

Investigating and managing concerns

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Purpose

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 members to comply with all published RICS professional statements and best practice guidance.

RICS refers to its members 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.

Public interest

The purpose of RICS' regulatory function is to act in the public interest. RICS also seeks to act proportionately. RICS does not seek to punish Regulated Members and does not have the power to award or give compensation to persons raising concerns. As part of its decision about whether an investigation is needed, RICS balances the public interest and the interests of the Regulated Member.

Rules of Conduct

In determining whether or not to investigate a complaint, RICS will consider whether there is sufficient information to suggest that a Regulated Member may have breached the Bye-Laws, the Rules of Conduct (the Rules), and/or professional standards.

Types of concerns

The table below provides an outline of the types of concerns we receive, this is not an exhaustive list, and the concerns may fall into more than one category; for example, concerns relating to client money may also indicate failure to comply with professional obligations. Each case will be considered on its own merit.

RICS will only investigate concerns that are serious. There is no definition for conduct regarded as 'serious', and this is assessed on a case-by-case basis. Serious conduct may arise from one incident, for example, acting dishonestly or deliberate acts/omissions that put the safety of the public or public interest at risk. It may also entail multiple incidents or persistent breaches of standards.

Types of concerns	Factors which indicate that a case is unlikely to meet the threshold for investigation	Factors which indicate that a case is likely to meet the threshold for investigation
<p>Conduct/public interest concerns</p> <p>Dishonesty</p> <p>Lack of integrity</p> <p>Conflict of interest</p> <p>Failing to comply with professional obligations</p> <p>Social media posts (see Use of social media guidance for RICS member for further information)</p> <p>Behavioural issues</p> <p>Criminal charge/conviction</p> <p>Expert witness</p> <p>Fire safety</p>	<p>Insufficient information of alleged conduct</p> <p>Lack of available evidence</p> <p>Single/one-off incident</p> <p>No actual or potential harm caused</p> <p>No previous similar concerns</p>	<p>Deliberate or reckless acts or omissions that put the safety of the public or public interest at risk</p> <p>Serious and/or persistent failures to meet RICS' professional standards</p> <p>Signing declarations on RICS forms/ applications and failing to adhere to requirements</p> <p>Regulated Member putting their own interests or those of a third party before the interests of a client</p> <p>Actual or potential harm to members of the public</p> <p>Conduct liable to bring RICS into disrepute</p> <p>Regulated Member fails to cooperate with RICS' disciplinary investigation</p> <p>Court criticism and/or adverse findings against the Regulated Member</p>

Types of concerns	Factors which indicate that a case is unlikely to meet the threshold for investigation	Factors which indicate that a case is likely to meet the threshold for investigation
<p>Topic specific/service related</p> <p>Property management</p> <p>Boundary dispute</p> <p>Valuations (see Appendix A: Concerns about valuations for further information)</p> <p>Client money</p> <p>General Insurance</p> <p>Distribution Activities (GIDA)</p> <p>Complaints handling</p>	<p>Insufficient information of alleged conduct</p> <p>Lack of available evidence</p> <p>Single/one-off incident</p> <p>No previous similar concerns</p> <p>Private dispute between two or more parties – contractual or otherwise</p> <p>Concerns fall within remit of First Tier Tribunal/civil court litigation</p> <p>Concerns have not yet been raised with the Regulated Member for resolution</p> <p>Firm’s Complaint Handling Procedure (CHP)/Alternative Dispute Resolution (ADR) process not yet utilised</p> <p>Concerns have been remedied</p>	<p>Serious and/or persistent failures to meet RICS’ professional standards</p> <p>Regulated Member fails to respond to and/or address concerns from clients, or provide services, in a timely manner</p> <p>Regulated Member fails to properly safeguard client monies and/or mismanagement of client money/ financial loss to clients</p> <p>Failure to maintain proper records</p> <p>Regulated Member fails to comply with Alternative Dispute Resolution (ADR) award</p>

