

# RICS Consultation Response:

## Home buying and selling reform

### **Question 1**

**Are you responding as an individual or organisation?**

Organisation

### **Question 2**

**If responding as an individual - what is your name?**

N/A

### **Question 3**

**If responding on behalf of an organisation - what is the name of your organisation and what is your role?**

Royal Institution of Chartered Surveyors (RICS)

### **Question 4**

**What type of organisation are you responding on behalf of - estate agent, surveyor, conveyancer, professional body, developer, other?**

Professional Body

### **Question 5**

**Do you agree with the proposed objectives for reforming the home buying and selling system?**

Yes

### **Question 6**

**Are there any objectives you think should be changed, removed, or added?**

N/A

### **Question 7**

## **Do you agree that there should be a mandatory requirement for sellers and estate agents to provide comprehensive upfront information?**

Yes, as providing key legal, property, and condition information at the outset has the potential to minimise late-stage surprises, enabling better-informed buyers and reducing avoidable delays.

However, to achieve the intended benefits, upfront information must provide an accurate and objective risk assessment of the property. It must therefore be provided by a competent professional with the relevant skills and expertise, who is held consistently to required professional standards, and working within the right systems and controls to ensure consumer protection (e.g. PII, Complaint handling, etc). RICS research from early 2025 shows that survey findings, including valuation outcomes, were responsible for around 28% of transactions falling through, demonstrating the importance such due diligence can have on a property transaction, and the value of having this information upfront.

Whilst surveys and property condition reports are not typically associated with the cause of prolonged delays to the process, they were seen as one of the common reasons transactions would fall through.

In addition, conveyancing delays were identified as one of the most common causes of stalled transactions, often associated with the prolonged timeframe of the conveyancing process.

### **Question 8**

## **Do you agree that this should include a requirement to order property searches and undertake a property condition report?**

RICS agrees that requiring both property searches and a property condition report should be considered, but it is essential to differentiate between the two items.

### **Property searches**

Property searches are a significant contributor to delays in the current system. Collating and reviewing search data can take weeks or even months (in some more complex cases), and these delays do not sit solely with conveyancers. Many search components depend on third parties, such as local authorities, managing agents, utilities, and building-safety duty holders, whose response times are often unpredictable. RICS members consistently report that delays in obtaining this information are a major bottleneck in progressing transactions.

Requiring searches to be ordered upfront could help reduce transaction times by ensuring that information that typically slows progress is available at the point of listing. However, this may result in a delay in the time it takes for a property to be listed.

In the longer term, greater digitisation, particularly through the development of digital property logbooks and the use of Unique Property Reference Numbers (UPRNs), offers the most sustainable solution. This could significantly reduce reliance on manual, request-driven search processes.

### **Property condition report**

Condition reports function very differently to searches. They are not typically a cause of delay and instead provide valuable insight that supports better-informed buyers and reduces the likelihood of late-stage issues or fall-throughs.

RICS believes that any property condition report must be:

- Professionally delivered by suitably qualified and regulated individuals.
- Constructive and clear, avoiding either unnecessary alarm or a false sense of security.
- A proportionate and risk based, addressing the overall condition of the property rather than focusing narrowly on selective risks.

While a tailored approach as proposed in the consultation may offer more detailed advice on specific risks, it also presents notable limitations. On its own, it may not deliver a comprehensive, whole-home assessment unless it is supported by an overarching inspection. It can also lead to significantly higher costs for sellers, with fees in some cases exceeding £1,000 due to the need for various specialist technical surveys e.g. subsidence, damp and mould and asbestos inspections.

In addition, reliance on data-driven assumptions about a property's condition cannot be a substitute for professional judgement, and estate agents generally do not have the required qualifications, experience or professional indemnity cover to determine the appropriate level of inspection a property requires.

### **A proportionate, risk-based upfront condition assessment**

A standardised model, as seen in Scotland, Norway and other markets, offers several benefits:

- It can ensure every property receives a whole house, professionally delivered survey that is independent of the sales process.

