



## The LOFA Code of Practice

The Leisure and Outdoor Furniture Association (**LOFA**) helps to create and build value for companies that supply products to the Leisure and Outdoor Furniture market. The members of LOFA are leading manufacturers, suppliers and designers of outdoor leisure products throughout the UK and in world markets.

This Code of Practice ("**the Code**") sets out the principles of how companies that belong to LOFA should conduct themselves, in a responsible and collegiate fashion, and should be read in conjunction with the Articles of Association. A company can only become a member of LOFA when it satisfies LOFA's conditions, and makes a commitment to provide the market with the standards of service laid out in the Code.

LOFA encourages enterprise and fair competition, the ethical operation of business, excellence and the continuing endeavour for business improvement.

A list of all current LOFA members can be found on the LOFA website [www.lofa.co.uk](http://www.lofa.co.uk)

Gina Hinde  
Company Secretary

# LOFA Code of Practice

## Introduction

Adherence to the Code as set out in this document is a pre-requisite of LOFA membership. The Code will be signed by a Director of the member company or any company applying for membership prior to its acceptance as a member. LOFA will require each year, on the renewal of membership, updated information of the member's status and that they continue to meet the criteria for membership.

The Code is based on best practice in commercial operations and adherence to legal and ethical guidelines. The Code requires adherence also to the standards set out below ("**Standards**").

Members of LOFA shall conduct their business in a manner that will encourage the respect of customers, fellow members, the leisure and outdoor furniture industry and the general public. It is the individual responsibility of every member and of their employees to abide by the Code and LOFA's Articles of Association.

### 1. Financial Status

Members are required to conduct their financial affairs in a legal and ethical manner in accordance with UK and international requirements. Specifically:

1.1 Accounts should be prepared to appropriate UK Accountancy Standards and returns required to be made to Companies House should be completed and filed on time.

1.2 The member company should not trade whilst insolvent.

1.3 Members should be registered for VAT.

### 2. Compliance with Legal and Technical Standards

2.1 Members should comply with all legislation and industry guidelines appropriate to the market.

2.2 Members should comply with all relevant technical standards. These are standards set by industry authorities and public bodies and accepted as the normal requirements demanded in product specifications; or are standards not specified but accepted as a necessity for product manufacture. The lists of standards are extensive and are in the public domain. For example: Cushion Flammability, United Kingdom Timber Regulations (UKTR) and Forest Stewardship Council (FSC).

2.3 In addition Hertfordshire Trading Standards acting as LOFA's Primary Authority, has given assured advice status to members on the adequacy of the requirements of the Code. This means that by agreeing to comply with the Code (including Annex A product standards document and the independent audit scheme), members will be protected by the assured advice where members can demonstrate compliance with the Code.

2.4 Members must not knowingly supply products and services that do not meet these standards.

### **3. Compliance with the Treaty on the Functioning of the European Union (TFEU) and the Competition Act 1998**

3.1 Members are required to comply with all relevant competition regulations made by the TFEU (where applicable) and the Competition Act 1998 (where applicable).

3.2 Both the TFEU and the Competition Act 1998 prohibit practices by undertakings that are designed to distort competition in a market.

3.3 LOFA as a trade association ensures that as far as is possible all its dealings with its members are open and transparent and free of any bias whatsoever. LOFA's policy on the admission of new members and monitoring the conduct of existing members is intended to create an environment for its members where free competition is of paramount importance.

3.4 Members of LOFA need to ensure that none of their actions either taken individually or in concert with other members has the effect of, or is intended to limit the freedom of action of members of the association in any commercial matter.

3.5 Any member who is found to be contravening the provisions of this part of the code of practice, or infringes in any way competition regulations as laid down by the TFEU or the Competition Act 1998 (as applicable), may be suspended from membership whilst such conduct is investigated by the council of management of LOFA (**Council of Management**).

3.6 If following investigation the Council of Management finds that a member has infringed competition regulations and/or this Code, LOFA reserves the right to immediately terminate their membership.

### **4. Environment and Sustainability**

4.1 Members should have a written policy explaining how their business is conducted from an environmental and sustainability perspective. This should cover any relevant legal requirements.

### **5. Applicable Legislation**

5.1 Each member shall at its own expense comply with all laws and regulations relating to its business, and with all and any conditions binding on it in any applicable licences, registrations, permits and approvals. Such laws shall include but not be limited to the Data Protection Act 2018 and subsequent data protection legislation applicable in the UK, the Bribery Act 2010, the Criminal Finances Act 2017, and the Modern Slavery Act 2015.

