

Consultation Results

DRS Future Vision Consultation Results

RICS Dispute Resolution Service (DRS)



DRS Consultation Survey – Results

Introduction

In parallel with the recent RICS membership survey, DRS conducted its own survey of a wide cross section of:

- users of DRS services
- party representative solicitors and surveyors, and
- President's Panel members

drawn from all disciplines of ADR.

The DRS survey:

- ran from 29 March to 15 May 2021,
- was sent to 2,709 respondents of whom 286 replied, a response rate 11%. This yielded a 95% probability that had every respondent participated, the outcome would be within 1.2 percentage points of the figures in this report. In other words, the results are statistically highly relevant
- 93% of respondents were in the United Kingdom, and 7% internationally
- consisted of 16 questions requiring either a scaled response from 'strongly agree' to 'strongly disagree' or equivalent or a qualitative response
- allowed respondents to submit further observations on all questions
- allowed for anonymous responses
- the questions can be [viewed here](#)

The survey gathered insight on:

- the importance of chartered surveyors in advising and resolving disputes
- the significance of its conflict avoidance and dispute resolution function as a key part of RICS' future strategy
- the reputation of the RICS Dispute Resolution Service (DRS) in the market
- the quality and value of RICS ADR training and suggestions for improvement
- the quality and value of RICS professional guidance on ADR and suggestions for improvement and any additional support needed.

Key findings

1. Standing in the profession

93% feel chartered surveyors play an important role in advising and resolving disputes.

96% consider dispute resolution services significant in RICS' future plans.

88%

See growth opportunities for RICS ADR outside of the traditional rent review sector which is expected slowly to decline

These respondents believe most opportunities for growth lie in the construction sector

16% believe the pandemic has reduced disputes, mainly in the commercial sector, but all outside this area expect demand to bounce back after the restrictions end.

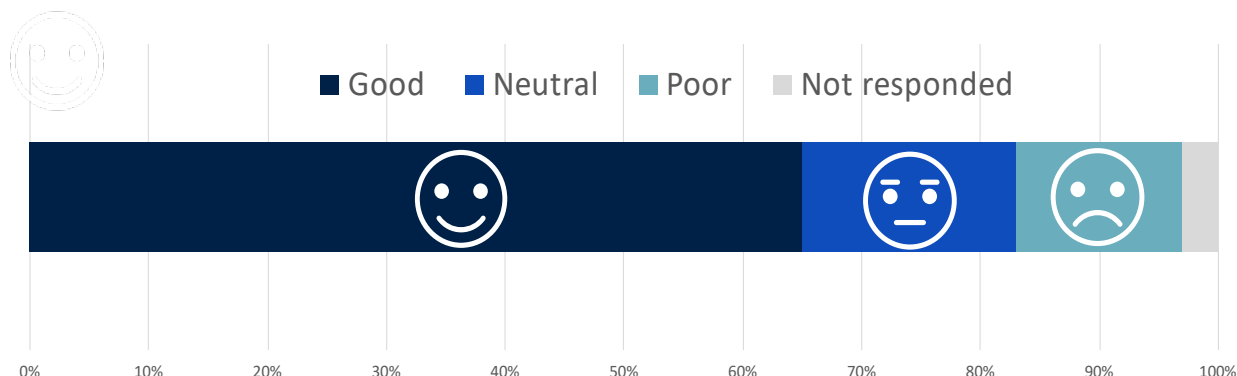
Feel RICS dispute resolvers are valued by clients, industry and government.

They believe the top three causes for undervaluing RICS dispute resolvers are:

- a lack of understanding of the role
- lawyers controlling the process, and
- clients looking to solicitors rather than surveyors for ADR services .

72%

2. DRS appointment services



Two thirds of user and party representative respondents highly regarded DRS as having a strong reputation in the market as a body that provides dispute resolution services. 16% were neutral and 14% expressed points of discontent.

