Legionella Control Association
KEEPING WATER SYSTEMS SAFE

LCA Code of Conduct for LCA Members

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 Legionella risk is controlled and kept to an acceptable level. The HSE Approved Code of Practice and guidance on regulations (L8) stresses that whilst the actions needed 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 LCA Member to carry out the work on his behalf.

This Code of Conduct is intended to give guidance on the standard of management of service provision that a service user should expect from LCA Members. The responsibility for the prevention and control of Legionella lies with the service user and the LCA Member Company, and not the LCA.

The LCA does not approve specific products or services or assess the competence of individual LCA Member employees.

The LCA 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 registration with the LCA is evidence that the Member has an appropriate management system in place to comply with the LCA Member Commitments and that these are regularly audited by the LCA.

The LCA Member Requirements in this document are designed to help service users select an LCA Member by detailing the capability that they should expect in nine critical areas.

Employing a LCA Member does not absolve the service user of responsibility for ensuring that work is carried out to the standard required to control Legionella. Service users must make reasonable enquiries to satisfy themselves of the competence of the LCA Member before they enter into a contract for Legionella control services. LCA registration demonstrates that the LCA Member has the capability to deliver effective Legionella control, but it should not be assumed that it is a guarantee of service effectiveness.

Service users should satisfy themselves of LCA Members' capability using the LCA Code of Conduct as a tool to assist.

To find out more about using the LCA Code of Conduct to help select a suitable service provider refer to the **Buyers' Guide** on the LCA website. In the event that the service user believes that an LCA Member has not complied with the LCA Code of Conduct, they should notify the LCA. The LCA will investigate and take appropriate action. Please refer to the **LCA Complaints and Disciplinary Procedure** on the LCA website.

The LCA also recommends that service users verify the LCA Member's registration status by visiting **www.Legionellacontrol.org.uk** or by contacting the LCA Secretariat by email at admin@Legionellacontrol.org.uk.

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LCA Member Requirements

It is a requirement of LCA membership that Member Companies must have in place formal written procedures to cover their Legionella control activities and that these procedures are followed in practice and that records are kept. The formal written procedures must be summarised in the form of a "Statement of Compliance" (SoC) that explains how the Member complies with the Code of Conduct. The SoC must be reviewed annually, updated as required and should be referenced back to numbered points of the Code of Conduct below.

1. ALLOCATION OF RESPONSIBILITIES

The LCA member will:

1.1 Provide guidance to the service user on what they need to do to comply with the Law in respect of Legionella control.
1.2 Formalise a written agreement identifying those services covered by the LCA Member and indicate those which should be provided by the service user to comply with the Law, Regulation, ACoP and the LCA standards for service delivery.

2. TRAINING AND COMPETENCE

The LCA Member will ensure their staff delivering Legionella control services are competent to do so by:

2.1 Having a system to identify initial training needs and arrange training for their staff associated with the control of Legionella.
2.2 Having a system for assessing and maintaining the competence of their staff, establishing their ongoing training needs.
2.3 Maintaining records of training, competence assessments and annual competence validity checks.
2.4 Having a system to ensure that developments in industry standards and good practice are identified and disseminated to all appropriate staff.

3. CONTROL MEASURES

The service provider will:

3.1 Register all Legionella control services they offer with the LCA and state in the written agreement that the LCA Member has LCA registration for the service categories being provided.
3.2 Have a management system to gather information, assess the requirements and ensure an appropriate programme of control measures is designed, implemented, monitored and maintained that satisfies as a minimum the LCA Standards for Service Delivery.
3.3 Have a system for checking that any recommended corrective, preventive and improvement actions are completed and effective.
3.4 Have a calibration and validation procedure to ensure that any testing equipment used in the field is operating correctly.

4. COMMUNICATION

The LCA member will:

4.1 Agree with the service user who the appropriate contacts are for routine and emergency communication and who the duty holder and responsible persons are.
4.2 Have procedures to communicate appropriately when non-conformance from normal control limits or safe operation is identified.
4.3 Bring to the service user's attention any matters affecting the control of Legionella of which they have become aware beyond the responsibilities of their service provision.
4.4 Have a staged escalation procedure to ensure that significant matters of concern are escalated, as necessary, to the responsible person, the duty holder and, as a last resort, to the relevant enforcement agency.

5. RECORD KEEPING

The LCA Member will have procedures to:

5.1 Identify what records need to be maintained to provide evidence of Legionella control.
5.2 Agree with the service user in writing which records should be kept by each party, where and how.
5.3 Maintain their own records, including all detail recorded in site records, for a minimum of five years following delivery of service provision and make them available to the service user.

