

Terms of reference – Dispute Resolution Appointments Board

1. Authority

- 1.1. In order to maintain public confidence, to act in the public interest, to meet the requirements of its Charter, and in accordance with the delegation from RICS' Governing Council and RICS Regulation 7.2., the Standards and Regulation Board (SRB) has exclusive responsibility for strategy, policy and operational oversight of the standards, entry and admission to the profession, and regulatory functions of RICS. In accordance with the RICS Regulatory Framework Document approved by Governing Council and agreed with the SRB dated 27 October 2022, the SRB has exclusive responsibility of the Dispute Resolution Service, through the SRB Chair, and for the line management of the DRS staff.
- 1.2. The Dispute Resolution Service (DRS) are responsible for providing conflict avoidance and resolution services throughout the world with focus on the built environment sector and within the wider RICS, to support raising awareness of Dispute Resolution and RICS, providing access to justice and regulating members acting as Dispute Resolution advocates and tribunals. DRS's functions include appointments of dispute resolvers, creating standards, engagement with government and industry, panel management and education and accreditation, remaining independent from member interests and demonstrating a clear commitment to upholding the public interest.
- 1.3. In accordance with RICS Regulation 7.2.5., the SRB may delegate work to panels, sub-groups, working parties, Members, non-Members and RICS staff in order to fulfil its standards and regulatory objectives. Any delegated work shall be undertaken in accordance with terms of references approved by the SRB.
- 1.4. These terms of reference are approved by the SRB under the powers delegated to it by Governing Council under RICS Bye-Law 7.2. and Regulation 7.2.5.
- 1.5. Any variation to these Terms of Reference must be approved by the SRB.

2. Purpose and duration

- 2.1. The purpose of the Dispute Resolution Appointments Board ('DRAB'), a sub-group established by the SRB, is to contribute to RICS' global strategy for Alternative Dispute Resolution (ADR) by contributing to the maintenance and improvement of overall standards of the work of DRS.
- 2.2. The SRB has delegated certain functions of its oversight of DRS to the RICS Dispute Resolution Appointments Board (DRAB), including to:
 - 2.2.1. provide assurance to the profession, public and stakeholders, by providing guidance and advice to DRS on how best to carry out its work, to:
 - (i) define and maintain the criteria and processes for inclusion on, and exclusion from DRS panels of dispute resolvers and expert witnesses globally;
 - (ii) ensure appointments of dispute resolvers and expert witnesses made by and/or on behalf of RICS are made efficiently and to agreed performance standards;
 - (iii) deliver training provided by DRS to increase the professionalism and competence of such dispute resolvers and expert witnesses.
 - 2.2.2. escalate to the Executive Director of Dispute Resolution Service and/or the Senior Executive Officer, Standards and Regulation, and/or the Chair of the SRB, any concerns about DRS staff and DRS operations.
 - 2.2.3. monitor concerns raised against dispute resolvers, expert witnesses and others eligible for appointment, nomination or recommendation by DRS and those applying or training to be classified as such.
 - 2.2.4. act as the ultimate decision-maker in the investigation and escalation of concerns raised against dispute resolvers, expert witnesses and others eligible for appointment, nomination or recommendation by DRS and those applying or training to be classified as such, in accordance with the provisions as set out in the DRS Complaints Procedure. Having made their decision, DRAB may then take appropriate action in accordance with the possible outcomes as set out in the DRS Complaints Procedure.

2.2.5. act as the ultimate decision-maker in the investigation and escalation of concerns raised against dispute resolvers, expert witnesses and others eligible for appointment, nomination or recommendation by DRS and those applying or training to be classified as such, not in reliance on the DRS Complaints Procedure. Having made their decision, DRAB may then take appropriate action, including those outcomes set out in the DRS Complaints Procedure.

2.3. The Board shall operate until otherwise directed by the SRB.

3. Composition and membership

3.1. The Dispute Resolution Appointments Board ('DRAB') shall be composed of up to nine members, consisting of:

3.1.1. a Chair (UK based) who may be a RICS member or independent (non-RICS);

3.1.2. up to eight members, essentially comprising of:

(i) at least two UK based members, of which one must have a construction background and one must have a commercial background with rent review experience;

(ii) two independent members, one with a legal background and one, ideally, with a consumer or customer services background;

and ideally, comprising of:

(iii) up to four members, either UK or non-UK, with relevant experience.

3.2. The Executive Director of Dispute Resolution, or their nominee, will usually attend meetings but will not take part in the decision making.

3.3. The President's Agent will usually attend meetings of the Board to assist in its decision making but they will not be entitled to vote.

3.4. Other individuals, including RICS members, non-RICS members and RICS staff may be invited to attend meetings at the request or permission of the Chair of DRAB but will not be entitled to vote.

