

SINGLE MEMBER OF THE REGULATORY TRIBUNAL DECISION SHEET

RICS Regulatory Tribunal Rules 2022

Part VI, Regulatory Tribunal Single Member Decision

Regulated Member: Mr Alun Jones (Membership No: 0090599)

Single Member Decision of: Dr Amit N. Jinabhai, Lay Regulatory Tribunal Member

Dr Jinabhai has no conflicts of interest to declare in relation to this Regulated Member.

Case Reference Number: CON002179

Date of Decision: 21-02-2025

CHARGE

Between 1 January 2023 and 1 February 2024, you have failed to comply with RICS' requirements in respect of Continuing Professional Development (CPD) in that you have not completed and recorded, or caused to be recorded, at least 20 hours of CPD on the RICS CPD portal.

Contrary to Rule 1 and 2 of the Rules of Conduct (issued in October 2021, and effective from 2 February 2022).

The Regulated Member is therefore liable to disciplinary action under Bye-Law 5.2.2(c).

ALLEGED RULES BREACH

1. **Bye-Law 5.2.2(c)** specifically instructs:

'Liability of Members:

...

B5.2.2 A Member may be liable to disciplinary action under these Bye-Laws, whether or not he was a Member at the time of the occurrence giving rise to that liability, by reason of:

...

(c) a failure to adhere to these Bye-Laws or to Regulations or Rules governing Members' conduct'.

2. **Rule 1** of the Rules of Conduct instructs that:
'Members and firms must be honest, act with integrity and comply with their professional obligations, including obligations to RICS'.
3. Moreover, **Appendix A** of the Rules of Conduct sets out the core Professional Obligations for RICS' members and firms. Specifically, it instructs that:
'The following professional obligations to RICS are mandatory for RICS members.
 1. Members **must** comply with the CPD requirements set by RICS'.
4. **Rule 2** of the Rules of Conduct instructs that:
*'Members and firms **must** maintain their professional competence and ensure that services are provided by competent individuals who have the necessary expertise.*

...

 - 2.5 Members maintain and develop their knowledge and skills throughout their careers. They identify development needs, plan and undertake CPD activities to address them and are able to demonstrate they have done so.'
5. RICS' member requirements, with respect to completing and recording CPD ('the CPD requirements'), are set out in RICS' 'CPD requirements and obligations', which is available at: <https://www.rics.org/regulation/regulatory-compliance/cpd-compliance-guide/cpd-requirements-and-obligations>. The CPD requirements include that:
 1. All members **must** undertake a minimum of 20 hours CPD each calendar year (January to December).
 2. Of the 20 hours at least 10 hours **must** be formal CPD. The remainder can be informal CPD.
 3. All members **must** maintain a relevant and current understanding of our professional and ethical standards during a rolling three-year period. Any learning undertaken in order to meet this requirement may count as formal CPD.
 4. Members **must** record their CPD activity online by 31 January.'

[emphasis added]
6. Furthermore, the CPD requirements and obligations confirm, under the subheading of 'Formal CPD', that: *'... [RICS] may request to see evidence of any formal CPD activity; this may include demonstration of learning outcomes together with any supporting documentation.'*
7. The CPD requirements and obligations also confirm, under the subheading of 'Deadlines and Penalties', that:

'If you have failed to record sufficient CPD in a year to meet the requirements of the rule, you will receive a caution in accordance with Rule 4(c) of the

Disciplinary, Registration and Appeal Panel Rules 2009. The caution (called a Fixed Penalty caution) will remain on your disciplinary record for 10 years. Should further breaches of the CPD requirements occur, you will face further disciplinary action as follows:

- *second CPD breach: further caution and a fixed penalty of £150 or local equivalent. We will also publish a list of members who are non-compliant for a second time on the RICS website. Non-payment of the fixed penalty fine within 28 days of notification will lead to the fine being increased to £250. If the fine remains unpaid debt recovery action will be taken and the matter will be referred to a disciplinary panel.*
- *third CPD breach: referral to a disciplinary panel which may result in expulsion from membership and likelihood of costs being awarded against you.'*

MATERIALS PROVIDED AND CONSIDERED

8. To assist me in making my determination on this case, I considered the following materials:

a) A RICS evidence bundle, which included (either 'physically' or via 'web-links') but was not limited to, the following:

