

Preparation for a Statement of Compliance

The fundamental requirement of your Statement of Compliance is that the detail provided confirms to the Management Committee that your operation fulfils the Service Provider Commitments of the Code that are applicable to your business. The statement shall comprise a single concise document that demonstrates to the satisfaction of the LCA, customers, and statutory bodies that you comply and that there is substance to your claims of compliance. The Areas of Interest Form indicating the services you offer forms part of the statement of compliance and must be signed, dated and attached to the Statement of Compliance.

The Statement of Compliance should:

- **Be concise** – approximately 3 or 4 pages, written in the present tense, in plain English and in an unambiguous manner.
- **Show a management system** – this describes how you conduct, monitor and control your business. It consists of a set of written procedures that contain the instructions to carry out an action.
- **Be auditable** – it is a condition of registration that you have in place a management system referring to detailed written procedures ensuring compliance with all elements of the Code. The statement is a single document that ties these separate procedures together. It should be possible to use it to trace the procedures referenced and establish through documentary evidence that you comply with the Code.
- **Address all the service provider commitments** – there should be a *short description* of how compliance is achieved for each of the bullet points within the service provider commitments.
- **Explain how you comply** – the statement of compliance should make specific reference to documented procedures. It should state the title and reference of the documents and their relevance and *describe* how they enable you to comply. It is not sufficient simply to restate the service provider commitments as a “*wish list*”. If a commitment is not applicable to your operation then the reason for its exclusion should be clearly stated.
- **Be relevant to the scope of your services** – the statement should indicate how compliance is achieved for all of the legionella control services which you declare on your Areas of Interest Form (and which will thus appear on your certificate and on the website).

Subsequent amendments to the Statement of Compliance should be incorporated into the text and highlighted and NOT presented as an appendix.

The following pages contain advice on the composition of a Statement of Compliance. They have been put together to assist companies to produce a statement that will be close to the requirements for registration. You are advised to read these pages before starting your Statement of Compliance.

Your first paragraph must describe the scope of the business activities of your company. You will use this description to decide how many categories you require on your certificate. The scope described must match the services declared on your Areas of Interest Form. Assessors will refer to this information when processing paperwork and carrying out company audits.

The left-hand column repeats the text in the Code of Conduct. The right-hand column explains what is required in each instance.

Service Provider Commitments of the Code	Explanation
1. Allocation of Responsibilities	The Service Provider will:
1.1 Explain in detail the client's obligations under the legionella legislation.	Reference the legislation and your written procedure for explaining this to the client. It is not sufficient simply to say that you advise customers to adhere to relevant legislation. Write a short description of the procedure.
1.2 Identify those services covered by the contract and those which should be provided by the client to meet all current obligations.	Reference to a written procedure or formal contract is required. Explain how you identify the services.
1.3 Formalise a written agreement detailing the respective responsibilities for each requirement.	Reference your written agreement which details respective responsibilities.
1.4 State in the written agreement that the service provider has LCA registration for the service categories being provided.	State how you do this.
2. Training and Competence of Personnel	The Service Provider will:
2.1 Arrange formal training programmes for service provider personnel associated with the control of legionella bacteria - see current LCA Knowledge Matrix (LCA/MAT) as a guide.	A description of and reference to a written procedure is required with details of the training given in relation to the control of legionella. It should cover the topics detailed on the training matrix relevant to your activities. Send procedure and one completed training record.
2.2 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.	Describe and give the reference to a written procedure which ensures that competence of all personnel is regularly assessed and appraised. Send procedure and one completed competence record.
2.3 Assist the client to assess training needs of staff and then where requested advise as to how these can be met.	State how you do this.
3. Control Measures	The Service Provider will:
3.1 Have a management system to assess the requirements and ensure an appropriate programme of control measures is designed, implemented, monitored and maintained.	Summarise and give the reference to a written procedure. Your procedure should indicate how control measures such as product selection, chemicals used, risk assessment, service delivery and sub-contractor selection are set and managed.
3.2 Have a system for verifying that corrective and preventive actions are implemented.	Reference needs to be made to the written procedures that you use to ensure that the required actions to maintain control are implemented and remain effective.
3.3 Ensure the programme of control measures satisfies as a minimum the LCA Standards for Service Delivery.	Assess the steps you take in applying your programme of control measures and compare these steps against each of the <i>LCA Standards for Service Delivery</i> for which you are registered.
4. Communication	The Service Provider will:
4.1 Have management procedures to respond appropriately should the system operating conditions deviate from control criteria.	Explain and give the reference to your written procedure and the mechanism which details how you respond on your customer site to system deviations, especially positive legionella results.
4.2 Agree with the client how the service provider would communicate with the client's nominated personnel in the event of any necessary actions.	Summarise the written procedure and reference a chain of responsibility, e.g., a list of telephone numbers of contacts and their appointed deputies.
4.3 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.	You need to indicate how you formally bring "matters of evident concern" which fall outside your contractual responsibility to the client's attention.

