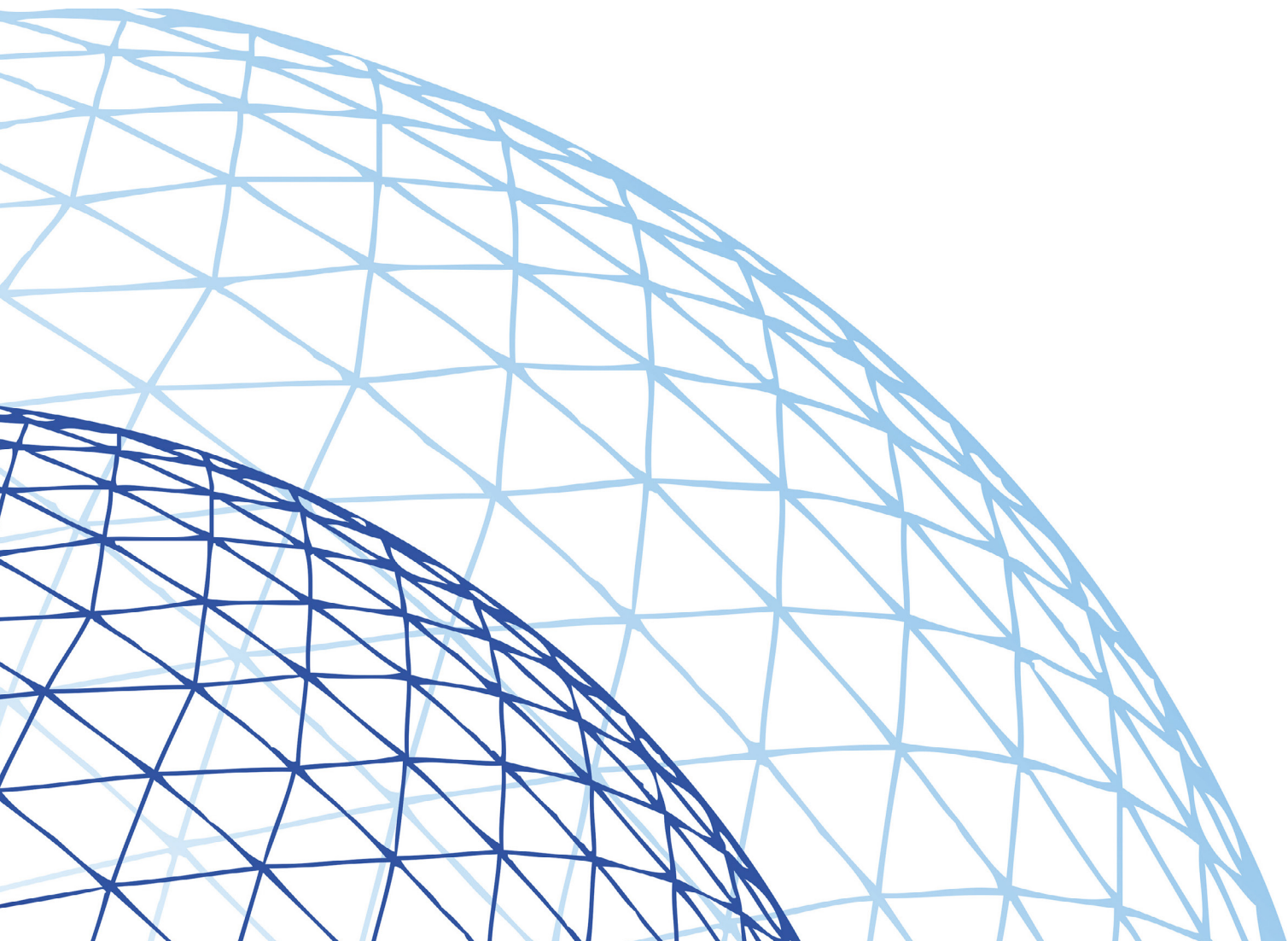




Deciding Whether to Take Disciplinary Action: Regulatory Decision-Making at RICS

Version 3 with effect from 2 March 2020



Deciding whether to take disciplinary action: regulatory decision-making at RICS

1 Introduction

1.1 Purpose of this document

RICS is the global professional body for the surveying profession. It is responsible for regulating the professional conduct of members and firms in order to:

- protect the public
- uphold the public's confidence in the surveying profession and
- uphold professional standards.

