

Legionella

**Risk Assessment &
Disinfection Scheme**



SCHEME GUIDE
Operated by SNIPEF

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 system

This Guide describes the Scheme and its operation operatives and businesses that are approved by the SNIPEF to undertake Legionella Risk Assessments and Water System Disinfection activity under the HSE Approved Code of Practice (L8) and guidance entitled "*Legionnaires' disease*":

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A. GLOSSARY OF TERMS AND ABBREVIATIONS

Approved Code of Practice (ACOP)	Legionnaires' disease: The control of Legionella bacteria in water systems (L8)
The Scheme	Legionella Risk Assessment and Disinfection Scheme
HSE	Health and Safety Executive, responsible for setting the content of the L8 ACOP
Approved Business	An enterprise (sole trader, partnership, private limited company, public limited company or other legal entity) approved by the scheme to employ and support Approved Operatives
Approved Operative	An individual approved by the scheme to determine compliance of water system(s) in accordance with L8 ACOP
Provider of Residential Accommodation	The building owner or landlord who is required to manage and control Legionella risks
Further HSE Guidance	<p><i>Legionnaire's disease: A guide for employers:</i> Leaflet INDG458</p> <p>HSG 274 Part 2 Technical guidance Part 2: Hot and cold water systems</p> <p><i>Controlling Legionella in nursing and residential care homes:</i> Leaflet INDG253</p>
Relevant Legislation	<p>Health and Safety at Work etc Act 1974</p> <p>The Management of Health and Safety at Work Regulations 1999 (MHSWR)</p> <p>The Control of Substances Hazardous to Health Regulations 2002 (COSHH)</p>

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.

The Scheme itself, covers competences to undertake legionella risk assessment and remedial work in residential properties.

In order to establish the competence of those carrying out Risk Assessments and Disinfection of water systems, qualified operatives and their employer business will be approved by SNIPEF for membership of the Scheme. SNIPEF will be responsible for the assessment of all applications for membership from operatives and businesses.

SNIPEF 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. SNIPEF assumes no liability for any loss or damage caused by error or omission, whether as a result of negligence or any other cause. SNIPEF is also not responsible or liable for any work undertaken by the Approved Business or Approved Operative. Any such liability is disclaimed.

The Guide may be amended by SNIPEF at any time and re-issued in the light of experience of its use.

C. RELEVANT LEGISLATION

Duties under the Health and Safety at Work Act 1974 (HSWA) apply to the risks from exposure to legionella bacteria that may arise from work activities. The Management Regulations provide a broad framework for controlling health and safety at work. As well as requiring risk assessments, they also require employers to have access to competent help in applying the provisions of health and safety law;

The Health and Safety Executive (HSE) Approved Code of Practice (ACoP), *Legionnaires' disease: The control of Legionella bacteria in water systems (L8)* [1] contains guidance on how those who own and maintain water systems should manage and control the risks.

The ACoP provides guidance for duty holders and any person providing work associated with legionella risk assessment and disinfection. 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.

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 1999 (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 is for businesses engaging in works associated with legionella risk assessment and disinfection Practice in line with the Approved Code of Practice.

1.2 Membership

- 1.2.1 SNIPEF will assess the suitability of both the Approved Business and the Approved Operative. (see criteria under 1.5 and 1.6) of
- either applying operatives or businesses for membership, renewal of;
 - or equivalent.
- 1.2.2 Membership of the Scheme is open to any operative and business that meets the membership criteria outlined in the Scheme Guide.
- 1.2.3 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 on an ongoing annual subscription.
- 1.2.4 Members are subject to audit at any time to be decided as necessary by SNIPEF.
- 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 1.6.1.
- 1.2.7 An Approved Operative will be logged under the Approved Business membership.
- 1.2.8 The Approved Business will be issued with a certificate which will specify which work designations the approved Operative 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 deliver services in line with the current ACOP and technical guidance HSG 274 part 2.

1.4 Scheme Management

1.4.1 The Scheme management, administration and commercial activity will be undertaken by SNIPEF 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;
 - 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 will provide representatives for the:

- Disciplinary Panel;
- Appeals Panel.