- RICS' Rules, Guidance, Law and Procedure document,
- RICS' Investigation Reports for *Facts, Liability to Disciplinary Action, and Sanction*, which included:
 - a signed witness statement dated 27 January 2025, from a RICS Regulatory Support and CPD Officer, Rohima Akhtar,
 - a signed witness statement dated 27 January 2025, from a RICS Regulation Support Team Manager, Kieron Cathcart,
 - The CPD Requirements and Obligations documentation,
 - RICS' CPD frequently asked questions (FAQs) document (from 15 August 2022),
- General Correspondence with the Regulated Member: Disclosure and Response documentation. This included:
 - A "General Correspondence" page, which contained a single screenshot that presented a record of an "outgoing" telephone call. The call was made by Damian McKeown (a member of RICS' CPD Team) to Mr Alun Jones, on 24 May 2024, regarding "CON002179". In the 'Description' box of the note, Damian McKeown has recorded, "Number showing as unavailable".
 - A "Disclosure" page, which was *blank*,
- An email, entitled "CON002179 - CPD Disciplinary 2023 - Alun Jones", from Rohima Akhtar to Mr Jones, dated 29 January 2025. Attached to this email were:

- 1) The RICS CPD Disciplinary Bundle,
- 2) A Listings Questionnaire,
- 3) A Statement of Means Form, and
- 4) A Schedule of Costs.

This email was 'read' by the Regulated Member on 29 January 2025, as evidenced by Rohima Akhtar's copy of the 'read receipt',

- A Schedule of Costs,
- A Head of Regulation Decision document (signed by Claire Hoverd, Head of Registration and CPD) dated 18 February 2025,
- An email, entitled "*Confidential: Notice of 2023 CPD Disciplinary Proceedings*", from Rohima Akhtar to Mr Jones, dated 19 February 2025. This email was 'read' by the Regulated Member on 19 February 2025, as evidenced by Rohima Akhtar's copy of the 'read receipt',
- An email, entitled "*Private Confidential RICS Notice of Referral to Single Member*", from Jae Berry (RICS Regulatory Tribunal Manager) to Mr Jones on 20 February 2025,
- A reply email from Mr Jones back to Jae Berry on 20 February 2025, where Mr Jones states,

*"I informed your colleague yesterday that I no longer wish to continue my membership.
I would be obliged if you could amend you [sic] records accordingly.
Kind regards ...
Alun Jones", and*
- A further reply email from Jae Berry back to Mr Jones on 20 February 2025, confirming that,

*"RICS Bye-laws do not permit a Member to resign from membership of RICS until all proceedings against them have been concluded other than in exceptional cases at the discretion of the Head of Regulation (B5.2.3).
This matter has now been allocated to a Single Member who will consider the case ...".*

b) Copies of the following well established RICS documents:

- RICS Single Member Decisions Guide 2022,
- RICS Rules of Conduct, issued in October 2021, and effective from 2 February 2022 ("Rules of Conduct"),
- RICS Regulatory Tribunal Rules, Version 2, effective from 2 February 2022 ("the Rules"),
- RICS Sanctions Policy: Guidance to RICS Regulatory Tribunal Rules, Version 9, effective from 2 February 2022 ("the Sanctions Policy").

BACKGROUND

9. This case involves the Regulated Member Mr Alun Jones (0090599), who was admitted to RICS on 30 November 1992. With respect to their specific case, I noted that **Rule 8 c(i)** of the Rules states,

'Disciplinary proceedings

8. Where [the] Head of Regulation has determined that RICS should take disciplinary proceedings s/he will do one of the following:

...

c. refer the matter to a Single Member of the Regulatory Tribunal, if one of the following circumstances apply:

i. where a Regulated Member has failed to meet the requirements in respect of Rule 2 of the Rules of Conduct for a third or subsequent time, in accordance with ... the Sanctions Policy.'