3.5. Composition or membership of DRAB may be amended by the SRB.

4. Appointments and terms

- 4.1 The Chair and members of the Dispute Resolution Appointments Board shall be appointed in accordance with the RICS Global Appointments Model, as approved by Governing Council and amended from time to time.
- 4.2. Members of DRAB may not be members of Governing Council or any other RICS Board or Committee, including, for the avoidance of doubt, the RICS Regulatory Tribunal.
- 4.3. Members of DRAB are not eligible for appointments in any capacity by DRS.
- 4.4. Appointments to DRAB will be for an initial period of up to three years, subject to annual performance reviews. Re-appointment for a subsequent term for up to a maximum of three years will be subject to performance, in accordance with RICS Regulations (as they may vary from time to time), provided total continuous service does not exceed six years.
- 4.5. Changes in appointment and terms of the Chair and members of DRAB may be amended by the SRB.

5. Chair

- 5.1. The Chair of the Dispute Resolution Appointments Board must meet the eligibility requirements, as set out in the Chair of DRAB role description.
- 5.2. The Chair will chair the meetings of DRAB.
- 5.3. Where there is an equality of votes for a Board decision, the Chair will have the deciding vote.
- 5.4. In the absence of the Chair of DRAB, a meeting of members will cease to be quorate, as set out in 6.1. Although discussions may continue, there may be no vote, or decisions made. Members of DRAB may elect a Chair for the duration of the meeting.
- 5.5. In the circumstances where the Chair of DRAB is incapacitated for a significant period of time, the Chair of the SRB or their nominee may perform the role of Chair, subject to the Board being quorate as set out in para 6.

6. Quorum

- 6.1. A meeting will only be quorate where there are four members of DRAB, one of whom must be an independent (non-RICS) member, and the Chair.

- 6.2. A quorate meeting of DRAB may make a decision through a simple majority vote of those DRAB members present and entitled to vote. If there is equality of votes, the Chair will have the deciding vote.
- 6.3. Where a member of DRAB has a conflict of interest, as set out in para 8, this may render the Board inquorate for the purposes of that decision (if the Board entitled to vote cannot meet the requirements of 6.1.).

7. Frequency of meetings

- 7.1. DRAB will meet at least twice per annum or as required by the Chair.
- 7.2. Unless otherwise agreed, notice of each meeting confirming the venue, time, and date, together with an agenda of items to be discussed along with supporting papers, will be forwarded or notified to each member of the Board, and any person required to attend, no later than five working days before the date of the meeting by a member of DRS staff.
- 7.3. Meetings will be held virtually unless otherwise indicated by the Chair.
- 7.4. By exception, decisions (i.e. a decision taken outside of formal meetings) may be made by electronic means between formal meetings as necessary through Chair's actions, or by a quorate vote of the Board.

8. Conflicts of Interest

- 8.1. To avoid a conflict of interest with the work of DRAB, candidates cannot be in a role which has a direct influence on the making of applications to RICS for the appointment of dispute resolvers or expert witnesses by their organisation.
- 8.2. DRAB Members should note the guidance within the RICS Global Conflicts of Interest Policy around any potential conflicts of interest and must declare their interest before the item relating to that decision is discussed, and absent themselves from the relevant discussion. They will not be entitled to vote on that decision.

9. Notes of meetings

- 9.1. The Board will be supported by the DRS Quality Assurance & Panel Manager ('the Board Secretariat'), or their nominee, who will administer DRAB meetings and provide secretarial support.

- 9.2. The Board Secretariat, or their nominee, will take minutes of the meetings and circulate to all DRAB members within 10 working days of each meeting. A summary of any key points will be prepared for the SRB within the same period. Upon request, minutes will also be provided to the Executive Director of Dispute Resolution Service.

10. Duties, responsibilities, and behaviours

- 10.1. The Board will at all times:
- 10.1.1. ensure it has a sufficient understanding of DRS operations to inform its recommendations;
 - 10.1.2. provide guidance and advice to RICS staff, ensuring that any recommendations are in line with accepted best practice;
 - 10.1.3. ensure the work of the Board aligns with the requirements of the organisation and the agreed objectives of the Board and the SRB;
 - 10.1.4. act with respect towards colleagues, members, non-members and RICS staff, and uphold RICS' stated values;
 - 10.1.5. act with integrity, in line with the principles of good regulation and governance, and;
 - 10.1.6. maintain the confidentiality of RICS data or information, and the confidentiality of any of its meetings or decisions, until the SRB has approved relevant communications.

11. Reporting responsibilities

- 11.1. The Board is accountable to the SRB.
- 11.2. The Board will report at least annually to the SRB, or as requested by SRB, keeping it abreast of any key changes or significant issues arising.
- 11.3. The Chair of DRAB will monitor the performance of DRAB and the members of DRAB, ensuring that it acts in accordance with the roles and responsibilities as set out within its Terms of Reference.

12. Delegation of duties

- 12.1. Subject to the approval of the SRB, the Dispute Resolution Appointments Board may delegate any of its duties to working groups (or similar) established by it.

13. Terms of reference

- 13.1. The Terms of Reference of the Dispute Resolution Appointments Board will be reviewed annually, or at any time at the request of either the Board or the SRB, and recommended changes will be submitted to the SRB for approval.

Approved by the Standards and Regulation Board on March, 2025.

For review by the Standards and Regulation Board by March, 2026.