

Appeal Panel Hearing

Case of

Bruce Scott BSc (Hons) MRICS [1253330]

On

Tuesday 14 October 2025

At

Remotely via Microsoft Teams

Panel

Alexandra Marks CBE (Lay Chair)
Dr Amit Jinabhai (Lay Member)
Mark Griffin FRICS (Surveyor Member)

Legal Advisor

Peter Steel

RICS Representative

Christopher Geering, 2 Hare Court

Member's Representative

Marc Beaumont, Windsor Chambers

Hearings Officer

Jae Berry

Introduction

1. This is an appeal by RICS, which seeks a review of the sanction imposed on Mr Scott by the Disciplinary Panel following a hearing on 16 and 17 June 2025. The appeal is brought under Bye-law B5.5.2 and Rule 166 of the Regulatory Tribunal Rules ("the Rules") on the ground that the sanction imposed was unduly lenient.

Burden of proof

2. Under Rule 177 of the Rules, the burden is on Mr Geering on behalf of RICS to satisfy the Appeal Panel that the Regulatory Sanction imposed by the Disciplinary Panel was unduly lenient.

Background

3. The charges admitted by and found proved against Mr Scott were as follows:

"1. Between around 14 and 17 January 2022 Mr Scott:

- a. Obtained a copy of a case study written by DP with the intention of copying parts of it;*
- b. Submitted to RICS a case study, representing it was his own work, when he knew he had copied one or more of the particulars set out in Schedule 1 from DP wholly or in part;*
- c. His actions at a. and/or b.:*
 - i. Lacked integrity,*
 - ii. Were dishonest.*

***Contrary to Rule 3 of the Rules of Conduct for Members 2020 Version 7
Mr Scott is therefore liable to disciplinary action under RICS Bye-Law 5.5.2 (c)***

Schedule 1

<i>Particulars of the Member's assessment copied wholly or in part from DP</i>	
<i>The following paragraphs within 1. Introduction and Scope</i>	
<i>a.</i>	<i>1.4</i>
<i>b.</i>	<i>1.5</i>
<i>c.</i>	<i>1.6</i>
<i>d.</i>	<i>1.7</i>
<i>e.</i>	<i>1.8</i>
<i>f.</i>	<i>1.9</i>
<i>g.</i>	<i>1.10</i>
<i>h.</i>	<i>1.15</i>
<i>i.</i>	<i>1.16</i>

j.		1.19
k.		1.20
l.		1.21
m.		1.22
n.		1.23
o.		1.24
	The following paragraph within 2. Building Details & Fire Strategy review:	
p.		2.1
	The following text Within 4. External Wall Construction & As-Built information review:	
q.	<i>"a desktop study was undertaken prior to the site visit to establish if the materials and the technique of construction that were used are suitable for the use in multi-dwelling residential purposes [sic]. In terms of the cladding and wall structure, for this purpose we have relied in the drawings provided by the building manager</i>	
r.	<i>"The elevation drawings provided are referenced as Contract Drawings. No 'As Built' information was provided. It was noted that there were attachments such as balconies included in the construction of Strong Point. The elevation drawings are listed below:</i>	
s.	<i>Text associated with figure 4.5: "shows an extract of the masonry construction to show the through wall build up. The drawings do not confirm if they as 'as built' provision."</i>	
t.	<i>"The detailed drawings provided did not fully give a clear picture of the Bronze Aluminium Cladding. The detailed drawings provided did not offer any information relating to the Bronze coated aluminium cladding to the as no specification or manufacturers information was provided"</i>	
u.	The section entitled 6.1 Fire Performance Risk Factors	
v.	The section entitled 6.2 Façade Configuration Risk Factors	
w.	The section entitled 6.3 Fire Strategy design and hazards	
x.	The section entitled 2. Conclusion	
y.	The section entitled 3. Recommendations	
z.	The section entitled 4. EWS outcome	

4. The relevant facts in respect of the proven allegations are as follows:
5. Mr. Scott joined the RICS' External Walls System Assessment Programme ("the Programme") on 16 July 2021. The Programme offers an Ofqual qualification which is accredited by the Awarding Body for the Built Environment ("ABBE"). It involves a multiple choice assessment and completing a case study exercise which *"requires the candidates to complete an analysis of the external wall structure of a building, write a report based on a template provided, and submit it together with the completed EWS1 form."*
6. The RICS Assessment anti-plagiarism policy is highlighted to candidates both at the start of the course and at the assessment stage. Furthermore, the case study

instructions at the time stated: *“for the purposes of this assessment, you must complete your submission independently...”* and subsequently: *“By submitting this report, you declare that it reflects your own work. Please refer to the Plagiarism policy provided with this course for further information.”*