10. Mr Jones replied back to Jae Berry's email on 20 February 2025. This confirms that the Regulated Member had received the served Notice and was aware that their case had been referred to a Single Member for consideration. Hence, I have determined that it is fair to proceed with their case as it is one that is entirely suitable to be dealt with as a Single Member Decision (SMD), in accordance with the Rules and the Sanctions Policy.
11. Rohima Akhtar's witness statement presented information about the Regulated Member's recorded CPD activities during the time period of 2013 to 2023, inclusive. Rohima Akhtar's witness statement confirms that there have been three recent CPD breaches, which are as follows:
- 2013 – Requirement met,
 - 2014 – Requirement met,
 - 2015 – Requirement met,
 - 2016 – Requirement met,
 - 2017 – Requirement met,
 - 2018 – Requirement met,
 - 2019 – Requirement met,
 - 2020 – Requirement met,
 - **2021 – 0 hours recorded,**
 - **2022 – 0 hours recorded,**
 - **2023 – 0 hours recorded.**

12. Rohima Akhtar's witness statement confirmed that this Regulated Member's RICS Record showed that they did **not** have a CPD concession in place for the 2023 CPD year.
13. The witness statement of Kieron Cathcart sets out the communications which were sent to all RICS members who had **not** completed the minimum CPD required for the 2023 CPD year by the requisite deadline. These were sent to each member's preferred email address, as recorded by the Member on their RICS profile. Rohima Akhtar's witness statement confirmed that, at all relevant times, this Regulated Member's RICS record contained both a postal and email address. I reminded myself that it is the responsibility of the *Regulated Member* to keep all of their personal details up to date with RICS.
14. Kieron Cathcart's witness statement confirms that, *'RICS' Business Improvement and Performance team generated regular reports showing all of the members who had not yet recorded 20 hours of CPD online (including 10 hours of formal CPD) and who were not recorded on our systems as exempt from the requirement to complete CPD. The member's details (including their preferred email address as recorded on their RICS profile) were then uploaded from that report into Adobe Campaign ... the email system via which RICS sends bulk communications.'*
15. Kieron Cathcart asserts that, *'based on the member's location, the Member therefore ought to have received the following reminders'* by email:

Reminder Number	Subject	Date	Language
1	CPD Notification	15 November 2023	English
2	CPD Notification	13 December 2023	English
3	CPD Notification	10 January 2024	English
4	CPD Notification	7 February 2024	English
5	CPD Notification	21 February 2024	English
6	CPD Notification	13 March 2024	English

16. Kieron Cathcart's witness statement also confirms that a *'hard copy letter'* of the CPD Notification was sent, on 15 April 2024, to all RICS members who had not completed the required CPD for the 2023 CPD year by the relevant deadline. These were sent to each member's preferred postal address, as recorded by the Member on their RICS profile.
17. Kieron Cathcart further states that the aforementioned communications each contained the following information to ensure a consistent message:

'All practising RICS members are required to complete at least 20 hours of CPD (including 10 hours of formal CPD) by 31 December 2023 and record it online by 31 January 2024. Our records indicate that, within a ten-year period, you

have failed to comply with our CPD requirements on two or more previous occasions. The RICS Sanctions Policy stipulates that such breaches may be referred to a Disciplinary Panel or a Single Member of the Regulatory Tribunal, and are likely to result in expulsion from RICS.'

FINDINGS OF FACT

18. I carefully reviewed Rohima Akhtar's signed witness statement and all of Rohima Akhtar's email correspondence with Mr Jones.
19. I considered and accepted Rohima Akhtar's evidence that the Regulated Member's CPD for the **2023 CPD year** contained **0 hours** of completed **formal CPD**, and **0 hours** of completed **informal CPD**.
20. There was no evidence that this Regulated Member had either applied for, or had, any RICS-approved CPD Exemption or Concession in place for the 2023 CPD year which would have allowed them to legitimately avoid compliance with the CPD requirements during that period. Therefore, the Regulated Member *was* required to complete and record their CPD for the 2023 CPD year. However, the evidence indicates that insufficient CPD hours were recorded for this particular CPD year.
21. Given the above, I am satisfied that there is sufficient independent and persuasive evidence to find the facts of the charge proved, based on the documentary evidence that I have reviewed.

LIABILITY FOR DISCIPLINARY ACTION

22. Having found the facts of the charge proved, the next stage is to carefully consider whether this breach is sufficiently serious so as to render the Regulated Member liable for disciplinary action, under **Bye-Law 5.2.2(c)**.
23. RICS is an international professional membership organisation and sets standards for its members as a condition of their on-going membership. RICS operates a system that requires its members to **complete** and **record** a minimum of 20 hours of CPD activity in each calendar year, via RICS' CPD portal. This is required by Rules 1 and 2 of the Rules of Conduct. Furthermore, at least 10 of these recorded 20 hours **must** be **formal CPD**. *[emphasis added]*
24. I recognise that the purpose of the CPD requirements is essentially threefold:
 - a. to ensure consistent standards are delivered within the profession,
 - b. to ensure that *all* members maintain up to date knowledge in their area of expertise, in the interests of protecting the public and the wider public interest, and

