

## RICS PANEL COMPETENCIES PROGRAMME - FAQ's

### **What is the Panel Competencies Programme?**

The Panel Competencies Programme aims to replace and improve the system of reassessment interviews that took place every five years. We are using a new approach which involves panellists attending interactive workshops on ten core adjudicator competencies. Panellists will also undertake online and/or written assessments for each competency.

The objective is to improve professional standards and maintain RICS' reputation as the leading Adjudicator Nominating Body in the UK.

The programme is a mix of educational improvement and skills/knowledge testing. Each competency workshop will be led by a tutor who is also on the RICS panel. The structure and format of a workshop enables tutors and panellists alike to share knowledge and practical experiences.

The Programme is designed to maintain the high standards of RICS panel adjudicators, and sharpen their existing skills, thus enhancing the reputation of the RICS panel overall.

### **What is the purpose of the workshops?**

Each workshop focusses on a core competency required to discharge the function of adjudicator. The workshops are facilitated by experienced adjudicators. Attendees are expected to engage in real-life problem-solving exercises, which allows them to learn from each other, and develop and enhance their skills further.

### **Will the subject matter of the competencies be changed or expanded?**

We have worked with experienced panellists to establish ten core areas that adjudicators should be able to demonstrate competency in order to discharge the role to a high standard.

As the programme develops, we will inevitably discover subject areas that will need to be included, either as a specific component of a current competency or as a competency in its own right. We welcome observations and suggestions from panellists and others who may attend the workshops.

### **Is the Panel Competency Programme merely a revenue opportunity for DRS?**

The fees paid by panel adjudicators to attend workshops and undertake assessments is just about adequate to meet DRS's costs for delivering the programme.

Any additional income, such as fees paid by non-RICS panellists will provide contingency to meet any additional costs and help the programme achieve a modest margin.

### **Why was there no consultation over the introduction of the competency programme?**

The Panel Competencies Programme has been developed over the past two years, during which time members of Arbrix have been given regular updates at their twice-yearly conferences

The Programme has also been developed with support from experience panellists, who have acted as technical advisers and sounding boards.

Ultimately, it is matter for RICS to determine how it sets and monitors quality and standards relating to the panel. We must avoid allowing the situation to emerge whereby the industry perceives that RICS standards for recruiting, retaining and removing adjudicators from its panel are being determined by adjudicators on, or aspiring to be on, the panel.

### **What is the structure of the workshops?**

Each workshop is conducted over three hours, and there are two competencies delivered back-to-back over one day.

They are interactive and involve discussions and questions around real-life scenarios.

All attendees are expected to participate in discussions and be ready to answer questions and provide views on how they would deal with specific problems arising out of the scenarios.

Tutors conclude the workshops by providing feedback and guidance on how problems and issues raised in the scenarios should be dealt with.

Attendance at a workshop will be followed by an online multiple-choice tests, which must be completed within 28 days of the date of attending the relevant workshop.

### **Do I have to take the competencies in any particular order?**

No. DRS encourages adjudicators to consider a development plan that suits them and spreads out their learning and attendance at these workshops over the five-year period.

### **How often will the competency programme run per year?**

Each competency workshop will be scheduled to run twice a year. A scheduled workshop will run subject to adequate numbers enrolling on it.

### **At which locations will the competency workshops run?**

The first workshops were scheduled to be delivered in London and Edinburgh. We are looking at additional locations going forward. Our aim is to help accommodate panellists from across a wide geographical spread.

### **What are the requirements if I am on the Scottish and England and Wales panel?**

The competencies required to be an adjudicator in Scotland and also in England, Wales and Northern Ireland are largely the same, except for the law component.

There is no requirement to attend separate workshops on both Scots law and English law. The training sessions which focus on the law are not designed to teach panellists what the law is, but instead develop their skills of applying it. Both training sessions will reference elements of English and Scots Law as and where applicable regardless of location. Adjudicators will be required to take note of the differences regardless of which jurisdictions they receive nominations in.

### **What if I am unable to attend the ten competency workshops in a five-year period?**

Completing the ten competency workshops and associated assessments is a pre-requisite for remaining on the panel.

