

PLUMBING & HEATING CONTRACTORS' ALLIANCE (PHCA)

Legionella

Risk Assessment &
Disinfection Scheme



SCHEME GUIDE

GUIDE TO THE LEGIONELLA RISK ASSESSMENT AND DISINFECTION SCHEME

in accordance with the requirements of the
HSE Approved Code of Practice (L8) and guidance entitled
Legionnaires' disease: The control of Legionella bacteria in water systems

The Scheme for Legionella Risk Assessment and Disinfection was set up by the Plumbing and Heating Contractors' Alliance (PHCA)* in 2014.

This Guide describes the Scheme and its operation and is published by the PHCA. Further information about the PHCA can be found at:
<http://www.plumbingandheatingcontractorsalliance.org>.

Persons and organisations that are approved by the PHCA to undertake Legionella Risk Assessments and Disinfection activity under the HSE Approved Code of Practice (L8) and guidance entitled "*Legionnaires' disease: The control of Legionella bacteria in water systems*" appear on the PHCA Register.

The Register is operated and maintained by the two scheme operators – APHC, covering persons and organisations in England and Wales and SNIPEF, covering persons and organisations in Scotland and Northern Ireland.

**The Plumbing and Heating Contractors' Alliance (PHCA) consists of the Association of Plumbing and Heating Contractors' (APHC) and the Scottish and Northern Ireland Plumbing Employers' Federation (SNIPEF).*

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A. GLOSSARY OF TERMS AND ABBREVIATIONS

<i>Approved Code Of Practice (ACOP)</i>	Legionnaires' disease: The control of Legionella bacteria in water systems (L8)
<i>The Scheme</i>	Legionella Risk Assessment and Disinfection Scheme
<i>HSE</i>	Health and Safety Executive, responsible for setting the content of the L8 ACOP
<i>Approved Business</i>	An enterprise (sole trader, partnership, private limited company, public limited company or other legal entity) registered with the PHCA scheme to employ and support Approved Operatives
<i>Approved Operative</i>	An individual registered with the PHCA scheme to determine compliance of water system(s) in accordance with L8 ACOP
<i>Provider of Residential Accommodation</i>	The building owner or landlord who is required to manage and control Legionella risks
<i>Further HSE Guidance</i>	<i>Legionnaires disease: A guide for employers: Leaflet IAC27 &</i> <i>Controlling Legionella in nursing and residential care homes: Leaflet INDG253</i>
<i>Relevant Legislation</i>	Health and Safety at Work etc Act 1974 (HSWA) The Management of Health and Safety at Work Regulations (MHSWR) The Control of Substances Hazardous to Health Regulations 2002 (COSHH)
<i>PHCA</i>	The Plumbing & Heating Contractors' Alliance (SNIPEF & APHC)

B. INTRODUCTION

This Guide describes the Legionella Risk Assessment and Disinfection Scheme ("Scheme"), its management, the processes for application for membership and the actions to be taken by an Approved Business/Approved Operative.

In order to establish the competence of those carrying out Risk Assessments and Disinfection of water systems, qualified individuals and their employer business will be approved for membership of the Scheme and placed on a register maintained by either of the Scheme operators. The Scheme operators will be responsible for the assessment of all applications for membership from firms and individuals.

The PHCA believes that the guidance and information contained in this Guide is correct, but all parties must rely on their own skill and judgement when making use of it. PHCA assumes no liability for any loss or damage caused by error or omission, whether as a result of negligence or any other cause. Any such liability is disclaimed.

The Guide may be amended by PHCA and re-issued in the light of experience of its use.

C. RELEVANT LEGISLATION

The Health and Safety Executive (HSE) Approved Code of Practice (ACoP), *Legionnaires' disease: The control of Legionella bacteria in water systems (L8)* contains practical guidance on how those who own and maintain residential accommodation should manage and control the risks in water systems.

The ACoP states that persons in control of the premises are responsible for health and safety and need to take the right precautions to reduce the risks of exposure to Legionella. They therefore must:

- ✓ identify and assess sources of risk;
- ✓ manage any risks;
- ✓ prevent or control any risks;
- ✓ keep the correct records; and
- ✓ carry out any other duties they may have.