7. Mr. Scott was working at FR Consultants at the time he joined the Programme. His colleague, DP, also applied at the same time. She went on to complete and submit her case study on 13 August 2021. However, Mr. Scott deferred completing the Programme and did not submit a case study until 17 January 2022. He had left FR Consultants in November 2021. His case study exercise was similar but not identical to the one DP had completed.
8. Ms. Paxton, Qualification Standards and Compliance Manager at RICS, was responsible for the internal quality assurance of the Programme. She ran the submissions through Turnitin, a software programme used to identify plagiarism. This noted a strong correlation between Mr. Scott's and DP's case studies. On 1 February 2022 Ms. Paxton referred the matter for further investigation on the basis of suspected plagiarism.
9. On 2 March 2022 RICS wrote to Mr. Scott. He replied on 13 March 2022 in the following terms: *“I cannot deny these sections demonstrate a large degree of similarities. I will reflect this in my later explanation, however combined with an error in my submission and a lack of proper reading, time pressure, both at work and at home, I allowed this to happen which I deeply regret...I did see DP's work before I left FR Consultants, commenced stage 2 of the assessment and submitted my work...I was under significant pressure in my workplace... personal pressure coinciding with the final settlement of divorce, coupled with repeated delays by the RICS in releasing the stage 2 module had resulted in an uncharacteristic error of judgment, a lack of final proof reading and a submission within the final minutes of the deadline.”*
10. RICS wrote to Mr. Scott on 25 April 2022 and 17 May 2022. On 18 May 2022 he replied: *“I can confirm that I obtained a hard copy of DP's case study for reference prior to leaving FR Consultants in November 2021. This was prior to the course intake I was sitting being issued with a case study for submission.”*
11. In response RICS asked for copies of any other messages or emails between himself and DP. He responded on 24 August 2022 in the following terms: *“Thank you for your email. Further to my email to Ms. Plant dated 18th May 2022, there were no further messages or emails to my knowledge other than what was described in the email below. Further to your letter of 25th April 2022 and 17th May 2022, I can confirm that I obtained a hard copy of DP's case study for reference prior to leaving FR Consultants in November 2021. This was prior to the course intake I was sitting being issued with a case study for submission. I hope this can now draw a line under this matter.”*

12. DP provided a witness statement in February 2023 in which she commented: *“On 14 January 2022 at around 4.20 PM, I received a phone call from Mr. Scott. I was surprised to receive his call because we were not close personally... Mr. Scott requested to look at my case study submission as a reference... I shared my case study with him through email on the same day of the call.”* DP's email to Mr. Scott was sent in the early hours of 15 January 2022. That account was at odds with the account first provided by Mr. Scott as to how he came by DP's report.
13. On 1 June 2023 in correspondence with RICS, Mr. Scott admitted the allegations and provided some explanation and mitigation for his conduct.
14. On 13 September 2024 Mr. Scott's representative contacted RICS' representatives as follows: *“My client withdraws any past purported admissions, which he made without advice and in a state of trauma at the idea of disciplinary proceedings. That withdrawal is made pending, and so as to facilitate, my assessment of the above materials.”*
15. On 9 April 2025 Mr. Scott's legal representative informed RICS that he did now admit the allegations.

The decision of the Disciplinary Panel on sanction

16. Mr Scott admitted that the facts rendered him liable to disciplinary action and the Disciplinary Panel found so accordingly.
17. Following submissions from the parties, the Disciplinary Panel imposed a fine of £25,000 and conditions. In doing so, the Disciplinary Panel identified the following aggravating features in its determination:

“52. ...Mr. Scott's conduct had involved wrongdoing, dishonesty and showed a lack of integrity, and was clearly intentional. Had the plagiarism not been detected, Mr. Scott would likely have gained a qualification to which he was not entitled. In turn that would have represented a real risk to the public who put faith in his skills and qualifications to undertake the specific role(s) he was appointed to. Mr. Scott is an experienced chartered surveyor. Whilst all chartered surveyors must be expected to behave honestly and with integrity, it was particularly concerning to note that someone who has been a member of RICS for 10 years had behaved in such a dishonest fashion.

53. The Panel further noted the length of time over which Mr. Scott had conducted a premeditated attempt to cheat. This was not a one-off 'moment of madness' but an intentional and prolonged passage of conduct lasting a number of days in January 2022.

54. Whilst the Panel did not conclude that Mr. Scott had sought entirely to conceal his wrongdoing, he had sought to compound his dishonesty in misrepresenting to RICS how he came to be in possession of DP's report, and thereby downplay his culpability.”

18. The Disciplinary Panel assessed the mitigating factors at paragraphs in its determination as follows:

“55....the Panel considered that whilst the dishonest conduct lasted over a period of a number of days, it was conduct that had not occurred before in Mr. Scott’s professional life and had not occurred since. The Panel took into account several testimonials attesting to Mr. Scott’s character and otherwise positive contribution to the profession. Mr. Scott had shown some remorse, and had admitted his wrongdoing, although the extent to which that was a genuine admission in light of his change of position during the investigation, was of considerable concern such that the Panel felt unable to attach as much weight to the admission as might otherwise have been the case.

56. The Panel noted this was a single instance of cheating, which although serious had not been repeated in other examinations. The Panel had regard to the fact there was also no evidence of dishonesty or lack of integrity in Mr. Scott’s dealings with clients. The Panel further noted that Mr. Scott had been cooperative with RICS throughout the investigation, albeit not always fulsome in his candour and responses. The Panel noted the personal pressures of divorce and financial issues he was struggling with at the time. The Panel bore in mind the effect on his family of any sanction imposed upon Mr. Scott...

58. Though the Panel was conscious that Mr. Scott’s employment may change in the course of his career, it considered that the act of plagiarism in this particular instance was perhaps less clearly linked to personal gain than might otherwise be the case”.

