

Water Safety Policy

1. Policy Scope

At the time of policy approval, Bernicia owns and manages approximately 14,000 tenanted properties. Water systems within communal areas, blocks of flats, and individual dwellings need to be risk assessed, kept under safe use, and, where required, regularly monitored and maintained.

The purpose of this policy is to set out how Bernicia will meet its statutory, contractual, and regulatory obligations in relation to water safety, and to describe the arrangements in place to identify, manage, and control water-related risks across its housing stock and premises.

This policy explains how Bernicia's commitment to water safety will be met and how assurance is provided to the Board. It is supported by the Compliance Strategy, the Water Safety Management Plan, and the Water Safety Operational Guidance, which together set out the detailed governance, operational controls, and procedures required to manage water safety risks effectively.

The key objective of this policy is to provide a clear framework for compliance and assurance. The Board acts as the Duty Holder for water safety, with overall accountability for ensuring that risks are effectively managed, controlled, and reviewed. Day-to-day responsibilities for implementing this policy are delegated through the governance and management arrangements defined within the Water Safety Management Plan.

The scope of this policy includes:

- Legionella management
- Scalding prevention
- Un-adopted and private water systems
- Communal and domestic hot and cold-water systems
- Associated plant, tanks, pumps, and controls

Legislation and Regulatory Framework

The Water Safety Policy is implemented in line with all relevant legislation and guidance, including but not limited to:

- Health and Safety at Work etc. Act 1974
- Management of Health and Safety at Work Regulations 1999
- Control of Substances Hazardous to Health Regulations 2002 (COSHH)
- HSE Approved Code of Practice L8 – Legionnaires' disease: The control of Legionella bacteria in water systems
- HSG 274 – Legionnaires' disease: Technical guidance
- Housing Act 2004 and the Housing Health and Safety Rating System (HHSRS)
- Landlord and Tenant Act 1985

- Regulator of Social Housing – Homes Standard

It is essential to ensure that tenants, residents, employees, and visitors remain safe in Bernicia's premises (both individual homes and offices). Failure to properly discharge our legal or regulatory responsibilities may also result in:

- Prosecution by the Health and Safety Executive
- Prosecution under the Corporate Manslaughter and Corporate Homicide Act 2007
- Regulatory intervention by the Regulator of Social Housing
- Reputational damage
- Loss of confidence by stakeholders

To comply with all relevant regulatory standards and legal obligations, and to safeguard the health and safety of its tenants, staff, contractors, and visitors, Bernicia is committed to ensuring that the standards set out in this policy are fully implemented and maintained.

2. Policy Standards

Standard 1: Process

At Bernicia, we have clear lines of responsibility for the management of water safety, supported by written guidance in the Water Safety Management Plan. Our colleagues are supported by well-defined procedures and operational guidance to ensure compliance and safe working practices.

We will work with residents to arrange convenient appointment times for water safety inspections, risk assessments, monitoring, and remedial works. We will use any information our residents have provided (such as preferred contact times, vulnerabilities, or support needs) to support access and engagement.

Where access to a property cannot be gained after several reasonable attempts, we may use legal powers to enter the property to carry out essential water safety checks. This is always a last resort and is undertaken to protect the health and safety of residents, colleagues, contractors, and visitors.

Standard 2: Safety Checks

Bernicia is committed to keeping residents' homes safe. We will ensure that appropriate water safety risk assessments, inspections, and monitoring activities are undertaken by competent persons to identify, manage, and control water-related risks.

Water safety checks and assessments will be carried out throughout the lifecycle of the water system, from acquisition and installation through to ongoing use, review, and maintenance.

We will regularly review existing properties and assess risk within new stock through desktop reviews, to identify properties that may present a higher risk of legionella or other water-related hazards. All properties with communal stored water systems, and any properties where a potential elevated risk is identified, will be subject to a Legionella Risk Assessment (LRA) undertaken by a competent person.

Where other properties are identified as potentially high risk, an LRA will be completed to determine whether additional control measures, monitoring, or management arrangements are required. The frequency and review period for future risk assessments will be established using a risk-based approach, determined within the initial assessment and informed by factors such as system type, usage, condition, and the vulnerability of occupants.

Where required, a water safety management and monitoring programme will be established and maintained in line with LRA findings, to ensure that risks are effectively controlled and regularly reviewed.

For domestic properties that are not subject to an LRA, Bernicia will operate an ongoing annual programme of desktop assessment, sampling properties by heating and hot water system archetype. This approach ensures that risks remain low and that residents, staff, contractors, and visitors are not exposed to legionella bacteria.

