

RICS Practice Alert – Acting as an expert witness in housing disrepair and other high volume cases

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RICS is issuing this Practice Alert to all members and candidates in the UK.

RICS members acting as expert witnesses play a crucial role in assisting the courts by providing impartial evidence-based opinion. RICS has received a number of reported concerns about the quality of expert witness functions being performed by RICS members in the housing disrepair sector, and in particular concerns in some cases that:

- experts are using pre-populated templates or standard schedules of cost that do not reflect their own objective professional opinion
- professional qualifications and stated experience are inaccurate
- experts have, or acquire over the course of several instructions, a conflict of interest
- fee arrangements are demonstrably tied to the outcome of a case.

The purpose of this alert is to remind members of their legal, professional and regulatory obligations when providing expert witness services in all cases, and to warn of specific risks in housing disrepair and other high volume work.

Risks relating to high volume cases

Specific events or market failures in some areas, for example housing disrepair or cavity wall insulation, impact a large number of consumers who may then be entitled to redress. The high volumes of claims can lead to claims management behaviours that harm the public and present particular risks for expert witnesses.

Poor quality expert evidence means that valid claims may fail or social housing providers may need to divert public money, which could otherwise be used to make repairs, to respond to invalid claims.

Examples of poor behaviours include the following.

- Experts being approached by claims managers requiring them to use pre-populated templates, standard schedules of charges or copy-paste reports without proper investigation and verification being undertaken.
- Claims managers or solicitors acting in high volume cases seeking to instruct the same expert in a large number of claims, creating a conflict of interest because of the amount of fees generated and the risk of losing revenue if the expert witness reports do not meet the expectations of those issuing the instructions.
- Information about the expert's qualification or experience being misrepresented, either because of a reliance on templates, incorrect use of an RICS logo or because reports are altered after being submitted.

These behaviours do not comply with our standards for members and are likely to lead to serious consequences for RICS members, including regulatory sanctions and legal consequences.

The contents of an expert witness report, including information about the qualifications and expertise of the witness may be subject to robust cross-examination in any hearing, and an expert may be found to be in contempt of court if they make a false statement in their report.

Checklist of key professional responsibilities for RICS members acting as expert witnesses

RICS members who provide expert opinion in relation to any claim must be able, fully and unambiguously, to discharge each of the professional responsibilities listed below:

1. The work must be your own – no reliance on pre-populated templates.
 - i. Members must personally undertake the assessment, analysis and preparation of their expert reports.
 - ii. The final report signed and submitted must be the member's own – not a generic document or a lightly edited version of another's work. Relying on pre-populated templates, standard schedules of charges or copy-paste reports prepared by third parties is not acceptable.
 - iii. Every signed expert report must accurately reflect the member's own professional opinion based on their independent assessment of the facts.
 - iv. Members must ensure that all measurements, analysis and conclusions presented are based on their own professional expertise and investigation.
2. Accuracy and verifiability of personal and professional details.
 - i. Members must have the proper expertise to provide expert opinion. Candidates and students are not qualified to provide opinion as an RICS member and must not use an RICS logo or other reference to RICS in any expert report.

- ii. Members must ensure that all qualifications, accreditations and professional affiliations listed in their expert reports are accurate, up-to-date and verifiable.
 - iii. Expert witnesses must personally include a signed statement of truth at the end of their reports, which includes all of their professional designatory letters.
 - iv. Misrepresentation or inflation of expertise in expert witness reports is a serious breach of professional ethics and will be subject to investigation by RICS Regulation.
 - v. Should an RICS member acting as an expert become aware that their report has been altered, they should immediately call on the person or firm making such alterations to correct the report. If the report is not corrected they should report the person or firm to their regulatory authority, not accept further instructions from the person or firm until this is corrected, and where the report has been sent to a tribunal, notify the tribunal of the concern.
3. Conflict of Interest and financial dependence on instructing parties.
- i. Members must identify and disclose any potential conflicts of interest, including regular reliance on the same instructing party for multiple instructions, particularly where the member derives a significant proportion of their income from that party.
 - ii. Any such financial dependence must be disclosed to the tribunal in the expert's report, as failure to do so may compromise the impartiality of the expert evidence and could result in legal and regulatory consequences.
 - iii. Expert witnesses must not enter into any version of conditional or success-based fees in regard to this work.
4. Duty to the court over any instructing party.
- i. An expert witness's primary duty is to the court, not the party instructing them (as per Part 35 of the Civil Procedure Rules).
 - ii. RICS members must provide honest, independent and impartial expert opinions, free from external pressures or financial incentives.