19. The Disciplinary Panel assessed the medical evidence on behalf of Mr Scott, which was a key feature of his mitigation as follows:

[REDACTED]

20. Having assessed the aggravating and mitigating features of the case, the Disciplinary Panel rejected the sanction of a reprimand or caution. It considered a fine:

“60. The Panel next considered the imposition of a fine. The Panel considered the supplement to the Sanctions Policy and noted that fines may be of an unlimited amount per breach, although it noted that any fine imposed must be proportionate... The Panel therefore considered the level of fine that was necessary in order to uphold public confidence and maintain and declare standards. A low or nominal fine, the Panel concluded would be insufficient to protect that public interest. The Panel determined that a significant fine would have the effect of maintaining and upholding standards and sending out a clear message to the profession and the public alike, which would in turn serve to uphold public confidence in the profession and the Regulatory process. However, the Panel did not consider that the imposition of a financial penalty, however large, would be sufficient in and of itself to adequately mitigate the risk of repetition and thereby protect the public.

61. Whilst the Panel noted Mr. Beaumont’s submissions that Mr. Scott had achieved insight, the Panel had before it no evidence of any sort attesting to Mr. Scott’s insight, reflection or remediation. Even those submissions made on his behalf could only assert measures taken by Mr. Lee to assist Mr. Scott, rather than any pro-active attempts by Mr. Scott to properly engage with his identified failings. This was of grave concern to the Panel and means absent real and profound learning on Mr. Scott’s part, the risk of repetition remains a significant one.

62. The Panel therefore turned to consider whether workable conditions could be formulated to meet the overarching need to protect the public. In so considering, the Panel determined that given Mr. Scott had shown very little demonstrable insight to date, save for expressing his remorse, any period of conditions would have to be sufficiently long to enable him to develop such insight. The period of conditions would necessarily have to be carefully managed to ensure Mr. Scott is supported in his learning journey and that in the meantime there are sufficient safeguards to prevent or ensure early detection of the repetition of conduct that might pose a risk to the public.

63. Having identified the deficiencies in Mr. Scott’s insight, the Panel determined that by reason of the very particular circumstances of this case as distinct from other cases involving dishonesty, a set of workable conditions could be assembled so that Mr. Scott could remain a Member of RICS whilst also ensuring protection of the public and the wider public interest.

64. In so determining the Panel did go on to consider whether expulsion was a necessary and proportionate sanction and concluded that whilst it was an extremely fine judgment, it was able to impose conditions to meet the needs given the particular circumstances of this case.

65. The panel (sic) considered that the sanctions identified in these particular circumstances were the least restrictive form of sanctions necessary to protect the public and the wider public interest.

21. The Disciplinary Panel therefore imposed the following conditions on Mr Scott's membership with RICS, in addition to a fine of £25,000:

"1. You must allow RICS to exchange information with any person involved in monitoring your compliance with these conditions.

2. You must personally ensure RICS is notified of any role to which you are appointed and for which RICS membership is required, before starting it.

3. You must inform your employer of these conditions within 7 days of them taking effect.

4. You must inform any future employer of these conditions when accepting a role for which you are required to have RICS membership.

5. At any time you are employed or providing chartered surveying services which require you to be a member of RICS you must place yourself and remain under the supervision of a workplace supervisor, nominated by you and agreed by RICS.

6. You must personally ensure your workplace supervisor provides reports to RICS at 6 monthly intervals addressing the management of your workload, planning your work, and time management.

7. You must attend and provide confirmation of satisfactory completion of a RICS approved course on professional ethics within 6 months of the effective date of these conditions.

8. [REDACTED]
[REDACTED]
[REDACTED]

9. During the currency of these conditions any breach shall be brought before the Disciplinary Tribunal who may impose further conditions and/or any other sanction it considers necessary.

10. These conditions will be subject to review shortly before the end of the period. One month prior to that review you must provide RICS and the Reviewing Panel with a reflective piece which should address the insight you have developed over the period, concerning the dishonesty and integrity issues identified in this case and more widely, particularly in terms of the effect of a lack of integrity and probity on the public and the profession.

11. Upon review, the Reviewing Panel may revoke the order of conditions, may impose a further order of conditions or impose any other sanction it considers necessary in all the circumstances. Any further order will be for a period specified by the Reviewing Panel.”

Submissions on behalf of RICS

22. Mr Geering, acting on behalf of RICS, submitted that the sanction imposed by the Disciplinary Panel was unduly lenient on the following grounds:

- i. The findings of the Disciplinary Panel included (i) the conduct in question amounted to serious dishonesty, (ii) there was a potential risk to the public if Mr Scott had obtained the qualification as a result of plagiarism, (iii) the dishonesty occurred over a number of days, (iv) Mr Scott's misleading responses to RICS compounded this dishonesty, (v) there was a significant risk of repetition, (vi) he provided no evidence of insight, reflection or remediation, other than to express remorse, (vii) the health evidence relied on was of some relevance but not determinative of his dishonesty. In those circumstances the sanction imposed was unduly lenient;
- ii. the conditions imposed on Mr Scott were insufficient to protect the public and/or the public interest;
- iii. the Disciplinary Panel imposed a condition requiring a review hearing (*sic*) which RICS has no power to convene; and
- iv. the Disciplinary Panel failed to give adequate reasons why the sanctions imposed adequately protected the public and / or the public interest.