'Regulated Members' are RICS professionals and regulated firms. RICS expects Regulated Members to comply with all published RICS standards and works to ensure that they meet these requirements.

RICS' disciplinary processes consider information and concerns about the professional conduct and/or competence of Regulated Members. If RICS is alerted to, or finds evidence of, a potential breach of standards, the information will be investigated to see if there is evidence of a Regulated Member falling short of RICS' standards. If RICS thinks these standards have not been met, it can decide to resolve any issues by:

- giving advice
- requiring the Regulated Member attend more training or
- taking disciplinary action, to protect the public and reputation of the wider profession.

Decisions about disciplinary action are made by members of staff who are authorised to do so under delegated powers. This document aims to help authorised decision-makers decide the appropriate and proportionate action to take at the end of an investigation. Although each case is decided on its own merits, with an objective analysis of the facts, this document aims to encourage consistent and transparent decision-making.

Decision-makers should also refer to relevant RICS standards, rules and guidance. This includes the latest version of the *Regulatory Tribunal Rules: version 1 with effect from 2 March 2020*.

This document also looks at the types of practice or behaviour that may result in disciplinary action. Any examples are provided as guidance only – they are not exhaustive. However, they do indicate potential thresholds for the kinds of cases that are likely to result in disciplinary action. As such, someone raising a concern, providing information or reporting intelligence against a Regulated Member may also find this document useful for understanding how decisions are made.

This document is regularly reviewed and updated.

1.2 Overarching principles

RICS is committed to promoting inclusion, equality and diversity. RICS takes its responsibilities seriously to ensure that procedures and processes operate in a manner that is fair, transparent, objective and free from unlawful discrimination. RICS makes reasonable adjustments where these are needed by a person raising concerns, witness or member.

RICS is committed to ensuring that its processes are compatible with the principles of the *Human Rights Act 1998*. This document reflects that commitment. RICS applies the principles of article 6 of the Act, which safeguards the right to a fair hearing.

In undertaking its regulatory function, RICS aims to meet the following five principles of better regulation, as determined by the Better Regulation Executive:

- **proportionality** – ensuring that all actions, interventions, remedies and solutions are legitimate, necessary and proportionate
- **accountability** – ensuring that decisions and processes are transparent, can be justified and are subject to public scrutiny
- **consistency** – ensuring a common sense and joined-up approach to promote fairness
- **targeting** – ensuring targeted and unambiguous regulation, focused on risk and
- **transparency** – ensuring clear definitions, effective consultation and communication are used at all times.

2 Decision-makers

RICS' disciplinary process is formally set out in *Regulatory Tribunal Rules: version 1 with effect from 2 March 2020*.

Decision-makers have a responsibility to ensure that decisions are made in a consistent, proportionate and transparent manner. This means that, in deciding to take regulatory action, RICS ensures that the action is:

- legitimate
- necessary
- the least onerous way of achieving the purpose and
- reasonable, balancing the public interest with the interests of those affected by it.

In order to be transparent, RICS publishes its processes, relevant guidance, policies and, where appropriate, its decisions. Unless the person raising concerns wishes to remain anonymous, RICS keeps them informed of its investigations and decisions. RICS also provides reasons for its decisions.

Decision-makers have to:

- remain impartial
- declare and avoid any conflicts of interest and
- provide clear reasons for their decisions.

If a decision-maker is unsure whether they have the authority to make a relevant decision, they will seek advice from their direct line manager or from an RICS solicitor.

Decisions are subject to internal monitoring, assurance and audit to ensure their quality, fairness and consistency.

3 Interim measures

In some circumstances, RICS may consider it necessary to apply to the Regulatory Tribunal to put in place interim measures. Interim measures mean a Regulated Member's registration is temporarily suspended or restricted while an RICS investigation is ongoing. This is a serious step to take. RICS will refer a matter to a Disciplinary Panel to consider imposing interim measures where the alleged breach of RICS standards is of such seriousness, concern or urgency that it appears necessary to restrict the activities of the Regulated Member in order to protect the public or the public interest.