5.2 Members are required by law to provide their employees with a contract of employment.

5.3 All member Companies are to have standard Terms and Conditions of business.

### **6. Marketing, Advertising and Promotions**

6.1 Members are encouraged to use the LOFA logo in their corporate literature, marketing materials and website. Members must not include LOFA in domain names for their company.

## **7. Intellectual Property (IP)**

7.1 LOFA fully supports the aims and objectives of Anti-Copyright In Design, (“**ACID**”).

7.2 Members are expected to ensure their designs and products conform to all relevant regulations and standards.

7.3 It is a condition of use that the LOFA logo shall not be used without indicating that it is a collective mark.

7.4 Members will not deliberately or knowingly copy the designs, products or trading style of another company or business. They will ensure that they have documentation to prove that they own the IP rights of the products they market or have a license to manufacture and/or market these products.

7.5 Members shall respect the IP rights of third parties and shall not market, sell or facilitate the sale of counterfeit goods or pirated material; nor shall they abuse or infringe trademark, patent or design right registrations in any jurisdiction.

7.6 A suspected breach of other member’s IP can be referred to LOFA for relevant advice. (See para. 10).

## **8. Customer Service and Complaints Policy**

8.1 All members will have in place a fully documented customer service policy that is communicated to employees and to customers. This will include all procedures for handling customer complaints.

8.2 In the event of a complaint by a customer against a LOFA member, that member shall make every reasonable effort to reach a swift and fair solution. Where a transaction has taken place “on-line” members shall accept “on-line” complaints from customers and deal with them in the same fashion.

## **9 Discrimination, Harassment and Bullying**

9.1 LOFA is committed to promoting and creating a culture and environment free from harassment and bullying in which diversity and inclusion is valued and everyone is treated with dignity and respect.

9.2 LOFA has a zero-tolerance approach to discrimination, harassment and bullying in any form. All members can expect to receive equal treatment regardless of age, disability, gender, ethnicity, religion or sexual orientation etc. LOFA is also committed to providing equitable treatment to all those we deal with as an organisation, including customers and suppliers.

9.3 Members must not discriminate against, harass or bully other people, including current and former members, customers, suppliers and visitors.

9.4 For the purposes of this paragraph 9, discrimination is treating someone less favourably because of their age, disability, gender, ethnicity, religion or sexual orientation etc.

9.5 For the purpose of this paragraph 9, harassment is any unwanted physical, verbal or non-verbal conduct that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.

9.6 For the purpose of this paragraph 9, bullying is offensive, intimidating, malicious or insulting behaviour involving the misuse of power that can make a person feel vulnerable, upset, humiliated, undermined or threatened. Power does not always mean being in a position of authority, but can include both personal strength and the power to coerce through fear or intimidation.

9.7 LOFA takes a strict approach to breaches of this paragraph 9, which will be dealt with in accordance with paragraph 10 below.

## **10 Infringements and Enforcement of Code**

10.1 Complaints by members about members in matters such as conduct at LOFA events, unsolicited approaches to staff, IP issues, unfair practices, product copying, discrimination, bullying or harassment etc., should be dealt with in accordance with the procedure below.

10.2 In any case, members should first attempt to resolve disputes between themselves in good faith and in a professional and amicable fashion.

10.3 In the event that a dispute cannot be resolved between members within 45 days of the dispute first being notified to the parties, the following procedures shall apply:

10.3.1 If an amicable solution cannot be achieved and an infringement of the Code is alleged against a member, the facts should be reported to the LOFA Secretary (by the complainant) for preliminary investigation and to seek further ways to resolve matters.

10.3.2 The member against whom the allegation has been made shall provide such information or documents as may be required by LOFA within a period specified and will permit the Secretary to carry out any further investigation as LOFA shall consider appropriate.

10.3.3 The Secretary will advise the LOFA Compliance and Standards Committee of their findings for further review.

10.3.4 The matter will be assessed by the Compliance and Standards Committee, who will consider whether the complaint should be heard by them. If dealt with by the Compliance and Standards Committee, it will inform the parties to the dispute of its decision and any action taken will be reported to the Council of Management at the next opportunity. If the Compliance and Standards Committee believe that the matter is too serious for their action, then subject to paragraph 10.6, the complaint may be passed to the Council of Management for a decision, which will be final and binding (except in the case of manifest error).