As part of the void management process, water systems will be flushed, and shower heads disinfected or replaced, either during the void period or prior to occupation, to ensure systems are safe for use.

Bernicia will implement measures to reduce the risk of scalding, including the installation of Thermostatic Mixing Valves (TMVs) in targeted high-risk properties, in accordance with the Water Safety Management Plan. Where Bernicia becomes aware of lead pipework within the housing stock, reasonable and proportionate steps will be taken to assess, manage, remove, or replace it, based on risk.

Un-adopted water systems will be inspected, maintained, and managed to the required standards as defined within the Water Safety Management Plan. We will also ensure that associated infrastructure, including pumping stations and hot water plant, is inspected and maintained to support the safe operation of water systems.

Any defects, faults, or safety concerns identified through inspections, risk assessments, monitoring, or maintenance activities will be recorded, risk-assessed, and managed appropriately. Actions will be prioritised according to risk and tracked through to completion to ensure continued safety, compliance, and assurance.

Standard 3: Additional Safety Measures

Bernicia may require tenants, licensees, or occupiers to obtain written permission from the landlord or managing agent before installing any equipment, aids, adaptations, or making alterations to the property that may affect water systems or associated

infrastructure. No alterations or structural modifications may be carried out without prior approval.

This approach protects residents by ensuring that any installations or alterations are safe, suitable, and compliant with legal and regulatory requirements, and protects Bernicia by maintaining the integrity, safety, and long-term condition of the property. Where unauthorised works are identified that may pose a risk to water safety, Bernicia reserves the right to require that such works are removed, isolated, or reversed, and that the property is returned to its original condition where appropriate. Any associated costs may be recoverable from the tenant or occupier where permitted.

Bernicia has arrangements in place to respond promptly and proportionately to water safety incidents, including suspected or confirmed cases of legionella or significant water system failures. These arrangements include escalation, investigation, statutory reporting, and communication processes in line with public health and regulatory requirements. Operational detail is contained within the Water Safety Management Plan.

Standard 4: Competency

All colleagues and contractors involved in the management and delivery of water safety activities must be appropriately trained, competent, and suitably qualified to carry out their roles.

Bernicia will ensure that water safety works are undertaken only by competent persons with the necessary practical and theoretical knowledge, skills, and experience of water systems and associated risks.

Contractors engaged to carry out water safety activities must demonstrate compliance with relevant legislative and industry requirements, and their competency will be reviewed at least annually, and whenever there is a change of contract or contractor, in line with the Water Safety Management Plan.

Bernicia will also ensure that internal colleagues involved in the delivery of this policy receive appropriate training and ongoing support to maintain competence and ensure safe, compliant working practices.

Colleagues whose roles fall within the scope of this policy will be made aware of its requirements and of their individual responsibilities for water safety. The policy will be communicated through appropriate internal channels and supported by training, briefings, and guidance where required, to ensure consistent understanding and effective implementation.

Standard 5: Data Management

Bernicia will maintain a master database of all properties where we have a responsibility to provide water safety checks, inspections, monitoring, and maintenance.

We will record and maintain up-to-date data confirming which water systems, plant, and associated controls within the scope of this policy exist or do not exist, along with Bernicia's associated responsibilities.

Where a statutory or risk-based requirement exists, we will hold relevant data, certification, and records as defined within legislation and guidance, for the appropriate retention period. Where a requirement does not exist, we will retain appropriate supporting evidence to demonstrate compliance.

Where repairs, improvements, or remedial works are required, these are tracked carefully from identification through to completion.

This approach ensures transparency, effective oversight, and robust assurance that water safety risks are being appropriately managed.

Standard 6: Assurance

Bernicia ensures that everyone working on water systems and associated infrastructure is professionally trained and appropriately accredited. We verify that all water safety works and activities have been completed correctly through inspections and audits, some of which are carried out by independent external experts.

The Assistant Director, Compliance is responsible for maintaining and reviewing the policy to ensure it remains compliant with legislation, regulation, organisational requirements, and emerging best practice.

Standard 7: Communication

Bernicia is committed to providing clear and straightforward information to help tenants understand the importance of safety checks and encourage their cooperation in allowing access for these essential visits.

We ensure that staff, contractors, and tenants can easily communicate with one another, to share important safety information.

We have established simple and accessible ways for tenants to provide feedback or raise concerns. These routes are designed to be user-friendly, and feedback is taken seriously, with all issues addressed promptly and appropriately.