Concerns which impacted on our approval rating included:

- Lack of public awareness or promotion by RICS of the services its trained dispute resolvers are able to perform – NPIERS singled out as an example where RICS is losing market share to new competitors with better marketing.
- Negative comments made by users about DRS being a monopoly due to its being named in over 90% of commercial leases, whilst in areas where users have more choice, such as adjudication and NPIERS, the majority of respondents felt that DRS offers a good service.
- Nonetheless 12% made comments about DRS's standards falling against competitors, particularly in adjudication appointments. Some complained that DRS did not appoint enough newly qualified adjudicators, and a similar number complained that they did not always get the most experienced members of the panel.
- Under-resourcing and DRS staff battling to respond as quickly as pre-Covid.
- And although not strictly related to the appointments service itself:
 - High cost of RICS ADR education.
 - DRS does not provide enough free CPD for its panellists.

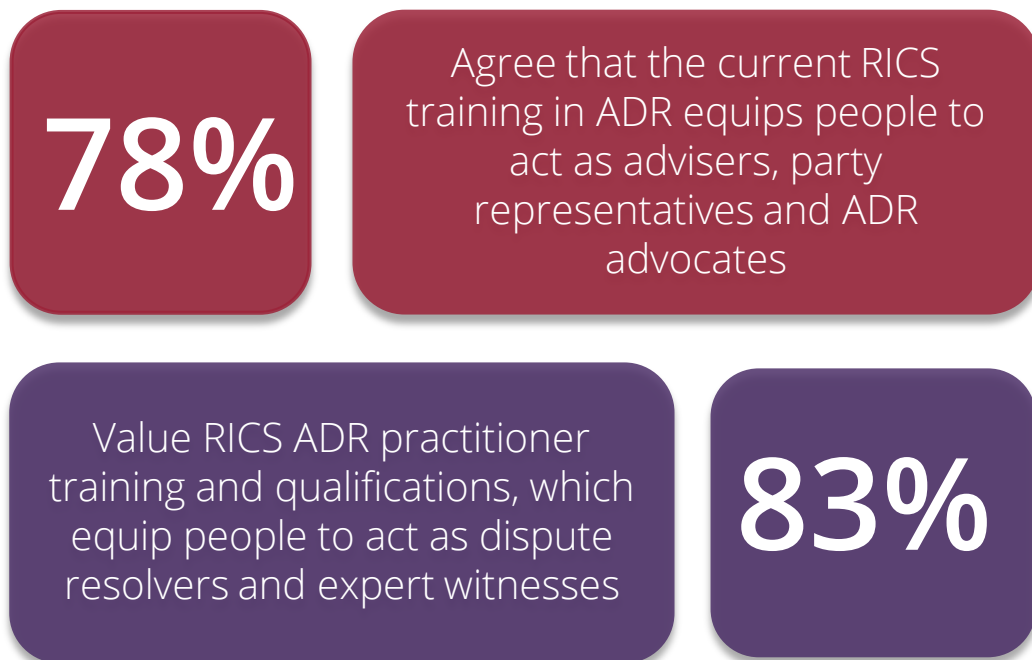
3. RICS President's Panel

65% expressed satisfaction with the appointment of and service provided by the President's Panel.

35% raised varying degrees of criticism centred on:

- The need for greater confidence in the panels of dispute resolvers – this is particularly so in specialist high value areas of rent review work such as West End offices, where there is widespread resistance to the introduction of anyone new as an arbitrator or expert.
- Conversely, the need for a greater spread of dispute resolvers being appointed: there were references to the panel being a 'clique' and a 'closed shop'.
- The need for RICS to regulate the costs/fees of dispute resolvers appointed.
- Tenant focused firms' insistence that RICS appoints landlords' men, and vice versa for landlord focused firms.
- Greater focus on regional areas, RICS seen as London-centric.
- The need for a wider pool and inclusion of younger dispute resolvers.

