



How to complain about an RICS member

If you are unhappy with a chartered surveyor (FRICS or MRICS) or a technical surveyor (Tech RICS) who is a member of the Royal Institution of Chartered Surveyors (RICS), there are various ways you can make a complaint.

You can:

- Complain to the surveyor concerned;
- Complain to RICS;
- Take your case to the small claims court.

In this leaflet, we explain which of these to pursue. Your choice will depend on the nature of your complaint, and the outcome you're hoping for.

Complaining to the company concerned

Whatever your complaint, your first step should always be to complain directly to the company concerned, via its own complaints handling procedure.

Every company should have one in place – it is one of the key requirements of RICS membership, and you should have been told about it in the terms and conditions of engagement you received.

Ask for details of the procedure – these should be available in a clear written form. They will explain how to make your complaint, and how the company will aim to resolve it.

As a minimum this should include:

- A contact name and details – the person to whom complaints should be addressed;
- A statement of the firm's commitment to a particular timetable – how quickly you can expect an initial acknowledgement, and how long any investigation will take;
- A second contact name – who to approach if you're unhappy with the way in which your complaint has been handled;
- Details of a mediation scheme to which the firm belongs – this should follow either RICS or Centre for Dispute Resolution (CEDR) guidelines;
- And a guide to referring complaints on to the Surveyors and Valuers Arbitration Scheme (or something similar), if all else fails. You must go through the surveyor's complaints handling procedure in order to access this.

If the surveyor hasn't got a complaints procedure, or can't provide you with details, you should take your complaint to RICS.

Complaining to RICS

You should complain to RICS if you're unhappy, in practical terms, with how a surveyor has treated you, and you haven't got satisfaction from using their complaints handling procedure.

If you feel they have let you down in any concrete way – for example, if you feel they have cost you money through fraud or dishonesty, say, or they have just constantly missed deadlines, then bring your complaint to RICS. And you won't have to pay anything to do so.

If you want financial compensation

It's important to note, that RICS *cannot* award compensation – it can discipline, suspend or expel its members, but it cannot make any financial payment to you, or order its members to do so.

So, if this is what you want, don't waste your time complaining to RICS – instead, take your complaint to the Surveyors and Valuers Arbitration Scheme (via your surveyor's company's own complaints handling procedure) or the small claims court.

If you are then awarded damages by either of these, the firm concerned should be able to pay – all are obliged to have proper professional indemnity insurance as a condition of their membership of RICS.

If you decide you do want to complain to RICS, your first port of call should be RICS Professional Conduct – you can write to us or telephone. Our contact details are at the end of this leaflet.

Depending on its seriousness, your complaint may then be considered by the Professional Conduct Panel or a Disciplinary Board.

Complaining to the Surveyors and Valuers Arbitration Scheme

Alternatively, if you've been through your surveyor's company's own complaints handling procedure, but are unhappy with the outcome and you are seeking financial redress, you may want to use the Surveyors and Valuers Arbitration Scheme (or maybe some other similar scheme).

Bear in mind, though, if you decide to go down this route, and you lose your case, you cannot then go to court.

The Surveyors and Valuers Arbitration Scheme is an independent scheme run by the Chartered Institute of Arbitrators. You will need to pay £235 upfront as an 'appointment' fee (as will your surveyor), but this will be refunded to you if you win your case.

The scheme can also award you financial compensation, if it finds in your favour. And all member firms of RICS are obliged to participate if the scheme agrees to take on your case.

See contact details at the end of this leaflet.

Taking your case to the small claims court

If you feel you have no other option, you may want to consider taking your case to court particularly if you are seeking financial redress. Be warned, though, this can be expensive and time consuming unless the amount you are seeking is at a level that can be dealt with by the small claims court. And even this won't be an option if you've already been to the Surveyors and Valuers Arbitration Scheme.

You can go to the small claims court if you're looking for compensation of any sum up to £5,000. For more information on pursuing this route, visit your local Citizens Advice Bureau, or consult a solicitor.

Making your complaint

Do all you can to improve your chances of a good outcome. Always set out your complaint as clearly as possible in writing. And keep copies of all relevant correspondence, and written records of any phone calls. That way, you'll be in the strongest position to argue – and, hopefully, win – your case.

Contacts

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