July 2016

Legionella Control Association Re-Registration 2016/2017

Annual re-registration of your LCA membership is due with effect from 1st July 2016 for the period 2016/2017.

Please complete and return the following documentation to reregistration@legionellacontrol.org.uk

1. Re-registration form (attached).
2. Areas of Interest form (attached).
   Please ensure subdivisions of categories are ticked where appropriate.
   Please register all categories that your organisation offers.
   Your SoC must be dated within the last 12 months to show that you have reviewed the document.
   If there are no changes, you should still ensure that the date of review is inserted.
   If there are any changes to your SoC, these should be highlighted.
   (Preparation for Statement of Compliance guidance attached).
4. Latest (within last 12 months) completed annual Internal Audit.
   (Clarification of Internal Audit guidance attached).
5. Please note that we cannot re-register companies with outstanding Company Audit action points.

Please send only the documentation required otherwise your re-registration will be delayed.

All paperwork for re-registration MUST be submitted by 31st August 2016.
Failure to do this will incur a £400 administration fee.

Payment

1. Please pay the attached invoice (by credit/debit card, BACS or cheque), which is based on your current categories (please contact us urgently if your number of categories have changed and we will send a revised invoice).
2. New certificates expiring 31 August 2017 will not be issued until payment is received in full.
   Certificates will be available only in electronic format and will be sent by email.

Need Help?

1. Please contact us on 01827 269063 or reregistration@legionellacontrol.org.uk.
2. The above paperwork and helpful guidance documents are available to download from the LCA website http://www.legionellacontrol.org.uk/_data/pdf/re-registration-pack.pdf

www.legionellacontrol.org.uk
LCA/RRF JULY2016

Re-Registration Form 2016-17

Company: VAT Reg. No:

Number of employees directly concerned with legionella control:

☐ Sole trader ☐ Up to 5 employees ☐ Up to 10 employees
☐ Up to 50 employees ☐ More than 50 employees

Contact Name:

Contact Address:

Tel. No: Mobile No:

Email: Website: Fax No:

Invoice Address (if different from above):

Signed on behalf of (Company):

Signature: Print Name: Position held: Date:

STATEMENT OF UNDERTAKING

I understand that Re-registration will be subject to:
• maintaining the LCA Service Standards criteria for each service offered, relevant to our LCA registration.
• acknowledging and agreeing to the LCA Bylaws and LCA Complaints and Disciplinary Procedure.
• a commitment to produce evidence of documented management procedures to ensure compliance with the LCA’s Code of Conduct.
• informing the LCA of any impending legal action, relating to legionella control, involving the company named above.

Signed on behalf of (Company):

Signature: Print Name: Position held: Date:

FEES FOR RE-REGISTRATION

Annual Re-Registration fee 2016-2017 This fee is charged, together with category fees, annually at re-registration. Renewable July 1st.

£1040

Categories x @ £75 each

Sub Total

Plus vat @ 20%

TOTAL

Valid from July 2016

Completed forms should be emailed to reregistration@legionellacontrol.org.uk. Please indicate method of payment below:

☐ Credit/Debit Card: Please call us to make your payment. (Amex/Diners Club not accepted).

☐ BACS: Please contact us for our bank account details if you would like to use this method of payment.

☐ Cheque: Made payable to Legionella Control Association Limited. TOTAL ENCLOSED: £ ...........................................

All paperwork for re-registration MUST be submitted by 31st August 2016. Failure to do this will incur a £400 administration fee.

Please note that we cannot re-register companies with outstanding Company Audit action points or outstanding invoices.
Areas of Interest

Company Name:  
LCA Reg. No:  

Please tick all categories which your organisation offers, and also the appropriate sub-categories relevant to your organisation.

