations.

This policy outlines Ark's statutory duties relating to water hygiene and water safety and the arrangements we will have in place to ensure we meet the legal requirements. This policy and the supporting procedure has been developed, in part, to ensure we are suitably and sufficiently assessing and managing the risks associated with water hygiene and water safety, and the need to apply appropriate controls, management and monitoring where these risks cannot be eliminated.

2.1 Context

The majority of homes owned or managed by Ark will have some form of hot and cold water systems within them consisting of incoming water and a method to heat it. Hot and cold water systems, if not adequately maintained and safety checked, can pose significant risks to our customers and others. Ark acknowledges the importance of having a robust Policy and Procedure in place to manage water hygiene and water safety in order to ensure the health and safety of all its customers, employees, and other stakeholders and to comply with water hygiene and safety legislation.

The management of water hygiene and the risks associated with water heated to high temperatures can pose significant risks to our customers and those who visit our buildings. Health and Safety legislation sets out specific duties for landlords and employers to ensure, so far as is reasonably practicable the health, safety and wellbeing of its employees, and others (e.g. contractors' staff and members of the public).

The main risks associated with water hygiene and water safety are:

- Legionella Bacteria – which if inhaled can cause chronic health conditions and death.
- Poor drinking water – which if ingested can cause chronic health conditions and death.
- Hot water – which can cause scalding, shock and death.

As a precaution to this risk, Ark will suitably and sufficiently risk assess all properties owned and managed by the association and eliminate risks where possible. Where not possible to eliminate risks, we will implement a written scheme of control to manage those risks by suitably competent people.

3.0 Policy Statement

This policy and the supporting Water hygiene and Safety Procedure describes how Ark will meet all applicable legislation, and regulations associated with our statutory responsibilities for water hygiene and safety and how we will implement suitable arrangements to ensure Ark comply and remain compliant.

4.0 Scope

This Policy applies to all properties containing hot and cold-water systems. This policy includes the risks associated with Legionella bacteria within hot and cold-water systems within Ark properties, bacteria which could affect the quality of drinking (potable) water, and the risks associated with scalding from water heated to high temperatures within Ark buildings.

This policy applies to all buildings which are owned or managed by Ark. We will ensure we are clear on the responsibilities of all buildings where we are not the freeholder, for example we lease a building wholly or in part.

This policy applies to all departments within Ark no matter the type of work activity, if the work involves any interaction with the hot and cold-water systems installed within Ark properties, this policy and the supporting procedure applies.

This policy includes all work streams associated with water hygiene and water safety – including the risk assessment, monitoring, servicing, maintenance, responsive repairs, and remedials to all hot and cold-water systems in all properties where we are the landlord and where we have management responsibility. This includes properties added to our stock as a result of building new homes or individual/multiple properties acquired by us.

5.0 Legal / Regulatory Framework

The Scottish Housing Regulators (SHR) statutory objective is to safeguard and promote the interests of current and future tenants, people who are homeless, factored owners and Gypsy/Travellers. They monitor, assess, report, and intervene (as appropriate) in relation to social landlords' performance of housing activities and RSLs' financial well-being and standards of governance (Regulatory Framework 3.5 Landlords must ensure that they meet all of their legal duties and responsibilities and that they adhere to relevant guidance and the requirements of other regulators) . SHR also provides advice on their website to landlords in respect of key factors registered providers should have in place to manage water hygiene and safety, this policy and supporting procedure will set out how we will comply. The regulator requires social landlords to complete an annual return of the charter (ARC) detailing water hygiene and safety performance as well as an annual assurance statement.

Legislation, Regulations, ACoP's, Standards and Guidance:

The principal legislation relating to water hygiene and safety, is the **Health and Safety at Work (etc) Act 1974 (HASAWA)** – Section 2 of the act places a duty on every employer to ensure, so far as is reasonably practicable, the health, safety, and welfare at work of all their employees. Section 3 of the act places a duty on every employer to ensure, so far as is reasonably practicable, that persons not in their employment who may be affected are not exposed to risks to their health or safety – This would be anyone visiting the building for example visitors, contractors, or members of the public.

