

Criteria for Inclusion

RICS Expert Witness Accreditation Service

Criteria for Inclusion on the Register of RICS Accredited Expert
Witnesses in the UK

RICS Dispute Resolution Service



RICS Expert Witness Accreditation Service (EWAS)

Criteria for Inclusion on the RICS President's Panel of Accredited Expert Witnesses Effective from 31 May 2018

These criteria apply if you wish to become an RICS Accredited Expert Witness. This category will entitle you to full inclusion on the RICS President's Panel with full use of the benefits available to the members of this panel including nominations by the President.

These criteria focus on the knowledge, skills, experience, and qualifications required to undertake the role of an expert witness; to be accredited as such by RICS; to be included on the RICS President's Panel in this capacity, and so to be eligible for nominations by the President.

(For criteria to become an RICS Registered Expert Witness, please see Criteria for Inclusion on the RICS List of Registered Expert Witness).

Your application will be assessed on your submission and your panel interview.

In order to be considered for inclusion on the RICS President's Panel of Accredited Expert Witnesses, you must satisfy the following entry requirements:

- Successful completion of the RICS Expert Witness Certificate*
- Successful assessment of all five competencies of the RICS Expert Witness Certificate**
- A minimum of 10 years' experience in your primary profession***
- Recognition by the market, as reflected in your referees' reports, of your active involvement and expertise in your sphere of professional practice
- A minimum of one expert witness report completed by you in the last five years***
- Compliance with CPD requirements of your principal professional body/bodies in the last three calendar years
- Successful completion of the online RICS ethics test: DRS Professional Ethics
- Successful completion of the panel assessment interview
- Payment of the applicable panel assessment fee (£450 + VAT for members, £495 + VAT for non-members)

Exemptions

* You may be eligible for an exemption from the RICS Expert Witness Certificate if you can demonstrate that you completed other expert witness training from an institution recognised by RICS. Please note, you will still be required to have all five competencies of the RICS Expert Witness Certificate successfully assessed.

* and ** You may be eligible for an exemption from the RICS Expert Witness Certificate including the assessment of the five competencies of the RICS Expert Witness Certificate if you can demonstrate that your senior status in the EW field is such that you do not need to undertake any (or further) training. See below for details.

*** Exceptions to these requirements can be made by RICS on reasonable grounds e.g. in a relatively newly established area of specialism.

If you wish to apply for an exemption, please contact DRS on the details provided below.

Guidance to the criteria

Prior to the interview you will need to send to DRS:

- Completed RICS EWAS Skills Form for RICS Accredited Expert Witnesses
- Professional references
- Expert witness CV
- One expert witness written report completed by you in the last five years
- Evidence of compliance with CPD requirements of your principal professional body/bodies in the last three calendar years
- Evidence of successful completion of the online ethics test: DRS Professional Ethics
- The appropriate fee

RICS EWAS Skills Form

In this form you should indicate your skills, geographic coverage, the value, complexity, and types of disputes in which you submit you are qualified to testify, and the tribunals before which you believe you are competent to appear. Your skills form will be provided to the interview board and during the interview it will help them assess whether you have identified your skills correctly and whether the skills you list are commensurate with your experience in practice. It should be clear from the information provided that your professional knowledge and experience is such as to allow RICS to hold you out as an expert in your field of primary professional practice as well as being a person who is able competently to discharge the role of an expert witness.

Professional references

Your skills form must include contact details and signatures of two referees who can support your application. Your referees must have significant standing in the expert witness field (such as solicitors or other RICS Accredited Expert Witnesses). DRS will obtain written references prior to the interview and will forward these to the interview board. The referees will be asked to comment on your standing in the profession, your knowledge, expertise, and expert witness experience. A member of the interview panel may speak to the referees prior to the interview. RICS also reserves the right to make wider enquiries among your colleagues or clients etc where it regards this as appropriate.

Expert witness CV

You will need to submit your CV that focuses on your expert witness experience as well as your professional knowledge and experience in your field of primary professional practice. You should write this CV with potential instructing party/parties in mind.

Written expert witness report

You will be required to submit one expert witness reports prepared by you in the last five years, ideally those that were submitted and accepted by a court or other tribunal. Exceptions can be made by RICS on reasonable grounds e.g. in a relatively newly established area of specialism.