Service Provider Commitments of the Code	Explanation
<p>5. Record Keeping</p> <p>5.1 Indicate which records should be kept by both parties and where they will be kept.</p> <p>5.2 Establish with the client who will be responsible for the maintenance of these records.</p>	<p>The Service Provider will:</p> <p>Describe and give the reference to your written procedure and documentation used.</p> <p>Reference your written procedure and documentation used.</p>
<p>6. Reviews</p> <p>6.1 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.</p>	<p>The Service Provider will:</p> <p>Describe the contract review programme and reference the written procedures for arranging and conducting this with the client.</p>
<p>7. Internal Auditing</p> <p>7.1 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.</p> <p>7.2 Establish a corrective action programme so that any non-compliance identified is corrected in a timely manner.</p>	<p>The Service Provider will:</p> <p>Reference the written procedure and documentation used. The self-audit needs to confirm that you have systems in place to comply with each of the nine commitments relevant to the services you provide. Your records should give evidence that the procedures are being followed. You will also need to audit any sub-contractors who are not members of the LCA. This is your procedure to ensure that you are complying internally with the Code. A short description is required. Send a completed audit.</p> <p>Describe and reference a written procedure that details what you will do to correct the non-conformance and prevent its recurrence.</p>
<p>8. Sub-contractors</p> <p>8.1 Have a management procedure to ensure that any sub-contractor holds an independent registration under the Code of Conduct (see Definitions for the LCA definition of a sub-contractor); or</p> <p>8.2 Where a sub-contractor is not LCA registered, implement additional controls and audits to ensure that all activities carried out are compliant with the Code of Conduct and any relevant legislation; and</p> <p>8.3 Regardless of whether the sub-contractor is LCA registered or not, implement procedures and checks as necessary to ensure that the competency of the sub-contract service provider is assessed in relation to the scope of service the sub-contractor is providing.</p>	<p>The Service Provider will:</p> <p>Describe and reference a written procedure that details all controls relating to your relationship with any sub-contractor, how this is recorded and the actions taken to correct any non-compliance.</p>
<p>9. Distribution of the Code</p> <p>9.1 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.</p>	<p>The Service Provider will:</p> <p>Detail what mechanism you have for ensuring that all your clients are issued with current copies.</p>

Code of Conduct for 'one-off' service providers – a guide to application

The existing Code of Conduct is most easily applied to those situations where there is the regular or on-going provision of products and services associated with the control of legionella, however, many organisations also provide products and services on a one-off basis or which may be unrelated to the control of legionella. The table below is an attempt to show how the Code might be applied to these situations.

Scope of supply of product or services to client	Requirement to comply with the Code of Conduct Service Provider Commitments
Provision of regular or on-going supply of services associated with the control of legionella	Full
Provision of one-off product or service associated with the control of legionella	<p>Extent of compliance to be appropriate to the scope of works/agreement:</p> <ol style="list-style-type: none"> 1. Allocation of Responsibilities Have a clear understanding of your own responsibilities and where required, advise the client of his responsibilities. 2. Training Meet the training requirements for your own staff and where applicable provide training to the client using your product. 3. Control Measures The product or service needs to be appropriate for the purpose for which it is intended. 4. Communication These requirements apply in an appropriate form to the one-off supply of product or service. 5. Record Keeping You need to maintain appropriate records of product or service supplied. 6. Reviews This is not required for one-off transactions. 7. Internal Auditing Your internal audit will need to check that you satisfy the requirements of the Code as detailed here for one-off transactions. 8. Distribution of the Code You are not required to supply the Code or registration certificate except on request.
Provision of products and services not associated with the control of legionella	No requirement to comply with the requirements of the Code.

The legal duty to comply with relevant health and safety legislation (including avoidance or control of risk to exposure to Legionella bacteria) rests solely with the statutory dutyholder, being either the employer or the person in control of the premises or systems where any relevant risk is present, and this cannot be delegated. Specific functions (e.g. carrying out risk assessment) can be delegated and the Legionella Control Association (LCA) Code of Conduct is designed to help service providers, who also have duties under health and safety legislation, to establish appropriate management systems for the prevention or control of risk from Legionella bacteria. The LCA assesses the management systems of LCA members upon initial registration, reviews annually upon re-registration, and re-assesses by annual 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 (which is only valid if the Company named is listed on the LCA website www.legionellacontrol.org.uk/directory.php) confirms only that a service provider has satisfied LCA requirements at registration, re-registration and its most recent company audit. It does not confirm the service provider's actual or continuing 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, which is the duty of the service provider and the statutory dutyholder. 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.