23. Mr Geering began his submissions by referring to the case of **Council for the Regulation of Healthcare Professionals v General Dental Council and Marshall [2006] EWHC 1870 (Admin)**. He said that following that case, if the Disciplinary Panel's reasons for the imposition of a particular penalty had not been adequately reasoned or were in other respects unclear, its duty of protecting the public was not fulfilled and the decision was therefore unduly lenient.

Ground iii

24. Similarly, taking Ground iii first, Mr Geering said that if the Disciplinary Panel had imposed conditions that were unlawful then that too would amount to undue leniency. In this case, the Disciplinary Panel had made a direction – namely a review hearing – which Mr Geering contended was unlawful and this meant that the sanction overall was unduly lenient.

25. Mr Geering observed that RICS' Sanctions Policy: Guidance to RICS Disciplinary, Registration and Appeal Panel Rules (Version 9 with effect from 2 March 2020) ("the Sanctions Policy") described the sanctions available to Panel. This did not include any ability for a review hearing and nor did the Rules.
26. Mr Geering said this was not a lacuna in the Rules but a deliberate decision by the draftsman. The Rules, for instance made detailed provision in Rules 18 and 28-30 for a review of an interim measures order and dealt with the procedure and test for such review hearings. Mr Geering noted that no such power had been granted by the Rules to the Disciplinary Panel when imposing conditions as a sanction.
27. Mr Geering anticipated that it would be submitted on behalf of Mr Scott that a panel can establish its own procedure, and that there is a provision to that effect in the Rules. Mr Geering said that it was accepted that the Rules contained a broad power to that effect to allow matters to be dealt with fairly. However, he said that the fact that panels had the ability to adapt procedure did not extend to establishing an entirely new procedure for review hearings. Mr Geering said that it would make a nonsense of the Rules if a panel could, on a whim, establish an entirely new procedure for which the Rules did not provide.
28. If it was right that a panel can establish its own procedure to the extent of ordering a review hearing, Mr Geering said that it was necessary to step back and consider what that meant in practice. For example, how would proper notice be given for such a review hearing, in compliance with rules? What test should be applied by the Panel, and what procedure should it adopt during the course of that review hearing?
29. Mr Geering said that RICS accepted that the case of **R (on the application of Hill) v Institute of Chartered Accountants of England and Wales [2013] EWCA Civ 555** ("**Hill**") indicated that if a procedure was not expressly prohibited by the rules, it could be adopted provided it was fair. However, he submitted that the scenario in **Hill** had been entirely different, the issue in that case being whether a disciplinary panel could continue to hear a case once a panel member had been absent for half a day.
30. Mr Geering also acknowledged that RICS had previously relied on **Hill** in the past to permit it to advance an agreed position on findings and sanction with respondents, but suggested that situation was different to creating an entirely new procedure for review hearings, as the Disciplinary Panel's conditions 10 and 11 purported to do.
31. Mr Geering then dealt with each of the other grounds set out in his skeleton argument as follows.

Ground i

32. Mr Geering said that this ground dealt with the aggravating factors identified by the Disciplinary Panel. The Disciplinary Panel had found that Mr Scott was guilty of serious dishonesty, which was prolonged, planned and pre-meditated. It was not therefore “a *moment of madness*” case recognised as demonstrating exceptional circumstances such as **SRA v James & Others 2018 EWHC 3058 (Admin)** (“**James**”). Further Mr Scott had misled RICS, demonstrated a lack of insight, and the Disciplinary Panel had identified a “*significant*” risk of repetition. The risk extended to Mr Scott’s entire practice and given the Disciplinary Panel considered it necessary to provide for a pre-expiry review of the conditions imposed on Mr Scott’s membership, the Panel clearly felt that Mr Scott might still pose a risk upon the expiry of the order.
33. Mr Geering submitted that the principal mitigation offered by Mr Scott related to his health and the Disciplinary Panel had not accepted that provided a complete explanation as to why he had behaved dishonestly.
34. Mr Geering said that the Disciplinary Panel had given inadequate consideration of the weight to be attached to the mitigating and aggravating features, which was an error of law rendering the decision unduly lenient. (**Arunachalam v GMC [2018] EWHC 758 (Admin)**). Properly analysed, those features pointed to expulsion as the appropriate sanction and the Disciplinary Panel’s findings revealed no extenuating circumstances sufficient to justify a more lenient outcome in this case.
35. Mr Geering submitted that it was right as a general principle that deference should be given to the panel that makes the decision, but the degree of that deference may depend on the type of case. He cited **GMC v Theodoropoulos [2017] EWHC 1984 (Admin)** (“**Theodoropoulos**”) as authority for the proposition that the Appeal Panel should offer less deference in cases of dishonesty.
36. Mr Geering refuted the suggestion that there was any significant difference between “*extenuating circumstances*” and “*exceptional circumstances*” in cases of dishonesty (the latter being the test in a number of Solicitors Regulation Authority (SRA) cases he had referred to in his skeleton argument). The decision in **Chandra v GMC [2018] EWCA Civ 1898** established that trying to distinguish between these two types of cases was, in the Judge’s words, “*dancing on the head of a pin*”. As per **James**, Mr Geering suggested the prime focus of a panel should be on the conduct itself, meaning that “moment of madness” cases should be treated more leniently than ones involving a prolonged course of conduct, such as in this case.