The Disciplinary Panel, which is usually held in private when considering interim measures, does not seek to make any findings of fact or reach a decision as to the overall outcome of the investigation. It considers whether any interim action is needed, pending the conclusion of the overall investigation. For interim measures to be imposed, the Disciplinary Panel needs to be satisfied that there is some credible evidence that demonstrates that:

- the Regulated Member may be liable to disciplinary action
- it is necessary for the protection of the public
- it is otherwise in the public interest and/or
- it is in the interests of the Regulated Member (rule 26, *Regulatory Tribunal Rules: version 1 with effect from 2 March 2020*).

The Disciplinary Panel also needs to be satisfied that interim measures are necessary, having regard to the seriousness of the concern, the sufficiency of the available information/evidence, the public interest and the interests of the Regulated Member. The Disciplinary Panel may suspend the Regulated Member or impose conditions with immediate effect.

Some examples of areas where RICS may seek interim measures include:

- trading without appropriate professional indemnity insurance
- a deficit on a firm's client account that a firm cannot or does not replace immediately and
- allegations of fraud and serious convictions where the public interest or reputation of the profession is at stake.

The Disciplinary Panel considers and assesses the risk that the interim measure is intended to address and considers the most proportionate method to achieve this aim. For example, where several concerns have been raised about a Regulated Member relating to an isolated area of work, the Disciplinary Panel may consider it appropriate to impose interim measures that allow the Regulated Member to continue to practice as long as they do not undertake work in the practice area that the allegation relates to. Alternatively, where a Regulated Member has been convicted of

defrauding vulnerable clients, it may be necessary to suspend them until the case is concluded.

4 Disciplinary action

Throughout an investigation, RICS considers evidence or information as it is received and assesses how it impacts the case. If it is apparent that there is insufficient, credible evidence to support the allegation or it appears that the allegation relates to minor, unintended breaches of the rules of conduct, RICS will consider there to be no realistic prospect of establishing a liability to disciplinary action and will close the case. Alternatively, if RICS thinks that the evidence is sufficient to satisfy the threshold for seriousness and the realistic prospect test (rule 5, *Regulatory Tribunal Rules: version 1 with effect from 2 March 2020*), it will decide whether disciplinary action should be taken.

For further guidance, see section 6 and section 7.

In the interests of fairness and transparency, RICS ensures that the Regulated Member has sufficient information to understand the nature of the decision and what the decision is based on. The Regulated Member is given an opportunity to respond to or comment on the allegations before a decision about disciplinary action is made.

5 Evidence

In considering the evidence, the decision-maker takes a fair, open-minded and objective approach in assessing whether there is sufficient evidence to establish that a Regulated Member has breached (or is breaching) the bye-laws, rules of conduct and/or professional standards. They consider:

- the credibility of the source of the evidence
- the credibility and cogency of the evidence itself (e.g. if the evidence is supported by corroborating, independent, video or expert evidence) and
- the weight that a Disciplinary Panel is likely to give to the evidence.

Where there is a 'conflict of evidence' (e.g. where one person gives a version of events that is directly contradicted by another version of events), the decision-maker carefully considers the nature of the evidence and takes into account whether there is any corroborating evidence or other matters that might support one version of events over the other. It is important to recognise that the decision-maker cannot decide who is telling the truth and cannot make findings of fact – such findings are for the Disciplinary Panel to determine during a hearing. The decision-maker has to consider the evidence in a fair, balanced and objective manner.

Decision-makers carefully consider any information from a court or tribunal that criticises a Regulated Member in order to decide if there is evidence of a breach of RICS' standards. They bear in mind that, if they refer an allegation to a Disciplinary Panel that is based on a Regulated Member or firm having been the subject of a criminal conviction, disqualification order or if a Regulated Member has given a disqualification undertaking, then the Disciplinary Panel will be bound by the decision of the court. A Disciplinary Panel is not bound by findings of other bodies and has to make its own decision on the evidence before it.

6 Realistic prospect of establishing liability to disciplinary action

RICS only takes disciplinary action if it reasonably concludes that there is a realistic prospect that a Disciplinary Panel, on the balance of probabilities, will find the facts of an allegation proven, and that misconduct/serious professional incompetence will be established. In making this decision, the decision-maker also considers if there is a realistic prospect of establishing that the Regulated Member is liable to disciplinary action. This assessment is known as the 'realistic prospect test'.