- c. to ensure that all members can demonstrate such knowledge through the completion of online records via RICS' CPD portal.
25. As a regulator, RICS submit that it is entirely reasonable to impose such requirements, as they serve the interests of promoting and maintaining professional standards and public protection. Moreover, paragraph **22.1(a)** of the Sanctions Policy confirms that *even a single breach* of the CPD requirements is sufficiently serious enough to give rise to a liability for disciplinary action. This takes the form of a '*Fixed Penalty (caution)*' for any Regulated Member's first breach.
26. I accept RICS' submission that their Standards and Regulation Board, which consists of Members and non-Members of RICS, has approved RICS' CPD policy and their Rules of Conduct. RICS' CPD policy requires not only the completion of CPD, but also that it is recorded on RICS' CPD portal. Furthermore, the Rules of Conduct clearly set out the standards of professional conduct and practice expected of all RICS members. These facts give a clear indication, in RICS' submission, of the seriousness with which failures to complete and record CPD are viewed within the surveying community. Furthermore, I accept that compliance with the CPD requirements is *a professional obligation* set by RICS, which is specifically mandated within their Rules of Conduct.
27. The evidence placed before me indicates that this Regulated Member appears to have disregarded key Rules (as detailed in paragraphs 2, 3 and 4 of this determination), and the mandatory CPD requirements set by their professional regulator. I also acknowledge that, as part of their membership, all RICS members will have agreed to adhere to RICS' Rules, Regulations and Bye-Laws, and to accept that they may be subject to disciplinary action should they fail to do so.
28. I am satisfied that RICS' requirements to complete and record CPD hours (both **formal** and **informal**) are proportionate, appropriate and legitimate for any regulator to impose, because the purpose of CPD is to ensure that all RICS members' knowledge is up to date, which ultimately ensures public protection. Hence, to be meaningful, *any* breaches must be regarded as, and treated as, serious, by both RICS and the Regulatory Tribunal. If they were not treated as such, then the CPD requirements would simply become worthless.
29. I reminded myself that the obligation to complete and record CPD is **not** dependent on any Regulated Member receiving any form of CPD reminder from RICS. Nonetheless, the evidence placed before me suggests that RICS has made significant efforts to communicate with its members to remind them of their obligations, including this Regulated Member. These details were clearly set out in Kieron Cathcart's witness statement.
30. Given the above, I am satisfied that this Regulated Member was given every opportunity by RICS to comply with their CPD obligations.

31. In reaching this conclusion, I have also taken account of the evidence which shows that Mr Jones complied with RICS' CPD requirements in:

- 2013 (recording **15 formal CPD hours** and **37 informal CPD hours**),
- 2014 (recording **12 formal CPD hours** and **34 informal CPD hours**),
- 2015 (recording **14.5 formal CPD hours** and **14 informal CPD hours**),
- 2016 (recording **16 formal CPD hours** and **39 informal CPD hours**),
- 2017 (recording **23.5 formal CPD hours** and **17.5 informal CPD hours**),
- 2018 (recording **11 formal CPD hours** and **26 informal CPD hours**),
- 2019 (recording **10 formal CPD hours** and **56 informal CPD hours**), and
- 2020 (recording **22 formal CPD hours** and **15 informal CPD hours**).

These findings clearly indicate that this Regulated Member was aware of their CPD obligations under RICS' Rules of Conduct.

32. In all the circumstances, I am satisfied that this Regulated Member's failure to comply with RICS' CPD requirements is a sufficiently serious breach of **Rules 1 and 2** of the Rules of Conduct, such that it gives rise to a liability for disciplinary action under **Bye-Law 5.2.2(c)**.

My view is that public confidence in RICS (acting as a regulator) and its regulated members (as a collective profession) would be seriously undermined if a finding of liability for disciplinary action was not made in this case.

REGULATORY SANCTION

33. Having found the charge proved and having determined that this Regulated Member is liable for disciplinary action, this case must now proceed onto the next stage, which is to consider the appropriate and proportionate sanction, if any, to be imposed.

34. The full list of available sanctions is set out at **Rule 107** of the Rules, which must be read in conjunction with paragraphs **15.1**, **21.1**, and **22.1** of the Sanctions Policy.

