

**SINGLE MEMBER OF THE REGULATORY TRIBUNAL
DECISION SHEET**

RICS Regulatory Tribunal Rules 2022

Part VI, Regulatory Tribunal Single Member Decision

Regulated Member: Paul Crouch Member ID – 5635238

Single Member Decision of: Miriam Karp

Case Number: CON002122

Date of Decision: 7 March 2025

CHARGE

The charge against the Regulated Member is:

“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 Rules 1 and 2 of the Rules of Conduct.

The Regulated Member is therefore liable to disciplinary action under Byelaw 5.2.2(c)

ALLEGED RULES BREACH

Rule 1 and Rule 2 of the Rules of Conduct.

MATERIALS CONSIDERED

In considering this matter I have carefully read and reviewed the bundle of evidence including the following material:

Investigation Report, extracts from RICS website detailing CPD requirements of members, associated Guidance

Statement of Koli Khatun, RICS Regulatory Support and CPD Officer, dated 21/1/2025

Statement of Kieron Cathcart, RICS Regulatory Support and CPD Manager, dated 21/1/25

Correspondence between RICS and Mr Crouch including;

7 CPD email notifications between 15/11/23 and 13/3/24

Hard copy letter of CPD notification 15/4/24

Phone call logged, RICS to Mr Crouch re 3rd CPD breach. Call unanswered. Undated on call log (although I note from the Investigation Report Page 7, reference to an unanswered phone call to the Member on 24/5/24).

2023 CPD Disciplinary Proceedings email dated 24/1/25, including RICS CPD Disciplinary Bundle, Listing Questionnaire, Statement of Means Form, Schedule of Costs.

Head of Regulation Decision 17/2/25

BACKGROUND

RICS members are required to complete 20 hours of CPD activity by 31 December of each calendar year, and record or cause it to be recorded on the RICS CPD portal. This obligation arises from the Rules of Conduct for Members February 2022, which states that: Members must comply with CPD requirements set by RICS. The CPD requirements themselves are that:

All RICS members must undertake a minimum of 20 hours CPD each calendar year January to December. Of the 20 hours at least 10 hours must be formal CPD. The remainder can be informal CPD. RICS members must also undertake learning in relation to the RICS Global Professional and Ethical Standards at least once every three years. All members must record their CPD activity online by 31 January.

The CPD requirements state that a first breach of this rule would result in a Caution, to remain on the member's disciplinary record for 10 years. A second breach will result in a further Caution and a Fixed Penalty Fine of £150 or equivalent. A third CPD breach is likely to result in a referral to disciplinary proceedings.

Mr Crouch's first year breach was in 2020, for which a caution was issued in 2021.

His second year breach was in 2021, for which a fixed penalty was issued in 2022.

The Member had a third-year breach in 2022 but due to a data issue in 2022, which has since been rectified this was recorded as a second caution & fine. This third breach was therefore not referred for consideration by a Single Member of the Disciplinary Tribunal. RICS' records show that the fine has been paid.

RICS' records confirm that the Member has completed 0 hours of CPD for 2023.

FINDINGS OF FACT

In deciding this matter I have considered all the information in the RICS evidence bundle provided.

The RICS Regulatory Support and CPD Officer sets out details of their review of the RICS computer system and the records kept on that system relating to Mr Crouch. It indicates that at all relevant times, their record contained a postal and email address. I note that it is the responsibility of the Member to keep all their personal details up to date with RICS.

Paul Crouch became an RICS Member on 18/11/2014, and is MRICS. I have looked at the Member's CPD record extracts from the system within K.Khatun's statement, and I can confirm that this shows that no hours of CPD have been recorded for 2023 and that no concessions apply to Mr Crouch. I am satisfied that the member was required to complete and record their CPD.

It is evident to me that Mr Crouch is aware of his CPD requirements and how to record them. This has been demonstrated by his compliance with these requirements on 6 previous occasions between 2015 and 2020.

It is also clear to me that Mr Crouch is aware of the seriousness with which RICS regards CPD breaches and the consequences of such breaches. This is demonstrated by the fact that he was issued a caution in 2021 for his first breach in 2020 and he was issued a fixed penalty in 2022 for the second breach in 2021.

I note in the bundle details of a third-year breach in 2022 and that due to a data issue in 2022, which has since been rectified, this was recorded as a second caution & fine. This third breach was therefore not referred for consideration by a Single Member of the Disciplinary Tribunal.

I am satisfied from reviewing the statements and the correspondence that Mr Crouch was aware of his CPD obligations, was reminded of them multiple times

by emails generated between 15/11/23 and 13/3/24 and in a hard copy letter dated 15/4/24.

In reaching my decision I have carefully examined the rules in question. The Rules of Conduct provide: Rule 1 – Members and firms must be honest, act with integrity and comply with their professional obligations, including obligations to RICS. Appendix A to the Rules of Conduct sets out the core professional obligations for members including: Members must comply with the CPD requirements set by RICS.