There will be opportunities to attend sessions scheduled throughout the year. Failure to attend at least four different competencies in a two-year period may result in an adjudicator being suspended from the panel until the required number of competencies is completed or a panellist may be called for a formal face-to-face panel reassessment interview.

A panellist who fails to complete any of the workshops in the five-year period may be removed from the RICS panel.

A panellist who completes some but not all the ten workshops in a five-year period may be suspended from the panel. The panellist will be invited by DRS to explain why they did not complete the outstanding workshop(s). DRS will take into consideration mitigating circumstances, such as illness, etc. and will set a fresh deadline for completing the outstanding workshop(s).

If a panellist knows in advance that they will be unable to attend all ten workshops within the five-year period, they should contact DRS as soon as possible and explain why.

### **When does the five-year period run from?**

The five-year period begins from the date of joining the panel or from panellists' last reassessment interview. All adjudicators on the panel were reassessed between 2017 - 2019.

### **How have the online multiple-choice tests (MCT) been developed?**

Questions and answers have been formulated by the same experienced adjudicators who are currently on the list of tutors. All questions and answers are analysed and moderated by DRS.

### **What if I fail an MCT?**

The objective is to help panellists maintain the high level of competency that is expected of RICS adjudicators by ensuring they have up-to-date knowledge and understanding of each competency. If you fail to achieve at least an 80% pass on an MCT, you may take the test repeatedly, until you have passed and thus demonstrated you have the level of proficiency in the relevant subject area to remain on the panel.

The number of times to take the online assessment will be recorded. Repeated failure to achieve 80% on one or more MCTs may trigger an invitation to attend a formal face-to-face panel reassessment interview

### **What if I fail the written assignment?**

Nine of the ten competency workshops will involve assessments through online MCTs. Only the Decision Making workshop will involve an assessment based on a written assignment.

If you fail to achieve the pass mark (70%) on the written assignment, you will be provided with feedback and invited to submit a second written assignment.

If you fail the second written assignment, DRS may invite you to attend a formal face-to-face panel reassessment interview

### **If I fail an MCT, do I have to attend the full workshop again or can I just retake the MCT? If I can just take the MCT is there a charge to retake this?**

There is no automatic requirement for a panellist to re-attend a workshop.

The cost of taking an MCT is built into the overall fee for attending the relevant workshop. No additional fee will be charged for retaking an MCT.

DRS will monitor the success rate of panellists taking MCTs, including the number of attempts they make. If DRS identifies concerns with regard to a panellist's ability to complete an MCT successfully, we may take action that could include requiring panellist to attend a second workshop on the relevant competency.

### **Are panellists required to complete the MCT at the relevant workshop in a controlled environment?**

No. The MCTs can be accessed online by panellists any time after a workshop and anywhere, e.g at the panellist's home or office. The panellist will be required to complete an MCT within 28 days of attending the relevant workshops

### **If an MCT is completed outside of a controlled environment, how will RICS ensure that questions have been answered without guidance?**

A key objective of the Panel Competency Programme is to support panellists by keeping them updated in law and practice. It is therefore in the interests of each panellist to answer questions on an MCT as best they can by using their own knowledge and judgment. Even so, we anticipate that, where there are two answers to an MCT, which both seem correct, it would help the panellist to discuss the matter with others before submitting an answer.

RICS adjudicators perform a role that requires immense integrity and professionalism. We understand that DRS should be able to trust panellists to behave correctly. We anticipate that panellists will generally be able to draw on the learning they acquire from a workshop, plus their own experiences and expertise to answer MCT questions correctly.

A panellist may take an MCT as many times as necessary to achieve a pass.

**Are the MCT's timed for example need to be completed within 30 minutes?**

No. A panellist may take as long as they wish to complete an MCT. A panellist may start to answer questions and revisit the online programme later to complete the MCT.

**If I get less than the pass rate, will I be informed of my result and which questions I did not get correct to help me improve?**

The online programme will provide the results of an MCT immediately after it is completed and will highlight any questions that have been answered incorrectly.