Ground ii

37. Mr Geering argued that if the conditions imposed by the Disciplinary Panel were insufficient to protect the public, then it followed that the sanction imposed was unduly lenient.
38. Mr Geering had a number of criticisms of the conditions imposed by the Disciplinary Panel. It appeared that the conditions had been designed to protect the public against the risk of repetition of Mr Scott's conduct. They included a requirement of supervision, but without any indication as to what that supervision would entail.
39. Mr Geering observed that the supervision conditions themselves appeared designed to address concerns about Mr Scott's health, in circumstances where the Disciplinary Panel had not found his state of health to have explained his dishonesty.
40. Further, the supervision involved putting in place a structure to support Mr Scott at work, when the dishonest behaviour in question had occurred outside of his work. That supervision would require supervision on an entirely voluntary basis, by a third party, which Mr Geering submitted could not be a proper basis for a Disciplinary Panel to impose such a condition.
41. Mr Geering queried what RICS would be able to do to enforce or deal with a problem identified during the supervision of Mr Scott. The conditions were, in his submission, not only logically incoherent, in that they related to management of Mr Scott's health, when that was not a determinative issue in explaining his behaviour, but were also impossibly vague.
42. Mr Geering argued that the Disciplinary Panel had identified a risk that Mr Scott would repeat the behaviour he had admitted and therefore there was the need for a review. He submitted that since the Rules contained no power for a review, it followed that there was an unaddressed risk to the public. RICS' case was that the only measure that would address this risk would be to direct Mr Scott's expulsion.

Ground iv

43. Given the aggravating factors in this case, Mr Geering submitted that it was required of the Disciplinary Panel to explain in its decision how the public interest would be protected. The Disciplinary Panel's reasons failed to explain why conditions were sufficient to meet the risks it had identified, given that it had found that Mr Scott's health was not determinative of his actions.
44. In addition, the Disciplinary Panel had failed to identify adequately why the public interest in this case could be sufficiently protected by a sanction short of expulsion, given the aggravating features identified. It failed, moreover, to identify adequately the extenuating circumstances which justified not expelling Mr Scott.

Submissions on behalf of Mr Scott

45. Mr Beaumont, acting on behalf of Mr Scott submitted that at the simplest level, the assertion by RICS that the sanction in this case had been unduly lenient was, in his words, “*manifestly absurd*”. A fine of £25,000 imposed on a single person was, he suggested, a severe penalty, and a uniquely serious and draconian penalty.
46. Mr Beaumont said that the ability to appeal the sanction under Rule 166 of the Rules was “*not a free hit*” for RICS. Nor was it an invitation to the Appeal Panel to impose a fresh opinion on sanction. It was not sufficient that the Appeal Panel would have done something different, and it should not therefore substitute its own opinion for that of the Disciplinary Panel. Mr Beaumont argued that RICS was trying to tempt the Appeal Panel into what he described as “*impermissible thinking*”.
47. As regards the test to be applied by the Appeal Panel, Mr Beaumont suggested that the Disciplinary Panel decision was surrounded by a “*protective bubble*” which RICS had to burst. He referred the Panel to a number of cases which in his submission illustrated what was necessary to burst that bubble. In a previous decision of the Appeal Panel on 10 May 2019, in the case of **RICS v Antino**, the test had been whether the decision was one which no reasonable panel could have reached [*N.B. the Appeal Panel was referred to a number of previous decisions of RICS’ Disciplinary or Appeal Panel. It did not consider that any of these established any form of precedent or (since all turned on their individual facts) provided any reliable guide as to the disposal of this matter*].
48. Mr Beaumont also referred to the case of **Law Society v Salsbury [2008] EWCA Civ 1285 (“Salsbury”)** which he submitted suggested that the sanction of the Disciplinary Panel would need to be “*clearly inappropriate*”. Mr Beaumont argued that the sanction imposed in this case did not reach this level.
49. Mr Beaumont submitted that the Disciplinary Panel’s sanction plainly fell well within a spectrum of reasonable responses and thus inside the “margin of appreciation” of the decision-maker. By reference to **Yeong v GMC [2009] EWHC 1923 (Admin)**, Mr Beaumont said that the Disciplinary Panel’s sanction was not outside of the range of what was reasonable in the circumstances of this case.
50. Mr Beaumont submitted that an appellate court will only interfere with an evaluative decision, “*where an error of principle is involved or where the evaluative decision falls outside the bounds of what could reasonably and properly be decided*” (**Farquharson v BSB [2022] EWHC 1128 (Admin)**). He said that the Disciplinary Panel’s decision did neither of those things.
51. Mr Beaumont criticised the grounds on which RICS sought a review of the sanction, which he said did not properly engage with the limiting principles described by the cases

to which he had referred. Instead, he suggested they simply invited the Appeal Panel to substitute its own decision for that of the Disciplinary Panel.

