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HOW TO COMPLAIN ABOUT RICS MEMBERS AND FIRMS

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HELP SHEET



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This help sheet gives information on how RICS deals with complaints against its Members and regulated Firms.

Your first step should always be to attempt to resolve the complaint directly with the Firm/Member concerned.

Complaints to Firms/Members

Every Firm regulated by RICS must have a complaints handling procedure (CHP) in place and the Firm should have told you about it in its terms and conditions of engagement.

If you have not received details ask the Firm for its complaints handling procedure in writing. Keep a copy of the request letter.

A Firm's CHP will have two stages:

- Complaints will be considered by a senior Member of the Firm or a designated complaints handler
- If the complaint cannot be resolved, it will be referred to an independent redress scheme such as an ombudsman. There are a number of redress schemes and the Firm's CHP must give details of the redress scheme to which it refers complaints so that you know where to take your complaint.

CHPs are designed to deal with complaints about a Firm or Member's service or where a request for compensation is involved.

Advice on how RICS deals with complaints

This guide gives you information about the investigation process RICS Regulation follows: the type of things we are able to investigate and matters we are unable to become involved in.

RICS Regulation is the regulatory arm of RICS and is responsible for ensuring that RICS Members and regulated Firms behave in a professional manner and adhere to our rules and regulations. Where Member or regulated Firms fall short of the standards expected of them RICS Regulation takes appropriate action to ensure the risk of further transgression is minimised.

Matters RICS investigates

RICS Regulation only has powers to deal with RICS Members and Regulated Firms' breaches of RICS Bye-Laws, Rules, Regulations, Practice Statements and other compulsory requirements that apply. Therefore we will only be able to investigate certain matters, for example:

- Failure to use a complaints handling procedure;
- Conflicts of interest;
- Misuse of clients' money;
- Failure to answer correspondence; or
- X ● Allegation or a conviction of a criminal offence.

In some cases, the service provided by an RICS Member or Regulated Firm is subject to legal provisions and/or regulated by other bodies, for instance when our Members act as Expert Witnesses or are appointed as Party Wall Surveyors. If that is the case, then your complaint will not be considered until the underlying dispute has been resolved.



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We will let you know as soon as possible if we are unable to investigate your complaint.

Please note that any investigation or disciplinary action taken by RICS Regulation is not a substitute for:

- any stage/s in the CHP available to a Firm's clients including the final stage referral to an independent redress mechanism as stated in the CHP:
 - a) For consumer clients, for example, the Ombudsman Service: Property (formerly the Surveyors Ombudsman Service), the Property Ombudsman (formerly known as the Ombudsman for Estate Agents) or the Financial Ombudsman Service.
 - b) For business clients, for example, the RICS Dispute Resolution Service or Arbitration/Neutral Evaluation Procedures for Surveying Disputes (commonly known as the Surveyors Arbitration Scheme)
- obtaining an expert opinion
- any form of statutory dispute resolution, for example, appointing Party Wall surveyors
- mediation or alternative dispute resolution (ADR)
- taking the matter to court.

What RICS cannot do

= the RICS is NOT A regulator

(See the RICS Rules of Conduct)

Whilst part of RICS' role is to offer consumer protection (such as client money protection, rules covering independent complaints procedures with linked redress and professional indemnity insurance) we cannot award compensation or force our Members or Regulated Firms to do anything – or refrain from doing anything – even if that means they are in breach of RICS Rules or Regulations.

(No wonder there is so much criminality in that sector)

It is important that you realise we do not resolve the complaint itself - that remains a matter between you and the Member or Regulated Firm concerned. We can only investigate matters that relate to breaches of our Rules or Regulations.

RICS cannot:

- Deal with concerns or complaints about anyone who is not a Member of RICS;
- Pay compensation or instruct a Member or Firm to do so (this is for a redress scheme to decide and you will be referred to the Firm's complaints handling procedure);
- Determine whether a Member or Firm has acted negligently (this is for the courts to decide); or
- Interfere with or become involved in court action against a Member or Firm.

