

Criteria for Inclusion on the Panel of Independent Experts

These criteria apply to independent experts acting in commercial and residential sector. For criteria for rural independent expert please see Criteria for Inclusion on the Rural Panel of Independent Experts.

1 General

In order to be considered for inclusion on the Panel of Independent Experts, candidates must satisfy the following entry requirements:

- Minimum MRICS
- Minimum 10 years post qualification experience in primary profession
- Wide experience in the particular sector which a candidate wants to be considered as an Independent Expert, ideally with personal experience in the agency market. As an absolute minimum the candidate must have current awareness of and exposure to the market in their particular specialisation and geographical area.
- Attendance at and successful completion of the RICS DRS Training Course for potential Independent Experts including associated written assignments
- Attendance and success at the RICS DRS interview
- Compliance with RICS CPD requirements generally
- Compliance with the specific CPD requirements set out below in the two years prior to application
- Must be prepared to cooperate with any investigation by RICS relating to a complaint against you as a panel member
- Must accept that a panel member can be removed from the panel at the discretion of the President.

(NB Membership of an RICS panel of dispute resolvers does not guarantee a quota of (or any) appointments.)

1.2 Prior to attendance at an Assessment Day/Interview each candidate will be required to send to the RICS:

- A completed skills form
- A summary of recent experience (see attached example)
- A draft of procedural instructions
- Evidence of compliance with RICS CPD requirements in general and also specific DRS requirement (see 3.1.7)
- The appropriate fee (unless the interview fee is already included in the training and assessment program).

1.3 Written references to support the candidate's experience will have been obtained by RICS prior to the interview and will be forwarded to the interview board. A member of the interview board will usually speak to the referees prior to the interview.

1.4 The interview board will comprise of 3 members. It will be chaired by a senior panel member, who will have been assessed for suitability of acting as chair by a lawyer practising in the sector. The chair will be assisted by a professional member (who will normally be a specialist in, and actively involved with the market where the candidate wishes to operate), who is not a panel member, and an independent member. The independent member's role is to ensure fairness and consistency of approach.

1.5 Candidates successful at interview will be required to comply with and sign the Service Level Agreement between the Panel Member and DRS

2 Standard

2.1 The standard of performance will be assessed by reference to the abilities and qualities that would normally be expected of a member on the RICS panel. The test is the standard of the ordinary skilled man exercising and professing to have that special skill.

3 Criteria

3.1 In order to gain entry to the panel, the candidate must be able to demonstrate competency in the following areas:

3.1.1 Skills Form

The interview board will have a discussion with the candidate to establish that:

- the candidate's appropriate skill areas in the field of Independent Expert have been identified;
- the candidate is recognised in the market place as experienced in all areas set out in the skills form.

3.1.2 Knowledge and understanding of involvements/conflicts/bias and perceived bias

The candidate should be:

- able to demonstrate an understanding of involvement;
- able to explain when an involvement becomes a conflict;
- aware of the risks of both real and apparent bias and the steps that could be taken to avoid reasonably foreseeable difficulties;

3.1.3 Managing the process, including standard documentation

The candidate should be able to demonstrate:

- The ability to manage the reference in a transparent, efficient, cost effective and expedient manner;
- Sufficient standing, gravitas and flexibility of attitude to manage the process;
- The ability to control the process, apply judgmental skills and produce appropriate documentation throughout the process.

3.1.4 Knowledge, application and understanding of valuation and the law

The candidate should:

- Be aware of the methodology, markets and valuation criteria;
- Be able to understand leases and other related documents;
- be aware of relevant law,

3.1.5 Determination, including identifying the issues and analytical reasoning

The candidate should be able to demonstrate:

- an awareness of the structure and content of a Determination;
- the ability to identify and analyse the issues;
- an awareness of when reasons should be given;
- the ability to communicate in a structured, fluent and logical manner.

3.1.6 Knowledge and understanding of costs

Candidates should be familiar with the general principles of deciding (where relevant) costs.