I am satisfied from the evidence that I have reviewed and for the reasons set out above that Mr Crouch has failed to comply with the CPD requirements set out by RICSs and that he has therefore breached Rule 1.

Rule 2 – Members and firms must maintain their professional competence and ensure that services are provided by competent individuals who have the necessary expertise. Example Behaviour 2.5 states: Members maintain and develop their knowledge and skills throughout their careers. They identify development needs, plan and undertake continuing professional development (CPD) activities to address them and are able to demonstrate they have done so. I am satisfied from the evidence I have reviewed that Mr Crouch has failed to comply with the CPD requirements set out by RICS. By not completing and recording his CPD

as required for the fourth year, I am satisfied that Rule 2 has been breached and that Mr Crouch has not demonstrated that he has maintained his professional competence.

In reaching my decision on the facts of this case I have reminded myself that the burden of proof lies with RICS and that the standard of proof is the civil standard.

For all the reasons set out above, I find the factual basis of the charge to be proved.

LIABILITY FOR DISCIPLINARY ACTION

As stated above I have found that Mr Crouch has failed to comply with his CPD obligations between 1 January 2023 and 1 February 2024. This is the fourth breach of RICS's CPD requirements within 10 years.

I am satisfied that the RICS requirement to complete and record CPD is reasonable, and that a member's failure to comply with these requirements is sufficiently serious to give rise to a liability for disciplinary action. In reaching this

conclusion, I take into account the fact that the CPD policy has been approved by the Regulatory Board and is an expressly stated RICS rule. In addition, the Sanctions Policy makes it clear that even a single breach of CPD requirements is sufficient to give rise to a liability for disciplinary action. I also note that the purpose of the CPD requirements is to ensure that there are consistent standards within the profession and that members maintain up to date knowledge in their area of expertise, in the interests of protecting the public and the wider public interest. I am mindful of the fact that all members agree to adhere to the RICS Rules, Regulations and Bye-Laws and accept that they may be subject disciplinary action if they fail to do so.

I am also satisfied that Mr Crouch has had every reasonable opportunity to comply with the CPD requirements. I therefore find that Mr Crouch is liable for disciplinary action.

REGULATORY SANCTION

In considering what if any sanction should be applied in this case I have reminded myself that the purpose of sanctions is not to be punitive. I have taken into account the following mitigating and aggravating factors.

In mitigation I note that between 2015 and 2019 Mr Crouch complied with his CPD obligations. In relation to the breach of 2022, I note that Mr Crouch paid the fine issued by RICS. I can find no other mitigating factors. The member has not engaged with RICS in relation to CPD breaches since October 2021 and has therefore not submitted ,for example, any reasons, reflections or remorse for the current breach or any submissions in relation to sanction for me to consider.

I consider that Mr Crouch has now breached the CPD requirements 4 times within 10 years and Mr Crouch's none engagement with RICS in relation to these proceedings as aggravating factors.

In deciding on sanction I have considered each sanction from the Sanctions Policy Guidance 2022, in ascending order starting with the lowest sanction.

I have concluded that taking no action would be inappropriate in the circumstances as this matter is too serious and I have not found that the circumstances of this matter are exceptional in any way so as to consider taking no action.

I have taken into account that Mr Crouch has previously been issued with a caution in 2020, a fixed penalty in 2021 and a caution and a fine in 2022. These Sanctions have not resulted in Mr Crouch complying with his CPD requirements

between 1 January 2023 and 1 February 2024. I therefore do not consider that the issuing of a caution, a reprimand, undertakings, a fine or conditions would serve any useful purpose, nor would it be sufficient to mark the seriousness of the breach, to declare and uphold the standards of the profession and of RICS as its Regulator, or to protect the public.

Having considered all the sanctions short of expulsion, I am therefore satisfied that no other sanction would be proportionate or appropriate in this case. In reaching my decision I have carefully balanced Mr Crouch's interests with the need to protect the public and declare proper professional standards. I recognise that expulsion may have a serious impact on Mr Crouch and his professional reputation, however I have found no good reason to depart from the Sanctions Policy which states that expulsion is likely where there is a third breach of Rule 2 of the Rules of Conduct for members. I therefore determine that Mr Crouch be expelled from RICS.

ORDER MADE

In accordance with Part VI of the Regulatory Tribunal Rules, I make the following order:

That Mr Crouch is expelled from membership of RICS.

TAKING EFFECT OF ORDER

In accordance with Part VI of the Regulatory Tribunal 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

Costs

I have taken into account the schedule of costs totaling £350 submitted by RICS.

In accordance with Part VI of the Regulatory Tribunal Rules, I make the following order in respect to costs:

That Mr Crouch must pay costs of £350.

PUBLICATION

I have found no good reason to depart from RICS' publication policy for these matters.

In accordance with Part VI of the Regulatory Tribunal 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.