The Management of Health and Safety at Work Regulations 1999 section 3, sets out the duty for every employer to make a suitable and sufficient risk assessment of the risks to

health and safety of all of their employees whilst at work and other people not in their employment.

The legal duty for landlords who provide residential accommodation is to consider, assess and control the risks of exposure to Legionella to tenants and others who use or visit their buildings. **Duties under the Health and Safety at Work etc Act 1974 (HSWA)** extend to risks from legionella bacteria, which may arise from work activities. **The Management of Health and Safety at Work Regulations (MHSWR)** provide a broad framework for controlling health and safety at work. More specifically, **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. **The Approved Code of Practice (ACOP): Legionnaires' disease: The control of Legionella bacteria in water systems (L8)** contains practical guidance on how to manage and control the risks in our hot and cold water systems.

Other applicable legislation, regulations, standards, and guidance:

- 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

6.0 Responsibilities

6.1 Board of Management

Ark's Board of Management is responsible for consideration and approval of this policy, and for ensuring that its decisions are taken in accordance with relevant legislation, regulatory expectations, training, and guidance.

6.2 Executive Team

Ark's Executive Team is responsible for ensuring that this policy is reviewed in accordance with Ark's schedule for review of policies, or sooner if required. The Executive Team is responsible for ensuring that its decisions, and that the decision of officers, are taken in accordance with relevant legislation, regulatory expectations, training, and guidance.

6.3 Leadership Team

Ark's Leadership Team is responsible for review of the policy, and for ensuring that its decisions, and that the decision of officers, are taken in accordance with relevant legislation, regulatory expectations, training, and guidance.

6.4 Managers

Ark Managers will be responsible for the effective implementation of this policy and procedure within their area of responsibility. They must also ensure that each member of their staff, through induction, and team meetings, is made aware of this policy and participates in relevant training.

6.5 All Staff

All Ark employees who play a role in ensuring water hygiene and safety across Ark in line with this policy and procedure are required to familiarise themselves with this policy and procedure and comply with the content to manage water hygiene and safety effectively.

6.6 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.

6.7 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.

6.8 Deputy Responsible Person

The Asset and Compliance Contracts Officer has the responsibility of day-to-day management of water hygiene and Safety and is the appointed deputy responsible person in line with L8 ACOP.

7.0 Water Hygiene and Safety Compliance

Breaches of this policy and supporting procedure will be viewed seriously and will be investigated in accordance with Ark's Disciplinary Policy and Procedures. Non-compliance breaches not only Ark's Water hygiene and Safety Policy but also the Health and Safety Policy and the L8 ACOP and Health and Safety Legislation.

8.0 Learning & Development Requirements

Ark will provide suitable and sufficient information, instruction, training, and supervision to any staff who have a role in managing water hygiene and safety.

A training needs analysis will be completed to ensure all staff who have a role in managing water hygiene and safety have appropriate training allocated.

9.0 Related Policies & Procedures

This policy should be read in conjunction with Ark's:

HS19 Your Home, My workplace.

AM 01j Water Hygiene and Safety Procedure

AM 09 Contractor Management and CDM compliance Policy

AM 09a Contractor Management and CDM compliance Procedure

10.0 Equality Impact Assessment (EIA)

An Equality Impact Assessment has been completed in relation to the development of this policy.

11.0 Data Protection Impact Assessment (DPIA)

No data protection implications have been identified in relation to the development of this policy, and consequently a DPIA has not been completed.

12.0 Monitoring and Review

12.1 Monitoring

Ark's Executive and Leadership Team will monitor implementation of this policy on an ongoing basis, particularly in relation to ensuring delivery of Equalities Impact Assessments, and in relation to ensuring that relevant decisions within Ark are taken in line with the obligations and expectations set out in this policy.

12.2 Review

This policy will be reviewed within 3 years from the date of approval by our Board of Management, in accordance with Ark's policy review framework.