4. DRS Education

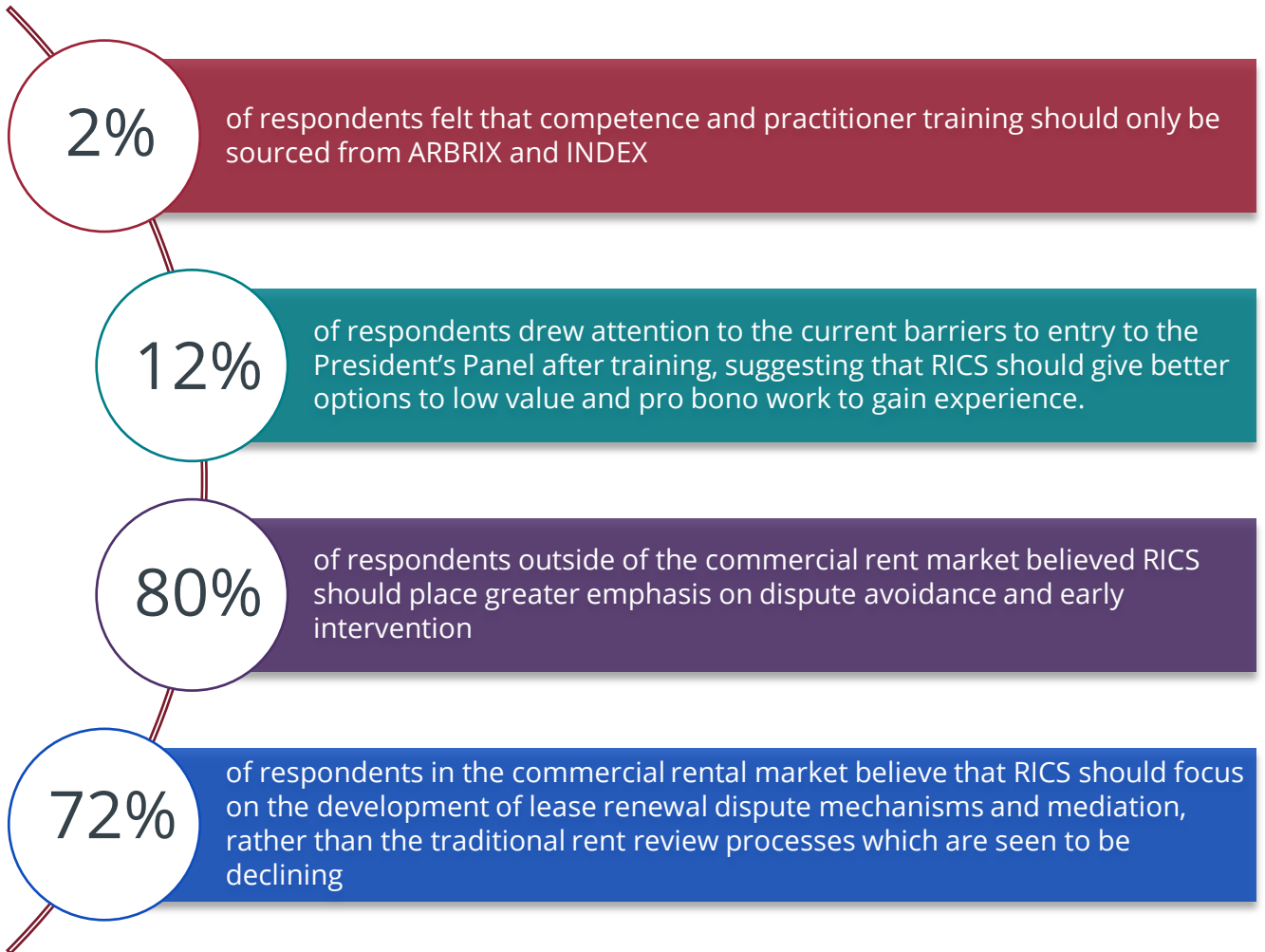


Whilst 83% of respondents value current RICS ADR practitioner training, they provided wide ranging suggestions for more skills development education to create greater competence and confidence in the dispute resolution sector.

