



How do we respond
to complaints?



Introduction and purpose of the guidance

RICS is the global professional body for the surveying profession. Among our functions, we are responsible for regulating the professional conduct of members and firms in order to protect the public, to uphold their confidence in the surveying profession and to uphold professional standards. We expect our professionals to comply with all published RICS standards and we work to ensure that members and firms meet these requirements.

This guidance is intended to help complainants, members and firms to understand which types of complaints or allegations we are likely to investigate. Although we give examples in the guidance, we make a judgment 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 do we do when we receive a complaint or information?

When we receive information or a complaint we first check whether the person or firm is currently registered with RICS. We can only investigate:

- RICS members (which includes those who hold **FRICS**, **MRICS** or **AssocRICS** designations, those individuals who are currently training to gain our qualification, students, and those who hold our honorary membership status signified by the designation HonRICS) or
- regulated firms.

We then consider whether there could be a case to answer. In making that decision we consider the information available at that time, whether the complaint is about misconduct or serious professional incompetence and the public interest.

Information

Information may be in many forms and come from many sources. It will include evidence such as documents, emails and what people tell us about relevant things that they saw or heard. We will consider the information we have, where it comes from and who has given it to us. We will also consider what other evidence is likely to exist and whether we can reasonably obtain it.

We will also look at any previous complaints we have received about the member or firm.

If we do not believe that there is, or is likely to be, sufficiently strong evidence to support allegations we will not start an investigation.

Anonymous complaints and informants

We operate a complaints process that is open and transparent. We cannot normally accept complaints where the complainant wants to remain anonymous. In order to ensure that we treat the professional fairly, they will usually need to know the source of the allegations against them.

If we are given information by a person or organisation that wants to remain anonymous, we assess the information to consider whether we should take regulatory action. If information given anonymously relates to serious and credible concerns about a professional's conduct or competence, we may consider taking further action, if we can do so fairly. However only complainants are kept informed of any regulatory action taken.

We may also start an investigation based on information from the press or social media channels.



Misconduct

Misconduct is:

- a failure to follow RICS' rules of conduct or professional standards that is serious and where we believe we 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, we are required to act proportionately. This means that not every breach requires us 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.

We are more likely to start an investigation if the complaint or information is 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 member or firm having put their own interests or those of a third party before the interests of a client
- serious or persistent failures to meet our 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.

We are more likely to start an investigation if the complaint or information is about:

- a number of different transactions or work for a number of different clients
- taking on work for which the member or firm 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.

Public interest

The purpose of our regulatory procedures is not to punish members, firms or to provide compensation, but to act in the public interest and proportionately. As part of our decision about whether it is necessary to begin an investigation, we balance the public interest and the interests of the person being complained about.

Public interest considerations include:

- protecting the public
- maintaining public confidence in the surveying profession and
- maintaining proper standards of behaviour.

We will also consider how long ago the acts alleged took place, whether the member or firm is still practising, whether any remedial action has been taken and whether the RICS has given any previous advice to the member or firm about similar matters.

What happens if we decide not to start an investigation

If we decide not to start an investigation, we will write to the complainant to inform them of this decision and our reasons. We will, however, keep the details of the complaint or information received on file and may refer to it if other complaints are made against that member or firm in the future.

Sometimes we might refer the complainant to the firm's complaints handling procedure or the alternative dispute resolution provider (for example an Ombudsman) referred to in that procedure. This is because complaints about service failures or unsatisfactory work can sometimes be considered under these processes even though they do not meet our threshold for an investigation.

If a complainant is dissatisfied with a decision not to investigate a matter, they can request a review of this decision by a senior manager under our complaints process.

Further information about our complaints process is available on our website: www.rics.org/Global/regulation_service_complaint_guidance_140317_tp.pdf





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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