(PLEASE SEE OVERLEAF FOR NOTES ON COMPLETING THIS FORM*)

- **1. Legionella Risk Assessment Services**
  - 1.1 Hot & Cold Water Services
    - In-house  
    - Sub-contracted / LCA reg.  
  - 1.2 Evaporative Cooling Systems
    - In-house  
    - Sub-contracted / LCA reg.  
  - 1.3 Process & Other Systems
    - In-house  
    - Sub-contracted / LCA reg.  

- **2. Water Treatment Services**
  - 2.1 Chemicals
    - In-house  
    - Sub-contracted / LCA reg.  
  - 2.2 Dosing and/or Control Systems
    - In-house  
    - Sub-contracted / LCA reg.  
  - 2.3 On-site analytical and monitoring services
    - In-house  
    - Sub-contracted / LCA reg.  

- **3. Hot & Cold Water Monitoring and Inspection Services**
  - In-house  
  - Sub-contracted / LCA reg.  

- **4. Cleaning & Disinfection Services**
  - In-house  
  - Sub-contracted / LCA reg.  

- **5. Independent Consultancy Services**
  - In-house  
  - Sub-contracted / LCA reg.  

- **6. Training Services**
  - In-house  
  - Sub-contracted / LCA reg.  

- **7. Legionella Analytical Services**
  - 7.1 Sampling
    - In-house  
    - Sub-contracted / LCA reg.  
  - 7.2 Laboratory Analysis
    - In-house  
    - Sub-contracted / LCA reg.  
  - 7.3 Interpretation of Analysis
    - In-house  
    - Sub-contracted / LCA reg.  

- **8. Plant & Equipment Services**
  - 8.1 Installation
    - In-house  
    - Sub-contracted / LCA reg.  
  - 8.2 Refurbishment
    - In-house  
    - Sub-contracted / LCA reg.  
  - 8.3 Servicing
    - In-house  
    - Sub-contracted / LCA reg.  
  - 8.4 Design & Supply
    - In-house  
    - Sub-contracted / LCA reg.  

- **9. Facilities Management Services**
  - In-house  
  - Sub-contracted / LCA reg.  

All categories selected will be shown on your Certificate of Registration and the website. Categories will be charged at the rate on the Registration Form.

Do you have any Accredited Quality Assurance system relevant to water treatment?

QA details:

Signed:  
Print Name:  

Date:  
Mobile No:  

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All services that you offer must be listed on your Areas of Interest Form. All categories selected will be shown on your Certificate of Registration and the website.

☐ The green boxes indicate the major categories that your organisation offers; you will be charged for each of these main categories that you tick.

☐ The white boxes indicate sub-categories within your main area of expertise and are only shown on the website to give more information on the services you offer. You will not be charged for these, but it is important that you complete these boxes appropriately. (Your registration will be delayed if any information is not completed correctly and needs further clarification.)

☐ Sub-contracted / LCA reg.

If the services are undertaken by a sub-contractor please tick the white box. If this sub-contractor is LCA registered please tick the blue box.

Please make sure that you sign and date this form, keep a copy of this sheet for your records and return the original to us with the re-registration form. **You are required to complete a form each year even if the details have not changed.**

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 the 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 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 (which can only be found on the LCA website) 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.
Assessors are finding a wide variation in the content of internal audits completed by service providers in assessing how they match up to the nine Service Provider Commitments to which they have committed themselves through their Statement of Compliance.

This document is to guide you in what the LCA Assessor is looking for when he assesses your compliance with the internal audit section (Commitment No.7) of the Code of Conduct. You may find it useful to work to this format.

The first point, which has been emphasised many times in previous LCA guidance notes and on Training Days and Open Days, is that the internal audit is an audit of your management system and procedures to assess how you measure up to the nine Service Provider Commitments of the Code of Conduct. It is NOT an internal audit of the standard of service that you provide to your customers, though, in assessing how you measure up to the Code, you will, on assessing some of the commitments, refer to some of your customer records.

There are certain key points that the LCA Assessor will be looking for when conducting his assessment of your compliance with the internal audit section of the Code. These are summarised below.