10.3.5 If a complaint is upheld the member may face expulsion or suspension from LOFA by the Council of Management.

10.3.6 The Compliance and Standards Committee have the power to suspend or dismiss a member in the event of any complaint of a serious nature, including (but not limited to), allegations of dishonesty, IP and Copyright issues and product copying on the part of a member.

10.4 If the Compliance and Standards Committee concludes, as a result of the preliminary investigation, that the facts alleged against the member constitute infringement of the Code but that finding is disputed by the member concerned then the Compliance and Standards Committee may either:

10.4.1 Revert back to the complainant and complainees for additional information, before making a decision, or;

10.4.2 Subject to paragraph 10.6, refer the matter to the Council of Management for a decision, which will be final and binding (except in the case of manifest error).

10.5 The LOFA Compliance and Standards Committee shall be obliged to act in good faith at all times but neither LOFA, nor any individual member or group of members of the Compliance and Standards Committee, nor any LOFA Officer shall have any liability to any member against whom a complaint has been made or disciplinary action taken either in damages or costs, however described, beyond the gross aggregate sum of £1 for each member of the Compliance and Standards Committee or the Council of Management.

10.6 In the event that the Council of Management deems any matter (including, but not limited to, intellectual property infringement), to be too serious for their action, the complainant and/or the complaine must seek their own independent legal advice. In such circumstances, the LOFA Compliance and Standards Committee would not be able to assist with any dispute and would be guided by any resulting legal advice.

## **11. Termination of Membership**

11.1 Membership of LOFA shall be terminated in the following circumstances:

- i. Non-renewal of annual membership.
- ii. Failure to pay membership renewal within 5 weeks of due date.
- iii. Expulsion in accordance with this Code or the Articles of Association.
- iv. Resignation.

11.2 The consequences of termination are:

- i. Ex-members are to remove all LOFA logos and branding from all their company material and websites immediately.
- ii. There will be no refund for part-membership of any annual subscription period.
- iii. Ex-members will no longer be allowed to show at SOLEX.

11.3 Where a member is in breach of this provision the member shall comply with any lawful direction given to it by LOFA.

## **Company Signatory**

We agree to abide by the LOFA Code of Practice as laid out in this document and as amended from time to time (as published on the website).

<b>Company</b>	<b>Director (print name)</b>	<b>Signature</b>	<b>Date</b>

Annex:

- A. LOFA Members Products- Compliance with Current Fire Regulations.

## **LOFA Members Products- Compliance with Current Fire Regulations.**

This is a list of LOFA Product Items that are required to comply with FFFSR, agreed with The Department for Business, Energy & Industrial Strategy (BEIS), Furniture Industry Research Association (FIRA), and Hertfordshire Trading Standards (HTS).

<b>Item</b>	<b>Yes</b>	<b>No</b>	<b>Compliance Requirements</b>
Steamer/Sunbed Cushions	✓		Fabric and Filler must comply
Seat Pads/Cushions	✓		Fabric and Filler must comply
Seat Pads/Cushions Intrinsic to furniture item (i.e. supplied with the product) of any size	✓		Fabric and Filler must comply
Seat Pads/Cushions supplied separately to furniture item (all dimensions greater than 60cm)	✓		Fabric and Filler must comply
Seat Pads/Cushions supplied separately to furniture item (no single dimension greater than 60cm) (e.g. Scatter cushions)	✓		Filler must comply
Bench Cushions	✓		Fabric and Filler must comply
Swing Seat/Hammock Chair/Gazebo Cushions	✓		Fabric and Filler must comply
Outdoor Structure Cushions in any dimension	✓		Fabric and Filler must comply
Swing Chair/Hanging Chair (Cocoon chair) Cushions	✓		Fabric and Filler must comply
Outdoor Bean Bags	✓		Fabric and Filler must comply
Padded/Upholstered Furniture	✓		Fabric and Filler must comply
Parasols		X	
Deck Chairs (non-padded)		X	
Outdoor Furniture/Barbecue Covers		X	
Sling Furniture (non-padded)		X	
Polyester Woven Mesh Fabric (e.g. Textilene <sup>®</sup> ) Furniture		X	If there is an integral pad, which is not protected by FR material, this furniture must be marked 'For Outside Use Only', and may not be used indoors, unless the pad can be removed. Filler must comply.