



SPATA MEMBERSHIP GUIDANCE NOTES

(PLEASE RETAIN FOR YOUR RECORDS)

**The Swimming Pool and Allied Trades Association
4 Eastgate House, East Street,
Andover, Hampshire SP10 1EP**

**Tel: 01264 356210 Fax: 01264 332628
E-mail: admin@spata.co.uk
www.spata.co.uk**

Contents

| | |
|---|----|
| Membership Categories | 3 |
| Additional Benefits | 4 |
| BSOL Standards | 5 |
| Services to Members | 6 |
| Administration and Organisation | 7 |
| What does SPATA do? | 8 |
| Inspection of New Members | 9 |
| Code of Ethics | 10 |
| SPATA Stakeholder Account and Dispute Resolution..... | 11 |
| Dispute Resolution continued..... | 12 |
| SPATA Subscription Fees | 13 |

Membership Categories

Membership of SPATA is open to any company engaged substantially in the swimming pool, spa, sauna or steam trade, whether as manufacturer, trade supplier, retail supplier, service and maintenance, or construction and installation of pools or spas, or of any associated equipment or fittings used in such installations or services.

After processing by the SPATA office, applications for membership are considered by the SPATA National Council for approval.

Full Membership

Full membership is split into two categories; those who are installer companies or those who are manufacturers, trade suppliers, retailer suppliers, or service/maintenance companies. Installer applicants must submit up to three pools to be inspected by a SPATA surveyor before their application is considered by National Council and there will be an inspection fee.

Each applicant for UK full Membership must be proposed and seconded by SPATA full members and must also provide three customer references. Installer members must demonstrate a minimum of three years' successful trading within the pool/spa industry and must seek a proposal from a current full installer member. Non-installer members must be trading for a minimum of one year (and will be considered on a case by case basis).

Associate Membership

Full members may propose to have an Associate Membership for any wholly or mainly-owned (50% or more) company associated with the full member. The full member must be the company with the largest turnover.

Allied Trade or Professions

This category includes consultants, designers, engineers, architects, service organisations and others with an interest in the pool industry.

Overseas Membership

Overseas Membership is available to companies in the Pool/Spa Industry based outside the UK (who do not directly work in the UK themselves).

Overseas applicant will be subject to an initial administration fee (set out in page 13) and upon successful acceptance, these members will pay an annual membership fee, as detailed in the subscription fees.

Overseas Members can enjoy the benefits of SPATA membership, but are not permitted to:

1. Vote at SPATA general meetings
2. Imply any guarantee by using the SPATA logo of the quality of your work, as SPATA is currently unable to inspect evidence of overseas members' work.

Additional Benefits

For an additional cost of £12.00 per month for Full members and £6.00 per month for all other membership categories (inclusive of VAT) you can take advantage of 'enhanced listing' for your company. The benefits of having an enhanced listing (which is optional), will provide you with the following added benefits to your membership:

- A personalised URL link from the search map directly to your personalised page.
- A personalised Microsite page – promoting features about your company.
- When you set-up a backlink to www.spata.co.uk for your website SEO, you can set the link directly to your personalised page.
- Link to Brand Pages – so that consumers can find your company (on the website) by the brands that you sell (if applicable).
- Two free page updates a year
- Direct URL link to your website via a personalised URL – so that you can track web traffic (use Google Analytics).
- Easy sign-up – we send you a form, you send it to us with your image and we build your Members Plus+ page and manage it for you.

British Standards Online – British and European Standards at your fingertips!

As a SPATA member, you can have access to 25 British & European standards online (currently at an extra cost of just £75.00 + VAT per year). As most of the twenty five standards in SPATA's custom collection cost at least £100 each to buy, this is an amazing price for Members to stay up to date with the specific requirements from British and European standards that have a direct impact on our industry.

A sample listing some of the standards that you will have access to are listed on the next page.

Please note the standards cannot be copied, downloaded or printed and your username and password are for your company use only and so are not transferrable.

This service is mandatory for Installer members and you will be invoiced for 3 separate payments of £25.00 + VAT, throughout the year. Any other membership category can also take advantage of this service and you can indicate this on the application form.