It is the persons in control of the premises responsibility to carry out a risk assessment, however they need to be sure that they are competent to carry out such an assessment themselves or, if not, they should call on help and advice from either within their own organisation or from outside sources. This is when the PHCA Risk Assessment and Disinfection Scheme could be used.

The person responsible for managing risks needs to understand the water system(s), the equipment associated with the system such as pumps, heat exchangers, showers etc, and its constituent parts and identify whether they are likely to create a risk from exposure to Legionella.

The Health and Safety at Work etc Act 1974 (HSWA) also extends to risks from legionella bacteria, which may arise from work activities. The Management of Health and Safety at Work Regulations (MHSWR) provide a broad framework for controlling health and safety at work and more specifically the Control of Substances Hazardous to Health Regulations 2002 (COSHH) provide a framework of duties designed to assess, prevent or control the risk from bacteria like Legionella and take suitable precautions.

D. THE SCHEME

1.1. Scheme Scope

- 1.1.1 The scheme will cover the inspection and/or undertaking of remedial work in connection with hot and cold water systems as defined in the Health and Safety Executive (HSE) Approved Code of Practice (ACoP), *Legionnaires' disease: The control of Legionella bacteria in water systems (L8)*.
- 1.1.2 The scheme only covers work or inspections carried out on hot and cold water systems in residential accommodation.

1.2 Membership

- 1.2.1. The Scheme operators, on behalf of the PHCA, will assess the suitability of either applying Individuals or firms for membership, renewal of membership and evaluate audit reports on members.

Individual membership of the Scheme is open to persons who;

- Either hold or are eligible to hold an Plumber, Advanced or Technician Plumber or Heating Engineer or Heating Technician JIB Registration card or such other JIB Registration card as specified, or an N/SVQ qualification or craft certificate in a mechanical services discipline (plumbing, heating & ventilating or gas fitting); and
- Hold a qualification in Water Byelaws/Regulations; and
- Hold a current BPEC *Disinfection and Risk Assessment of Domestic Hot Water Storage Systems* qualification or equivalent/ and or a current BPEC *Risk Assessment of Water Systems* qualification or equivalent.

- 1.2.1 Membership of the Scheme is open to any individual and organisation that meets the membership criteria outlined in this Guide.
- 1.2.2 Membership of the Scheme (both Approved Business and Approved Operative) is renewable and is subject to the payment of a membership fee on joining and an ongoing annual subscription.
- 1.2.3 Members are subject to audit at any time to be decided as necessary by PHCA.
- 1.2.4 An Approved Operative must not carry out or assess work that has not been checked for compliance with the HSE ACoP or is outwith their competency.
- 1.2.5 A firm, publicly approved body, or other organisation that is a member of the Scheme may act as an Approved Business to supply Risk Assessment and/or Disinfection Services within the scope of the Scheme.
- 1.2.6 An Approved Business must employ at least one Approved Operative and hold appropriate levels of Public liability and Professional Indemnity insurance as specified in 1.5.1.

1.2.7 An Approved Operative will be issued with a personal registration number and may leave an Approved Business without loss of that number. The individual will use that number if subsequently employed by another Approved Business. However, if subsequently employed by a firm that is not on the Scheme Register, the individual cannot act as an Approved Operative.

1.2.11 Each Approved Operative will be issued with a “Declaration of Competence” which will specify which work designations he may undertake (either Disinfection and/or Risk Assessment of Water Systems). The Approved Operative may add to these designations at any time by submitting appropriate evidence of any qualifications.

1.3 Operation of the Scheme

1.3.1 Approved Businesses will be required to prepare and issue written reports of any risk assessment or remedial work undertaken to the client. They must keep a copy of such reports for a period of 5 years and make them available for inspection by the Scheme Operator as required.

1.3.2 Approved Businesses will also be required to facilitate any third party water sampling tests as laid down in the requirements of the ACoP (L8). They must also keep a copy of such reports for a period of 5 years and make these reports available for inspection by the Scheme Operator as required.

1.4 Scheme Management

1.4.1 The Scheme management, administration and commercial activity will be undertaken on behalf of the PHCA, by the following Scheme operator employees:

- Chief Executive
- Scheme Manager
- Administrative staff

Who will be responsible for:

- Assessment of applications;
- Recommendations on membership of the Scheme;
- Operation of IT and other administrative systems;
- Continuing review of the operation of the Scheme;
- Implementation of the Scheme Code of Conduct;
- Appointment of employees to administer the scheme;
- Fees for membership on joining and annual renewal of membership; and
- Implementation of any industry Code of Practice.