- It reduces reliance on estate agents or sellers to provide information that they may not know or in some cases may wish to hide.
- RICS members reported that in cases where the Scottish Home Report recommends further exploration on a certain issue e.g. damp and mould or subsidence it commonly results in two options happening. Firstly, many surveyors reported that sellers themselves commission the additional inspection to ensure there is no doubt hanging over the property listing. Others report that it helps buyers be aware of potential issues and they can make their own judgment on whether to take action by commissioning additional inspections.
- Feedback from RICS members in Scotland report that between 8-10% of buyers will typically commission an additional survey or technical survey(s) to give further detail on the property condition ahead of completion.
- For binding contracts to function effectively, as proposed elsewhere in the reforms, buyers must have access to reliable, professional condition information from the outset.

## **Question 9**

**What steps should government take to ensure that conveyancing lawyers, estate agents and surveyors have the capacity and capability to implement this change?**

### **Surveyors**

Surveyor capacity will be a critical to ensuring that these reforms can succeed, however, it is difficult to fully assess capacity requirements with confidence. This is because key questions remain unresolved, such as the scope and design of any upfront property condition report, and the extent to which digitisation will be involved.

Depending on the final approach adopted, the reforms could drive a substantial increase in demand for surveyors. Our discussions with key home survey services providers indicate there is an appetite to invest to scale up to meet demand but they have concerns about the risk of Government changing its policy direction. Sufficient transition time and certainty in the direction of travel are critical factors in avoiding delays due to an insufficient number of trained surveyors.

RICS is working with our members and member firms of all sizes, along with other organisations including Rightmove to understand current market capacity, transaction trends and future modelling. Data that RICS has seen from Rightmove is showing around 90,000 –

130,000 property listings a month. However, these figures will vary year on year depending on the market and a range of external factors such as interest rates and consumer confidence in the economy. Some larger firms report that should upfront condition assessments become mandatory, they have the capacity to service up to around 80% of estate agency client transactions, as opposed to 20-30% currently. These firms have reported to RICS that between their internal learning and development teams and recruitment teams, they are prepared to meet part of the future demand.

However, even if realised, there would still be a need to grow existing surveyor capacity. Implementation time and Government clarification on the approach to upfront information and surveys will be essential early in the reforms.

The impact of reform on sole practitioners and SMEs will need careful consideration. Experience from Scotland shows that changes to the system created challenges for some sole practitioners, with the Home Report model contributing to market consolidation. While RICS has been told by SMEs that reforms can present opportunities as well as challenges, including the potential for new workstreams, there is concern that this may place greater emphasis on firms being able to secure places on panels, which can be more difficult for smaller practices.

RICS will be happy to arrange for MHCLG to discuss this in more detail with members and member firms so that the lessons from Scotland can be taken into consideration in England and Wales.

Alongside capacity, capability and professionalism are equally important. RICS regulates both individual professionals and firms through its independent Standards and Regulation Board. This framework exists to uphold high professional standards and protect consumers.

As the volume and significance of upfront condition information increases, it will be essential that clear, consistent standards apply and that only suitably qualified, competent, and properly regulated professionals are permitted to undertake such assessments.

RICS has been setting and maintaining standards in this area for many years. The current version of the RICS Home Survey Standard was published in 2021. It underpins a consistent, risk-based property assessment approach for buyers, and is designed to be provided by regulated members of RICS acting objectively and impartially. In 2026, we will build on this by creating an upfront property condition report that can be commissioned by sellers from a qualified and regulated professional.

Failure to ensure that future surveys are conducted by properly qualified professionals' risks undermining consumer confidence and could ultimately prevent the reforms from achieving their intended objectives.

Government should therefore work closely with professional bodies to:

- clarify the scope and purpose of any upfront condition assessments.
- support workforce planning and skills development across firms of all sizes.
- ensure regulatory standards are embedded from the outset; and
- avoid unintended market distortion that could reduce choice or resilience in the surveying sector.

## **Question 10**

### **What resources and additional training would be needed in order to implement these changes?**

Successful implementation of these reforms will depend on early clarity and sufficient lead-in time. Feedback from RICS members suggests that a minimum lead-in period of 24 months will be essential, particularly if upfront property condition information is mandated. Without this, the market risks capacity constraints, inconsistent quality and unintended delays in the home buying and selling process.