Types of concerns	Factors which indicate that a case is unlikely to meet the threshold for investigation	Factors which indicate that a case is likely to meet the threshold for investigation
<p>Lack of competence</p> <p>Valuations (see Appendix A: Concerns about valuations for further information)</p> <p>Expert witness</p> <p>Fire safety</p>	<p>Insufficient information of alleged conduct</p> <p>Lack of available evidence</p> <p>Single/one-off incident</p> <p>No previous similar concerns</p> <p>No actual or potential harm caused</p> <p>Regulated Member acknowledges technical breaches and has taken remedial steps to prevent further breach</p> <p>Regulated Member has ensured relevant training/ qualifications obtained/ undertaken</p>	<p>Serious and/or persistent failures to meet RICS' professional standards</p> <p>Failing to recognise limits of own competency</p> <p>Failure to maintain proper records</p> <p>Actual or potential harm to members of the public</p> <p>Court criticism and/or adverse findings against the Regulated Member</p> <p>Complex area of practice</p>
<p>Information to RICS</p> <p>Incorrect/inaccurate/ inadequate information within RICS forms/ applications (such as annual returns, concession forms, de-registration forms)</p>	<p>Insufficient information of alleged conduct</p> <p>Lack of available evidence</p>	<p>Consequences to the profession and/or the public as a result of the incorrect/inaccurate/inadequate information</p> <p>Impact on RICS' ability to effectively regulate</p> <p>Conduct liable to bring RICS into disrepute</p>

What should you do before raising a concern(s)?

This section applies to concerns that are topic specific/service related (see table above). To ensure your concerns are managed swiftly and appropriately, please consider the information below before raising your concern with RICS.

- 1 Raise your complaint with the Regulated Member in the first instance, taking steps to resolve the issues directly with the Regulated Member where possible.

- 2 Failing this, you should make a formal complaint with the Regulated Member, setting out clearly all the issues you are unhappy about. This may help the Regulated Member understand your complaint and resolve issues quickly. Depending on your relationship with the Regulated Member, this may trigger the firm's Complaints Handling Procedure, and you could be entitled to escalate your concern to the relevant Alternative Dispute Resolution (ADR) service provider. An ADR provider can award compensation if they find in your favour.

For all other concerns, please consider whether you should:

- refer your concern to another professional regulator
- refer your concern to your local police constabulary
- obtain independent legal advice – RICS cannot provide you with advice on how to resolve matters in dispute.

How are concerns managed?

Risk assessment

Concerns are assessed by the Regulatory Support Team. The team will assess whether the concern(s) meets the threshold for disciplinary investigation. The team might request further information from the person raising concerns before making their decision. The team is likely to close concerns which indicate the following:

- No jurisdiction to investigate. RICS can only investigate:
 - RICS members (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 cannot:
 - investigate persons or firms that are not regulated by RICS or
 - investigate or make a finding in relation to alleged criminal activity. Although, RICS may investigate criminal conduct resulting in a conviction (see table above).
- Concerns indicating a dispute between two or more parties – RICS Regulation cannot resolve matters in dispute.
- On-going parallel investigations by public/professional bodies – outcomes of these investigations may be required before considering investigation by RICS.

Concerns that do not meet the threshold for investigation

If a concern does not meet the threshold for investigation, RICS may take one or more of the following actions (please note this is not an exhaustive list).

- Provide advice to the Regulated Member about complying with specific rules and standards.
- Engage with the Regulated Member to improve best practice and/or undertake an audit or thematic review of the Regulated Member's work or processes.
- Refer the concern to an appropriate professional/public body to consider investigation.
- Record the concerns on the Regulated Member's file to monitor patterns of behaviour.

Concerns that meet the threshold for investigation

If it is decided that the concerns do meet the threshold for disciplinary investigation, a case will be created and transferred to the investigations team. The case will be reviewed by a member of the investigations team before it is allocated to an investigator. On occasion, the person who reviews the case may decide that another course of action is more appropriate, this could include referral to another team within RICS Regulation, issuing advice to the Regulated Member, or closure of the case.

The investigator may contact you, or any relevant persons, to obtain further information about the concerns raised (see 'Information and evidence' section below).

Information and evidence

Information can come in many forms and from many sources, including documents, emails and what people say about what they saw or heard, captured by way of a witness statement. 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.

The information you provide will not be shared with third parties unless there is a legal obligation to do so, or it is in the public interest to do so.

The information and evidence you provide may be forwarded to the Regulated Member so they may properly respond to the concerns raised against them.

For further information please visit our [FAQs section](#) on the website.

Delivering confidence

We are RICS. Everything we do is designed to effect positive change in the built and natural environments. Through our respected global standards, leading professional progression and our trusted data and insight, we promote and enforce the highest professional standards in the development and management of land, real estate, construction and infrastructure. Our work with others provides a foundation for confident markets, pioneers better places to live and work and is a force for positive social impact.

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