



## Supplement 3 to the Sanctions Policy – Publication of Regulatory/Disciplinary Matters

01 January 2008

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## 1. Publication Policy

- 1.1** This is a supplement to the Sanctions Policy and sets out the Regulatory Board's approach to the circumstances in which regulatory/disciplinary matters should be published and, if so, the publication content.

## 2. Policy Approach

- 2.1** The Regulatory Board believes that there are circumstances in which it is essential for members of the public, members' clients and potential clients to be aware of an individual member's disciplinary record. There are, however, other circumstances where it is appropriate to record regulatory breaches without identifying the individual concerned.

## 3. Disciplinary Matters

### 3.1 Disciplinary & Appeal Panel Hearings

Forthcoming hearings are posted on the RICS website 14 days prior to the hearing date. The notice will set out the following details:

- Name and location of member or firm
- Charges
- Venue
- Date and time

### 3.2 Outcomes

There is a presumption in favour of publication of decisions of the Disciplinary and Appeal Panel. (This includes findings of "not proven" as the list of forthcoming hearings will have been published previously – see paragraph 1 above). Unless otherwise ordered by the Panel, the following will apply:

- Decisions (including brief details) will be published in RICS Modus.
- Details of decisions will be published on the RICS website as follows:  
Name of member/firm, membership or registration number, location, charges heard, findings of fact, Panel's decision, penalties (if any), details of Panel members, Legal Assessor and RICS representatives.
- Where a member has been expelled or a firm de-registered, RICS Press Office may issue a news release unless, exceptionally, a Panel/Board specifically instructs it not to.
- These details will remain on the RICS website for the following minimum periods from the date of the hearing:

No finding or caution	1 year
Reprimand and/or undertakings and/or fines	3 years
Conditions	The period during which the conditions are in force or 5 years whichever is longer
Expulsion or de-registration	10 years

- The Head of Regulation may extend or reduce the minimum period for publication where he considers it in the public interest to do so, for example where an expelled member continues to practise in circumstances where the public may be misled about their association with RICS.

### 3.3 Interim Orders

Interim orders for temporary suspension/restriction on practising will be placed on the RICS website as follows:

- Name of member/firm and membership or registration number
- Location

The notice will read: Temporary suspension

*"On (insert date) the Disciplinary Panel suspended member/firm from membership of RICS."*

Restriction on practising

*“On (insert date) the Disciplinary Panel restricted member/firm from XX”.*

The notice will remain on the RICS website for the duration of the period of suspension/restriction of practice.

### 3.4 Fixed Penalties

**a.** A list setting out the number of Fixed Penalties issued during the previous quarter for breaches of:

- Rule 8 of the Rules of Conduct for Members
- Rule 14 of the Rules of Conduct for Firms and
- Rule 10.1 of the Rules for the Registration of Firms

including the subject matter, will be placed on the RICS website. This information will remain on the website for 12 months. Individual members/firms will not be identified.

**b.** There will be no publication of the number or names of Members who receive a Fixed Penalty Caution for a first breach of Rule 6 of the Rules of Conduct for Members. A list setting out the names of those Members issued with a subsequent Fixed Penalty for a breach of Rule 6 will be placed on the RICS website. This information will remain on the website for 12 months.

### 3.5 Consent Orders

A list setting out the number of Consent Orders issued during the previous quarter, including the subject matter of the Orders, will be placed on the RICS website. This information will remain on the website for 12 months. Individual members/firms will not be identified.

However, RICS will inform the maker of any allegation of the decision to issue a consent order, and reasons for that decision (in accordance with Rule 8b of the Disciplinary, Registration and Appeal Panel Rules).

## 4. Regulatory Matters

### 4.1 Registration Panel

**a.** Where a Member has been expelled and is seeking readmission via a Registration Panel hearing, a notice of the forthcoming hearing will be posted on the RICS website prior to the hearing date.

**b.** In a above, the notice will set out the following details:

- Name and location of Relevant Person
- Reason for expulsion
- Venue
- Date and time

**c.** There is a presumption in favour of publication of decisions of the Registration Panel in respect of applications for readmission following disciplinary expulsion. For any other applications considered by the Registration Panel, publication of decisions shall be at the Panel's discretion. Unless otherwise ordered by the Panel, publication shall be on RICS' website and in RICS Modus.

**d.** Any publication of the decision will set out the following details:

- If successful – full decision will be published
- If unsuccessful – only the words 'Unsuccessful' will be published

**e.** The details of any decision in respect of an application for readmission following disciplinary expulsion will remain on RICS website for a minimum of 10 years from the date of the expulsion decision or 1 year from the decision of the Registration Panel whichever is later. Any other decision shall remain on the website for a minimum period of 12 months from the date of the hearing or such other time as the panel directs.

**f.** The Head of Regulation may extend or reduce the minimum period for publication where he considers it to be in the public interest to do so, for example where an individual continues to practise in circumstances that may mislead the public about their association with RICS.

**4.2** Decisions of the Head of Regulation

Details of firms suspended or deregistered by the Head of Regulation under the Rules for the Registration of Firms will be published on the RICS website. These details will remain on the website until a suspension is lifted or for a period of 12 months for deregistrations.



## Confidence through professional standards

RICS promotes and enforces the highest professional qualifications and standards in the development and management of land, real estate, construction and infrastructure. Our name promises the consistent delivery of standards – bringing confidence to the markets we serve.

We accredit 125,000 professionals and any individual or firm registered with RICS is subject to our quality assurance. Their expertise covers property, asset valuation and real estate management; the costing and leadership of construction projects; the development of infrastructure; and the management of natural resources, such as mining, farms and woodland. From environmental assessments and building controls to negotiating land rights in an emerging economy; if our professionals are involved the same standards and ethics apply.

We believe that standards underpin effective markets. With up to seventy per cent of the world's wealth bound up in land and real estate, our sector is vital to economic development, helping to support stable, sustainable investment and growth around the globe.

With offices covering the major political and financial centres of the world, our market presence means we are ideally placed to influence policy and embed professional standards. We work at a cross-governmental level, delivering international standards that will support a safe and vibrant marketplace in land, real estate, construction and infrastructure, for the benefit of all.

We are proud of our reputation and we guard it fiercely, so clients who work with an RICS professional can have confidence in the quality and ethics of the services they receive.

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