In assessing whether the realistic prospect test is met, the decision-maker needs to be satisfied that there is a realistic or genuine possibility (as opposed to a remote or fanciful one) that RICS will be able to establish its case. The decision-maker takes into account the strength of the evidence that there has been a breach of RICS standards as well as the seriousness of the alleged breach. Case law from other professions suggests two important principles:

- To amount to 'misconduct', the allegation has to be more than 'mere negligence' – a negligent act or omission has to be particularly serious to amount to misconduct and a single act or omission is less likely to cross the threshold than multiple acts or omissions.
- Incompetence is a standard of professional performance that is unacceptably low and is usually demonstrated by a 'fair sample' of the Regulated Member's work; that is, incompetence is unlikely to be demonstrated by a single example, unless particularly serious.

If the decision-maker decides that the realistic prospect test has not been met, the case will be closed without disciplinary action, although RICS may provide advice to the Regulated Member about their future practice. Some examples of cases that are unlikely to meet the realistic prospect test are:

- cases of a single incident of poor service
- cases about a single incident, single mistake or omission, unless it is particularly serious, there is a risk of harm or specific matter of public interest at stake and
- bankruptcy of a Regulated Member or liquidation of a firm without evidence of misconduct or a failure to take steps to safeguard client money.

Further information on assessing the seriousness of the case and the extent to which it is in the public interest to proceed with disciplinary action is provided in section 7.

7 Assessing seriousness and public interest

When the realistic prospect test is met, decision-makers have to decide whether disciplinary action is necessary. RICS does not take disciplinary action in order to 'punish' a Regulated Member; its overarching responsibility is to act in the public interest, and a decision to take disciplinary action has to be appropriate and proportionate in order to protect the public. In doing so, the decision-maker has to have regard to

the public interest and the seriousness of the allegation (rule 7, *Regulatory Tribunal Rules: version 1 with effect from 2 March 2020*).

What constitutes the public interest is well established, and includes the need to:

- protect the public
- uphold the reputation and standards of the profession and
- ensure that public confidence in RICS and its Regulated Members is maintained.

When the decision-maker assesses the seriousness of an allegation and the issue of proportionality, they consider the wider public interest as well as the individual or firm that would be affected by the decision. When RICS decides not to take disciplinary action, it does not intend to minimise the distress or loss the person who raised the concerns may have suffered.

It is unusual for a single act or omission, or a single act of negligent work (unless it is particularly serious) to require disciplinary action. For example, a matter that was a simple oversight but with no negative or unprofessional intent is unlikely to require disciplinary action. In such cases, pursuing disciplinary action may be considered disproportionate in the circumstances. Sometimes RICS decides that an effective and proportionate course of action is to give advice to the Regulated Member about their practice that will protect the public in future.

Whether something is sufficiently serious and whether it is in the public interest for RICS to take disciplinary action depends on the facts of each case. The decision-maker takes into account relevant factors, such as:

- any mitigating factors (e.g. whether the Regulated Member has acknowledged and rectified breaches, has shown insight or has taken steps to put things right or to reduce the risk of the breach being repeated; see *Sanctions Policy: Guidance to RICS Regulatory Tribunal Rules* and *Supplement 1 to the Sanctions Policy: Sanction Guidelines*)
- any aggravating factors (e.g. whether the Regulated Member was dishonest, demonstrated a lack of insight or there were any similar previous concerns raised; see *Sanctions Policy: Guidance to RICS Regulatory Tribunal Rules* and *Supplement 1 to the Sanctions Policy: Sanction Guidelines*)
- the need to protect the public from incompetent or unethical Regulated Members
- the need to ensure that public confidence in the profession and regulation of Regulated Members is upheld
- whether a failure to take disciplinary action risks damaging public confidence
- whether the Regulated Member is still practising and
- the need to ensure that cases are dealt with proportionately and that regulatory resources are not unnecessarily diverted away from the protection of the public from the most serious offenders.

Some examples of cases where RICS is unlikely to take disciplinary action, even though the realistic prospect test has been met, are when the:

- breach was less serious, the Regulated Member accepted full responsibility and took all reasonable steps to rectify the situation to the extent that RICS was confident that a future repetition of the breach was unlikely (e.g. retraining)
- breach was a serious act or omission but was not deliberate, had a limited impact, any client received redress, the mistake did not occur in a high-risk area of practice and no other concerns were received or
- misconduct that was reported was not particularly serious, occurred some years before and no similar concerns were raised since.