35. Paragraph **22.1** of the Sanctions Policy states:

'22.1 The policy for CPD breaches is as follows:

- a. first breach – Fixed Penalty (caution)*
- b. second breach within 10 years of receipt of a caution – Fixed Penalties (caution and fine)*
- c. third breach within 10 years of receipt of a caution – referral to Single Member or Disciplinary Panel with [a] presumption of expulsion.'*

36. While considering the appropriate and proportionate sanction, if any, to be imposed, I bore in mind the overarching purpose of regulatory sanctions. I reminded myself that

the purpose of any sanction is **not** to punish the Regulated Member; however, they may have a punitive effect. Ultimately, their purpose is:

- to protect members of the public,
- to declare and uphold the reputation and standards of the surveying profession, and
- to ensure that public confidence in RICS and its regulated members is maintained.

Furthermore, I reminded myself that sanctions must be proportionate to the facts found proved.

37. Consideration was given to all of the documentary evidence made available to me and in particular to the following key points:

- The statement of Rohima Akhtar indicates (at paragraph 2) that this breach, in relation to the 2023 CPD year, is this Regulated Member's third breach within a 10-year period, in accordance with their obligations as set out in the Rules of Conduct. Specifically, Rohima Akhtar states that,

'10. The Member's first ... breach was in 2021, for which a caution was issued in 2022.

11. The Member's second ... breach was in 2022, for which a caution and fine were issued in 2023.'

- This evidence indicates that the Regulated Member received a caution for a breach in 2021, which was followed by a caution plus a fine for a second breach in 2022.
- Rohima Akhtar's statement also states,

'12. RICS' records do show that the [2022 CPD year] fine has been paid.'

Therefore, RICS submits, and I accept, that this Regulated Member ought to have been aware of the two previous sanctions imposed against them.

- I noted that this Regulated Member fully complied with RICS' CPD requirements in 2013, 2014, 2015, 2016, 2017, 2018, 2019 and 2020. This indicates that they were aware of their CPD obligations under the Rules of Conduct.
- In relation to the Regulated Member's disciplinary history, Rohima Akhtar's witness statement confirms,

‘9. I have reviewed the Member’s disciplinary record and confirm that no other sanctions (not related to CPD) have been imposed against the Member.’

- I further noted that Rohima Akhtar’s witness statement states,

‘13. I can confirm that the Member has paid their membership fees in 2023/2024.’

Hence, RICS submits that this is suggestive of an intention to continue to practice without complying with their mandatory CPD obligations.

- Kieron Cathcart’s statement clearly sets out seven different reminders which were sent to the Regulated Member (these are summarised in paragraphs 13 to 17 of this determination).
- Paragraph **22.1(c)** of the Sanctions Policy sets out a *‘presumption of expulsion’* in the event of a **third breach** of the CPD requirements **within 10 years**. I am mindful that this presumption can be controverted, depending upon the circumstances of the case.

Mitigating and Aggravating Features

38. I consider the following point to be a *mitigating* factor present in this case:

- Mr Jones has no previous regulatory history, save for his two previous CPD-related breaches in 2021 and 2022.

39. I consider the following points to be *aggravating* factors present in this case:

- The Regulated Member had no CPD Exemptions or Concessions in place for the 2023 CPD year, and they have continued to practice despite not meeting their CPD obligations,
- The Regulated Member understands their CPD obligations under the Rules of Conduct, because they complied with these in 2013, 2014, 2015, 2016, 2017, 2018, 2019 and 2020, yet they did not meet their obligations for the 2023 CPD year,
- The Regulated Member was sent a total of seven reminders by RICS – six via email and one in the form of a *‘hard copy letter’*,
- The Regulated Member has not offered an apology to RICS or demonstrated any remorse for this third breach within a 10-year period,
- The Regulated Member has not demonstrated any evidence of insight in relation to the seriousness of this third breach; for example, a clear understanding of the importance of recording their CPD online via RICS’s CPD portal, and

- As confirmed in the Head of Regulation's decision document (dated 18 February 2025), the Regulated Member has not provided RICS with any reasonable explanation for failing to comply with RICS' CPD requirements, or any reassurances about their future compliance with these requirements.

Other Relevant Information

40. Rohima Akhtar provided email evidence which indicates that, on 29 January 2025, a set of documents were sent to the Regulated Member's preferred email address which included a 'CPD Bundle' and a 'Schedule of Costs'. Rohima Akhtar further confirms, via an additional email sent to the Regulated Member on 19 February 2025, that,

"I have not received a response from you ..."

