

FIRE AND WATER – WHO'S RESPONSIBLE?

The onus for compliance invariably stays with the Responsible Person, as **Martin Hembling**, Commercial Director for Swiftclean, explains.



Martin Hembling

A common misconception about air and water cleaning services is that the legal responsibilities for compliance pass to the specialist cleaning supplier once appointed. While the specialist supplier may assume some of the legal responsibility for a particular area of compliance, the appointed Responsible Person can never entirely delegate them – either to a specialist service provider, or an in-house colleague. It is therefore essential to appoint a service provider who can not only help to ensure your compliance, but who can also provide you with robust evidence of compliance.

In the UK, as a landlord or a business owner, you are required by law to have an up-to-date Legionella risk assessment in place in order to assess and control the risk of exposure to Legionella bacteria. Your legal duties are set out in The L8 Approved Code of Practice, issued by the HSE (Health & Safety Executive). This requires that you take the necessary measures to minimise your Legionella risk:

- identify and assess any potential sources of risk
- sufficiently manage the risks you have identified
- put in place appropriate preventative measures
- keep detailed and accurate records of any testing, results or work carried out.

Keeping accurate records is essential, and it is strongly recommended that your documentation includes before and after photography of any cleaning or remedial work; e.g. before and after images of a regular water tank clean, as part of comprehensive water hygiene log book and risk assessment.

Shouldering responsibility

Should there be a Legionella outbreak, the Responsible Person – often the FM – and their organisation may be prosecuted for negligence. In the event of a guilty verdict, the court can impose limitless fines on the organisation; and any individuals deemed to be negligent can face a custodial sentence; especially if there has been a serious outbreak or a fatality. With this in mind, you should ensure that you appoint a member of the Legionella Control Association (LCA) to provide Legionella control services. LCA members are vetted regularly, and their membership is confirmed

on an annual basis. LCA members will provide your evidence of compliance. The FM is also often the Responsible Person when it comes to fire prevention under the Regulatory Reform (Fire Safety) Order and the Workplace (Health, Safety & Welfare) Regulations. One of the less obvious fire prevention measures is the regular inspection and cleaning of the commercial kitchen grease extract system – including any canopies, filters, ductwork, risers and fans – in compliance with BESA (Building Engineering Services Association) specification TR19® Grease.

Regular cleaning

Your buildings insurance policy will also expect regular cleaning in accordance with TR19® Grease to be carried out. Failing to do this can invalidate your policy. TR19® Grease includes helpful tables with guidance as to the frequency of cleaning needed, according to your kitchen's usage.

As with Legionella, failure to comply can have serious consequences, especially in the event of a fire which causes harm to life or serious damage to property. Evidence is therefore vital to protect you from prosecution or conviction for negligence. Appointing a member of BESA's Vent Hygiene Register (VHR) will ensure that you can receive BESCA certification of every clean, including before and after photography of each individual asset. BESCA is the certification arm of the BESA.

If you appoint a less than competent service provider, they will doubtless be held partly to blame in the event of a catastrophe. However, as the appointed Responsible Person, it is part of your legal duty to appoint a provider who will carry out the work competently, professionally and compliantly. In the end, it's down to you.