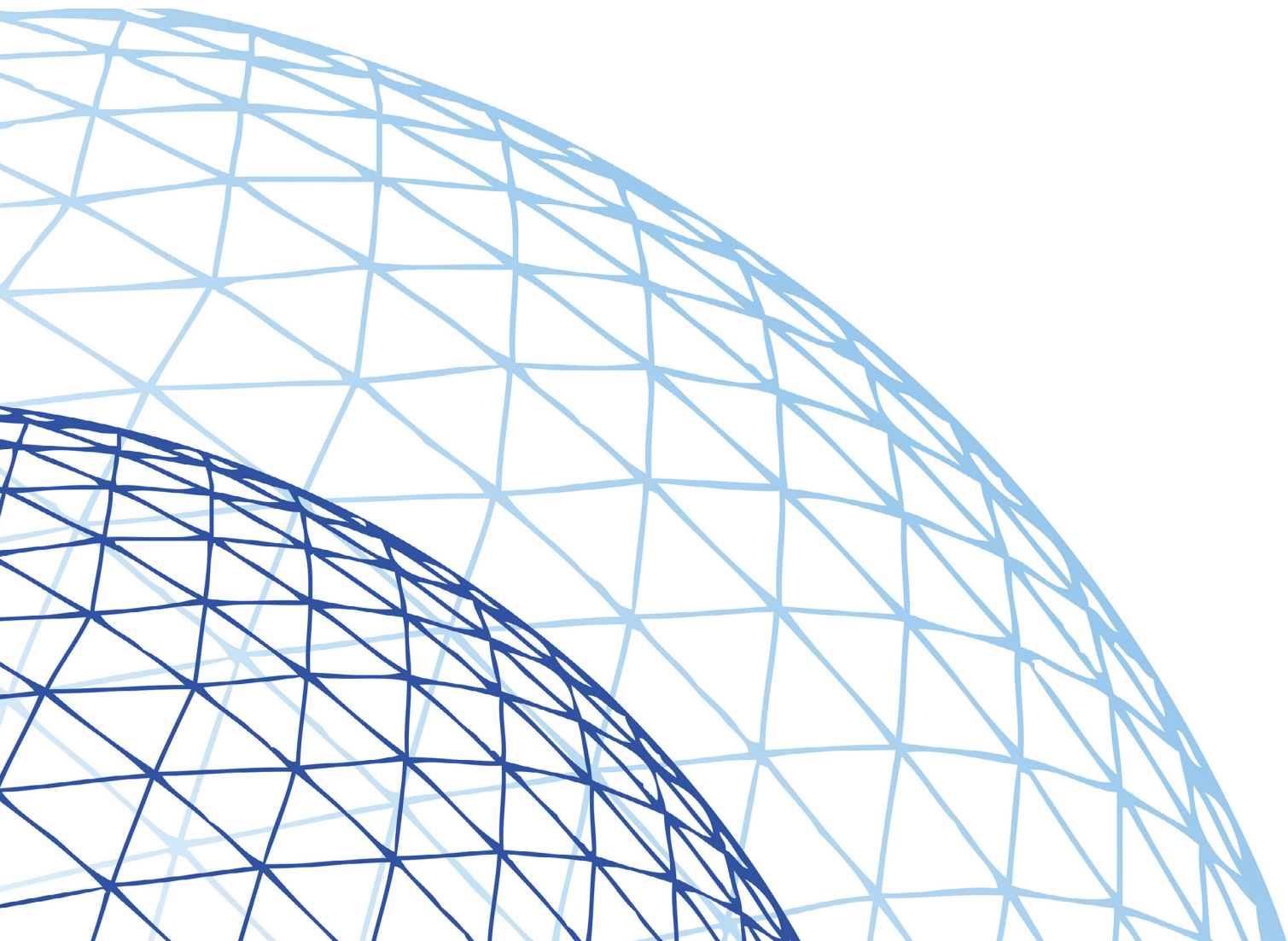




## How Does RICS Decide When to Investigate?

Version 3 with effect from 2 March 2020



# How does RICS decide when to investigate?

## Introduction and purpose of this document

RICS is the global professional body for the surveying profession. Among its functions, RICS 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.

RICS expects its professionals to comply with all published RICS standards and works to ensure that members and firms meet these requirements.

RICS refers to its professionals and regulated firms as 'Regulated Members'. This document aims to help Regulated Members and anyone else who reports concerns to understand which types of concerns or allegations RICS is likely to investigate. Although examples are given in this document, RICS makes a judgement in each case based on the evidence and allegations made. Decisions are made by staff members who have delegated powers to decide whether to investigate cases.