Investigations

Where we decide to carry out an investigation into a complaint, in the first instance we will need:

- your contact details;
- the contact details for the Member or Firm about whom you are complaining;
- a brief summary of your complaint (no more than one side of A4);
- what the service was and when it was provided and whether you were/are their client;



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- whether you have paid their fees; and
- whether you have approached the Firm or Member directly and used their CHP.

You may find it easiest to use our complaints form, located at www.rics.org/complaints.

When we receive a complaint, it is acknowledged, given a unique reference number, investigated and a decision made as to whether the information you have supplied indicates that the Member/regulated Firm may have breached RICS Rules or Regulations. When necessary, advice will be sought from one of our forensic surveyors, accountants or other specialists outside RICS Regulation.

If we decide further investigation is required, we will contact the Firm providing a copy of your complaint and any relevant supporting documentation. Our investigations are conducted by reviewing documents that have been provided to us. We will request the documents we require from you or the Member/regulated Firm. Only on very rare occasions would we ask you to supply us with all the documents that you have in your possession.

Your complaint is important to us as we want to ensure that RICS Members and Regulated Firms are operating within the Rules and Regulations. At the same time any complaint is a criticism of their professionalism and we must ensure that it is justified.

If we are unable to investigate your complaint we will let you know as soon as we can and give you details of why we are unable to take your complaint further.

How long will an investigation take?

We try to deal with complaints as quickly as possible but the length of the investigation will depend on the complexity of the matters you have complained about. RICS measures and records how long it takes to deal with complaints and we are always seeking to improve our performance. We may ask you to comment on how we handled your complaint.

What are the possible outcomes?

Any investigation we carry out is a private matter between RICS and the Member/Firm concerned. If our investigation team believes that the Firm or Member concerned has breached RICS' rules and we have been able to gather sufficient evidence of the alleged breach we will refer the matter for disciplinary action.

Our disciplinary services team will look at the allegations and the evidence, in line with the Sanctions Policy – Guidance to RICS Disciplinary, Registration and Appeal Panel Rules, and may decide to:

- Close the case with no further action;
- Negotiate a Consent Order with the Firm or Member. This is a formal written agreement between RICS and the Member/Firm requiring them to take or refrain from taking certain actions within a specified period. This, may also involve the Firm or member paying a fine and/or costs; or
- Refer the case to an RICS Disciplinary Panel (which is usually heard in public).

A disciplinary panel, made up of members of RICS and non Members, has a range of powers including cautions, reprimands, fines, expulsion and de-registration. Its decisions are published on RICS website, journal and in local press. If disciplinary action is taken, we may also contact you, as the complainant, to confirm this.

Whatever the outcome of the investigation (and disciplinary) process, it will not usually resolve any dispute between you and the Member/Firm. It is a matter of investigating whether there has been a breach of the Rules of Conduct, and if necessary taking disciplinary action.



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Is there a time limit for complaining about Firms or Members to RICS?

RICS will not normally investigate complaints about matters that took place more than six years ago unless it considers that it is in the public interest to do so. This reflects the legal position limiting the time in which a claim can be brought to court on a contractual matter.

Further information

Please contact us if you have any questions or concerns about making a complaint.

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Surveyor Court
Westwood Way
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e regulation@rics.org

Additional help sheets and other guidance material can be found at www.rics.org/complaints



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Advancing standards in land, property and construction.

RICS is **the world's leading qualification** when it comes to professional standards in land, property and construction.

In a world where more and more people, governments, banks and commercial organisations demand greater certainty of **professional standards and ethics**, attaining RICS status is the recognised **mark of property professionalism**.

Over **100 000 property professionals** working in the major established and emerging economies of the world have already recognised the importance of securing RICS status by becoming members.

RICS is an **independent** professional body originally established in the UK by Royal Charter. Since 1868, RICS has been committed to setting and upholding the **highest standards of excellence and integrity** – providing **impartial, authoritative advice** on key issues affecting businesses and society.

RICS is a **regulator** of both its individual members and firms enabling it to **maintain the highest standards** and providing the basis for **unparalleled client confidence** in the sector.

RICS has a worldwide network. For further information simply contact the relevant RICS office or our Contact Centre.

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