Awareness of Awaab's Law and Housing Health and Safety Rating System (HHSRS) compliance

RICS also reminds members of the evolving legislative and regulatory context in which housing disrepair claims are assessed. The introduction of Awaab's Law, which becomes effective in October 2025 through the Social Housing (Regulation) Act 2023, places a statutory duty on social landlords to respond more rapidly and effectively to hazards such as damp and mould.

In parallel, the Housing Health and Safety Rating System (HHSRS) remains the primary legal framework for assessing housing conditions in England and Wales. Members acting as expert witnesses in disrepair

claims must therefore ensure that their assessments and reports demonstrate a clear and accurate understanding of the HHSRS methodology and relevant legal thresholds.

Expert evidence that does not reflect these standards risks undermining the validity of claims, contributing to tenant harm or resulting in legal and regulatory consequences. Members should take active steps to remain up to date with current housing safety regulations and government guidance when undertaking expert instructions in this area.

RICS professional standards

Every RICS member acting as an expert witness must take account of the current edition of [Surveyors Acting as Expert Witnesses](#). In February 2024 RICS issued [a practice alert](#) to all members globally relating to expert witnesses and your attention is also drawn to that alert.

If you act as an expert witness, you must be satisfied, and be prepared to demonstrate to RICS, that you have complied with all statutory requirements and RICS standards. RICS professional standards also apply when you assist someone in drawing up an expert report. You should only participate in the production of a report where the person ultimately signing would be able, fully and unambiguously, to discharge each of the professional responsibilities listed above.

Note that RICS is currently updating its practice statement and guidance note for expert witnesses. The current edition remains in force until the new edition is formally published. It is your responsibility to be aware of changes in case law and legislation since the last date of publication.

Collaboration with authorities

To uphold professional standards and protect the integrity of housing disrepair and other claims, RICS Regulation will be working closely with the following entities.

- Solicitors Regulation Authority (SRA) to address issues of improper expert witness instructions from legal professionals.
- Housing Associations to ensure that misleading or substandard expert evidence does not contribute to improper claims.
- Courts and Tribunals to monitor judicial concerns regarding non-compliant expert witness reports and to take the necessary regulatory action to reduce their incidence in future.

Further information and resources

Below are various RICS resources that you may find useful.

1. [RICS Podcast](#)

- a. #41 – Issues faced by Expert Witnesses and the Courts

- b. #42 – Dealing with Conflict of Interest in Dispute Resolution

2. RICS standards

- a. [Surveyors acting as expert witnesses, 4th edition](#) written for surveyors who provide expert evidence to be relied upon in civil proceedings before a wide range of tribunals.
- b. [Conflicts of interest for members acting as dispute resolvers, 2nd edition](#) provides advice on dealing with possible conflicts of interest for surveyors who are appointed to resolve disputes.

3. RICS Dispute Resolution Service on LinkedIn: keep up to date on best practice, articles, events, and commentary.

4. RICS articles on rics.org:

- a. [Surveyors as expert witnesses](#)
- b. [Expert witnesses - training should be mandatory](#)

5. [Expert witness training courses](#): in-depth training on the core competencies essential for expert witnesses.

If you have concerns about the practice of an RICS member or RICS-regulated firm, please raise this with RICS by submitting your concerns to complaints@rics.org or [Report concerns about an RICS member or RICS-regulated firm](#).

Good practice reminder: RICS members have a professional duty to promptly disclose the details of any regulated member that you reasonably believe may have breached RICS Rules or professional standards. The duty to speak up is an important part of the profession's 'moral compass'. Think of it as protecting the reputation of your profession by helping RICS to uphold the public interest. Please email concerns to complaints@rics.org.