## What does RICS do when it receives information or when someone raises concerns?

When concerns are raised or information is received, RICS first checks if the person or firm is currently a Regulated Member. RICS can only investigate:

- **RICS professionals** (including those with FRICS, MRICS or AssocRICS designations, those who are currently training to gain an RICS qualification, students and those with an honorary membership status, signified by the designation HonRICS) or
- **regulated firms.**

RICS then considers whether there could be a case to answer. In making this decision, RICS considers the information available at that time, whether the concern is about misconduct or serious professional incompetence and the public interest.

## Information

Information can come in many forms and from many sources, including documents, emails and what people say about what they saw or heard. RICS will consider the information it has, where it comes from and who has provided it. It also considers what other evidence is likely to exist and whether it can reasonably be obtained.

RICS will also look at any previous concerns raised about the Regulated Member.

If RICS does not believe that there is, or is likely to be, sufficiently strong evidence to support allegations, an investigation will not be started.

## Raising concerns anonymously

RICS' investigation process is open and transparent, and Regulated Members are normally told who has raised concerns about them. However, those who have given information can remain anonymous by:

- 1 giving their name and contact details, which will be treated in confidence, so that RICS can get more information or
- 2 giving the information with complete anonymity (but this may limit RICS' ability to investigate if more information is needed).

If someone wants to remain anonymous, RICS tries not to disclose details about the source of the information; however, in some circumstances this is not possible. RICS cannot guarantee that, based on the nature of the concerns that are being reported, the Regulated Member will not identify the source.

As with all information it receives, RICS assesses the seriousness and credibility of the concerns before deciding on whether to investigate further.

Those who want to remain anonymous are not updated or told whether RICS has taken any action.

RICS may also start an investigation based on:

- information from the press or social media channels or
- outcomes from the courts or tribunals.

## Misconduct

Misconduct is:

- a failure to follow RICS' rules of conduct or professional standards that is serious and where RICS believes it may need to take action to protect the public or to uphold standards or
- behaviour that is likely to damage the public's confidence in the profession.

While a single mistake, failure to comply with a standard or failure to provide evidence to support a professional opinion can amount to a breach of the rules of conduct, RICS is required to act proportionately. This means that not every breach requires RICS to take action. To amount to misconduct, the alleged act (or failure to act) must be serious. A single act or failure is less likely to cross the threshold than multiple incidents, unless it is serious in nature.

RICS is more likely to start an investigation if the information or concerns are about:

- dishonesty, or lack of trustworthiness or integrity
- deliberate acts or omissions that put the safety of the public or public interest at risk

- a Regulated Member having put their own interests or those of a third party before the interests of a client
- serious or persistent failures to meet RICS' professional standards or
- failure to keep clients' money safe.

## Serious professional incompetence

Serious professional incompetence is a standard of professional performance that is unacceptably low. Although a very serious single incident can amount to incompetence, it is usually demonstrated by a 'fair sample' of the professional's work.

RICS is more likely to start an investigation if the information or concerns are about:

- a number of different transactions or work for a number of different clients
- taking on work for which the Regulated Member has insufficient training or experience
- putting the safety of the public or public interest at risk
- a failing that has caused or was likely to cause a significant loss to the public or
- failure to have systems in place to ensure that work is done safely and to the expected standard.

## Concerns about service

Failure in a Regulated Member's standard of service can usually be dealt with through the Regulated Member's complaints-handling procedure. Regulated Members are required to operate a complaints-handling procedure that includes an alternative dispute resolution (ADR) mechanism that is approved by the Standards and Regulation Board.

RICS is more likely to start an investigation if the information or concerns are about:

- a number of different transactions or work for a number of different clients
- the handling of client money
- failing to have or operate a complaints-handling procedure or
- complete lack of service provided after a fee has been taken.

## Public interest

The purpose of RICS' regulatory procedures is to act in the public interest and to act proportionately, not to punish Regulated Members or provide compensation. As part of its decisions about whether an investigation is needed, RICS balances the public interest and the interests of the Regulated Member.

Public interest considerations include:

- protecting the public
- maintaining public confidence in the surveying profession and

- maintaining proper standards of behaviour.

RICS also considers:

- how long ago the alleged acts took place
- whether the Regulated Member is still practising
- whether any remedial action has been taken and
- whether RICS has given any previous advice to the Regulated Member about similar matters.

## What happens if RICS decides not to start an investigation?

If RICS decides not to start an investigation, it will write to the person who raised the concerns to inform them of this decision and the reasons for it. However, RICS will keep the details of the concerns or information received on file and may refer to it if other concerns are raised against that Regulated Member in the future.

Sometimes RICS might refer the person raising the concerns to the Regulated Member's complaints-handling procedure or the alternative dispute resolution provider (e.g. an ombudsman) referred to in that procedure. This is because concerns about service failures or unsatisfactory work can sometimes be considered under these processes even though they do not meet RICS' threshold for an investigation.

Further information about how to raise concerns or give information is available on [the RICS website](#).



## 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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