

A Buyer's Guide to Using the Code of Conduct for Service Providers



The Health and Safety Executive's document "Legionnaires' disease, The control of legionella bacteria in water systems, Approved Code of Practice and guidance on regulations" (L8 (Fourth edition)) makes specific reference to the Code of Conduct for Service Providers and comments that whilst it has no legal status it may give guidance to Buyers about the standard of service they will receive from service providers who agree to abide by the Code. This document is intended to explain to you, the Buyer, how the Code can help you to select a competent service provider.

There are a number of points that a Buyer needs to understand about the Code:

- It is voluntary. There is no statutory requirement for service providers to register, but the Legionella Control Association (LCA - formerly the Code of Conduct Association) believes that most responsible service providers will want to do so.
- It aims to be inclusive, but minimum entry standards must be met by registrants.
- It is progressive. (Membership requirements placed on registrants increase annually.)
- It is an indication of commitment to good practice in the control of legionella.

The Code of Conduct is designed to ensure that service providers establish and maintain appropriate management systems to enable them to deliver a consistent quality of service provision for the control of legionella. The LCA cannot guarantee that every individual in the service provider's organisation will at all times follow their company procedures.

In the same way that ISO9001 is universally applicable and does not accredit specific products, the Code of Conduct does not prescribe or approve particular products, services or legionella control techniques. A company's registration does not mean that the LCA has approved their specific products or services as being effective in controlling legionella.

All registrants are required to supply current copies of both the Code and their Registration Certificate to their clients, or make these documents available on their website, and develop documented management procedures to ensure compliance. During the annual re-registration process the service provider has to provide the LCA with their Statement of Compliance and other requested documents.

The Statement of Compliance is a concise document which is intended to explain to any interested party how the service provider complies with the Service Provider Commitments of the Code, making reference where appropriate to other documented procedures. This Statement of Compliance is reviewed by the LCA to assess whether it gives confidence that the requirements of the Code are being met. Where the Statement of Compliance is inadequate the service provider is required to revisit both the statement and the procedures supporting it. Only when a satisfactory standard has been reached is a registration confirmed.

A team of LCA Assessors carry out audits at the offices of the registered members, on a periodic basis. All members, including new members, of the LCA will have undergone formal auditing. However, as the Buyer you should not assume that this is your guarantee of their compliance with the Code. You should satisfy yourself of both their compliance and competence using the Code as a tool to help you.

The LCA would recommend that you ask the prospective service provider to supply:

- A copy of the Code and their Certificate of Registration.
- A copy of their Statement of Compliance to enable you to decide for yourself whether it gives you confidence that they meet the Service Provider Commitments.
- Corroborating evidence as to how they comply with the conditions and commitments of the Code.
- Whatever additional evidence you feel is appropriate to satisfy you of their competence and that the specific products and services they are recommending will be effective in controlling legionella.
- Training records and relevant competence assessments for all staff who will be involved in the service delivery.

The LCA would also recommend that you verify the service provider's registration status by visiting www.legionellacontrol.org.uk or by contacting the LCA Secretariat by email at admin@legionellacontrol.org.uk.

LCA Standards for Service Delivery

To aid the Buyer further in the procurement of legionella services, the LCA has produced standards of delivery for all nine of the service categories under which a member can be registered. The categories for which the member is registered are shown on their Certificate of Registration. The standards detail the procedures a service provider should have in place to deliver effectively the services they provide. These standards include:

- Greater definition of the service provided.
- Information regarding the knowledge, training and experience required by service provider staff involved in the service delivery.
- Details of the procedures the service provider should have in place to plan, execute, audit and otherwise manage the specific service delivery.
- The Buyer's specific responsibilities regarding these service elements.

Service Users, System Owners and Operators: Commitments and Responsibilities

Legislative requirements for the control of legionella put the responsibility for compliance clearly with the owner/operator of water systems. They must take all reasonable care to ensure the competence of the service provider to carry out the work on their behalf.

The Code of Conduct is intended to give guidance on the standard of service management that a client should expect from registered service providers.

Service providers should send personnel to site who have the appropriate level of competence to perform a required task. Only those people who have met those requirements should be permitted to carry out the specified task unsupervised.

NOTE: The service provider should maintain training records and competence assessments for all staff involved in the delivery of legionella control services, and these should be made available to the service user on request.

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.