8 Decision-maker outcomes after investigation completion

Once the decision-maker has considered the tests set out earlier to decide whether any disciplinary action should be taken, they can decide to:

- take no further action
- impose a fixed penalty
- impose a regulatory compliance order
- refer to a Single Member of the Regulatory Tribunal or
- refer to a Disciplinary Panel.

9 Types of disciplinary action

9.1 Fixed penalties

The *Regulatory Tribunal Rules* allow for certain cases to be resolved through having a fixed penalty fine imposed or through cautioning a Regulated Member, without the need for a full investigation process. These cases are allegations of a breach of:

- 1 the rules in relation to providing information to RICS
- 2 the continuing professional development (CPD) rule (rule 6 of the *Rules of conduct for members: 04 June 2007 version 7*) or
- 3 the registration of fees rule for RICS-regulated firms (part C, *Sanctions Policy: Guidance to RICS Regulatory Tribunal Rules*).

If the decision-maker is satisfied that the information or allegation received shows that the Regulated Member has failed to comply with the CPD requirements for a third or subsequent time then the *Regulatory Tribunal Rules* also allow them to refer the matter for consideration by a Single Member of the Regulatory Tribunal (part C, *Sanctions Policy: Guidance to RICS Regulatory Tribunal Rules*).

9.2 Regulatory compliance orders

Decision-makers may decide it is suitable to conclude a matter with a regulatory compliance order. This is a document drafted by RICS that sets out various terms that the Regulated Member is asked to agree to comply with. Regulatory compliance orders can include terms (or requirements); for example:

- undergoing training
- to stop doing certain types of work

- changing the way certain types of work are carried out
- implementing new standard operating procedures
- undertaking health and safety assessments
- being issued with a caution or reprimand and/or
- paying a fine and costs to RICS.

A regulatory compliance order is normally issued over a defined and finite time period where the Regulated Member needs to comply with the terms of the order.

A regulatory compliance order sets out the relevant rules of conduct where there is evidence of a breach as well as the terms of the order. The terms of the regulatory compliance order should:

- have an identified purpose; that is, to address risk, ensure the Regulated Member is meeting professional standards, to follow up and monitor, and/or to fine the Regulated Member
- be SMART (specific, measurable, achievable, realistic and time-related) and
- include appropriate clarification, definition or explanation of any terms.

Regulatory compliance orders may be suitable in cases where the decision-maker considers that the rule breach concerned is not so serious that a public disciplinary hearing is necessary, and the Regulated Member admits the breach and is willing to cooperate with RICS to rectify the matter.

Examples of when regulatory compliance orders are likely to be appropriate include when:

- the Regulated Member recognises and accepts responsibility for the breach, has apologised to the affected parties and agrees to undergo further training in the area of practice complained of
- the breach was in relation to one particular area of work and the Regulated Member agrees not to undertake any further work in that area
- the Regulated Member has implemented a new way of working that avoids the risk of repeating the breach and they agree to provide evidence of continued compliance to RICS on a periodic basis and
- an appropriate and proportionate disciplinary sanction is implemented (a caution, reprimand or fine).

If the Regulated Member does not agree to enter into a regulatory compliance order, in most cases the investigation will be referred to a Single Member of the Regulatory Tribunal to make a decision. If the Regulated Member agrees to a regulatory compliance order and then fails to comply with the terms, a Single Member will consider the failure and any other identified breaches of the standards. Where appropriate, they will start an investigation to determine if further disciplinary action should be taken. Where the Regulated Member has breached any of the terms of the regulatory compliance order, the decision-maker has the power to refer the case to a Single Member of the Regulatory Tribunal (rule 15, *Regulatory Tribunal Rules: version 1 with effect from 2 March 2020*).

In most cases, regulatory compliance orders are published on the RICS website in accordance with the Standards and Regulation Board's publication policy. In exceptional circumstances, the decision-maker may decide not to publish a regulatory compliance order (see *Supplement 3 to the Sanctions Policy: Publication of Regulatory/Disciplinary Matters*).