BSOL Standards

A sample of the standards that you will have access to, are as follows:

| | |
|-------------|---|
| EN 1069-2 | Instructions |
| EN 13451 | Swimming Pool Equipment |
| EN 13451-1 | general safety requirements and test methods |
| EN 13451-2 | additional specific safety requirements and test methods for ladders, stepladders and handle bends |
| EN 13451-3 | additional specific safety requirements and test methods for inlets and outlets and water/air based water leisure features |
| EN 13451-4 | additional specific safety requirements and test methods for starting platforms |
| EN 13451-5 | additional specific safety requirements and test methods for lane lines and dividing line |
| EN 13451-6 | additional specific safety requirements and test methods for turning boards |
| EN 13451-7 | additional specific safety requirements and test methods for water polo goals |
| EN 13451-10 | additional specific safety requirements and test methods for diving platforms, diving springboards and associated equipment |
| EN 13451-11 | additional specific safety requirements and test methods for moveable pool floors and moveable bulkheads |
| EN 15288 | Public (Commercial) Swimming Pools |
| EN 15288-1 | safety requirements for design |
| EN 15288-2 | safety requirements for operation |
| EN 16582 | Domestic Swimming Pools |
| EN 16582-1 | general requirements including safety and test methods |
| EN 16582-2 | specific requirements including safety and test methods for inground pools |
| EN 16582-3 | specific requirements including safety and test methods for above ground pools |
| EN 16713-1 | filtration systems – requirements and test methods |
| EN 16713-2 | circulations systems – requirements and test methods |
| EN 16713-3 | treatment – requirements and test methods |

Services to Members

Technical Documents and Services

Members are provided with a full set of the SPATA Technical Standards, Code of Ethics, Articles & Memorandum of Association, Rules & Regulations, Terms & Conditions of Contract etc., and benefit from the technical, legal, survey and administrative advice available from the Association to its Members. The first complete set of SPATA standards is free to Members, and any subsequent publications are at a discount. Most SPATA documents and publications, excluding the standards, are available for purchase by non-SPATA Members at the published rates.

Meetings

All Members are entitled to attend any regional meetings, the Association's Annual General Meeting or any other General Meeting, and may propose matters for discussion or may ask the Council to rule on any matter, either by direct application to Council or through the Regional Chairman or Managing Director. Room hire costs of National and Regional meetings are met from SPATA funds.

SPATA Technical and Mediation

The SPATA Technical Adviser operates a technical quality control system for the National Council of SPATA. He is available to Members in a consultative and/or advisory capacity, and may be used as Mediator/Arbitrator in any reported dispute between member and client. The Technical Officer may also be called on by members as technical expert witness to support the member in a dispute, or may be offered to members of the public as technical witness or surveyor in any dispute with a non-member.

SPATA provides a formal **Disputes Procedure** to handle complaints from the public against members (or vice-versa) and attempts to arrive at a mutually satisfactory solution for both sides by mediation or where appropriate adjudication. All such investigations and surveys are required to be self-funding, with the Technical Officer's fees and costs paid for by the parties as mutually agreed.

National / International Bodies

The Association consults with national and international groups, bodies and associations, local and national governments, technical experts and committees, Health & Safety Executive, the Sports Councils, CBI, Environmental Health authorities, etc., on behalf of the swimming pool and spa trade. The Association also represents its Members' views on any consultative or legal body concerned with the regulation, quality control or technical publications side of the industry. The BSPF is a founder member of EUSA – European Union of Swimming Pool and Spa Associations, is a member of The Swimming Forum and the Pool Water Treatment Advisory Group (PWTAG).

SPATA has access to, and uses, the expertise, skills and contacts of a number of world-wide specialists in the construction, installation, maintenance and correction of problems in the swimming pool/spa products range. Individual SPATA specialist members are nominated to serve on various government & national consultative or investigative committees as authorised by the Executive Committee.

Administration and Organisation

The Association

SPATA is the sole UK Trade Association for Companies engaged in the manufacture, trade supply, retail supply, construction and installation of swimming pools, spa pools, saunas, steam rooms and all associated services and equipment and of service and maintenance companies for all such equipment and installations. The Association office, founded in Croydon in 1961, moved to new premises in Andover in August 1986 and in April 2006 moved to its present address.

The National Council

The Association is managed by a National Council, which consists of the chairman of each of the six UK National Regions and three nationally elected members. The National Council co-opts the SPATA Technical Officer and any other specifically-required experts as necessary, and is serviced by the Association's Managing Director.