52. As regards the question of whether Mr Scott had demonstrated extenuating circumstances, Mr Beaumont argued that the Disciplinary Panel had been faced with an unusual case. Mr Scott had admitted the allegations in their entirety and had accepted that he should receive a severe punishment. The Disciplinary Panel had received medical evidence to the effect that Mr Scott suffered from a relevant medical condition which had contributed to his misconduct. Mr Beaumont submitted that the severity of the sanction (comprising not only a substantial fine but also onerous conditions for at least a five-year period) when viewed in light of the medical evidence meant that the general public would not see the Disciplinary Panel's decision as unduly lenient, plainly wrong or outside the range of what was reasonable.
53. As for the Disciplinary Panel's decision itself, Mr Beaumont said that Mr Scott's past record, contrition and character had been properly evaluated by the Disciplinary Panel, and that their multi-factorial decision enjoyed the "*protective bubble*" he had referred to earlier. In Mr Beaumont's submission, the decision plainly reinforced professional standards and protected the public.
54. Mr Beaumont reminded the Appeal Panel that it was not its function to substitute its view for that of the Disciplinary Panel and that relying on **Khan v BSB [2018] EWHC 2184 (Admin)** there was (as it was put in **Salsbury** *ibid.*) "a high threshold for interference". Mr Beaumont observed that the Disciplinary Panel had come close to expelling Mr Scott for the clear and logical reasons that it had given in its decision, and within its own formulation had not ruled out the possibility that he might yet be expelled if he did not comply with the conditions imposed upon him.
55. Mr Beaumont said that unlike in other regulatory regimes, there is no power of suspension available to disciplinary panels of RICS. It was therefore harder for such panels to find an appropriate sanction falling between a fine and expulsion. That was however what the Disciplinary Panel had done in this case.
56. Dealing with the Sanctions Policy and the question of what might amount to "extenuating circumstances", Mr Beaumont submitted that "extenuating" was a lower hurdle than "exceptional". Mr Beaumont again reminded the Appeal Panel that the case law allowed the Disciplinary Panel a margin of appreciation and the determination in this case fell within that margin.
57. Mr Beaumont then indicated he would make submissions on the five grounds relied upon by RICS in its Application for Review dated 18 July 2025, rather than the four numbered grounds advanced in Mr Geering's skeleton argument.

Ground 1 of the Application for Review (ground i in Mr Geering's skeleton argument)

58. Mr Beaumont argued that all that RICS had done under this ground was to list all the aggravating features of the case already considered by the Disciplinary Panel. The sanction imposed was not unduly lenient but was in fact swingeing and draconian. Mr Beaumont argued that, contrary to Mr Geering's submissions, the sanction **did** protect the public interest, in that it provided "*a warning shot*" to other surveyors. Mr Beaumont asserted that it would act as a deterrent, indicating firmly that RICS will take action against plagiarism to uphold appropriate professional standards.
59. Mr Beaumont submitted that it was impossible to say that this was not a case that warranted expulsion, as the Disciplinary Panel had clearly considered that it was, but had found extenuating circumstances on the basis of unchallenged medical evidence.

Ground 2 of the Application for Review (ground ii in Mr Geering's skeleton argument)

60. Mr Beaumont submitted that as the conditions imposed by the Disciplinary Panel were being supervised by a member of RICS, there were therefore adequate safeguards in place to protect the public.
61. Mr Beaumont argued that the conditions sought to guard against risks in Mr Scott's general work such as taking shortcuts in preparing reports. Mr Beaumont submitted that in **Dr Giuseppe Ruscillo v The Council for the Regulation of HealthCare Professionals, The General Medical Council & Anr; The Council for the Regulation of Health Care Professionals v The Nursing and Midwifery Council, Steven Truscott [2004] EWCA Civ 1356 ("Ruscillo")**, the Court of Appeal said that "*The test of undue leniency...must...involve considering whether, having regard to the material facts, the decision reached has due regard for the safety of the public and the reputation of the profession.*" Consistently with that case, the conditions imposed here were within the range of sanctions that the Disciplinary Panel could have imposed and, combined with a substantial fine, do not amount to undue lenience.
62. Mr Beaumont took the Panel through the conditions, which in summary he asserted met the justice of the situation, being perfectly practicable, workable and proportionate.
63. Additionally, Mr Beaumont submitted that the suggestion by RICS that the conditions were insufficient to protect the public or the public interest went a step too far in seeking to have them completely set aside in favour of expulsion.

Ground 3 of the Application for Review (which did not feature in Mr Geering's skeleton argument)

64. The Application for Review contained as ground 3 that the Disciplinary Panel had failed to apply the sanctions guidance appropriately in that it had not identified what extenuating circumstances justified the member not being expelled from membership. Mr Geering had not pursued this ground in his skeleton argument or submissions to the Appeal Panel. Mr Beaumont said that he was confused as to whether RICS continued to

pursue this ground or not. However, he submitted that in any event panels do not have to set out their reasons compendiously. The Disciplinary Panel clearly had set out the relevant extenuating factors in paragraphs 55–58 of its decision.

Ground 4 of the Application for Review (ground iii in Mr Geering's skeleton argument)