#### **Resources and workforce planning**

Clear confirmation of the scope, timing and mandatory nature of any upfront condition information is required before meaningful workforce planning can take place. Surveying firms, particularly SMEs and sole practitioners, will need time to recruit, train and upskill staff, invest in digital systems, and adapt business models.

#### **Training and competency requirements**

Any new or expanded upfront condition information assessment must be underpinned by robust, consistent professional standards. RICS strongly supports the use of existing industry best practice, particularly the RICS Home Survey Standard, as the foundation for any future model. This standard is well understood by the profession, consumer-focused, and designed to ensure consistency, quality, and proportionality.

Additional training will be required to:

- ensure surveyors are competent to deliver any new or adapted surveys.

- embed consistent interpretation of standards across the market.
- support ethical, impartial and consumer-focused reporting; and
- enable effective use of digital tools and data-sharing platforms where relevant.

This training should build on existing professional qualifications and continuing professional development (CPD) requirements, rather than creating parallel or unregulated pathways.

### **Ongoing review and quality assurance**

Periodic review of both the standards and the operation of the system will be essential to ensure best practice is maintained over time. Scotland provides a useful precedent, where the Home Report framework has been subject to regular review and refinement to reflect market changes, consumer needs and professional practice. A similar commitment to ongoing evaluation should be built into any reforms in England and Wales from the outset.

In summary, government should:

- confirm policy scope and timeframes as early as possible.
- allow a minimum 24-month lead-in period.
- align any new requirements with established RICS Home Survey Standard.
- support training and capacity building across firms of all sizes; and
- commit to periodic review to ensure quality, consistency and consumer confidence are upheld.

### **Question 11**

#### **Do you agree that we should intervene to drive up standards amongst, and improve trust in, property agents?**

Yes. Property agents are typically one of the first points of contact, and one of the greatest points of influence, for consumers in the home buying, selling and lettings journey. Yet, despite this, estates and lettings agency remains largely unregulated, with no significant requirement for minimum levels of competency or conduct, making it one of the only parts of the home buying and selling journey without meaningful professionalism underpinning it.

### **Question 12**

#### **Do you agree with our proposal to bring forward a Code of Practice on a non-statutory basis, and to legislate to put this on a statutory footing in future if necessary?**

Yes. RICS has long supported the creation of a Code of Practice for property agents. Working alongside The Property Ombudsman, RICS established a steering group, chaired by Baroness Hayter to create an overarching code of practice for all property agents in England and Wales.

The code of practice mirrored and expanded upon the recommendations made by Lord Best and his working group in the Regulation of Property Agents (RoPA) report.

However, while introducing the Code on a non-statutory basis may offer a useful starting point, relying solely on a voluntary model risk undermining the wider objectives of the reform programme. Good agents would likely adopt the Code, but without statutory underpinning its impact on consumer protection would be limited and inconsistent. A statutory footing would align the sector with other regulated areas of the property market and ensure that all agents are held to clear, enforceable minimum standards.

A key issue for government consideration is how compliance and enforcement would operate under a statutory model. While National Trading Standards, professional bodies and redress schemes all have potential roles, the proposal to rely on the courts raises concerns given their current resource pressures. Any system dependent on court enforcement risks adding delay and cost, potentially weakening the intended benefits.

RICS continues to advocate for a Designated Professional Body (DPB) approach as an efficient and effective mechanism for raising standards across property agency. In our response to the *Strengthening leaseholder protections over charges and services* consultation, we set out why DPBs are the best-equipped vehicles to deliver proportionate, professional regulation:

- They ensure individuals and firms demonstrate appropriate competency, maintain CPD requirements, and comply with ethical and technical standards.
- They can define and uphold appropriate standards of conduct and practice, building on statutory requirements.
- They maintain professional registers and have established systems for monitoring compliance, assuring competence, and ensuring robust consumer protection.
- They can take disciplinary action, such as sanctions, fines, conditions, or removal from professional registers, without requiring court intervention.
- They work closely with government and regulators to share intelligence, oversee standards, and ensure effective sector-wide oversight.

Overall, while RICS supports the initial introduction of a Code, a statutory Code, underpinned by a form of professional standard body and regulation, would deliver far greater accountability, consistency, and consumer confidence across the property agency sector.