The National Council meets six times a year to discuss administration, organisation, finance, membership matters, legal and procedural matters, budgets and cash flow.

Specialist Committees

SPATA also forms smaller specialist committees as required.

SPATA UK Regions

There are currently six UK regions and each one has its own elected Chairman (and Vice-Chairman, where applicable) who are also usually the regions' elected representatives on the National Council. The current regions are: South East, South West, Thames Valley, East Anglia, Midlands and North. Each region holds area meetings, to which Members and Non-Members are always welcome. These meetings discuss SPATA matters, National Council decisions, technical and legal matters affecting the industry and other business which regional members wish to bring before National Council.

British Pool and Hot Tub Awards

An annual competition is held, open to SPATA Members, in which photographs and technical details of Members' selected finished pools and/or spas are judged by a panel of judges from a wide variety of business and technical backgrounds. The British Pool & Hot Tub Awards are divided into categories for which Gold Silver and Bronze are awarded. An annual POOL OF THE YEAR is chosen by the judges among the Award winners. The winning entrants' photographs are used in SPATA promotional literature, and are given to the press and national/regional editors for inclusion in features and articles.

To support and promote this competition, SPATA holds an annual Gala Dinner and Awards Presentation which is held in conjunction with the Swimming Pool Trade Exhibition (SPATEX).

SPATA Technical and Social Meetings

The Association holds, as deemed appropriate by Council, technical and social seminars or meetings.

What Does SPATA Do?

Here are just some of the things in which the SPATA Office is involved with:

- Re-inspecting and monitoring existing members.
- Dealing with technical enquiries relating to pools and spas from the membership and the public.
- Issuing advisory notes to members on technical matters.
- Producing and marketing industry publications.
- Providing representatives on various Government, Industry and British Standards committees.
- Representing the industry at SPATEX, as well as other exhibitions in the UK and abroad.
- Producing material for the Trade Press as well as an in-house Newsletter to keep not only members but the industry abreast of activities.
- Sending out information, and answering queries for members of the general public.
- Suspending or terminating members when they have failed to observe SPATA standards or ethics.
- Assisting in disputes between members and their customers.
- Targeting suitable companies with a view to SPATA membership.
- Checking and approving new membership applications, including inspection of a selection of installations.
- Pursuing non-members through local Trading Standards Officers for unauthorised use of the SPATA logo.

Inspection of New Members

1. A company applying for SPATA membership, as an installer of swimming pools or spas must put forward for inspection at least three installations in each of the classes for which they wish to have listed. The SPATA technical inspector may use his discretion as to how many installations he actually inspects and may call for further examples of the applicant's work if he deems it necessary.
2. In such cases failure to pass in one category shall not necessarily prevent the applicant obtaining full membership under a different category.
3. All the installations must have been completed by the applicant company under its current management and not under sub-contract by another installer.
4. The installations must have been carried out on a normal contractual basis and must not form a part of the Company's own display area or be within the boundaries of any property of any person or Company closely associated with the applicant. This shall not debar the applicant from putting forward any such installations for inspection provided that they are ADDITIONAL to the three installations required above.
5. Where an applicant is approved by the SPATA technical inspector, subject to re-inspection of some minor aspect of his work, a satisfactory re-inspection must be completed within a period of six months and the application shall remain in abeyance until such time as this has been done. If no application for re-inspection is made within six months from the date of the original inspection the application will be deemed to have failed.
6. In such cases where the SPATA technical inspector is unable to approve the work of an applicant on the original inspection or on subsequent re-inspection (if he so agrees) the applicant may not apply for a further inspection for a period of at least 12 months dating from the previous inspection.
7. In the event that a failed applicant may already be a SPATA member in any grade other than that of installer, he shall be permitted to remain in that grade unless, in the opinion of the National Council (acting on the report of the SPATA technical inspector) his work is so bad as to be liable to bring the Association into disrepute, in which case his membership may be terminated under Rule 26E.
8. The fee for inspections will be £300 (+VAT, where applicable) for full members. The fee must be paid in advance to the SPATA office, to cover the inspection of a minimum of two (and up to three) installations, as agreed with the Inspector.
9. In cases where re-inspection is necessary, an agreed extra fee may be payable to the SPATA technical inspector on an agreed time and mileage basis.
10. In the event of the applicant wishing to consult the SPATA technical inspector on any aspect of his business beyond the scope of his membership application, he may do so on the understanding that this may incur an additional charge.