65. It had been argued on behalf of RICS that the sanctions imposed by the Disciplinary Panel were unduly lenient because they had unlawfully imposed a review hearing when the Disciplinary Panel had no such power. Mr Beaumont said that even if that were correct, the right of review under Rule 166 was limited to undue lenience. Mr Geering's ground was, in Mr Beaumont's submission, not an allegation of undue lenience at all and there was no basis for the Appeal Panel to consider it. It was simply an allegation of unlawful procedure, which Mr Beaumont submitted was not a ground on which RICS can appeal according to its Rules.
66. Mr Beaumont referred the Appeal Panel to paragraph 20 of the Sanctions Policy, which states: *"If a Panel or Single Member imposes conditions, it should state whether a breach of these conditions by the Regulated Member will lead to automatic expulsion or removal, or whether further disciplinary action is appropriate."* Mr Beaumont suggested that what the Disciplinary Panel had done in this case was simply to provide for further disciplinary action in the form of a review. Further he said that the power to impose conditions must imply a power to enforce those conditions, including by a review.
67. Mr Beaumont said that even if that were wrong, Mr Geering had in his submissions accepted on behalf of RICS that, where there are gaps in the rules, the Disciplinary Panel can substitute its own procedure. Mr Beaumont submitted that **Hill** supported this proposition and that ironically RICS itself had in the past invoked this argument where gaps needed to be filled in certain cases.
68. Mr Beaumont referred to previous Disciplinary Panel cases in which RICS had explicitly accepted that the Disciplinary Panel could adopt a permissive approach to the Rules. In this case, Mr Beaumont said that the Disciplinary Panel had adopted an entirely sensible and pragmatic procedure in accordance with Rule 40 of the Rules. It was not persuasive, he argued, that RICS could pick and choose the circumstances in which the Disciplinary Panel could adapt its procedures.
69. Mr Beaumont said that the Rules contained a power to adjourn under Rule 86 and the decision to have a review hearing could be interpreted as the Disciplinary Panel adjourning the case on terms for future consideration, or alternatively adjourning part heard.
70. Mr Beaumont submitted that **GMC v Adeogba; GMC v Visvardis [2016] EWCA Civ 162** indicated that regulators must manage their proceedings in a way that is fair, economical, expeditious and efficient, and this was what the Disciplinary Panel had done in this instance.

Ground 5 of the Application for Review (ground iv in Mr Geering's skeleton argument)

71. Mr Beaumont submitted that the Disciplinary Panel evidently did address the public interest and how the public would be protected as demonstrated at paragraphs 60–65 of its decision. The Panel had clearly engaged with the issues and formulated conditions which dealt with both criteria.
72. Mr Beaumont said in conclusion that he wanted to address the question of whether Mr Scott should have provided a reflective statement to the Disciplinary Panel. He asserted that RICS Panels may be drawing on the practice of MPTS panels which regularly require reflective statements. He said that he was of the view that his submissions in mitigation to the Disciplinary Panel on behalf of Mr Scott ought to have been considered sufficient, and if there was any fault in not providing such a statement, it was his alone and not Mr Scott's.
73. Following Mr Beaumont's submissions, Mr Geering made a number of points in reply, about which Mr Beaumont also sought to comment. The Appeal Panel did not however consider that any of these further submissions advanced matters much further.

Appeal Panel's Decision

74. The Appeal Panel carefully considered all the written material with which it had been provided, including the written submissions of both parties and the substantial volume of case law on which the parties had relied. It also listened carefully to the oral submissions of Mr Geering and Mr Beaumont.
75. The Appeal Panel first determined that the approach it should adopt to the appeal was set out in the Rules, as advised by the Legal Advisor. He referred the Panel to Rule 166 such that this appeal was by way of a review of the sanction imposed by the Disciplinary Panel; at Rule 177 that the burden was on the RICS to satisfy the Appeal Panel that the sanction was unduly lenient; and at Rule 181 the Appeal Panel's powers of disposal.
76. The Appeal Panel noted that some guidance on what constituted undue leniency was to be found in the case of **Ruscillo**. The Panel also accepted the Legal Advisor's advice that decisions on dishonesty may be awarded a lesser degree of deference, as per **Theodoropoulos** and that considering "*the degree of warranted deference depends on case-specific circumstances*", as per **Sawati v General Medical Council [2022] EWHC 283 (Admin) para. 48**, this Panel also benefited by being of the same composition and expertise as the Disciplinary Panel.
77. Further the Appeal Panel noted that it should interfere only if it identified an error of principle by the Disciplinary Panel in carrying out the evaluation, or the evaluation was wrong because it fell outside the bounds of what the Disciplinary Panel could properly and reasonably decide (**Bawa-Garba v GMC [2018] EWCA Civ 1879; [2019] 1 WLR 1929, at paragraphs 60-67**).

78. The Legal Advisor also advised that there was a semantic difference between “extenuating”, meaning “serving to lessen the seriousness of an offence”, and “exceptional”, meaning “much greater than usual or out of the ordinary”.
79. Having considered its approach to the review of sanction, the Appeal Panel concluded that RICS had not discharged the burden of satisfying it that the sanction imposed on Mr Scott by the Disciplinary Panel on 17 June 2025 was unduly lenient.
80. Ground i. of RICS’ appeal grounds was to the effect that the Disciplinary Panel had made findings which emphasised the seriousness of Mr Scott’s dishonesty. Further it had not found the principal mitigation evidence (Mr Scott’s state of health) to be determinative of his actions. Despite this, the Disciplinary Panel had decided not to expel him from membership (which, Mr Geering had submitted, was the only appropriate disposal in the circumstances and that the sanction was therefore unduly lenient).
81. The Appeal Panel considered that this was a somewhat unusual case of dishonesty. Although it had occurred in the course of Mr Scott’s professional life, there had been no element of direct personal financial gain, and no loss or direct harm caused to clients or to the wider public. Absent this incident, it appeared from the evidence before the Disciplinary Panel that Mr Scott had an exemplary record and was a competent surveyor. The character evidence suggested that his behaviour in this instance was uncharacteristic. This was supported, at least to some extent, by the unchallenged medical evidence, which indicated that the effect of the stress Mr Scott was experiencing at the time upon his medical condition may have been a significant factor. The Appeal Panel considered these were all matters which could be considered “extenuating circumstances” under paragraph 21.1 of the Sanctions Policy.
82. As its written decision demonstrated, the Disciplinary Panel clearly gave careful thought to both the gravity of Mr. Scott’s behaviour, as well as to protection of the public and the public interest in “*the very particular circumstances of this case as distinct from other cases involving dishonesty*”. The Appeal Panel reminded itself that the Disciplinary Panel did not have the power to suspend membership and there was therefore a steep gradient between the available sanctions of a fine and expulsion.
83. In imposing the sanction of a fine **and** conditions on Mr Scott, the Disciplinary Panel had attempted to find a proportionate disposal between those two points which, in its opinion, met the protection needs identified in the specific circumstances of this case.
84. As both parties in this appeal agreed, the Appeal Panel’s task is to decide whether, having regard to the material facts, the sanctions imposed were ones the Disciplinary Panel could reasonably have imposed. The Appeal Panel is not to substitute its own view on the sanction in circumstances that the Disciplinary Panel acknowledged involved “*an extremely fine judgment*”.

