

# A RECOMMENDED CODE OF CONDUCT FOR SERVICE PROVIDERS

Legislative requirements for the control of *Legionella* put the responsibility for compliance clearly with the owner/operator of water systems. Under the Health and Safety at Work etc Act 1974, the Control of Substances Hazardous to Health Regulations as regards risks from *Legionella*, all owner and operators of such systems have a responsibility to ensure that the risk is controlled and kept to an acceptable level. The HSE's Approved Code of Practice and Guidance (L8) stresses that whilst the tasks required to be undertaken to control the risk may be contracted to an external specialist, the owner/operator must take all reasonable care to ensure the competence of the service provider to carry out the work on his behalf.

This Code of Conduct is intended to give guidance alone, on the standard of service management that a Client should expect from those Service Providers who agree to abide by the Code. The responsibility for the prevention and control of *Legionella* lies with the Client and the Service Provider.

The guidelines outlined in this document have been designed to help owner/operators select a service provider by highlighting nine critical areas and detailing the commitment that the owner/operator should expect from prospective service providers when making the competence assessment.

The Code of Conduct requires that service providers establish an appropriate management system for the provision of services associated with the control of *Legionella*. A valid certificate is an indication of the registrant's commitment to comply with the Service Provider Commitments of the Code and should not be taken as proof of compliance. The *Legionella* Control Association does not approve specific products or services as being effective in controlling Legionella or assess the competence of individual service provider employees.

To find out more about using the Code of Conduct to help select a suitable service provider refer to the **Buyers Guide** on the LCA website [www.Legionella-conduct.co.uk/guide.htm](http://www.Legionella-conduct.co.uk/guide.htm)



**LEGIONELLA**  
CONTROL ASSOCIATION

## Conditions of Compliance

1. There should be a clearly defined written agreement between the service provider\* and the client\* setting out the individual responsibilities of both parties to ensure compliance with current legislation.
2. Service providers should demonstrate and document a satisfactory level of competence of their staff\* in order to achieve the objectives of this document.
3. The recommendations made by the service provider should be equal to, or better than, the relevant Codes of Practice and guidance documents pertaining to the system in question.
4. Lines of communication and reporting between client and service provider should be defined as well as the management plan in the event of remedial or corrective action being required, including matters of evident concern outside contracted obligations.
5. Adequate and up to date monitoring and treatment records should be kept. These should be readily available.
6. The performance of the control measures should be reviewed jointly by the service provider and the client at least annually and the necessary remedial action plan agreed.
7. Service providers should establish a formal internal auditing procedure for compliance with this document.
8. Service providers sub-contracting\* any Legionella specific activities listed in their scope of services to another company should establish that this company is either registered for that activity under the LCA or maintain additional controls and audits to ensure compliance with the Code of Conduct.
9. Copies of a current certificate should be issued to all relevant clients.

***In the event that the client believes that a service provider has not complied with the Code of Conduct, he may write, with full details, to: Legionella Control Association Secretariat, 6 Sir Robert Peel Mill, Hoya Walk, Fazeley, Tamworth, Staffs, B78 3QD***

# Service Provider Commitments

## 1. Allocation of responsibilities

The service provider will:

- explain in detail the client's obligations under the *Legionella* legislation
- identify those services covered by the contract and those which should be provided by the client to meet all current obligations
- formalise a written agreement detailing the respective responsibilities for each requirement.

## 2. Training and competence of personnel

The service provider will:

- arrange formal training programmes for service provider personnel associated with the control of *Legionella* bacteria (See current LCA knowledge matrix as a guide)
- have a system for assessing the competence of service provider staff, establishing their training needs and ensuring they are kept up to date with current best practice procedures
- assist the client to assess training needs of staff and then where requested advise as to how these can be met.

## 3. Control measures

The service provider will:

- have a management system to assess the requirements and ensure an appropriate programme of control measures is designed, implemented monitored and maintained
- have a system for verifying that corrective and preventive actions are implemented.