Your internal audit should ask the following questions about each of the first eight Service Provider Commitments:

- Is there a procedure in place to cover this section?
- What is the procedure called or numbered?
- Is it referenced correctly in the Statement of Compliance?
- Does the procedure correctly describe the actions that are taken?
- Is the procedure still relevant or does it need updating due to change in work practices?
- What evidence is there to show that procedures are being followed?

For the ninth Service Provider Commitment (Distribution of the Code), your internal audit should ask:

- Is there a mechanism in place to cover this section?
- Is it detailed in the Statement of Compliance?
- Does it ensure that all clients have access to current copies of the Code and your Certificate?

There are other key factors that the Assessor will be expecting. These relate to the way in which you conduct your internal audit:

- Internal audits should be conducted at least annually.
- The internal audit document should be dated and contain the name and position of the person conducting the audit.
- A clear reference should be given to each of the documents audited and the evidence gathered so that the audit can be traced back.
- Where the audit reveals a non-conformance, the audit document should:
  - indicate what action will be taken to correct the non-conformance,
  - who will be responsible for completing this action,
  - the date by which completion is planned, and
  - who will then verify that the action has been completed.
- The date by which the next internal audit is to be conducted should also be indicated on the document.
- The document should be signed by the internal auditor and by the person who verifies the audit.

An important final note:

If you are an existing member of the LCA re-registering, then the LCA Secretariat requires you to submit an example of your last completed internal audit, in the format you currently use. You should be working towards ensuring that your internal audit follows the standard outlined in this clarification note before your next internal audit takes place or before your next company audit (whichever comes first).

If you are not yet a full member of the LCA and you are submitting your documents in application for registration for the first time, then the Assessor in checking your documents will be expecting to see an internal audit procedure written to the standard described in this clarification note, and evidence that you have carried out a dry-run on your internal audit procedure.

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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.