10 Single Member of the Regulatory Tribunal

The decision-maker may decide to refer the matter to a Single Member of the Regulatory Tribunal. They can do this when a Regulated Member:

- has failed to comply with their CPD requirements for a third or subsequent time
- has committed a criminal offence, which means that they may be liable to disciplinary action or
- has expressed a wish to withdraw from RICS membership and the Head of Regulation is of the opinion that the matter is sufficiently serious to merit expulsion or deregistration in the circumstances of the case.

Deciding whether a Single Member of the Regulatory Tribunal is the most appropriate disciplinary route is determined according to a number of factors, including:

- the investigation report
- supporting evidence
- written representations from the Regulated Member
- the decision-maker's recommendation to refer to the Single Member and
- the Regulated Member's disciplinary history.

If a decision-maker decides that a matter should be referred to a Single Member of the Regulatory Tribunal, they must be satisfied that:

- the realistic prospect test is met (for more information, see section 6)
- the breach is sufficiently serious and
- it is not in the public interest for a hearing to take place (for more information, see section 7).

A Single Member of the Regulatory Tribunal can impose all regulatory sanctions but can only expel a Regulated Member when the Regulated Member:

- has failed to meet the CPD requirements for a third or subsequent time (rule 6 of the *Rules of Conduct for Members: 04 June 2007 version 7*)
- has been convicted of a criminal offence that could result in a custodial sentence or
- expresses a wish to withdraw from RICS membership and the Single Member is satisfied that the matter is sufficiently serious to merit expulsion.

Where a Single Member of the Regulatory Tribunal decides to impose a regulatory sanction, the Regulated Member has 14 days from when the notice is served to notify the Head of Regulatory Tribunals that they consider the regulatory sanction to be wrong. If they do not do this, the

decision is deemed accepted. There is no further right of appeal and the decision will be published on the RICS website.

If the Regulated Member notifies the Head of Regulatory Tribunal, the case is referred to a Disciplinary Panel to consider the matter afresh (rules 114, 115 and 118 of the *Regulatory Tribunal Rules: version 1 with effect from 2 March 2020*).

11 Disciplinary Panel

For the most serious cases, decision-makers can refer the matter to a Disciplinary Panel hearing. Disciplinary Panels deal with matters either at a public hearing (where evidence from live witnesses may be heard and parties can appear and be represented) or at a hearing 'on the papers' where, in specified circumstances, the Disciplinary Panel makes a decision in private based on documentation and written submissions of all parties. Parties are not present at hearings 'on the papers'.

The Disciplinary Panel presides over the hearing and is responsible for determining the outcome of the case. Disciplinary Panels comprise of one chairperson and two other panellists, at least one of whom is not an RICS member. The Disciplinary Panel may be advised by an independent, suitably qualified and experienced legal adviser. The Disciplinary Panel has a wide range of disciplinary sanctions available to it if it finds an allegation proved; for example, it can issue a caution, reprimand, fine, impose conditions or undertakings, or expel a Regulated Member.

In determining that a matter should be referred to a Disciplinary Panel hearing, the decision-maker has to be satisfied that:

- the realistic prospect test is met (for more information, see section 6)
- the breach is sufficiently serious and
- it is in the public interest for a hearing to take place (for more information, see section 7).

Referral to a Disciplinary Panel is likely for cases where the alleged breach is serious and the Regulated Member disputes that they have breached the standards or does not accept responsibility for the alleged breach. Examples include:

- allegations involving elements of dishonesty or lack of integrity
- when clients have been charged for work to be carried out that was unnecessary or was purposely of poor quality in order to increase profit
- a large number of persons or parties have been seriously affected by the same breach or
- a Regulated Member disputes the evidence of an eyewitness who states they observed a serious breach.

11.1 Case examples

Decision-makers should review Annexes A and B of this document along with the following lists for examples of types of case where failure to meet standards may lead to disciplinary action. Remember that these are for guidance only; decision-makers have to consider each case on its own merits with an objective analysis of the facts.

Examples of cases more likely to lead to disciplinary action include:

- caution or conviction relating to dishonesty or violence, or for a racially aggravated or sexual offence
- caution or conviction for a health and safety matter or for an offence committed in the course of surveying practice
- weak controls in place to protect client money from risk, even if no loss has occurred
- mistake or poor service that has caused a very large loss to the client or loss to a large number of clients and
- valuation standards failures where a number of failures are observed at the same visit or a repetition of failures across different visits.