41. Having carefully reviewed RICS' CPD FAQs document (2022), I noted the following key points in paragraph 6.1,

'6.1 Are there any exemptions to the 20-hour minimum CPD requirement?:

Yes. In particular situations, a member can gain an exemption from the CPD requirements. The member needs to contact RICS in order to gain an exemption.

...

A manual CPD exemption requires the member to contact RICS with the details of their situation and a decision will be made as to whether they meet the criteria for an exemption.'

...

'It is important to remember that even though a member may be eligible for an exemption, they will not be exempt from the CPD requirements until they have applied for and been granted an exemption.'

As such, a member may still be liable for disciplinary action for failure to complete CPD even when they are eligible for an exemption.'

42. I can confirm that the evidence placed before me shows that this Regulated Member did **not** have any CPD Exemptions or Concessions in place for the **2023 CPD year**.

The Decision-Making Process

43. In determining what sanction to impose, if any, careful consideration was given to paragraph 22.1(c) of the Sanctions Policy, which clearly states that for,

'c [a] third breach within 10 years of receipt of a caution – referral to Single Member or Disciplinary Panel with [a] presumption of expulsion.'

However, I also carefully noted that this presumption is capable of being rebutted if extenuating circumstances permit.

44. Any imposed sanction must be proportionate, and therefore must involve careful consideration of the lowest sanction available first, and only moving on to the next available sanction if it is decided that the lesser sanction was inappropriate in terms of public protection, or otherwise failed to meet the public interest.
45. First, I carefully considered whether to impose any sanction. I concluded that the failure to record sufficient CPD hours for the 2023 CPD year, despite receiving numerous reminders from RICS, was serious, and in the *absence* of any exceptional circumstances, to not impose a sanction would be wholly inappropriate. Furthermore, the Regulated Member has not suggested that they did not receive the reminders, and even if they did not receive those reminders, it remained their responsibility to ensure their compliance with their professional obligations in terms of meeting the CPD requirements.
46. I then considered whether a caution would be a sufficient sanction in this case. I concluded that a caution would not adequately reflect the seriousness of the Regulated Member's conduct, recognising the cumulative pattern of CPD non-compliance within a 10-year period. Furthermore, two cautions had already been imposed for the previous breaches and these had *not* resulted in this Regulated Member's subsequent compliance with their 2023 CPD obligations.
47. Next, I considered whether imposing a reprimand would be a sufficient sanction in all the circumstances. I concluded that such a sanction would be inappropriate, in light of paragraph **17.1** of the Sanctions Policy which states that,

'17.1 A reprimand may be given where there has been/is a risk of public harm'.

I also considered that a reprimand by itself would be inadequate to reflect the gravity of this Regulated Member's repeated failures to comply with RICS' CPD requirements.

48. Whilst considering if an undertaking would be an appropriate sanction, I reminded myself of the mandatory nature of the CPD requirements. I further reminded myself that the CPD requirements were designed to ensure that all RICS members' skills and knowledge were kept up to date, ultimately to ensure public protection. I concluded that it would not be proportionate or appropriate, in the absence of any exceptional circumstances, to impose an undertaking, given that the Regulated Member should have been completing and recording their CPD online in any event. I concluded that imposing such a sanction would simply undermine public confidence and trust in RICS (as a regulator) and the regulatory process.