CPD

You will need to submit evidence that you have complied with the CPD requirements of your principal professional body/bodies in the last three calendar years. This should include breakdown of your CPD and should cover CPD relevant to your field of expertise as well as the role of an expert witness. (Please note: Copies of CPD records, including the RICS online records, must be provided with expert witness matters highlighted.) The interview board will discuss your CPD records and their relevance with you.

Online Ethics Test

After the appropriate fee has been paid, you will be sent a link to the online ethics test called DRS Professional Ethics. You will need to send to DRS a copy of the certificate you receive after successful completion of the test.

Appearances as an expert witness

In your skills form, you will be requested to provide details of the matters before a court or other tribunal in which you have appeared as an expert witness in the last five years. Such appearances are not prerequisite for inclusion on the RICS President's Panel of Accredited Expert Witnesses, but this information may be of relevance to RICS DRS in the nomination process.

Senior status in the expert witness field

You may apply for inclusion on the RICS President's Panel of Accredited Expert Witnesses if you have not attended a formal expert witness training, but you are a senior industry figure whose standing is beyond question and for whom any form of additional formal training is considered unnecessary. You should be a person viewed by your peers as self-evidently "out of the ordinary" with exceptional standing and experience in the EW field.

In addition to the documents mentioned above, in your skills form, you will need to provide comprehensive information in support of this. During the interview, the board will have a discussion with you to determine whether your eminence as an expert witness is such that receiving further formal training is deemed unnecessary.

Assessment Interview

The purpose of the panel interview is to test your knowledge and ability to discharge the role of an expert witness. You should expect far reaching and diverse questions. The assessors will delve into your knowledge as well as your attitude, commitment and understanding of the role of an expert witness.

Knowledge

The interview board will refer to your skills form and your other submissions and question your knowledge on inter alia the responsibilities and duties of expert witnesses, as well as acceptance of instructions, conflicts of interest and perceived bias; relevant law and rules of evidence; report writing; oral evidence; immunity from suit; and overall suitability to be accredited as an expert witness including CPD compliance. You must also be familiar with the current RICS Professional Standards for surveyors acting as expert witnesses.

Formal training and experience

The interview board will ask probing questions to establish that you comply with these criteria. It may ask questions about your formal expert witness training and your experience acting as an expert witness.

The interview board will also have a discussion with you to establish that:

- you have had at least 10 years' experience in your sphere of primary professional practice or that there are reasonable grounds for not complying with this requirement.
- you have completed a minimum of one expert witness reports in the last five years or that there are reasonable grounds for not complying with this requirement. The interview board will also discuss the quality of your report and its compliance with the RICS Expert Witness Practice Statement and Guidance Note.
- you are recognised by your peers as experienced and skilled to a level consistent with being an expert in all areas set out in your skills form.
- in your skills form you properly identified your skills and the geographical areas to which they relate
- the skills you have listed are commensurate with your experience.

The interview board will also discuss with you your appearances (if any) as an expert witness before a court or other tribunal in the last five years.

General

The interview board will consider your overall suitability. This will include:

- your ability and aptitude as a potential expert witness
- the standard and professionalism of any documentation and communications submitted by you
- any upheld complaints against you
- any judicial criticism or comment.

For the possible outcome of the assessment and other information about the interview, please refer to the RICS Interview Guide for Candidates available on www.rics.org/drs

All panellists must sign and comply with the Service Level Agreement between DRS and the panellist. A copy is available from DRS upon request.

Reassessment

To remain on the panel, you will have to undergo regular reassessments. For further information about reassessments, please refer to the Criteria for Reassessment.

Please note:

Being accredited as an expert witness by RICS and being enrolled on the RICS President's Panel of Accredited Expert Witnesses will make you eligible for nominations by RICS DRS but is not a guarantee that you will receive nominations from RICS.

Successful candidates are required to pay an annual administrative fee (£100 + VAT for RICS members or £120 + VAT for non-RICS members) to remain on the RICS President's Panel of Accredited Expert Witnesses.

These criteria are monitored, and their effectiveness is reviewed. DRS reserves the right to update/modify the criteria at any time.

For further information contact

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