

11 November 2009

All Accreditation Schemes

Our Ref:

Your Ref:

cc:

Other Government Departments

Local Authorities

Dear Colleagues

Cessation of Site Based DEC Transitional Arrangements

The purpose of this letter is to clarify the position in relation to:

1. The transitional arrangements for the provision of Year 1 Display Energy Certificates (DECs), which was set out in CLG letter of 17 July 2008; and the guidance note titled "Display Energy Certificates and Advisory Reports, Transitional arrangements for buildings on a site or campus" dated August 2008
2. The preparation of Year 2 and other DECs
3. The use of 'Area weighted apportionment'
4. Site surveys for DECs
5. Data prepared by different Energy Assessors
6. Data accuracy and quality concerns

1. TRANSITIONAL ARRANGEMENTS FOR YEAR 1 DECS.

1.1 Carol Sweetenham's letter of 17 July 2008, and the guidance note titled "Display Energy Certificates and Advisory Reports, Transitional arrangements for buildings on a site or campus" dated August 2008, introduced transitional arrangements for the preparation of DECs in year 1, following the coming into force of the Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2007 (the Regulations).

1.2 For the sake of clarity, the Regulations require that, from October 2008, each large public building that is visited by members of the public must have a DEC displayed in a prominent place. The requirements of both the Regulations, and the Energy Performance of Buildings Directive (the EU Directive) upon which the Regulations are based, relate specifically to buildings and make no provision in relation to sites.

1.3 The transitional arrangements allowed for the preparation of site-based DECs, in lieu of individual building-based DECs, in year 1 following the coming into force of the Regulations.

1.4 The transitional arrangements were introduced as a temporary measure in response to stakeholders' concerns about the availability of suitably qualified Energy Assessors. **These transitional arrangements have come to an end.**

1.5 Site-based advisory reports are only valid for 12 months. If a site-based advisory report is produced it must be replaced by a building specific advisory report in Year 2 DECs, to ensure the advisory report recommendations are relevant to the building.

2. PREPARATION OF YEAR 2 AND OTHER DECS

2.1 Occupants of public buildings who qualify under the Regulations, including those who met the requirements of the Regulations through the production of a site-based DEC in DEC Year 1, must now display a DEC specific to the building they occupy.

2.2 There is nothing preventing the continued use of site-based DECs on a voluntary basis, but this must be in addition to, and not in place of, the preparation of individual building specific DECs.

3. AREA WEIGHTED APPORTIONMENT

3.1 It is recognised that many public authorities or institutions providing public services have campus style facilities where metering may still be at the site level rather than at the building level. Where there is still no metering in place for separate buildings, energy assessors are allowed to use an 'area-weighted apportionment' method as described in the existing Operational Rating methodology. (Please see section 3.2 p.9 of the guidance available at: <http://www.communities.gov.uk/documents/planningandbuilding/pdf/998942.pdf>)

4. SITE SURVEY FOR DECS

4.1 The letter from CLG issued on 11 May 2009 regarding data gatherers and site surveys advised:

'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.'

4.2 While DECs 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 DECs to be produced following the initial assessment. Please note the following clarification:

- 4.2.1 The energy assessor is required to visit the site to produce the first year's DEC and advisory report;
- 4.2.2 If the second year DEC is produced by the same energy assessor, and a declaration that nothing has changed has been provided by the building occupant, the building facilities manager, building owner, office location manager or some other suitably qualified individual who the energy assessor can demonstrate has the competence and authority to declare that nothing has changed, then a site visit is not mandatory;
- 4.2.3 If however, the second year DEC is produced by a different energy assessor, the second year energy assessor is required to visit the building to familiarise himself/herself with the building and verify the quality of the information provided.

5. DATA PREPARED BY DIFFERENT ENERGY ASSESSORS:

5.1 Energy Assessors are required to be suitably qualified and accredited to produce DEC's for buildings

5.2 Subject to the requirements of Section 4 above being complied with, the second year energy assessor may use data previously collected about a building, such as the data lodged on the Non-Domestic EPC Register, by the first year energy assessor. They *must*, however, be satisfied that any data about a building has been properly collected and accurately reflects the building as they will be responsible for any data used to produce the second year DEC.

5.3 For each subsequent year's DEC, the occupier, in collaboration with the energy assessor, needs to gather the information about the building, which means the energy assessor has the option of producing recommendations from either a walk around or a desk based survey.

5.4 However produced, the underlying principle is that the energy assessor is responsible for ensuring any recommendations are both appropriate and representative of the building.

6. THE FIRST YEAR DATA ACCURACY AND QUALITY CONCERNS

6.1 Where the second year energy assessors differ from the first year assessors, and the second year assessor has concerns with the supporting evidence, a precise statement of the concerns with supporting evidence must be presented by the second year energy assessor to the Accreditation Scheme that lodged the first year DEC or advisory report on the Non-Domestic EPC Register as well as to the second year energy assessor's own accreditation scheme.

6.2 It will then be important for the first and second year accreditation scheme to agree a process for working together to establish the facts and investigate jointly the concerns that have been raised. The extent of the investigation needed will vary depending on the complexity of the issues identified. The outcome would depend on the findings and the significance of the challenges raised. It may be for example that:

- 6.2.1 procedures were not adequately adhered to by either the first or second year assessor; or
- 6.2.2 there were gaps in the process of carrying the assessment in the first or second year.

6.3 All accreditation schemes must have procedures in place to respond promptly and efficiently to customer complaints against their members, including those raised by other accredited energy assessors, who may be accredited either by the same or a different accreditation scheme, or raised directly with them by customers.

6.4 Accreditation Schemes must have procedures in place to investigate each complaint they receive and where necessary provide appropriate redress. This requirement applies to all Energy Performance Certificates, including both domestic and non-domestic, and DEC's. This may result in action commensurate with the seriousness of the issues raised in each case, against either the energy assessor or the accreditation scheme involved in the assessment.

6.5 Where it is found that the information on either the DEC from the previous year, or the draft DEC for the second or subsequent years, is incorrect; a new DEC will be issued and the information amended or the correct version of the current year's DEC lodged on the central register. In the event that the complaint cannot be satisfactorily resolved, the accreditation schemes will by mutual agreement refer the matter to an independent third party for adjudication.

6.6 In accordance with Carol Sweetenham's letter of 2 April 2008, Accreditation Schemes may charge an administration fee to cover the cost of dealing with complaints from business customers in respect of EPCs for non - dwellings, Display Energy Certificates and air-conditioning Advisory Reports. However, in cases where the complaint is upheld, Accreditation Schemes will be expected to reimburse the fee charged to the complainant in full. Accreditation schemes must still provide a free complaints service to domestic customers.

A handwritten signature in black ink, appearing to read 'Andy de Lord', with a horizontal line underneath.

Andy de Lord