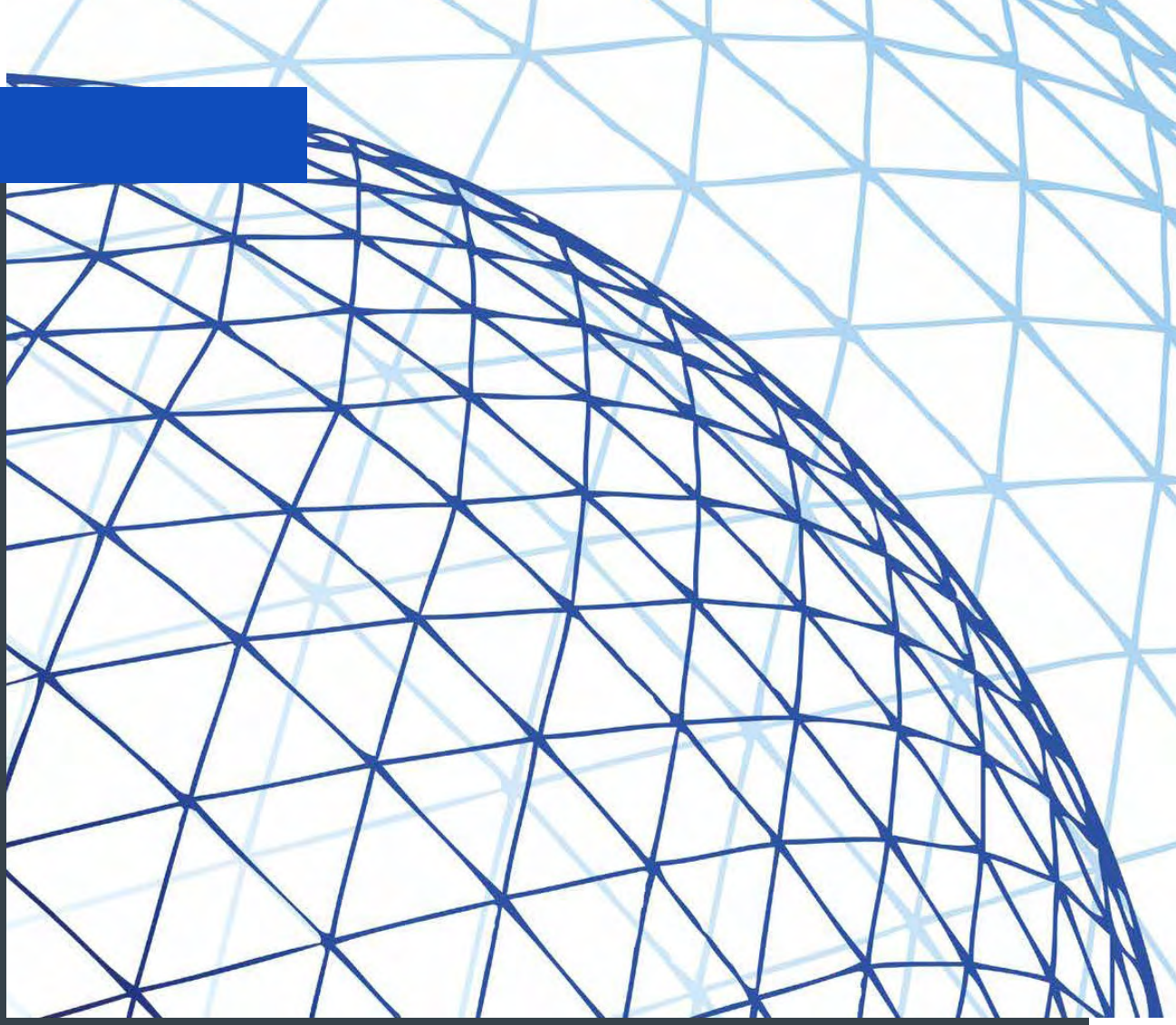
REGULATION



RICS Sanctions Policy: Supplement 3 publication of regulatory/ disciplinary matters

Version 10 with effect from 28 March 2024

Supplement 3 to the Sanctions Policy: publication of regulatory/ disciplinary matters

1 Publication policy

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

2 Policy approach

The Standards and Regulation 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 Single Member Decisions, Disciplinary and Appeal Panels

3.1.1 Notice of forthcoming Disciplinary and Appeal hearings is posted on RICS' website 14 days prior to the hearing date. The notice sets out the following details:

- **a** name and location of member or firm
- **b** charges
- **c** venue and
- **d** date and time.