85. Having had regard to all the case law that relates to undue lenience, the relatively high threshold for overturning a decision on review and the margin of appreciation that is allowed to Disciplinary Panels, the Appeal Panel concluded that the sanctions in this case were not outside the range of reasonable responses to a finding of admitted dishonesty. It was not therefore unduly lenient.
86. Ground ii. of RICS' appeal grounds maintained that the conditions imposed on Mr Scott were insufficient to protect the public and/or the public interest. As noted above at paragraph 83, it appeared to the Appeal Panel that the Disciplinary Panel had given careful thought to protection of the public from the risk of Mr Scott repeating similar behaviour, a point emphasised in paragraph 65 of its determination.
87. The Appeal Panel observed that the drafting of conditions was not perfect, and would undoubtedly have been improved had the Disciplinary Panel solicited the views of the parties prior to writing up its decision (a practice that the Appeal Panel would recommend to any Disciplinary Panel imposing conditions in future cases).
88. However, it was not obvious to the Appeal Panel that the conditions will prove unworkable or would inevitably fail in achieving their intended aim of protecting the public by preventing any further lapse in Mr Scott's professional standards. Further, in the absence of a finding of undue leniency, it was obviously inappropriate for the Appeal Panel to propose any variation. It merely expressed the hope that the parties will cooperate to ensure that the conditions do indeed work as intended, though of course failure to comply fully may have consequences for Mr Scott's membership in any event.
89. Ground iii. of RICS' appeal grounds was that the Disciplinary Panel had imposed a condition requiring a review which RICS has no power to impose. The Appeal Panel disagreed, on the basis that Rule 40 of the Rules (and the dictum of Longmore LJ in *Hill* (ibid.) that, "*The right question to ask of any procedure adopted should therefore be not whether it is permitted but whether it is prohibited*") seemed to it to allow the Disciplinary Panel a wide discretion as to procedure.
90. The Appeal Panel did not see this as establishing any requirement that any conditions imposed by a Disciplinary Panel should be subject to a review, or that this was an apt mechanism to deal with future instances of dishonesty. As its determination made clear, the Disciplinary Panel had sought a proportionate disposal in the unusual circumstances of this particular case, and the review mechanism was clearly directed towards that end.
91. Ground iv. of RICS' appeal grounds was that the Disciplinary Panel failed to give adequate reasons why the sanctions imposed adequately protected the public and/or the public interest.

92. Again, the Appeal Panel disagreed. It was clear that the conditions were intended to address the circumstances which the medical evidence had indicated led to Mr Scott's misconduct, and to provide a mechanism for monitoring his professional standards for period of five years.
93. The Appeal Panel considered it unrealistic to expect a Disciplinary Panel to state in its decision the precise weight of every single factor it had taken into account. That was too exacting a requirement and was not supported by case law on reasons.
94. For all the reasons above, the Appeal Panel rejected this appeal.

Publication and Costs

Publication

95. The Panel considered the guidance as to publication of its decisions. The guidance provides that it is usual for the decisions of the Panel to be published on the RICS' website and in RICS Modus. The Panel sees no reason for departing from the normal practice in this case. Part of the role of the Panel is to uphold the reputation of the profession, and publication of its decisions is an essential part of that role.
96. The Panel therefore orders that this decision be published on RICS' website in accordance with Supplement 3 to the Sanctions Policy Version 8 with effect from 2 March 2020 with the exception of the text shown in red in paragraphs 19 and 21 which detail medical evidence the Panel determines should be kept private. That material should therefore be redacted from the published decision.

Costs

97. Mr Beaumont made an application for Mr Scott's costs in respect of the appeal. Mr Geering on behalf of RICS accepted that in these circumstances, Mr Scott was entitled to his costs amounting to £7,368.
98. Taking account of the amount of RICS's costs (£9,310.00) and the fine (£25,000) that Mr Scott had been ordered to pay RICS by the Disciplinary Panel, the net result was that there remained a balance of £26,942 to be paid by Mr Scott to RICS.
99. Absent any agreement to the contrary by the parties, the sum of £26,972 must be paid to RICS within 35 days.