The key themes were:

- Need for more affordable, flexible, and quicker training options
- Need for more competency based training
- Opportunities for short courses covering specific skills such as mock adjudication hearings
- More mentoring and pupillage prospects
- A demand for pro-bono work and/or low value consumer (or similar) services to provide new practitioners with more work and opportunities to develop
- Stronger accreditation with recognised universities and qualifications such as a Masters degree programme in Dispute Resolution
- Greater practical advice
- Strengthened emphasis on legal knowledge for panellists
- Development of better links with the court system to offer greater opportunities for panellists e.g. mandatory ADR options for mediation, commercial rental evaluation and lease renewals (PACT)
- Increase public awareness of RICS dispute resolvers and services available
- Specific education for advisers and party representatives
- Greater variety of trainers delivering courses
- Need for more free CPD on ADR matters

- Introduction of significant ADR training at an earlier stage within the profession, specifically within the APC, to encourage new professionals – ADR to be seen as a core skill for chartered surveyors.



5. RICS ADR Professional Guidance

60% of respondents have a **positive** view on the **quality and quantity of guidance** on ADR related matters provided by RICS.

Criticisms included:

- RICS ADR guidance can be verbose and difficult to follow
- ADR Guidance and DRS services generally are difficult to find on the RICS website

Respondents provided gave mixed views on any additional guidance needed: 47% felt that additional guidance would be helpful, whilst 44% felt that RICS provided the right amount of guidance.

The themes arising were that RICS need to provide:

- Clear documents for clients in simple terms about what ADR is and how it works those practitioners can refer to and include in client proposals.
 - Clear explainer materials for the uninitiated public and SMEs who have disputes but have no idea how to resolve them.
 - Party representative guidance and education.
 - Introduction of ADR in compulsory purchase guidance.
 - Improved lease renewal (PACT) guidance – current guidance out of date and unwieldy.
 - Reworked mediation guidance – current GN outdated and based on old facilitative model.
1. Over 25% of respondents mention introducing guidance notes that are already in existence, indicating a worrying lack of awareness of the guidance and mandatory practice statements that are already in place. Mediation was most often cited.
 2. There is a distinct disconnect with the production of guidance and how the guidance is communicated and promoted. All respondents who commented, feel RICS should be bolder with communications of new guidance and email the information to sector professionals when introduced.
 3. 4% of respondents felt other professional organisations such as CAAV, CIARb and the Academy of Expert Witnesses offer better guidance than RICS.
 4. There were also some comments about keeping up with the pace of the industry on guidance and continually updating, innovating and modernising guidance produced.

Conclusions

The overall message from RICS members is clearly visible throughout the responses to the survey.

- Members believe DRS is a crucial part of RICS' future
- Surveyors are, and will continue to be, at the cutting edge of conflict avoidance, management and resolution in the built environment
- RICS should increase its recognition of this and concentrate on investing time and resources to support the growth and development of its and its members role in this sector

Future steps

In the medium to long term, the survey results identify a number of steps that can be taken to ensure that the chartered surveying profession takes a leading role in shaping the future of dispute resolution in the UK and globally.

In the short term, they point DRS to work to:

- Create greater clarity and public awareness of key DRS services and improved engagement with users of the service. For example, greater engagement with RICS marketing and communications, topical articles through social media presence, outreach sessions and free CPD
- Develop greater transparency of the selection process to improve confidence in the panels of dispute resolvers
- Develop mentoring and pupillage prospects for new panellists and offer support systems through mentoring for existing panel members based on outcomes of assessments and at voluntary request
- Review the current DRS education portfolio and identify areas where there can be a greater variety of subjects and trainers delivering courses
- Develop specific education for advisers and party representatives
- Explore and develop potential pro-bono work and/or low value consumer (or similar) services to provide new practitioners with opportunities to practise their skills upon qualification
- Create and implement a strategic awareness campaign around DRS guidance (both for panellists and consumers)