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<table>
<thead>
<tr>
<th>Service Provider Commitments of the Code</th>
<th>Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1. Allocation of Responsibilities</strong></td>
<td><strong>The Service Provider will:</strong></td>
</tr>
<tr>
<td>1.1 Explain in detail the client’s obligations under the legionella legislation.</td>
<td>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.</td>
</tr>
<tr>
<td>1.2 Identify those services covered by the contract and those which should be provided by the client to meet all current obligations.</td>
<td>Reference to a written procedure or formal contract is required. Explain how you identify the services.</td>
</tr>
<tr>
<td>1.3 Formalise a written agreement detailing the respective responsibilities for each requirement.</td>
<td>Reference your written agreement which details respective responsibilities.</td>
</tr>
<tr>
<td>1.4 State in the written agreement that the service provider has LCA registration for the service categories being provided.</td>
<td>State how you do this.</td>
</tr>
<tr>
<td><strong>2. Training and Competence of Personnel</strong></td>
<td><strong>The Service Provider will:</strong></td>
</tr>
<tr>
<td>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.</td>
<td>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.</td>
</tr>
<tr>
<td>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.</td>
<td>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.</td>
</tr>
<tr>
<td>2.3 Assist the client to assess training needs of staff and then where requested advise as to how these can be met.</td>
<td>State how you do this.</td>
</tr>
<tr>
<td><strong>3. Control Measures</strong></td>
<td><strong>The Service Provider will:</strong></td>
</tr>
<tr>
<td>3.1 Have a management system to assess the requirements and ensure an appropriate programme of control measures is designed, implemented, monitored and maintained.</td>
<td>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.</td>
</tr>
<tr>
<td>3.2 Have a system for verifying that corrective and preventive actions are implemented.</td>
<td>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.</td>
</tr>
<tr>
<td>3.3 Ensure the programme of control measures satisfies as a minimum the LCA Standards for Service Delivery.</td>
<td>Assess the steps you take in applying your programme of control measures and compare these steps against each of the LCA Standards for Service Delivery for which you are registered.</td>
</tr>
<tr>
<td><strong>4. Communication</strong></td>
<td><strong>The Service Provider will:</strong></td>
</tr>
<tr>
<td>4.1 Have management procedures to respond appropriately should the system operating conditions deviate from control criteria.</td>
<td>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.</td>
</tr>
<tr>
<td>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.</td>
<td>Summarise the written procedure and reference a chain of responsibility, e.g., a list of telephone numbers of contacts and their appointed deputies.</td>
</tr>
<tr>
<td>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.</td>
<td>You need to indicate how you formally bring “matters of evident concern” which fall outside your contractual responsibility to the client’s attention.</td>
</tr>
<tr>
<td>Service Provider Commitments of the Code</td>
<td>Explanation</td>
</tr>
<tr>
<td>-----------------------------------------</td>
<td>-------------</td>
</tr>
<tr>
<td><strong>5. Record Keeping</strong></td>
<td>The Service Provider will:</td>
</tr>
<tr>
<td>5.1 Indicate which records should be kept by both parties and where they will be kept.</td>
<td>Describe and give the reference to your written procedure and documentation used.</td>
</tr>
<tr>
<td>5.2 Establish with the client who will be responsible for the maintenance of these records.</td>
<td>Reference your written procedure and documentation used.</td>
</tr>
<tr>
<td><strong>6. Reviews</strong></td>
<td>The Service Provider will:</td>
</tr>
<tr>
<td>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.</td>
<td>Describe the contract review programme and reference the written procedures for arranging and conducting this with the client.</td>
</tr>
<tr>
<td><strong>7. Internal Auditing</strong></td>
<td>The Service Provider will:</td>
</tr>
<tr>
<td>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.</td>
<td>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. <strong>Send a completed audit.</strong></td>
</tr>
<tr>
<td>7.2 Establish a corrective action programme so that any non-compliance identified is corrected in a timely manner.</td>
<td>Describe and reference a written procedure that details what you will do to correct the non-conformance and prevent its recurrence.</td>
</tr>
<tr>
<td><strong>8. Sub-contractors</strong></td>
<td>The Service Provider will:</td>
</tr>
<tr>
<td>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</td>
<td>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.</td>
</tr>
<tr>
<td>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</td>
<td></td>
</tr>
<tr>
<td>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.</td>
<td></td>
</tr>
<tr>
<td><strong>9. Distribution of the Code</strong></td>
<td>The Service Provider will:</td>
</tr>
<tr>
<td>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.</td>
<td>Detail what mechanism you have for ensuring that all your clients are issued with current copies.</td>
</tr>
</tbody>
</table>
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.

<table>
<thead>
<tr>
<th>Scope of supply of product or services to client</th>
<th>Requirement to comply with the Code of Conduct</th>
</tr>
</thead>
<tbody>
<tr>
<td>Provision of regular or on-going supply of services associated with the control of legionella</td>
<td>Service Provider Commitments Full</td>
</tr>
</tbody>
</table>
| Provision of one-off product or service associated with the control of legionella | Extent of compliance to be appropriate to the scope of works/agreement:  
   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 the 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 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 (which can only be found on the LCA website) 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.
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 and the Control of Substances Hazardous to Health Regulations as regards risks from legionella, all owners and operators of such systems have a responsibility to ensure that the risk is controlled and kept to an acceptable level. The HSE Approved Code of Practice and guidance on regulations (LB) 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.legionellacontrol.org.uk/download.php
Conditions of Compliance

1. There should be a clearly defined written agreement between the service provider\(^1\) and the client\(^2\) 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\(^3\) in order to achieve the objectives of the Code of Conduct.

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 the Service Provider Commitments of the Code of Conduct.

8. Service providers sub-contracting\(^4\) any legionella specific activities\(^5\) listed in their scope of services should establish that the sub-contractor is either registered for that activity under the LCA or should maintain additional controls and audits to ensure compliance with the LCA Code of Conduct, and regardless of whether the sub-contractor is LCA registered or not, implement procedures and checks to ensure compliance.