### **Question 13**

#### **Do you agree with our proposal to consult on mandatory qualifications for estate and lettings agents?**

Yes. These proposals build on those contained in Lord Best's Regulation of Property Agents Report and further strengthen plans to introduce a Code of Practice to drive-up standards for Property Agents. It also aligns with ongoing proposals by government to introduce minimum quality standards for managing agents.

RICS has appropriate membership entry pathways for estate and letting agents (at the Associate RICS level of membership). Many Chartered Surveyors also practice estate agency. While RICS membership assessment is not currently based on Ofqual regulated qualifications, it is assured by the independent RICS Standards and Regulation Board. We would therefore strongly advocate that both Associate RICS and Chartered Surveyor should be treated as equivalent to Ofqual qualifications.

In developing policy on qualifications, careful consideration should be given to the scope of the requirements. Sales agency is an industry sector with significant churn (people often coming into the sector for only a short period in their careers). For this reason, it may be preferable to limit the core minimum qualification requirements, for example to those in positions of greater responsibility within estate agency or lettings businesses. There may also be an option of grandfathering existing estate agents onto a statutory register in first instance and giving a longer period for them to qualify or leave the sector. This will be key to avoiding capacity problems.

However, qualifications alone are not a sufficient intervention to raise standards on their own. As indicated above registration with an approved professional body (which meets acceptable standards) for both firms and individuals within scope, is critical to building public confidence in this sector. We are firmly of the view that professional bodies can be well-placed to create the right structures to assure professionals, recognised by, and working closely with the Government, redress providers and relevant enforcement agencies.

We are committed to working with stakeholders to shape an effective, DPB-led model.

### **Question 14**

**Are there additional interventions you think government should take to drive up standards amongst property agents?**

As indicated above we encourage Government to introduce a Designated Professional Body regime in this sector, which will underpin a well-supported sector based on consistent standards.

**Question 15**

**Are there any other areas across the property agent sector that needs to be monitored or regulated in order to improve the customer journey?**

It is essential that the future regime includes mandatory registration of estate agency and lettings firms to a form of designated professional body and/or redress scheme, as firms control the culture, systems and customer protections that are key to ensuring good standards.

**Question 16**

**Do you agree that government should aim to support the wider use of digital property logbooks and packs?**

Yes. RICS is a founding member of the Digital Property Market Steering Group (DPMSG) and involved in a number of sector initiatives to improve access and transparency of data. The RICS data standards were recently cited in the Department for Trade Report, Data Standards for Smart Data.

We support the government proposals to encourage the wider use of digital property logbooks and digital sales packs, to improve transparency, reduce duplication and enable earlier access to reliable property information.

Digital property logbooks and digital sales packs serve related but distinct purposes. Digital logbooks are a long-term, dynamic record of a property, capable of being updated over time with information such as title deeds, utility information and compliance data, such as gas and electrical safety certificates. Digital sales packs, by contrast, are a point-in-time snapshot prepared for a specific transaction, bringing together the information needed to market and sell a home.

Used together, these tools could deliver significant benefits. A well-maintained digital logbook can feed accurate, up-to-date information into a sales pack, reducing repeat data collection, improving consistency and helping buyers make more informed decisions earlier in the process.

To be effective, any digital approach must be aligned with recognised professional standards and supported by clear governance around data quality, ownership and consumer protection.

### **Question 17**

**If yes, what do you think would drive their wider adoption? How could government support this and do you think that legislation might be needed to bring about this change?**

Wider adoption of digital property logbooks and digital sales packs is most likely to be driven by improvements in the consistency and trust of data. Uptake will increase where these tools demonstrably reduce duplication, improve transaction efficiency and are aligned with recognised professional standards.

Further research and engagement across the industry is needed to assess the effectiveness of voluntary, market-led approaches compared with legislative intervention.

### **Question 18**

**What risks would need to be considered when creating and storing digital logbooks?**

Key risks when creating and storing digital property logbooks include data access and updating responsibilities.

Unlike a single transaction, a logbook is a long-term record that may need input from multiple parties over time, beyond those directly involved in a home sale, raising questions about who can update it and how changes are verified.