Examples of cases less likely to lead to disciplinary action include:

- caution or conviction in relation to minor driving offences
- a single incident of poor customer service
- concerns about a Regulated Member that relate solely to their opinion or judgement
- bankruptcy of a Regulated Member or liquidation of a firm without evidence of misconduct or a failure to take steps to safeguard client money or
- concerns that have been resolved by the Regulated Member or by an ombudsman service.

Annex A: Examples of types of case where failure to meet standards may lead to disciplinary action being taken against an RICS professional

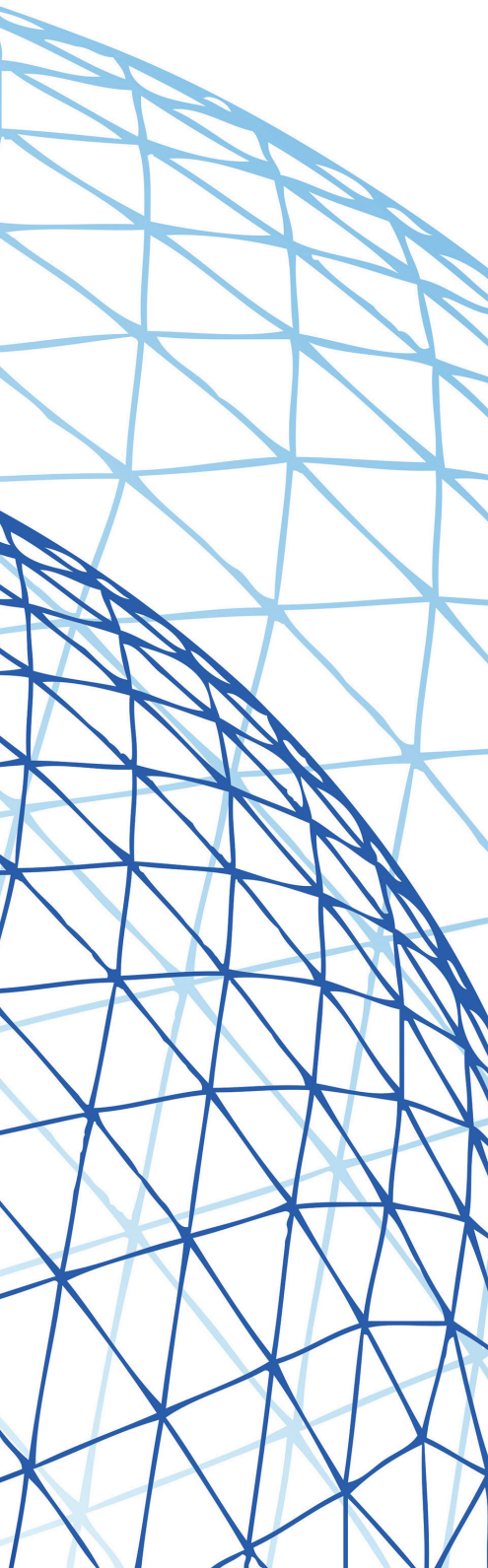
Ethical behaviour (rule 3)	<p>Cautions/convictions involving:</p> <ul style="list-style-type: none"> – dishonesty – violence – terrorism – racial aggravation or – sexual offences. 	Cautions/convictions involving health and safety matters or offences committed in the course of surveying practice.	Found to be dishonest or expelled for misconduct by another regulatory body.
	Weak financial controls in place that put client money at risk, or misuse of client money.	Failure to document any conflict check or proceeding to act where a clear conflict has been identified.	Choosing not to put professional indemnity insurance (PII) run-off in place when a firm of which the Regulated Member is a director, partner or sole trader ceases to trade.
Competence (rule 4)	Client suffers large loss due to persistent error or as a result of a failure to act on an error being brought to Regulated Member's attention.	Regulated Member unable to demonstrate appropriate experience or training where work requires a high level of skill and care.	
	Failures that expose members of the public to unacceptable health and safety risks.	A number of valuation standards failures at the same visit or across different visits.	

