

Disciplinary Panel Hearing by way of written representations

Case of

**Mr Stuart Woodward MRICS [0102188]
Dorset, BH4**

On

Monday 15 August 2016

Via Telephone Conference

Chairman

Catherine Audcent (Lay Chair)

Member

Christopher Pittman (Surveyor Member)

The Panel considered the following:

1. Mr Woodward may be liable to disciplinary action under Bye-law 5.2.2(d) by reason of having been convicted on 17 December 2015 of three offences.

DETERMINATION

Findings of Fact

2. The Panel considered whether service had been effected under Rule 23 of the Disciplinary, Registration and Appeal Panel Rules 2009 ("The Rules"). The charge letter had been sent by First Class post, Special Delivery post and email on 10 May 2016 and related to a hearing on 13 July. Whilst the Special Delivery letter was returned to RICS, the Panel has seen an email 'delivery complete' receipt. Furthermore, the Panel noted that Mr Woodward had provided submissions to the Panel dated 28 June 2016. The case had to be relisted due to an administrative reason, and the Notice of Hearing was reissued and sent by email only on 13 July 2016. Mr Woodward responded by email on 10 August 2016 and accordingly, the Panel was satisfied that service had been properly effected pursuant to Rule 23.
3. The Panel next considered whether the case was suitable to be heard by way of Written Representations. The bundle included a copy of a Certificate of Conviction from the Crown Court, dated 4 March 2016, confirming Mr Woodward's conviction. In an email dated 10 August 2016, Mr Woodward confirmed his agreement to the case being heard by way of Written Representations. He had previously provided written representations and copies of documents

he wished to rely upon in an email dated 28 June 2016. The Panel found proceeding by way of written representations to be appropriate and decided to proceed.

4. On 31 January 2016, a newspaper reported Mr Woodward's conviction. RICS wrote to Mr Woodward on 4 February 2016 to seek further information and, on 16 February, he replied and informed RICS that he had been sentenced to 8 months imprisonment, suspended for two years. RICS obtained a Certificate of Conviction by way of confirmation.
5. In an email dated 8 March 2016, Mr Woodward told RICS that he was in the process of transferring his business, and he intended to have no further involvement in it. He provided an account of matters as presented to the Crown Court and he described the newspaper reporting as *'highly sensationalised'*.
6. On 28 June 2016, Mr Woodward made written submissions to the Panel. He expressed remorse for his actions, stated that he had offered his resignation from RICS and provided information about his rehabilitation programme, which included a self funded education programme. Mr Woodward accepted that he had brought RICS into disrepute through his actions.

Panel's Decision

7. In the light of Mr Woodward's admission, and Certificate of Conviction from the Crown Court, the Panel found the facts proved in respect of the offence for which Mr Woodward was convicted.
8. Mr Woodward was also found liable to disciplinary action under Bye-Law 5.2.2(d), owing to the serious nature of the criminal offence for which he was convicted, for which he was given a suspended prison sentence.

Penalties

9. The purpose of sanctions is not to be punitive, although that may be their effect. Sanctions are to enforce and uphold proper standards of professional conduct, to uphold the reputation of the profession and that of its regulatory function, and to protect the public. Here, the conviction relates to a matter outside work. However behaviour outside work by a member, can also impact on public trust of Chartered Surveyors and the reputation of RICS.
10. The Panel has considered carefully its indicative sanctions guidance. That guidance indicates that first the Panel must consider whether to impose a disciplinary sanction. If it decides to do so it starts at the lowest sanction, and only if it considers that sanction inadequate does it move onto the next sanction. Before deciding upon a sanction, the Panel checks to make sure that the next sanction up is not disproportionate before coming to a conclusion. The Panel will consider carefully both mitigating and aggravating factors before arriving at a conclusion.
11. The Panel noted that Mr Woodward had co-operated with the RICS investigation, expressed remorse, and that he had taken steps to address his offending behaviour. Furthermore, Mr

Woodward had insight into the impact his conduct had on the professional reputation of RICS and he had taken steps to remove himself and his company from registration.

12. The Panel first considered whether to impose no sanction, but considered that the matter is too serious for there to be no sanction. The Panel considered the imposition of a caution or a reprimand to be inappropriate for the same reasons.
13. The Panel considered whether it was possible to impose an undertaking or conditions on Mr Woodward's continued membership of RICS, but concluded, given that Mr Woodward's behaviour was unrelated to matters outside of his professional practice, that such sanctions were inappropriate. Furthermore, neither undertakings, conditions nor a fine could address the seriousness of the matter.
14. Having taken into account both the aggravating and mitigating factors, the Panel bore in mind that under paragraph 22 of RICS' Sanctions Policy, a conviction for a serious criminal offence is listed as an example of conduct for which the likely sanction in the absence of extenuating circumstances, is expulsion.
15. The offences of which Mr Woodward stands convicted means he falls far short of the standard expected of a Chartered Surveyor. Whilst taking into account the degree of remorse submitted by Mr Woodward, his criminal behaviour is not only of a very serious nature but also is of such gravity that it is fundamentally incompatible with continued membership of RICS. Therefore the Panel has concluded that the only appropriate penalty is to expel Mr Woodward from membership of RICS.

Determination on Publication and Costs

Publication

16. The Panel directs publication in Modus and on RICS' website, limited to the fact that Mr Woodward was convicted of a serious offence, punishable by a custodial sentence and thereby was considered to be liable for disciplinary action, which resulted in the sanction of expulsion.

Costs

17. The Panel orders that Mr Woodward pay costs in the amount of £600.

Appeal Period

18. Mr Woodward has 28 days, from the service of the notification of the decision, to appeal this decision in accordance with Rule 59 of the Disciplinary, Registration and Appeal Panel Rules.
19. In accordance with Rule 60 of the Disciplinary, Registration and Appeal Panel Rules, the Honorary Secretary of RICS has 28 days, from the service of the notification of the decision, to require a review of this decision.