1.4.2 All employees are required to declare any conflict of interest with regard to applications for membership or members of the Scheme.

1.4.3 The Scheme Operators will provide representatives for the:

- Disciplinary Panel;
- Appeals Panel; and
- Registration Board.

1.5 Criteria for membership of Approved Operatives

1.5.1 Membership is restricted to individuals who have the following:

Either hold or are eligible to hold a JIB Plumber, Advanced or Technician Plumber or Heating Engineer or Heating Technician registration card or other such JIB Registration card as specified. or an N/SVQ qualification or craft certificate in a mechanical services discipline (plumbing, heating & ventilating or gas fitting)

1.5.2 In addition, candidates must fulfil the following criteria:

- (1) hold a qualification in Water Byelaws or Water Regulations;
- (2) hold current and appropriate qualifications for each of the work designations they wish to carry out (either Disinfection and/or Risk Assessment of Water Systems);
- (3) declare that they will only carry out work if they have sufficient knowledge and understanding of the **HSE ACOP, Legionnaires' disease: The control of Legionella bacteria in water systems (L8)**;
- (4) agree to undertake and successfully complete industry recognised and approved Disinfection and/or Risk Assessment of Water System qualifications;
- (5) undertake to understand the Scheme's requirements as described in this Guide; and
- (6) abide by the Scheme Code of Conduct.

1.6 Criteria for membership of Approved Businesses

1.6.1 Approved Businesses are required to:

- (1) employ at least one Approved Operative so applications must:
 - be accompanied by an application for membership of an individual who is permanently employed by the Approved Business; or
 - identify an individual who has already achieved Approved Operative status with another Approved Business but who has transferred their employment to the applicant's permanent staff;
- (2) hold Professional Indemnity insurance of at least £250,000 for the scope of work contained in the ACoP (if they propose to carry out Risk Assessment work) ;
- (3) hold Public Liability insurance to a value of at least £2m and, where appropriate, Employers' liability insurance;

- (4) provide access for Approved Operatives to all relevant legislation, handbooks, codes standards and guides;
- (5) understand the Scheme's requirements as described in this Guide;
- (6) undertake to abide by the Scheme Code of Conduct;
- (7) report changes in Approved Operatives, within seven days, to the Scheme Operators; and
- (8) be a current member of the UK WaterSafe scheme.

1.6.2 Approved Businesses with more than one office are required to make a separate application for each branch that wishes to join the Scheme. Branch offices must also employ at least one Approved Operative.

1.6.3 A sole trader can be an Approved Operative and an Approved Business but they must submit application forms for both.

1.7 Duties of an Approved Operative

1.7.1. The Approved Operative should be satisfied that their knowledge and experience enables them to discharge the responsibility of carrying out particular work, bearing in mind the nature of the project.

1.8 Duties of an Approved Business

1.8.1 The Approved Business must provide an environment that supports the Approved Operative and maintain the conditions under which it was approved. The duties of an Approved Business are given in 1.6 above.

1.9 Code of Conduct

1.9.1 The Scheme is dependent on trust and strict adherence to this Code of Conduct.

1.9.2 The Scheme requires that its members, the persons employed or engaged by the Scheme Operators and members of any board or panel intended to further the purposes of the Scheme or the PHCA:

- (1) act with integrity and fairness;
- (2) have regard to the public interest and to the interests of all those affected by their activities;
- (3) do not maliciously or recklessly injure or attempt to injure the reputation of another person;
- (4) avoid conflicts of interest; and
- (5) uphold the reputation of the Scheme.

1.9.3 The Scheme requires that individual members who perform the function of Approved Operatives:

- exercise appropriate skill, care, diligence and judgement in undertaking work in accordance with the HSE ACOP, *Legionnaires' disease: The control of Legionella bacteria in water systems (L8)*;
- do not misrepresent themselves as having expertise and experience that they do not possess;
- maintain and broaden their expertise;
- undertake only those tasks for which they have appropriate expertise and experience;
- acknowledge that for some projects they may lack appropriate experience to enable them to act as the Approved Operative; and
- disclose to the Scheme operator if they have been convicted of any offence by a court or have been subject to an adverse finding of any kind by any tribunal, court or other authority.