9. Copies of a current certificate should be made available 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, 6 Sir Robert Peel Mill, Hoye Walk, Fazeley, Tamworth, Staffs, B78 3QD

Definitions

1. **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.

2. **Client**
   The owner or occupier of the premises, or his appointed representative, or other person nominated to be the “responsible person” as defined in the HSE document “Legionnaires’ disease - The control of legionella bacteria in water systems, Approved Code of Practice and guidance on regulations (L8 4th Edition),” (para 51).

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

4. **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 companies or self-employed individuals the test as to whether the company or individual carrying out the work should be declared as a sub-contractor or not is whether the methodology employed is their own or set by the ‘principal’ service provider. For example, 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. Note: Section 8 of the LCA Conditions of Compliance requires that the principal LCA member implements additional controls and audits on a sub-contractor whether or not that sub-contractor is registered under the LCA.

5. **Legionella Specific Activities**: All categories the LCA member is registered for relating to the control of legionella.
Service Provider Commitments

1. ALLOCATION OF RESPONSIBILITIES
The Service Provider will:
1.1 explain in detail the client’s obligations under the legionella legislation
1.2 identify those services covered by the contract and those which should be provided by the client to meet all current obligations
1.3 formalise a written agreement detailing the respective responsibilities for each requirement
1.4 state in the written agreement that the service provider has LCA registration for the service categories being provided.

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 as a guide)
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
2.3 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:
3.1 have a management system to assess the requirements and ensure an appropriate programme of control measures is designed, implemented, monitored and maintained
3.2 have a system for verifying that corrective and preventive actions are implemented
3.3 ensure the programme of control measures satisfies as a minimum the LCA Standards for Service Delivery.

4. COMMUNICATION
The Service Provider will:
4.1 have management procedures to respond appropriately should the system operating conditions deviate from control criteria
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
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.

5. RECORD KEEPING
The Service Provider will:
5.1 indicate which records should be kept by both parties and where they will be kept
5.2 establish with the client who will be responsible for the maintenance of these records.

6. REVIEWS
The Service Provider will:
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.

7. INTERNAL AUDITING
The Service Provider will:
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
7.2 establish a corrective action programme so that any non-compliance identified is corrected in a timely manner.

8. SUB-CONTRACTORS
The Service Provider will:
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
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
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.

9. DISTRIBUTION OF THE CODE
The Service Provider will:
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.
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 the 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 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 (which can only be found on the LCA website) 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.

Endorsed by the British Association for Chemical Specialities and The Water Management Society
Please note this now forms one of the Conditions of Compliance and must be included in your Statement of Compliance.

Requirements relating to sub-contract services

It is a requirement that if a company wishes to include any of the legionella specific activities listed below in their scope of services they must either do it themselves, sub-contract it to an LCA member, or, where a sub-contractor is not registered, create additional procedures which ensure that by using their services the service provider is still complying with the LCA’s Code of Conduct. Any additional controls and audits should be reflected in your Statement of Compliance as indicated in the Guidance Note on Preparation for a Statement of Compliance. Where a service is sub-contracted the registered company will be required to provide details of the organisations that will be used.

Legionella specific activities:
Water treatment service visits
Cleaning and disinfection
Cooling tower refurbishment
Risk assessment
Monitoring and inspection services
Training services
Facilities management services

Definition of a sub-contractor

For the purposes of LCA registration, a sub-contractor is a company or an individual who carries out unsupervised work on your behalf, specifically associated with the control of legionella. In the case of self-employed individuals the test as to whether they need to be declared as a sub-contractor or not is whether the methodology employed is theirs or yours, e.g., a self-employed risk assessor using your methodology, trained by you and whose work you review is not a sub-contractor, whereas one who has been independently trained and who uses methodology that you haven’t devised is a sub-contractor. Note: Section 8 of the LCA Conditions of Compliance requires that the principal LCA member implements additional controls and audits on a sub-contractor whether or not that sub-contractor is registered under the LCA.