## 4. Communication

The service provider will:

- have management procedures to respond appropriately should the system operating conditions deviate from control criteria
- agree with the client how the service provider would communicate with the client's nominated personnel in the event of any necessary actions
- bring to the client's attention any significant matters affecting the control of *Legionella* of which he has become aware, beyond the responsibilities of the contract.

## 5. Record keeping

The service provider will:

- indicate which records should be kept by both parties and where they will be kept
- establish with the client who will be responsible for the maintenance of these records.

## 6. Reviews

The service provider will:

- establish a programme that will allow both parties to review formally, at least annually, all aspects of the agreement covering system management and the control of *Legionella*.

## 7. Internal Auditing

The service provider will:

- have a management system to ensure that Service Provider compliance with each of these Commitments is self-audited at least once a year and that a formal record is kept
- establish a corrective action programme so that any non-compliance identified is corrected in a timely manner.

## 8. Sub-contractors

The service provider will:

- have a management procedure to ensure that any sub-contractor holds an independent registration under the Code of Conduct (see overleaf for the LCA definition of a sub-contractor)
- maintain additional controls and audits to ensure that all activities carried out by any sub-contractor are compliant with the Code of Conduct and any relevant legislation.

## 9. Distribution of the Code

The service provider will:

- have a management system to ensure all clients to whom services are provided, associated with the control of *Legionella* bacteria, receive a copy of the Code of Conduct and Certificate of Registration or are informed that the current documents are available on their website.

## Definitions \*

### **SERVICE PROVIDER**

Companies or individuals or their sub-contractors who are involved with providing:- advice, consultancy, operating, maintenance and management services or the supply of equipment or chemicals to the Client.

### **CLIENT**

The owner or occupier of the premises, or his appointed representative, or other person nominated to be the "Responsible person" as defined in HSE document "Legionnaires' disease - The control of *Legionella* bacteria in water systems, Approved Code of Practice and Guidance (L8)," [para 44] .

### **STAFF**

Any person directly or indirectly employed in meeting the requirements of this document.

### **SUB-CONTRACTOR**

For the purposes of LCA registration, a sub-contractor is a company or an individual who carries out unsupervised work, specifically associated with the control of *Legionella*, on behalf of a service provider. In the case of self-employed individuals the test as to whether they should be declared as a sub-contractor or not is whether the methodology employed is their own or set by the 'principal' service provider e.g. a self-employed risk assessor using the 'principal' service provider's methodology, trained by the 'principal' service provider and whose work is reviewed by the 'principal' service provider, is not a sub-contractor, whereas one who has been independently trained and who uses methodology not devised by the 'principal' service provider is a sub-contractor and therefore needs to be an LCA member if this category is to be retained on a certificate.

**LEGIONELLA SPECIFIC ACTIVITIES:** water treatment service visits; cleaning and disinfection; cooling tower refurbishment; risk assessment. In addition *Legionella* analysis can only be undertaken by a UKAS accredited laboratory and *Legionella* training can only be sub-contracted to an organisation offering accredited training.

*Compliance with relevant health and safety regulations (including avoidance of, or reduction of risk to, exposure to Legionella bacteria) is the sole responsibility of the statutory duty holder, being the person in control of the premises or systems where any relevant risk is present. The Legionella Control Association (LCA) Code of Conduct is designed to help service providers establish appropriate management systems to control the risk from Legionella bacteria. The LCA assesses the systems of LCA members upon initial registration, reviews annually upon re-registration, and re-assesses by periodic company audits. The LCA **cannot and does not** carry out other regular supervision of its members' commitments to the Code of Conduct nor their compliance with other LCA guidelines. A valid LCA certificate of registration only confirms that a service provider has satisfied LCA requirements for registration and re-registration. It does not confirm the service provider's actual compliance with their commitments to the LCA Code of Conduct and/or other LCA guidelines. The LCA does not approve specific products or services as being effective in controlling Legionella or verify the competence of service providers' staff and sub-contractors. The LCA accepts no liability for any omission or any act carried out in reliance on the LCA Code of Conduct or other LCA guidelines, or any loss or damage resulting from non-compliance with such documents.*



Endorsed by the  
British Association for Chemical Specialities  
and the  
Water Management Society