1.10 Complaints Procedure

1.10.1 The Scheme Operators will take due account of any complaint received from:

- A member of the public, a building owner, developer, landlord or other relevant person, which concerns the conduct of the membership of its scheme in connection with Risk Assessment and/or Disinfection of Water Systems.
- The Scheme operator will also take due account of an appeal against a decision on membership of its scheme.

1.10.2 Scheme operators may reject a complaint on the grounds that it does not directly concern certification in connection with Risk Assessment and/or Disinfection of Water Systems. In these cases, the Scheme operator may refer the complaint to their own complaints procedure.

1.10.3 Responsibility for responses to complaints and disciplinary proceedings will be allocated as follows:

1.10.4 The Scheme Manager shall be responsible for co-ordinating the response to any complaint concerning Approved Operatives or Approved Businesses, by requesting and collating information, convening meetings and notifying relevant parties.

1.10.5 The Disciplinary Panel will be responsible for hearing and determining any complaint concerning a member of the scheme.

1.10.6 The Scheme Manager will be responsible for co-ordinating the response to a complaint and recording it in a complaints register.

1.10.7 The Scheme Manager will provide an acknowledgement of a complaint and if it is decided that the complaint is valid, will issue notification of the complaint to the Approved Business including a request that they respond within 10 days.

- 1.10.8 The Scheme Assistant Manager will organise the investigation and carry out the administration of any complaint. In the absence of the Scheme Manager or the Assistant Manager these tasks will be carried out by their deputies.
- 1.10.9 If the complaint appears to concern a simple mistake, the Scheme Manager may instruct the member to complete certain work within a specified period. If the work is not completed then the complaint will be referred to the Disciplinary Panel.
- 1.10.10 The Disciplinary Panel is responsible for hearing and determining on any complaint concerning a member of the scheme that alleges that an Approved Operative or Business has not acted in accordance with the rules, limitations or conditions of the scheme or any other complaint that the Scheme Manager considers merits a hearing.
- 1.10.11 The Disciplinary Panel will consist of three members of the Scheme Operators Council. The Scheme Manager will attend Panel meeting in order to provide any necessary secretarial support.
- 1.10.12 Any notification of a hearing by the Disciplinary Panel to the complainant and the subject of the complaint will give the date of the hearing, require their attendance, and describe the process of the hearing.
- 1.10.13 If a complaint is made against both an Approved Operative and Approved Business, the Disciplinary Panel will hold separate interviews with the Approved Operative and the representative of the Approved Business.
- 1.10.14 Notification of the decision of the Disciplinary Panel will be made to the complainant, including grounds for appeal, within 21 days of the date of the disciplinary hearing.
- 1.10.15 The Disciplinary Panel may recommend a sanction if an Approved Operative or Business has not acted in accordance with the rules, limitations or conditions of the scheme. Sanctions may include termination, reprimand but will not include fines.
- 1.10.16 Decisions of the Disciplinary Panel are, subject to appeal, binding on the subject of the complaint.
- 1.10.17 A party may choose to be legally represented at a hearing, but must do so at their own cost.

1.11 Appeals Procedure

- 1.11.1 The Appeals Panel will be responsible for determining any appeal against a decision of either the Scheme Disciplinary Panel, or any decision regarding refusal of membership of the scheme.
- 1.11.2 The Appeals Panel will be made up of three members of the Scheme Operators Council who have no involvement in any other part of the Scheme administration or have been involved in any part of the investigation or disciplinary process.
- 1.11.3 The Scheme operator's CEO will carry out the administration of appeals and act as secretary to the Appeals Panel.
- 1.11.4 Prompt notification of the appeals procedure will be issued to any individual or Approved Business whose application for membership or renewal of membership is rejected, or who is reprimanded, or whose membership is terminated.
- 1.11.5 The only grounds for an appeal against a decision of the Disciplinary Panel will be that the Panel was not properly constituted or conducted.
- 1.11.6 In the case of appeals against a decision on membership taken following assessment of an application for membership or renewal of membership, the complaint may be rejected if the complainant did not attend an interview with the Appeals Panel in person if requested to do so, or failed to demonstrate that the assessment or audit was not properly conducted or the rules, limitations or conditions of the scheme were not correctly applied.
- 1.11.7 A party may choose to be legally represented at a hearing, but must do so at their own cost. Any costs for legal representation may not be recovered within the scheme procedures or through any subsequent legal action
- 1.11.8 Standardised reports/checklists will be used to ensure consistent reporting by each Panel.
- 1.11.9 The following action will be taken in the case of a decision to terminate membership from the scheme.
- 1.11.10 If no appeal is made following the determination by the Certification Disciplinary Panel, the Scheme operator will advise the PHCA to record the date of termination on the Scheme Register.
- 1.11.11 On determination of any appeal, the Scheme operator will advise the PHCA to record the date of termination on the Scheme Register.