There is also a risk that out-of-date or inaccurate information could mislead consumers or undermine trust. Ensuring robust governance, clear update protocols, and secure, accessible storage will be essential to maintain reliability, usability, and consumer confidence over the long term.

### **Question 19**

**Do you agree that government should support mechanisms to make property transactions more binding at an earlier stage?**

Yes. RICS supports government action to explore mechanisms that make property transactions more binding at an earlier stage, as this could provide greater certainty and better protect both buyers and sellers by reducing fall-throughs and unnecessary costs. However, for earlier binding agreements to be effective and fair, they must be underpinned by access to reliable upfront information, including a professional property condition report as a minimum.

Buyers should not be bound into a contract based on incomplete or misleading information, or a false sense of security where no professional assessment has been undertaken. Ensuring that binding commitments are supported by appropriate, high-quality information will be essential to maintaining consumer confidence and achieving the intended benefits of reform.

### **Question 20**

**What do you think is the most effective means of doing this – incentivise estate agents to offer this as a service, raise consumer awareness of binding agreements, legislate to require their use in property transactions etcetera?**

The most effective means would be through legislation to ensure a uniform application of the contract. Reservation Agreements already exist in some house transactions in England and Wales, albeit it through the voluntary nature of the scheme. With take up ad hoc, this means two similar property sales (by housing type and buyer/seller background) could see a completely different transaction experience.

### **Question 21**

**What would be appropriate costs or penalties for failure to comply with binding contracts?**

N/A

### **Question 22**

**Would there be any listed exceptions, or certain situations, for binding contracts not being applied?**

Yes, there are circumstances where exceptions would need to be carefully considered. Two distinct aspects should be explored: situations where binding contracts should not apply at all, and circumstances where a binding contract exists but one or both parties should be able to withdraw without penalty.

Experience from Scotland provides a useful reference point. Certain property types are exempt from the Home Report requirement and the associated binding contract model, including some converted properties, property sold privately, new builds and properties intended for demolition following the transaction.

While exemptions exist, most transactions operate successfully with binding contracts, demonstrating that a largely binding system can function effectively where appropriate safeguards are in place.

For binding contracts to be fair and workable, consumers must have access to clear and sufficient upfront information, particularly on property condition, before being legally committed. It would not be reasonable for a buyer to enter a binding contract without at least a basic professional condition assessment of the property, as this risks locking consumers into transactions based on incomplete or misleading information.

### **Question 23**

**Do you agree that publishing information on the services of property professionals would improve home buying and selling by supporting consumer choice and driving competition?**

In principle, yes. RICS agrees that greater transparency about the services offered by property professionals could support consumer choice and help drive competition.

However, members have raised practical questions about how this would operate in practice. Clarity would be needed on what is meant by “services” and how this differs from information that firms already provide through their own websites and marketing materials. Any approach should avoid duplication or unnecessary administrative burden.

Members have also highlighted challenges around publishing performance information. Care would be needed to ensure data is accurate, consistent and genuinely reflective of a business’s work. For example, firms that specialise in niche markets such as historic or listed properties may experience longer transaction times due to the nature of those properties, rather than service quality. Any performance measures would therefore need to be contextual, fair, and proportionate to avoid misleading consumers.

Members also noted that there are a number of consumer websites in operation where members of the public can leave reviews. These consumer sites are regularly used to by both buyers and sellers to share their feedback on estate agents. Members shared that reviews on these sites are impacting the decisions made by consumers on which agents to use and this is helping to drive up both standards and competition.

### **Question 24**

**What information would you want to see included in a service of this type?**

Information of this type should be clear, meaningful, and comparable, while avoiding unnecessary complexity or burden on firms. Many professional bodies, including RICS, already publish certain information, including a member directory to check regulatory status for example.

Transparency around whether a firm is regulated, covered by a redress scheme or subject to professional standards and complaints handling procedures would be valuable to consumers.

If performance-related information is included, it should be presented with appropriate context, recognising differences in property type, transaction complexity and client circumstances. Any data published should be accurate, proportionate and consistently defined, to ensure it supports informed consumer choice without creating misleading comparisons.