3.2 Outcomes

3.2.1 There is a presumption in favour of publication of Single Member Decisions and decisions of the Disciplinary and Appeal Panel. (This includes findings of 'not proven'.) Unless otherwise ordered by the Tribunal, the following will apply:

3.2.2 Details of decisions will be published in RICS Modus as follows:

- **a** name of Regulated Member

b membership or registration number

c location

d charges heard

e hearing date (where relevant)

f Single Member or Panel's decision as to findings of fact and liability to disciplinary action (where relevant) and

g sanction(s) (if any).

3.2.3 Details of decisions will be published on RICS' website as follows:

a name of Regulated Member

b membership or registration number

c location

d charges heard

e findings of fact

f Single Member or Panel's decision as to findings of fact and liability to disciplinary action (where relevant)

g sanction(s) (if any) and

h details of Tribunal member(s), Legal Adviser and RICS representatives where relevant.

3.2.4 Where a member has been expelled or a firm deregistered, RICS Press Office may issue a news release unless, exceptionally, a Panel/Board specifically instructs it not to.

3.2.5 These details will remain on RICS' website for the following minimum periods from the date of the hearing:

Sanction	Time period
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 deregistration	10 years

3.2.6 Head of Regulation may extend or reduce the minimum period for publication where s/he considers it in the public interest to do so, for example where an expelled/withdrawn

Regulated Member continues to practise in circumstances where the public may be misled about their association with RICS.

3.3 Interim measures

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

a name of member/firm and membership or registration number and

b location.

3.3.2 The notice will read:

a Temporary suspension:

b Restriction on practising:

'On (insert date) the Disciplinary Panel restricted member/firm from XX.'

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

3.4 Fixed Penalties

3.4.1 A list setting out the number of Fixed Penalties issued during the previous quarter for

a breaches of the Rules of Conduct, relating to failures to provide information to RICS and

b breaches of Rule 10.1 of the Rules for the Registration of Firms,

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

3.4.2 There will be no publication of the number or names of Regulated Members who receive a Fixed Penalty Caution for a first breach of the Rules of Conduct obligation to comply with CPD requirements. A list setting out the names of those Regulated Members issued with a subsequent Fixed Penalty for a breach of the Rules of Conduct obligation to comply with CPD requirements will be placed on RICS' website. This information will remain on the website for 12 months.

3.5 Regulatory Compliance Orders

3.5.1 A list setting out the number of Regulatory Compliance Orders issued during the previous quarter, including the subject matter of the Orders, will be placed on RICS' website. This information will remain on the website for 12 months.

3.5.2 RICS will inform the maker of any allegation of the decision to issue a Regulatory Compliance Order, and reasons for that decision (in accordance with Rule 8 of the Regulatory Tribunal Rules).

3.5.3 RICS may decide not to publish the identity of individual members or firms if satisfied that it would be unable to do so without:

- **a** disclosing an individual's confidential, or legally privileged, information
- **b** disclosing an individual's confidential medical condition or treatment
- **c** prejudicing other investigations or legal proceedings or if
- **d** in all the circumstances the impact of publication would be disproportionate.

3.5.4 These factors are not exhaustive, and RICS will take into account other factors that it considers to be relevant.

4 Regulatory matters

4.1 Registration Panel

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

4.1.2 The notice listed in (a) above will set out the following details:

- **a** name and location of Regulated Member
- **b** reason for expulsion
- **c** venue and
- **d** date and time.

4.1.3 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 will be at the Panel's discretion. Unless otherwise ordered by the Panel, publication will be on RICS' website and in RICS Modus.

4.1.4 Any publication of the decision will set out the following details:

- **a** If successful – the Registration Panel's full Record of Decision will be published on RICS' website. In RICS Modus the name of the Regulated Member, date of the hearing, application sought and confirmation of the successful outcome will be published.
- **b** If unsuccessful – the name of the Regulated Member, date of the hearing and the word 'unsuccessful' will be published in RICS Modus and on RICS' website.

4.1.5 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 12 months from the decision of the Registration Panel, whichever is later.

4.1.6 Any other decision will 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.

4.1.7 Head of Regulation may extend or reduce the minimum period for publication where they consider 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 Head of Regulation

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

Delivering confidence

We are RICS. As a member-led chartered professional body working in the public interest, we uphold the highest technical and ethical standards.

We inspire professionalism, advance knowledge and support our members across global markets to make an effective contribution for the benefit of society. We independently regulate our members in the management of land, real estate, construction and infrastructure. Our work with others supports their professional practice and pioneers a natural and built environment that is sustainable, resilient and inclusive for all.

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