1.12 Complaints and Appeals - General information

1.12.1 Membership may be terminated or other disciplinary action taken at any time if the conduct or action of a member of the Scheme is found by the Disciplinary Panel to breach the scheme code of Conduct.

1.12.2 Disciplinary procedures concerning certification shall not preclude action by the Scheme operator following publication of the determination of a complaint, but the proceedings shall remain confidential.

1.12.3 The responsibility and administration of complaints about the conduct of the Scheme operator or its staff whilst engaged in carrying out their duties in connection with the Legionella Risk Assessment and Disinfection Scheme will be:

- The Scheme Manager, who will be responsible for co-ordinating the responses to these complaints and recording them in a complaints register; and
- The Administrator who will carry out the investigation and administration of these complaints.

1.12.4 Any complaints of this nature will be reviewed by the PHCA Board.

E. MEMBERSHIP PROCESS

2.1 Applications for membership

- 2.1.1 All applications for membership are to be submitted to the Scheme operator.
- 2.1.2 The membership joining fee must be paid prior to the application being approved.
- 2.1.3 The application will be checked for completeness and the information entered in the Scheme database.
- 2.1.4 Joining fees will be set annually by each Scheme operator.
- 2.1.5 An appeal may be lodged with the Scheme operator if an application for membership is rejected.

2.2 Assessment of applications

- 2.2.1 All applicants for certification will be audited against the Scheme operator assessment criteria.
- 2.2.2 The assessors will grade each application in one of three ways:
 - (1) does not satisfy the criteria for membership;
 - (2) satisfies the criteria for membership; or
 - (3) cannot be decided and that a reassessment should be undertaken after a period of not more than 6 months.
- 2.2.3 Applications recommended for membership or rejected for membership will be passed to the Scheme Manager who will check that the scheme criteria has been correctly applied and determine whether or not the applicant satisfies the scheme requirements.
- 2.2.4 Applicants who consider that they have been dealt with unfairly may lodge an appeal to the Appeals Panel.

2.3 Maintaining Membership

- 2.3.1 Membership is subject to an annual subscription and the fee levels will be determined by each Scheme operator.
- 2.3.2 If fees for membership as an Approved Operative or Approved Business are unpaid at the due date, membership will be suspended. If fees remain unpaid for a further 2 months, membership of the Approved Operative and/or Approved Business will be terminated. A full re-application will be required prior to re-instatement.

- 2.3.3 Approved Businesses must produce, when requested, evidence of Public Liability insurance, Professional Indemnity insurance and, where appropriate, Employers' Liability insurance.
- 2.3.4 Any member who wishes to resign their membership must inform the Scheme operator who will within 24 hours request that the resignation is noted on the Scheme Register.
- 2.3.5 Membership may be terminated at any time following properly conducted disciplinary and appeals procedure. The Scheme operator will, within 24 hours of a termination decision, request that the termination is noted on the Scheme Register.

F. FURTHER INFORMATION

3.1.1 SNIPEF (Scotland & Northern Ireland)

3.1.1 The SNIPEF website provides further information: www.snipef.org

3.1.2 Enquiries about the Scheme may be answered at the SNIPEF website. Otherwise enquiries should be addressed to:

SNIPEF
Bellevue House
22 Hopetoun Street
Edinburgh
EH7 4GH

Tel: 0131 556 0600
Email: info@snipef.org

3.2 APHC (England & Wales)

3.2.1 The APHC website provides further information: www.aphc.co.uk

3.2.2 Enquiries about the Scheme in England & Wales may be answered at the APHC website. Otherwise enquiries should be addressed to:

APHC
12 The Pavilions
Cranmore Drive
Solihull
West Midlands
B90 4SB

Tel: 0121 711 5030
Email: info@aphc.co.uk