49. Next, I considered whether imposing a fine (either on its own, or in combination with another sanction) would be a sufficient sanction in this case. I noted that a fine had previously been imposed upon Mr Jones for failing to comply with the CPD requirements. In my view, the imposition of a further financial penalty would serve no useful purpose, as it had not resulted in this Regulated Member's compliance with their CPD obligations. Simply imposing another fine would undermine the need to uphold the professional standards expected of all RICS members. A fine would also be an insufficient response to the Regulated Member's multiple breaches of the CPD requirements.
50. I then moved on to consider the possibility of imposing conditions upon the Regulated Member's membership. I remained mindful that, as per paragraph **20.1** of the Sanctions Policy, any imposed conditions should be, '*specific, measurable, achievable, realistic and time bound*', as well as being proportionate and capable of addressing all of the identified concerns.
51. I took the view that imposing conditions might be appropriate in some circumstances in response to non-compliance with the CPD requirements. However, I concluded that, due to Mr Jones' lack of meaningful engagement with RICS in relation to dealing with this serious regulatory matter, it would not be appropriate to impose conditions in this case, as there was no evidence placed before me to indicate that this Regulated Member would be likely to comply with any condition that might be imposed. I also concluded that imposing such a sanction would undermine public confidence and trust in the regulatory process in these circumstances, as the Regulated Member has failed to provide any evidence of remorse, or demonstration of insight into the seriousness of this breach. Furthermore, Mr Jones has not provided RICS with any reassurances about his future compliance with the CPD requirements.
52. Having determined that the imposition of conditions would neither protect the public nor meet the wider public interest, I concluded that Mr Jones should be expelled from membership of RICS.
53. I acknowledge that expulsion is the sanction of last resort and should only be reserved for those categories of cases where there is no other method of protecting the public or the public interest. In making my decision, I was mindful of the Regulated Member's lack of meaningful engagement in this regulatory process. I also gave careful thought to the following key points:
- The completion of CPD is required by RICS in order to ensure that all RICS' members remain professionally competent; hence, CPD serves an important purpose in terms of protecting the public and maintaining public confidence in the profession,
 - The public would ultimately expect that action would be taken by the professional regulator, bearing in mind that RICS' CPD requirements are centred upon

maintaining professional competence, professional standards and public protection. A failure to comply with the Rules of Conduct is a serious matter and demonstrates a lack of professional responsibility and a disregard for the regulatory process, and

- The Regulated Member has not offered any apology for this third breach, has not shown any remorse, has not demonstrated any insight or understanding of the importance of recording their **formal CPD** activities on their regulator's CPD portal, and has not provided any reassurances about their future compliance with RICS' CPD requirements.

54. I determined that any sanction other than expulsion would be insufficient in all the circumstances of this case and would undermine public trust and confidence in the regulatory process. In reaching this conclusion, I applied *the principle of proportionality* by carefully balancing the need to protect the public and the wider public interest against the Regulated Member's interests. I carefully considered the impact that expulsion may have on this Regulated Member and their professional standing. I also bore in mind relevant case law from *Bolton v The Law Society [1993] EWCA Civ 32*, where Sir Thomas Henry Bingham (then Master of the Rolls) explained that:

'The reputation of the profession is more important than the fortunes of any individual member. Membership of a profession brings many benefits, but that is a part of the price.'

55. Considering all the evidence placed before me, I concluded that the interests of this Regulated Member were outweighed by the significant public interest concerns raised in this case, which are ensuring public confidence in the profession and RICS, and upholding the reputation and standards of the surveying profession.

56. I also bore in mind that paragraph **21.1(j)** of the Sanctions Policy states that expulsion is likely (unless there are extenuating circumstances) where there is a **'third breach of the Rules of Conduct requirements for CPD within 10 years of receipt of a caution for breach of the same Rule'**. Furthermore, paragraph **22.1(c)** of the Sanctions Policy refers to a **'presumption of expulsion'** in such circumstances.

[emphasis added]

57. Given all of the above, I have seen no reason to depart from the guidance or the presumption of expulsion, as set out in the Sanctions Policy, and I consider expulsion to be the proportionate and appropriate sanction in all the circumstances of this particular case.

ORDER MADE

58. Having considered all the evidence, and in accordance with Part VI of the Regulatory Tribunal Rules 2022, I make the following order:

Mr Alun Jones is expelled from membership of RICS.

TAKING EFFECT OF ORDER

59. In accordance with Part VI of the Rules, this order will take effect 14 days from service of the Single Member's decision upon the Regulated Member, unless notification in writing is received from the Regulated Member or RICS stating that they consider that the findings and/or the Regulatory Sanction imposed by the Single Member are wrong.

60. Furthermore, **Rule 114** of the Rules states the following:

'114 Following the expiry of 14 days from service of the Single Member's decision upon the Regulated Member, the Regulatory Sanction will be deemed to be accepted by the Regulated Member and the Regulatory Sanction imposed will take effect forthwith, unless notification has been received under Rule 116.'

COSTS

61. In accordance with **Rule 119** of Part VI of the Rules, the following order is made in respect to costs:

Mr Alun Jones will pay costs for the amount of £350.00.

PUBLICATION

62. In accordance with **Rule 120** of Part VI of the Rules, the Single Member's Record of Decision will be published following the expiry of 14 days from service of the Single Member's Decision upon the Regulated Member.

63. This concludes this SMD case.