Code of Ethics

1. At all times to trade ethically both with the public and the industry.
2. At all times to abide by the Rules and Byelaws of the Association and to comply with these Swimming Pool Standards in the provision of swimming pools, ancillary equipment, and other goods, services or equipment allied or adjacent to the construction and installation.
3. Generally to quote in accordance with these Standards (in the absence of any other Standards specifically laid down in an invitation to tender).
4. To comply generally in all respects with the Trades Description Act, 1968, Supply of Goods (Implied Terms) Act, 1973, Sale of Goods Act and any other subsequent Acts amending or replacing the same so far as goods of the Members own manufacture are concerned.
5. To install all equipment according to manufacturer's instructions or recommendations and all relevant legislation and Codes of Practice. To recognise that deviation from these recommendations, without approval, will transfer responsibility to the installer.
6. To advertise and market so that the validity and extent of the products and services advertised and offered by the Company is fully understood by the prospective client, and at no time to use the technique of 'selling up'. And at all times to comply with requirements of the Advertising Standards Authority.
7. Where a kit for the construction or erection of a pool is supplied either direct to a member of the public, or to a pool contractor, there shall be supplied sufficient specifications, instructions, working drawings, and information generally, as to the proper construction or erection of that pool and the installation of any equipment to be used therewith, together with an offer of supervision of the works (at a fee if such supervision is required).
8. Not unjustifiably to be derogatory in any way about a competitors products or services.
9. To use ones best endeavours to fulfil all contractual obligations.
10. To offer a reasonable warranty of products and services and to perform on such warranties, where justifiable claims are made, with reasonable expedition.
11. At no time, knowingly to do any act that could reasonably be construed as bringing the Member Company into disrepute and consequently the industry generally and the Association in particular.
12. To operate at all times in accordance with the Health and Safety at Work Act, 1974. The Construction, Design and Management Regulation (CDM) 2015 and the general obligations regarding duty of care established in case law over many years.

SPATA Stakeholder Account

This facility was introduced to deal with the stand-off situation in which a client might say “I am not going to pay until the work is complete” to which the contractor might reply “I am not going to complete the work until I am certain of being paid”.

This situation is resolved by the agreed balance due from the client to the contractor being paid into the SPATA Stakeholder Fund and released to the contractor on satisfactory completion of the work. In the event of a dispute as to what constitutes satisfactory completion there is further provision for the matter to be determined by a SPATA - appointed Arbitrator.

Funds are held in a special Bank Account which is administered by the SPATA Managing Director and Accountant. Any interest accruing to the account is retained by SPATA as a contribution towards the cost of the service which is thus self-funding except for Arbitration Costs (if any) which are paid by the parties concerned in previously agreed proportions.

A further use for this facility is to deal with pre-payments for major items of equipment, such as pool covers and enclosures, which manufacturers are reluctant to put in hand without adequate security but for which clients are reluctant to make substantial down-payments in advance. In such cases SPATA would retain the funds until delivery was imminent or would return them to the client in the event of the supplier failing to deliver.

Dispute Resolution

An Overview

The Swimming Pool and Allied Trades Association offers a variety of alternatives to litigation in an endeavour to assist in the settlement of disputes between members or between members and their customers. Its aim is to avoid litigation where at all possible.

Informal Mediation

Where there is no formal complaint or where the disagreement is minor the mediation process is talked through on the telephone in a very short time. In this case the mediator offers advice leaving the parties to settle the problem themselves.

Formal Mediation

Formal mediation is the process by which a mediator assists the parties to reach an agreed settlement that is decided upon by the parties. There is no external imposition of a settlement; the mediator acting as a guide and sounding board. The settlement is drawn up by the mediator, signed by the parties and is legally binding. More details about mediation are included on the next page.

Adjudication

This service is valuable where the parties feel that they would prefer to have an independent third party adjudicate and having considered the whole scenario decide who, in the Adjudicators opinion, is right. More details about adjudication are included on the next page.

Expert Witness

If litigation is the only course trained expert witnesses are available to support the SPATA member technically. All disputes are treated as entirely confidential and the contents and settlements are not published without the agreement of all parties. Costs, where they arise, are usually divided equally between the parties but if necessary this may form part of the agreed settlement.

Mediation

Mediation is an alternative to litigation. It does not preclude litigation. The parties may withdraw from the mediation at any time but may not, subsequently call the mediator as a witness in court.