**How many CPD hours are attached to attending a workshop?**

Two competency workshops will be run back-to-back over one day and will count as a total of six hours of formal CPD. Panellists are expected to attend a full day. Panellists may also record as informal CPD any follow up research they undertake, or the time they spent undertaking the assessments.

**Can I do the same workshop more than once in a five-year period?**

Yes. You may undertake a competency workshop and assessment in the same subject area as many times as you wish. The content and materials for each workshop will be refreshed regularly to reflect continuous changes in law and practice.

Note: you must undertake all ten individual competencies within the five-year period.

**If I complete the same workshop and achieve an improved pass rate on the relevant MCT, will the improved pass rate be registered on my DRS file record?**

Yes. All completed MCTs will be recorded and results attached to the panellist's record. DRS will not delete your previous result, but your improved result will be taken into consideration when assessing your performance at the workshops.

**If I retake a workshop and my pass rate for the MCT decreases, which result will be recorded by DRS against my file record?**

Both. All attendance at workshops and results of MCTs and written assignments will be recorded.

**What will happen if DRS is concerned that a panellist is not achieving an appropriate level of competency in one or more subject areas?**

DRS owes a duty of care to parties to take reasonable care to ensure the adjudicators it nominates are properly qualified to discharge the role.

If DRS has concerns about a panellist, it must take action or otherwise risk acting in bad faith by holding someone out as being competent when we are not satisfied that is the case.

Any concerns DRS has about an adjudicator's competency in any subject area will be taken up with adjudicator. DRS will decide what, if any, action needs to be taken. Resolution may be achieved simply through by guided reading and/or the adjudicator submitting a written assignment.

DRS maintains the right to call a panel adjudicator to attend a face-to-face panel assessment interview, which may focus on specific area or areas of possible shortcomings in the adjudicator's knowledge or skills.

#### **Who decided who will tutor on the workshops?**

The idea for the Panel Competency Programme initially came from some panellists who are highly experienced, and respected, adjudicators. DRS set up a small working party comprising of these adjudicators and senior DRS staff, to scope and develop the programme. During the course of several meetings the small group of experienced adjudicators volunteered to act as sounding boards and technical advisers. They also volunteered to deliver the initial workshops.

DRS welcomes expressions of interest from other panellists who would like to be considered as tutors as we roll out the programme in the coming months and years.

#### **What happens if a panellist does not agree with the tutor's feedback on the workshop day?**

It is not the role of a tutor to assess attendees during a workshop. A tutor may provide feedback directly to a panellist during or after a workshop with the objective of helping the panellist to improve their knowledge and skills as an adjudicator. It is anticipated that there will be discussions between panellists and workshop tutors, wherein both sides may not agree on some matters. This is to be expected and will not normally give rise to significant concerns about an adjudicator's overall competency.

It is possible, nevertheless, that a tutor may have meaningful concerns about a panellist's competency, e.g. because of their responses to certain questions, etc. that it would be sensible for the tutor to both provide feedback to the panellist, and inform DRS.

DRS may copy the feedback to the panellist and invite them to respond to it. DRS will decide what further action, if any, should be taken. Such action can include a requirement for the panellist to attend a panel reassessment interview.

#### **Is there a risk that tutors will have too much say in who is on the panel, who remains on the panel and who is removed from the panel?**

We anticipate that tutors on the workshops will act as facilitators of discussions in problem solving exercises. It will not be within their remit to decide who is on the RICS panel.

DRS will continue to work with its regulatory board the Dispute Resolution Appointments Board (DRAB) and the President's office to set and maintain standards and policy around panel recruitment, retention and removal. Any decision regarding membership of the panel will be decided by the President, who will take advice from DRS and DRAB.

Inevitably, DRS will take into consideration any serious concern raised by a tutor which goes to the ability of an adjudicator to discharge the role to the required standard. However, DRS will make its own investigations into any concerns raised by a tutor.

DRS will engage with the relevant panellist and may seek technical advice and support from others. If DRS decides a matter warrants further investigation, we will take appropriate action.