Service [rule 5]	Work carried out without proper regard for standards of service and customer care affecting a number of clients.	Complaints-handling procedure does not include an approved alternative dispute resolution (ADR) mechanism.	Firm fails on more than one occasion to provide a complaints-handling procedure to clients when notified of dissatisfaction.
Continuing professional development (CPD) [rule 6]	Regulated Member does not meet the requirements of the Regulatory Board's CPD policy.		
Solvency [rule 7]	Regulated Member became insolvent and did not take appropriate action to safeguard client money.	Regulated Member became insolvent and has been disqualified as a director.	
Information to RICS [rule 8]	Failure to provide information to RICS when asked to do so; e.g. by refusing to provide a copy of a PII certificate when requested.	Failure to inform RICS when a regulated firm of which they are a sole trader, partner or director ceases to trade.	Failure to provide RICS with information required under the <i>Rules for the registration of schemes</i> , <i>Rules for the registration of firms</i> , or designated professional body rules.
Co-operation [rule 9]	Failure to respond to or cooperate with RICS during an investigation; e.g. by refusing to provide documents requested by an investigator.	Rudeness or aggression towards RICS staff, particularly those carrying out review visits.	

Annex B: Examples of types of case where failure to meet standards may lead to disciplinary action being taken against an RICS-regulated firm

Professional behaviour [rule 3]	Firm does not have an appropriate conflict-checking procedure.	Firm benefitted significantly from taking on instructions where a conflict of interest exists.	Firm has been convicted of health and safety or bribery and corruption offences.
Competence [rule 4]	Client suffers large loss due to persistent error or as a result of a failure to act on an error being brought to the firm's attention.	Firm provides surveyors that are unable to demonstrate appropriate experience or training where work requires a high level of skill and care.	A number of valuation standards failures at the same visit or across different visits.
Service [rule 5]	Complete lack of service provided after fee has been taken.	Work carried out without proper regard for standards of service and customer care affecting a number of clients.	
Training and continuing professional development [CPD] [rule 6]	Firm persistently failed to ensure that surveyors were up to date with CPD.	Firm made it difficult for surveyors to gain necessary CPD.	
Complaints handling [rule 7]	Firm does not have a complaints-handling procedure in place.	Complaints-handling procedure does not include an approved ADR mechanism.	The firm failed on more than one occasion to provide a complaints-handling procedure to clients when notified of dissatisfaction.

<p>Clients' money [rule 8]</p>	<p>Weak financial controls in place which put client money seriously at risk.</p>	<p>Failure to rectify weaknesses in client money controls when identified.</p>	<p>Failure to account to clients for commission on general insurance mediation work.</p>
<p>Professional indemnity insurance [rule 9]</p>	<p>Firm does not ensure that PII cover meets standards approved by the Regulatory Board.</p>	<p>Firm chooses not to put PII run-off in place when it ceases trading.</p>	
<p>Advertising [rule 10]</p>	<p>Firm publishes misleading advertising material or uses the RICS logo inappropriately.</p>	<p>Firm publishes advertising material that contains untruthful material.</p>	
<p>Solvency [rule 11]</p>	<p>Firm goes into liquidation with a report of misconduct by an insolvency practitioner.</p>	<p>Firm goes into liquidation and fails to take appropriate steps to safeguard client money.</p>	
<p>Arrangements to cover the incapacity or death of a sole practitioner [rule 12]</p>	<p>Firm fails to have any, or any suitable, arrangements in place and does not rectify this when asked to do so.</p>		
<p>Use of designations [rule 13]</p>	<p>Firm uses designations in a manner that does not comply with the Regulatory Board's policy and does not rectify this when asked to do so.</p>	<p>Firm does not display designations and does not rectify this when asked to do so.</p>	



Information to RICS [rule 14]	Failure to provide information to RICS when asked to do so; e.g. refusing to provide a copy of a PII certificate when requested.	Firm fails to provide an annual return.	Failure to provide RICS with information required under the <i>Rules for the Registration of Schemes</i> , <i>Rules for the Registration of Firms</i> , or designated professional body rules.
Cooperation [rule 15]	Failure to respond to or cooperate with RICS during an investigation; e.g. refusing to provide documents requested by an investigator.		



Confidence through professional standards

RICS promotes and enforces the highest professional qualifications and standards in the valuation, development and management of land, real estate, construction and infrastructure. Our name promises the consistent delivery of standards – bringing confidence to markets and effecting positive change in the built and natural environments.

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