3.1.7 CPD/Relevant Experience

CPD is important for keeping up to date with practice and procedure. During your initial assessment to join the panel, you should be able to demonstrate **20 hours** of relevant CPD for the last two calendar years. The interview board will discuss your CPD records and their relevance with you. Your CPD should include, and be spread over, the following areas:

- acting as a party representative in third party proceedings
- acting as independent expert, arbitrator or other dispute resolver
- attending or presenting at relevant events
- attending workshop type events
- private study.

Once you join the President's Panel of Independent Experts, in addition to your 20 hours of CPD as a member of RICS, you will be required to demonstrate a minimum of additional **20 hours** of CPD per annum that is relevant to Dispute Resolution.

Please note:

DRS cannot access RICS members' CPD on-line records. CPD records must be provided to DRS with dispute resolution matters highlighted. You record all your CPD on the RICS Website, you can access and extract your RICS CPD from your on-line records via www.rics.org/cpd

3.1.8 General

The interview board may also consider overall suitability and this can include:

- ability and aptitude of the candidate as a potential Independent Expert;
- level of involvement either previously or currently in the candidate's market sector;
- the standard and professionalism of any documentation and communications;
- any upheld RICS complaints against the member;
- any judicial criticism or comment if applicable.

4 Possible Outcomes of Assessment

4.1 Pass

A **pass** will be allocated to candidates who are judged to be competent in every category set out in the criteria.

4.2 Refer

Those who are judged 'Improvement required' or 'Unsatisfactory' in up to two categories will be **referred**. A referral means the candidate may be admitted to the panel once the required improvement has been demonstrated. The interview board to make a recommendation to RICS on what the candidate should be required to do to meet the required standard. This may include: training or other study (at the discretion of the interview board); mentoring or gaining further experience, or other recommendation. The candidate may then be required to go forward for further interview/assessment.

4.3 Fail

Candidates who are judged 'Improvement Required' or 'Unsatisfactory' in more than two categories will be **failed**. Candidates who fail will not be admitted to the panel but will have opportunity to appeal against the decision to an Appeal Board. A further fee may be payable.

4.3 The candidate will not be informed of the decision or the reasoning on the day of the interview.

5 Appeal Procedure

Candidates who have failed their interview have the right to appeal. Candidates may appeal against a fault in the process, not because they disagree with the assessors' decision about their competence. For further information, please refer to the DRS Appeal Procedure.

Please note:

Being on the President's Panel will make you eligible for appointments by the President, but is not a guarantee that you will receive any appointments from RICS.

For further information contact

RICS Dispute Resolution Service, Surveyor Court, Westwood Way, Coventry, CV4 8JE
t +44 (0)20 7334 3806, e drs@rics.org

Summary of Relevant Experience for inclusion on RICS Panel of Independent Experts and/or Arbitrators.

The feedback received from customers of DRS has emphasised the importance of appointees, particularly independent experts, being actively involved in the market place. Customers who ask us to appoint a third party expect appointees to not only have the technical skills to carry out a third party appointment, but also to be recognised in the market place as being actively involved in their skill or geographical area.

Candidates who are invited to attend a training/assessment course must successfully complete both the training course and subsequent interview. The interview panel will be testing that the candidate not only has technical ability to act as a third party but also has the appropriate aptitude.

Candidates who wish to be considered for a panel appointment should provide a brief summary of his/her working circumstances and type of work dealt with over the previous two years. While mention can be given to work received from the DRS or other RICS panels the emphasis will be on the work which has been dealt with as part of the surveyor's day to day work particularly that which demonstrates active involvement in the market. The summary, typically not more than around 500 words (although more information can be provided if the surveyor requires) should cover the following topics:-

- (1) A comment on your role in the organisation you work for, i.e. sole practitioner, director, Consultant or other (what your title or job description is).
- (2) A brief explanation of your role in the context of the organisation you work for e.g. perhaps you are the head of commercial office, which is part of a larger organisation with offices in different locations across the country dealing with a variety of matters ranging from residential to agricultural work or consultant working from the office for one day a week.
- (3) Independent experts will be expected to demonstrate continuing (rather than historic) participation in his/her particular market place relevant to the stated skills given on the Skills Form.
- (4) Reference to completed work over the previous 2 years. Ideally the work should include involvement with acquisitions and lettings and/or rental negotiations such as rent reviews and lease renewals. A rough indication of the number of such negotiations dealt with should be given with a few examples:-

e.g. dealt with rent reviews and lease renewals on parade of eight shops in Ripon on behalf of landlord and retained by Smith Shoes to deal with their professional work throughout Yorkshire. Six rent reviews dealt with in various towns on shops with the rentals varying from £10,000 per annum exclusive to £35,000 per annum exclusive.