6. REVIEWS

Where the LCA Member delivers onsite, ongoing Legionella control services they will have procedures to:

6.1 Review formally, at least annually, all aspects of the service provision with the service user.
6.2 Assist the client to assess training needs of staff and then, where requested, advise as to how these can be met.

7. INTERNAL AUDITING

The LCA Member will have a procedure to:

7.1 Audit their own management system to ensure it complies with the requirements of the LCA Code of Conduct and Service Delivery Standards and keep a record of that audit.
7.2 Audit a representative sample of output / records to ensure the management system is effective and being correctly applied. This should include auditing records of all aspects of service delivery (internal processes and on-site activity), training records, competence assessments, sub-contractor performance, survey information, quotations, service delivery reports, reviews, etc., and keep a record of that audit.
7.3 Establish a corrective action programme so that any non-compliance identified is corrected in a timely manner including addressing procedures where failings are systemic.

8. SUB-CONTRACTORS

The LCA Member will:

8.1 Check that every non-LCA registered sub-contractor has procedures to carry out adequate task Risk Assessments and produce suitable Method Statements that comply with the LCA service delivery standards.
8.2 Review the competence assessments of those staff working on behalf of the LCA Member (LCA registered companies are required to carry out competence assessments and provide them on request and would be subject to the complaints procedure where these cannot be readily provided).
8.3 For instances where a non-LCA registered sub-contractor cannot provide records of staff competence assessment for the work being carried out the LCA Member is to conduct a documented assessment of the sub-contractor's capability to carry out the work and the competence of their staff who will be carrying out the work. This is to be validated annually or at any point where there is reason to doubt the sub-contractor's performance.
8.4 Include sub-contractor activity in the evidence examined in their internal audits under commitment 7 to ensure that all aspects (scoping, quotation and delivery) are compliant with the LCA Code of Conduct and Service Delivery standards.

9. PROMOTING AWARENESS OF THE LCA

The LCA Member will ensure:

9.1 A copy of the LCA Code of Conduct and proof of Registration are made available to all Legionella control service users. This can be achieved either by providing them with hard copies, electronic copies or making them available as downloadable files from their website or links to the LCA website.

Definitions of Terms Used

1. Service User
This is the LCA Member's client or customer. The service user could be an LCA Member.

2. Service User
Any person directly or indirectly employed in meeting the requirements of the LCA Code of Conduct and LCA Service Delivery Standards.

3. Sub-contractor
For the purposes of LCA registration, a sub-contractor is a company or an individual who carries out work to their own methodology, associated with the control of Legionella, on behalf of an LCA Member i.e. requirement 8 applies.

Where companies or self-employed individuals are engaged or employed by an LCA Member and work to the methodology of that LCA Member, they are not classed as a sub-contractor and should be treated as any other employee i.e. commitment 2 applies.

4. Management System
A management system is the formal way you carry out your business and normally consists of many individual management procedures for each process within your business. The procedure should include how and when you do things, how you ensure these things are not forgotten, and how you record the results of the actions taken. A written procedure is a document that describes the process.
LCA members should have documented procedures that cover how they deliver Legionella control services and collectively, as a management system, these have to demonstrate how the company complies with the LCA Code of Conduct and Service Delivery Standards.

5. LCA Member (Member)
The LCA Members are those companies that have applied for LCA membership and successfully passed through the review and external audit process. They are then externally audited annually for sustained compliance with the LCA Code of Conduct and Service Delivery Standards thereafter.
LCA Member companies are subject to our Complaints and Disciplinary process for issues brought to our attention.
LCA Members are issued an annual Membership certificate and are listed on the LCA website directory page while their membership is valid.

Buyers Guide

Users of LCA member companies should not assume that membership is a guarantee of continuous compliance with the LCA Code of Conduct. Service users should satisfy themselves of both their ongoing compliance and competence using the LCA Code of Conduct as a tool.

The LCA recommends that service users ask the prospective service provider to supply:

- Proof of Registration with the LCA (certificate or link to LCA website listing)
- A copy of the LCA Member's Statement of Compliance
- Corroborating evidence as to how the service provider complies with the LCA Code of Conduct e.g. examples of the LCA Member's previous work, etc.
- Relevant training records and competence assessments for all LCA Member staff who will be involved in the service delivery on your site
- Whatever additional evidence the service user feels is appropriate to satisfy them of their competence and that the specific products and services they are recommending will be effective in controlling Legionella

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 LCA Members, 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 and re-assesses by annual company audits. The LCA cannot and does not carry out other regular supervision of its members' commitments to the LCA Code of Conduct or LCA Service Delivery Standards. 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 LCA Member has satisfied LCA requirements at registration, re-registration and its most recent company audit. It does not confirm the LCA Member'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 LCA Member's staff and sub-contractors, which is the duty of the LCA Member 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

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