### **Question 25**

#### **Do you think a charter as set out above would be useful in supporting consumers to identify quality property professional services?**

In principle, a charter could be useful in helping consumers identify quality property professional services and in setting clearer expectations across the home buying and selling process. However, its effectiveness would depend on how it is defined, applied and enforced in practice.

Clarity is required on whether it would apply to individuals, businesses, or both, and whether participation would be mandatory or voluntary. Equally important is understanding how the charter would be upheld, including which bodies would be responsible for enforcement and oversight, and how this would interact with existing frameworks such as standards set by professional bodies, codes of practice set by the redress schemes and National Trading Standards.

The proposals also suggest that consumers may fall within the scope of the charter, for example by directing sellers to gather upfront property information or buyers to ensure they understand their finances before making an offer.

Further consideration is needed as to how such expectations on consumers would be communicated, supported and enforced, including whether they would be underpinned by binding agreements, and who would be responsible for ensuring consumers are aware of and comply with these requirements. Would this duty sit with estate agents, mortgage lenders/brokers or conveyancers to ensure compliance by consumers? Without clarity on these points, there is a risk that a charter could create confusion rather than improving consumer outcomes.

### **Question 26**

#### **Do you agree that AML checks should be streamlined?**

We agree there is merit in exploring ways to streamline AML checks, provided this does not weaken the effectiveness of the regime or create uncertainty about firms' individual responsibilities under Money Laundering Regulations. Duplication of checks between agents, conveyancers and lenders adds delay and cost for consumers without improving compliance outcomes.

We also note that some of this duplication arises from uncertainty about when firms may rely on another party's due diligence, and when a business relationship is deemed to be begin. Clearer, consistent guidance on reliance and timing of customer due diligence would help reduce friction and ensure a proportionate approach, particularly for smaller firms and for more complex client structures.

HMRC's ongoing work to update and consolidate its AML guidance for estate and letting agency businesses is a positive step and should help address some of these uncertainties. RICS is providing feedback on the draft guidance, and continued engagement with industry during this process will be important to ensure it delivers practical clarity and supports consistent, proportionate implementation across the sector.

## **Question 27**

### **How can government most effectively support the application of AI conveyancing technology?**

Government can most effectively support the application of AI in conveyancing by creating an enabling environment that encourages innovation while maintaining trust, transparency and appropriate safeguards for consumers.

In the longer term, AI has the potential to streamline elements of the conveyancing process, including automating and analysing searches, identifying missing or inconsistent data, and helping to highlight or even fill information gaps where appropriate. Used well, this could reduce duplication, improve efficiency, and support earlier access to key property information. However, AI should be viewed as a supporting tool rather than a substitute for professional judgement. Decisions affecting legal rights, risk and consumer outcomes must continue to be overseen and validated by appropriately qualified professionals.

Government support should therefore focus on promoting high-quality, interoperable data, clear governance frameworks and collaboration with professional bodies. Within surveying, RICS has published global standards and guidance on the responsible use of AI in surveying, designed to ensure AI is deployed ethically, transparently and in a way that enhances, rather

than replaces, professional competence and accountability. The RICS standard is intended to provide a consistent framework for managing risk, building trust in AI-enabled tools and supporting innovation while safeguarding consumers and professional integrity.

By aligning policy and digital reform with established professional standards on responsible AI use, government can help unlock the benefits of AI-enabled conveyancing technology while ensuring consumer protection, accountability and confidence remain central to the home buying and selling process.

### **Question 28**

**What else do you think government should do to streamline the conveyancing process?**

N/A

### **Question 29**

**Do you agree that this is the correct direction of travel?**

Yes. RICS agrees that greater digitalisation is the correct direction of travel for improving the home buying and selling process. Better use of trusted, interoperable digital data has the potential to reduce duplication, improve transparency, and enable earlier access to key property information, supporting faster and more reliable transactions.

However, digitalisation must be implemented in a coordinated and proportionate way, underpinned by clear data standards, strong governance and professional oversight. Digital tools should enhance, not replace, professional judgement, and sufficient lead-in time will be essential to ensure adoption is consistent across the market and delivers meaningful, long-term benefits for consumers and professionals alike.

### **Question 30**

Is there anything else that government should be doing to promote digitalisation of the property sector?

N/A