- (5) Reference should also be made to other work undertaken such as rating, investment purchases or sales and valuations. While the emphasis should be on transactional work, information on work done in these other sectors also give a good indication of the surveyor's awareness of general rental values in his/her particular market place.
- (6) It is quite possible that you may have an involvement in a market, e.g. supermarkets, by virtue of development rather than transactional work. However, as this can take a number of years to come into fruition it is quite possible that no actual lettings have been completed by you within the time period considered. In this instance the background and preparation work may still be of relevance.
- (7) Whilst *personal* experience is paramount, it may also be relevant to provide information about the extent to which your personal experience is enhanced by support from professional colleagues working alongside you and/or within your firm. For example, it is possible you will be regularly dealing with rent reviews, purchases, arbitrations (e.g. through DRS appointments), but have less day-to-day involvement in lettings.
- (8) Client Confidentiality is obviously appreciated but indications of the size of rents dealt with can be given, e.g. "four shops in a parade of around £12,500 per annum exclusive each" or a "rent review on a small supermarket let to Lidl of around 15,000ft²".
- (9) Submissions made by you in connection with the above will also be considered in conjunction with the marketing material including websites which advertise your or your firm's expertise. However, where a firm's website refers solely to their expertise in one specific field, the surveyor will be expected to justify why s/he should still be viewed as having expertise on other areas included on his/her skills form. While this may be interesting and relevant background information, obviously it has to be stressed that the nomination of an independent expert is a personal appointment rather than a corporate one.
- (10) In addition to the personal involvement in the market concerned, you will be expected to have complied with RICS Regulations relating to CPD and provide details in accordance with the guidelines.

Example of a Typical Summary

My name is Jonathan Withers FRICS and I am Director in Charge of the Skelmersdale office of Ramsbottom Price where I am based five days a week. My company has four offices overall, three of which deal with residential and my two colleagues and I deal with the commercial side of the business.

I deal with a wide variety of commercial work involving retail office and industrial premises although my firm's traditional strength has been in the retail sector. This continues to this day with approximately 70% of our income coming from this sector, 20% from office work, 5% from industrial agency and the rest valuation work.

Over the previous 18 months I have deal with the letting and acquisition of approximately 10 properties throughout Lancashire and Yorkshire ranging from a prime commercial property in Commercial Street, Leeds (rent £95,000 per annum exclusive) to an extension of an existing unit in secondary Selby where the rent was £5,000 per annum exclusive. In addition to this I have dealt with some 25 rent reviews and lease renewals on retail property with the largest shop being an £85,000 per annum exclusive lease renewal in the Merion Centre.

I have dealt with five rating appeals on behalf of clients and I am currently involved in a compulsory purchase situation where my client's property is being acquired by the Local Authority for a road extension.

I have dealt with two Expert Determinations which have been referred to me by agreement of the parties, details can be provided if requested and have made six Awards as Arbitrator, having received approximately 20 invitations to act from DRS. I have turned down five instructions as Arbitrator from the DRS due to conflicts of interest.

While I have historically dealt with rent reviews on small convenience stores I have not personally dealt with any rent review or letting work on these premises over the time period being considered. However, my colleague John Barnaby is retained by Scratch Book Stores to acquire units throughout Yorkshire on their behalf and he has completed approximately 25 deals on stores of between 2,000ft² to 3,500ft² and disposed of five stores due to relocation.

I attach herewith some corporate marketing information which we send to our clients which will give you a further idea of the work which my company and I personally, deal with and you are welcome to consider the contents of the firm's website which is www.brillianturveyors.com.