In mediation the mediator assists the parties to find a mutually acceptable solution by dialogue. The mediator is totally independent and will not take, or be seen to take, sides. The mediator will respect the confidentiality of the parties and only reveal to the other that which he has received permission to reveal.

Having studied correspondence etc the mediator will give both parties an opportunity to make a final statement of position before arrangements are made for the mediation.

To avoid the additional expense of hiring rooms on “neutral ground” the mediation will take place at an agreed site, usually the pool owner’s property. The mediator will spend time alone with each party discussing the problem. In the case of the SPATA member this could be in a car or if the distance between office and pool site is not great in the office. The length of time spent with each is not relevant and does not imply that the mediator is favouring that party.

Once the mediator has identified common ground or when it appear right a joint meeting will take place to try to agree the settlement. This settlement will be drawn up by the mediator, then and there, and the parties will then agree and sign the written “Heads of Agreement” a sample of which is attached.

The settlement is a legally binding contract between the parties and supersedes any other contracts between the parties relating to the same matters.

Adjudication

The initialisation process of Adjudication is carried out in the same manner as that of Mediation. However in this case the nature of the dispute is, usually, a matter of technical opinion. The Adjudicator will not enter into any Adjudication on any Legal matter whatsoever. Both Parties must agree, in writing in advance, who is to Adjudicate and that they will abide by the Adjudication.

Once that agreement has been made the Claimant will be asked to submit “Points of Claim” in writing to the Respondent and the Adjudicator.

The Respondent replies in writing, to both other parties, with “Points of Defence” and any Counterclaim, if any. The Claimant is at liberty to submit a further reply if relevant.

Once the Adjudicator has received and digested this correspondence the Award will be submitted. However if necessary an inspection of the goods or work may take place and/or a meeting between the Adjudicator and the parties where the Adjudicator may feel the need to question the parties on their evidence.

If no agreement has been previously reached regarding the Adjudicators costs, these may form part of the award.

SPATA Subscription Fees From 1st April 2018

| Full Membership | | | |
|-----------------|--|--------------------------|-----------------------------|
| | | Annual (£) Before VAT | Quarterly (£) Before VAT |
| Turnover (£) | | | |
| 100,000 | | 477.04 | 119.26 |
| 200,000 | | 667.70 | 166.90 |
| 300,000 | | 858.16 | 214.54 |
| 400,000 | | 893.28 | 223.32 |
| 500,000 | | 926.96 | 231.74 |
| 600,000 | | 960.64 | 240.16 |
| 700,000 | | 994.32 | 248.58 |
| 800,000 | | 1027.96 | 256.99 |
| 900,000 | | 1061.64 | 265.41 |
| 1,000,000 | | 1095.32 | 273.83 |
| 1,100,000 | | 1128.96 | 282.24 |
| 1,200,000 | | 1162.64 | 290.66 |
| 1,300,000 | | 1196.32 | 299.08 |
| 1,400,000 | | 1229.96 | 307.49 |
| 1,500,000 | | 1263.64 | 315.91 |
| 1,600,000 | | 1297.32 | 324.33 |
| 1,700,000 | | 1330.96 | 332.74 |
| 1,800,000 | | 1364.64 | 341.16 |
| 1,900,000 | | 1398.32 | 349.58 |
| 2,000,000 | | 1431.96 | 357.99 |
| Over 2,000,000 | | 1442.20 | 360.55 |

Notes for Full Members:

Installer Members will pay £100.00 + VAT per annum as a PR Contribution (to be paid quarterly).

Please note that all the figures above are based on exact turnover figures given. The membership fees will then increase between each of the turnover bands depending on the exact turnover figures provided.

Non-Installer Members will pay an additional 25% of the subscription as a PR Contribution.

Minimum PR Contribution is £25 per quarter and the maximum PR Contribution is £100 per quarter. The PR levy figure for "other memberships" is already included within the fees below.

| Other Memberships | | Annual (Before VAT) | Application fee required? (Before VAT) |
|--------------------------------|-----------|---|--|
| Associates | Flat rate | £334.00 | No |
| Allied Trades / Professions | Flat rate | £546.00 | Yes (£100.00) |
| Overseas | Flat rate | £518.00 (first year only) £328.00 (from second year onwards) | Yes (£100.00) |