#### **How much will it cost to attend a formal face-to-face panel reassessment interview?**

The current cost is £550 plus VAT

However, if panellists have attended the required competencies, and successfully passed the online assessments and written exercise, they will not normally be required to attend the five-yearly formal panel reassessment interview.

Panellists will be called for the formal face to face panel reassessment interview only in exceptional circumstances, examples of which can be found in the Criteria for Continuous Training and Reassessment of Adjudicators on the RICS President's Panel.

**I currently pay £550 plus VAT for my five-yearly assessment interview. I will now be expected to pay £325 plus VAT per year. What I am receiving for this additional cost?**

RICS is aware of the constant scrutiny that our nominations service and panellists are under. The competency programme is intended to reassure government and the users of RICS adjudication services that we are actively and continually helping our adjudicators to keep up to date and that we are monitoring them on a continuous and systematic basis.

The programme of workshops is designed to be interactive and offer highly experienced adjudicators opportunities to continuously improve their practical knowledge and skills. It also demonstrates to users of adjudication that a panellist is constantly on top of their game throughout the time they are on the RICS panel.

The Panel Competency Programme is significantly more than a one-off interview every five years. It is a rolling programme of education and updating for adjudicators, and assessments, which we believe offers value for money.

Panellists will be able to count the program workshops toward their CPD hours.

**What happens if I am due to undertake a reassessment interview in 2022 or 2023 and the Competency Programme commenced in May 2019?**

If you were last reassessed in 2017, you will be required to attend six competencies by 2022.

If you were last reassessed in 2018, you will be required to attend eight competencies by 2023.

If you were last reassessed in 2019, you will be required to attend all ten competencies by 2024.

**Does the new approach mean that DRS will now be assessing panel adjudicators twice per year and not once every five years?**

No. Panellists must attend at least four different competencies (two days of training) in the two-year period. Ideally, panellists will attend at least two competencies (one day of training) each year. The workshops will be followed by an online assessment or there will be a written exercise.

The current reassessment programme tests the competency of RICS panel adjudicators every five years, and effectively only once within a ten-year window. RICS is keen to ensure it remains the number one adjudication body in the UK. This requires us to demonstrate that RICS adjudicators are, and are seen to be, the best in the industry.

The Panel Competency Programme ensures that RICS panel adjudicators are routinely trained and assessed on a rolling basis. It enables adjudicators to keep up-to-date on law and practice and address any shortcomings in their knowledge and skills instantly. It also allows RICS to continuously monitor the quality of panellists and help them to identify and address subject areas where they may improve their knowledge.

Panellists will be called for a five-yearly or early reassessment interview only in exceptional circumstances, examples of which can be found in the Criteria for Continuous Training and Reassessment of Adjudicators on the RICS President's Panel.

**Since panellists might be suspended at any time following a complaint the opportunities to be removed from the panel appear to have increased substantially.**

There will be no substantive changes to the DRS Complaints handling policy because of introducing the Panel Competencies Programme.

As is the case now, a panellist will only be suspended if a complaint is sufficiently credible and serious as to merit suspension while it is investigated by DRS. A panellist who is the subject of a complaint which is being investigated by DRS will be informed of the details of the complaint and whether they are to be suspended.

**Do I have to be on the RICS panel to attend a workshop?**

No. Whilst priority will be given to RICS panellists, the programme of workshops and assessments will be made available to anyone who wishes to attend.

The workshops will be useful to adjudicators on other ANB panels, those who act as party representatives and anyone who wishes to keep up to date with current adjudication practice and procedure.

**I have recently completed the RICS Diploma in Adjudication, and I am keen to get on the RICS panel. Is the Panel Competency Programme just another set of hoops to jump through to get on to the panel?**

No. The Panel Competency Programme is primarily mandatory only for adjudicators already on the RICS panel. The purpose of the programme is to support panel adjudicators by providing a level of training that is not currently available to experienced adjudicators. The online and written assessments add value by ensuring panellists remain up-to-date on current law and practice.

The programme of workshops and assessments is not mandatory for non-panellists. They will inevitably be of value to anyone who wishes to keep up-to-date with law and procedure and would benefit from listening to, and learning from, highly experienced adjudicators.

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