1.5 Criteria for membership of Approved Operatives

1.5.1 Membership is restricted to operatives who have the following:

- 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, operatives 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 and appropriate CPD;
- (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 operative who is permanently employed by the Approved Business; or
 - identify an operative 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 Water Safe 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.

1.7.2 Must adhere to the Scheme Code of Conduct.

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.

1.8.2 Adhere to the Scheme Code of Conduct.

1.9 Code of Conduct

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

1.9.2 The Scheme requires that Approved Businesses and Approved Operatives:

- (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 individuals 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 through ongoing continual professional development;
- 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 SNIPEF 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 SNIPEF will take due account of any complaint received from:

- A member of the public, a building owner, developer, landlord or other relevant person who has been directly affected by the work undertaken by the Approved Business in connection with the Risk Assessment and/or Disinfection of Water Systems within the terms of the Scheme's rules.
- which concerns the conduct of the membership of its scheme in connection with Risk Assessment and/or Disinfection of Water Systems.
- SNIPEF will also take due account of an appeal against a decision on membership of its scheme

- 1.10.2 SNIPEF may reject a complaint on the grounds that it does not directly concern activities in connection with Risk Assessment and/or Disinfection of Water Systems.
- 1.10.3 Responsibility for responses to complaints and disciplinary proceedings will be allocated as follows:
- 1.10.4 The Conduct Panel will review the complaint and decide whether or not it merits consideration by the Disciplinary Panel or, if it can be resolved by requiring specific work or other action to be taken, or whether the complaint should be rejected. The Conduct Panel comprises of the Scheme Manager and the SNIPEF Technical Manager. 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 Manager will organise the investigation and carry out the administration of any complaint. In the absence of the Scheme Manager these tasks will be carried out by other administrative staff.
- 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 a selection of suitably competent individuals selected by the Scheme Provider. The Scheme Manager will attend the Panel meeting in order to provide any necessary secretarial support.

- 1.10.12 Any notification of a hearing 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 the Approved Business or the Approved Operative, the Scheme Provider will contact the Approved Business as first point of contact. If it is deemed to be the Approved Operative that is at fault they may be removed from the Scheme and the Approved Business should carry out redress with the Approved Operative.
- 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 consist of a selection of suitably competent individuals selected by the Scheme Provider. The Appeals Panel will not have any representation from the disciplinary panel.
- 1.11.3 Prompt notification of the appeals procedure will be issued to any Approved Business whose application for membership or renewal of membership is rejected, or who is reprimanded, or whose membership is terminated.
- 1.11.4 The Appeals Panel decision will be final.
- 1.11.5 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.

- 1.11.6 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

1.12 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 The responsibility and administration of complaints about the conduct of the Scheme administrators 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 and investigating complaints against administrative staff; and
 - The SNIPEF CEO, who will be responsible for co-ordinating and investigating complaints against the Scheme Manager.

E MEMBERSHIP PROCESS

2.1 Applications for membership

- 2.1.1 All applications for membership are to be submitted to SNIPEF
- 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 SNIPEF.
- 2.1.5 An appeal may be lodged with SNIPEF if an application for membership is rejected.

2.2 Assessment of applications

- 2.2.1 All applicants for certification will be audited against SNIPEF criteria.
- 2.2.2 SNIPEF 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.

2.3 Maintaining Membership

2.3.1 Membership is subject to an annual subscription and the fee levels will be determined by SNIPEF

2.3.2 If fees for membership as an 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.

Any member who wishes to resign their membership must inform SNIPEF as soon as possible. Membership may be terminated at any time following properly conducted disciplinary and appeals procedure.

F. FURTHER INFORMATION

3.1. SNIPEF (Scotland & Northern Ireland Plumbing Employers Federation)

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:

Scheme Manager,
SNIPEF
Bellevue House
22 Hopetoun Street
Edinburgh
EH7 4GH

Tel: 0131 524 1233

Email: schemes@snipef.org