

RICS Dispute Resolution Service Appeals Procedure

This is the procedure that RICS DRS will normally apply where a candidate for any DRS panel has failed at interview, and wishes to appeal the decision.

What are the grounds for making an appeal?

If a candidate has been unsuccessful at assessment or interview, s/he may have the right to appeal. An appeal can be brought on one or more of the following grounds:

- There was a procedural fault (including administrative error) or other irregularity in the process of the assessment/interview, such as to cause doubt as to whether the result might have been different had there not been such an irregularity
- There existed undisclosed extenuating circumstances affecting the candidate's performance of which the assessors/interview panel were not aware when their decision was taken
- There exists evidence of prejudice or bias on the part of an assessor/interviewer

Appeals can only be considered when one, or more, of these grounds are met. Please note an appeal cannot be made because a candidate is unhappy with his/her performance or result, or s/he disagrees with the assessors' decision. An appeal cannot be made against a matter of personal judgement by an assessor/interviewer.

The Appeal Panel will not inquire into the merits of an assessors' decision. It will look at the way the assessment was conducted, and will allow an appeal only if, on the balance of probabilities, there has been fault in the assessment process that gives rise to doubt as to the veracity of the outcome or if there has been extenuating circumstances relating to the assessment, which affected the outcome. The Appeal Panel will not draw any conclusions about a candidate's competence, or suitability to be included on a President's Panel. The Appeal Panel will consider only the correctness of administrative and procedural matters.

What is meant by procedural fault in the process?

An appeal may be brought where a candidate believes that the outcome of an assessment/interview is incorrect because RICS and/or the assessors have made a procedural error. It is not enough to show that an error has taken place - it will be necessary for a candidate to show that the error is relevant and resulted in an incorrect decision being made.

'Relevance' indicates that a procedural fault is directly pertinent to the case the candidate is making. For example: an assessment/interview panel was not provided with complete and accurate information, or questions were posed by an assessment/interview panel, which concentrated too much on matters outside of skills and expertise detailed on a candidate's skills form.

'Significance' means that a procedural fault is likely to have impacted on the outcome of a candidate's assessment. For example an error in the information sent to a candidate resulted in him/her arriving late for an assessment would be significant, whereas a minor typographical error, which did not alter the meaning of information sent to a candidate, would not.

What are undisclosed extenuating circumstances?

Prior to an assessment, RICS DRS will usually ask a candidate to submit details of 'extenuating circumstances', which should be taken into account during an assessment/interview. An example of an extenuating circumstance might be where there is evidence that the candidate was in hospital, or was suffering from mental health difficulties which meant s/he was unable to prepare adequately for the assessment/interview.

DRS must consider carefully any request for extenuating circumstances received after a candidate has received his/her results. This is done to safeguard the fairness of the RICS assessment process. Any decision about whether a candidate is given further opportunity to progress, or allowed special provisions at assessment/interview, which would not normally be available to other candidate's must be because of mitigating circumstances, not because the candidate is unhappy with the outcome of an assessment/interview.

In some cases a candidate may be able to demonstrate that extenuating circumstances, which s/he believes have affected the assessment, were unknown or unrecognised by the candidate at the time of the assessment/interview. In other cases the circumstances may have been known by the candidate, but s/he chose not to disclose them at the time. In both cases the candidate will need to adequately explain why it would not have been reasonable for RICS DRS to expect him/her to disclose the circumstances prior to, or at the time of, the assessment.

What is meant by prejudice of bias on the part of the examiner?

A candidate may submit that an assessor/interviewer, through actions or words, demonstrated actual bias against the candidate.

A candidate may submit that an assessor or interviewer could be perceived to have been biased as a result of professional or personal interests that gives rise to reasonable doubts as to his/her ability to remain impartial.

An appeal brought on this ground should clearly identify the particular individual(s) considered to have shown actual or perceived prejudice or bias against the candidate, and should be supported by evidence.

How RICS DRS deals with appeals

Appeals are considered by an RICS Appeals Panel which consists of at least one independent reviewer appointed at the sole discretion of DRS.

The Appeal Panel will have no connection with the candidate and no previous knowledge of his/her interview.

The Appeal Panel has no powers to pass the candidate. If an appeal is approved, the original interview is disregarded and the candidate will be offered a fresh interview.

Things to consider before an Appeal

A candidate may wish to take time to review his/her submissions and reflect on the feedback from the Interview Panel. S/he should also consider:

- Whether, at the original assessment/interview, s/he answered questions in a clear and timely manner
- If the panel's questions were relevant to his/her particular areas of competency
- Whether the interview was conducted in the required/stated format

It may be that, on reflection, there are areas of a candidate's assessment that could be improved by further training and/or experience.

If the Appeals Panel decides not to uphold an appeal, it may recommend a time frame for reapplying, and offer guidance on a candidate's areas of deficiency/improvement. In the absence of time specified by the Appeals Panel a period of 12 months should normally lapse before a candidate can reapply. If a candidate reapplies, s/he will be invited to submit new documentation. Please note, the full interview fee will be payable again.

How to Appeal

Any appeal must be lodged with DRS within **28 days** from the date of the RICS letter informing the candidate of the result of the original assessment/interview. An appeal posted after the deadline it will not be entertained.

A candidate must submit:

- Written reasons and grounds relied on in support of the appeal. (No further supporting documentation in addition to submissions presented at the original assessment/interview is permitted).
- £150+VAT Administration Fee (If an appeal is allowed, this fee will be refunded).

A candidate may withdraw his/her appeal at any stage. In such circumstances DRS reserves the right to keep the Administration Fee.

What happens next?

DRS will acknowledge receipt of an appeal and will forward details to the original assessment/interview panel for comments. If a candidate's reasons for appeal refer to a fault in the process prior to the interview, RICS will make comments. A candidate's appeal documents, together with the original panel's and/or DRS' comments, will be sent to the Appeals Panel for consideration. The Appeals Panel will decide the appeal on the basis of the written documentation provided. The Appeals Panel will consider matters and conclude whether or not the appeal is upheld.

The outcome of an appeal.

The role of the Appeals Panel is to decide whether on the balance of probabilities, there is a reasonable doubt that the assessment was conducted fairly and correctly.

There are two possible outcomes of an Appeal:

1. Upheld

The Panel decides to allow the appeal. RICS will write to the candidate explaining that the appeal has been allowed, and that the original assessment result is now void.

The candidate will be invited to attend a fresh interview with a new panel using the original submission documents (new or additional submissions will not be allowed). The new panel will be provided with the original submission documents, but will not be provided with the documents relating to the outcome of previous interview or the appeal.

The Administration Fee will be refunded.

The decision of the second interview panel will be final. There is no further right of appeal following this decision.

2. Not upheld

The Panel decides to decline the appeal. RICS will write to the candidate explaining the reasons for the decision.

DRS will not comment and/or reconsider the decision. The decision of the Appeals Panel is final and there is no further right of appeal.

Complaints

Complaints about the way in which an appeal has been dealt with by RICS e.g. failure to meet timescales, should be initially addressed to the DRS at drs@rics.org or RICS DRS, 55 Colmore Row, Birmingham B3 2AA. If the Appellant remains dissatisfied, the complaint will be referred to the Product Group Director ADR. **This complaints process will not include an investigation into the merits of the Appeal Panel's decision, and will not change the outcome of the appeal in any way.**