Standard 8: Monitoring

Bernicia maintains a detailed performance management suite, as defined in the Water Safety Management Plan, to regularly monitor how well we are meeting our water safety responsibilities. We track key performance indicators (KPIs), including how often we gain access to homes for water safety inspections, testing, and servicing, and where access is not obtained, along with any actions taken to address these issues.

For any properties with overdue water safety inspections, risk assessments, or monitoring activities, we provide comprehensive commentary that includes the date the requirement became overdue, how many days have passed, and the property's status within our access process to restore compliance. Any outstanding overdue actions are clearly identified and tracked.

Our reporting includes information on the proportion of water safety activities completed before and after their due dates within the reporting period, providing additional insight into performance and trends over time.

To ensure compliance and quality, Bernicia undertakes a range of assurance activities, including internal audits, non-negotiable compliance checks, strategic reviews, and independent third-party assurance inspections. Spot checks and audits verify that our records are accurate and that contractors and colleagues are carrying out their duties to the required standard.

Findings from these assurance activities are regularly shared with senior management, the Board, and relevant committees. Where areas for improvement are identified, we take prompt action to address these findings and closely monitor progress to completion.

The insights gained from monitoring and assurance processes are used to continuously improve the Water Safety Management Plan and to ensure the highest standards of water safety are maintained across Bernicia's housing portfolio.

3. Definitions

Word/Phrase	Definition
Legionella	A naturally occurring bacterium found in water systems that can proliferate if systems are not properly managed, particularly between temperatures of 20°C and 45°C.
Duty Holder	The individual or body with overall accountability for ensuring that water safety risks are effectively identified, managed, controlled, and reviewed. At Bernicia, the Board acts as the Duty Holder for water safety.
Competent Person	An individual or organisation with sufficient training, qualifications, experience, and knowledge to carry out water safety risk assessments, inspections, monitoring, or remedial works safely and in compliance with relevant legislation and guidance.
Legionella Risk Assessment (LRA)	A structured assessment undertaken by a competent person to identify and evaluate the risk of legionella bacteria developing within a water system and to determine appropriate control measures.
Desktop Assessment	A risk-based review of property or system information undertaken without a full on-site inspection, used to identify

	potential water safety risks and determine whether further assessment or control measures are required.
Communal Water System	A water system that serves more than one property or dwelling, including shared tanks, pipework, plant, or outlets located within communal areas.
Thermostatic Mixing Valve (TMV)	A device fitted to a water system that mixes hot and cold water to a pre-set temperature to reduce the risk of scalding, particularly in higher-risk properties.

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Effective From: September 2026

Applicable To: This policy applies to all properties Bernicia owns and manages where water systems are present and where Bernicia has responsibility for water safety.

Associated Documents: The following resources support the Water Safety Policy and Bernicia colleagues to deliver safe, compliant, and consistent services in line with legal requirements, regulatory standards, and best practice. These documents provide detailed operational guidance and procedures to manage water safety risks effectively.

- Water Safety Management Plan
- Water Safety Operational Guidance
- Dampness and Condensation Management Plan
- Dampness and Condensation Management Policy
- Repairs and Maintenance Policy
- Repairs and Maintenance Procedure
- Health and Safety Policy
- Home Safety No Access Procedure
- Complaints and Compliments Policy
- Identifying Diverse Needs of Customers Policy
- Aids and Adaptations Policy

Equality, Diversity & Inclusion: An ED&I Assessment was completed in September 2024. Please contact the Governance team if you require a copy.

Approved By: Executive Director, Assets and Growth

Policy Author: Assistant Director, Compliance

Policy Owner: Director, Assets and Property

Next Review: September 2027

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Change Control

Version Number	Effective Date	Amendment made by	Version approved by	Description of changes
1.0	September 2020	Head of Compliance	Executive Director, Assets and Growth	Scheduled review
2.0	September 2021	Head of Compliance	Executive Director, Assets and Growth	Scheduled review
3.0	September 2022	Head of Compliance	Executive Director, Assets and Growth	Scheduled review, role profile changes
4.0	September 2023	Head of Compliance	Executive Director, Assets and Growth	Scheduled review, role profile changes
5.0	September 2024	Head of Compliance	Executive Director, Assets and Growth	Scheduled review, role profile changes
6.0	September 2025	Head of Compliance	Executive Director, Assets and Growth	Scheduled review, transferred to new policy template, additional legislation added, policy statement changed to standards.
7.0	September 2026	Assistant Director, Compliance	Executive Director, Assets and Growth	Scheduled review, role profile changes, linked policy check, addition of Director of Assets and Property as Policy Owner following organisational restructure.