

### Letter extracts from CLG (letter dated 11 May 2009)

Dear colleague,

#### **USE OF DATA GATHERERS AND DATA COLLECTION.**

We have received a large number of responses to our proposals regarding to clarify the use of data gatherers.

#### **What are data gatherers and data collecting?**

It is important that there is common agreement on the meaning of the terms (a) data gatherers; and (b) data collecting. Data gatherers are people who have a contractual relationship with an Accredited Energy Assessor (AEA) or the company employing the AEA to provide professional assistance to an AEA in gathering the information needed to carry out an energy assessment of a building for the purpose of issuing an Energy Performance Certificate. Data collection is used in this document to mean the practice of AEAs collecting and using existing data that has been gathered by landlords or their agents as part of the process of managing and maintaining portfolios of property in their ownership.

#### **The use of data gatherers**

##### Non-domestic EPCs:

In the case of non-domestic EPCs the guidance has identified the situation where assistants work under the supervision of NDEAs, enabling the NDEA to produce EPCs for larger and more complex buildings and portfolios of buildings. However, the NDEA needs to be in a position to verify the data and supervise how and by whom it is collected. However, having considered the situation, we consider that the advice on use of data gatherers for non-domestic properties should be clarified.

There is no justification for using data gatherers on level 3 buildings, because the scale and complexity of level 3 buildings is not sufficient to justify their use on them. This note therefore confirms that the use of data gatherers on level 3 buildings is not permitted. However, for level 4 and 5 buildings we propose the following clarification:

- a. Visiting the property - the NDEA must inspect all properties for which they issue an EPC to ensure they can verify any data provided and be sure that it is appropriate for the building before the EPC is lodged with the National Non-Domestic Register. This also enables the NDEA to provide the building owner with the outcome.
- b. Recording of assistants and data sources used - the NDEA must record all the assistants used and the provenance of all data that has been used to produce the EPC.
- c. Evidence of supervision - the NDEA must provide evidence of supervision of the process. One way of demonstrating this would be via the use of ISO9001 procedures.

## Data Gatherers and Site Surveys

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d. The suitability of any assistants used:

- The NDEAs are responsible for ensuring that any assistants used are ‘fit and proper’ and suitably qualified, for example by being a level 3 NDEA or through membership of a recognised professional body. The NDEA should be able to provide evidence to support an assistant’s suitability to do the work
- The NDEA must be able to demonstrate that the contractual arrangements of any assistants allow sufficient supervision and quality control by the Accredited Energy Assessor. Employment of assistants by the same company as the NDEA would be one way of demonstrating this.

e. Remote lodgement business models – which in this note refer to the practice of an accredited EA lodging a certificate which has been produced from data that has not been collected or verified in the manner described above by the EA. are not acceptable. The fact is, in such circumstances, that the accredited EA is unable to fully supervise the assistant and verify the data and how it is collected.

The definitions of level 3 and 4 buildings are set out in “Improving the energy efficiency of our buildings: A guide to energy performance certificates for the construction, sale and let of non-dwellings” (July 2008), which is available on the CLG website. Level 5 buildings are defined as those buildings for which the Dynamic Simulation Model is used to carry out the assessment. For ease of reference, these definitions are attached at Annex A.

### Display Energy Certificates and Advisory Reports

- a. An Advisory Report and the initial DEC should be done from the basis of an assessor knowing a building. The building should be visited by the EA for the purposes of producing an AR and lodging the initial DEC.
- b. While DEC’s can only be generated and lodged by an Accredited Energy Assessor, provision of verified energy bills to an Accredited Energy Assessor, along with a declaration that nothing has changed from the building occupant, their facilities manager or other third party qualified to provide this information, is sufficient to enable subsequent DEC’s to be produced following the initial assessment.

### **Effective dates**

This note elucidates, without changing, the general guidance given previously in relation to use of data gatherers in respect of non-domestic EPCs, which should take immediate effect. However, we accept that there may be instances where some businesses and assessors may not currently be operating in-line with the guidance and clarification given above. We will therefore allow a reasonable period for such practices to make necessary adjustments in order to comply. This period will last until **end June 2009** from which point all practices and assessors should comply with the advice set out in this note.