

CRITERIA FOR INCLUSION

# Criteria for Inclusion on the President's Panel of RICS Accredited Expert Witnesses

RICS Dispute Resolution Service



# RICS Expert Witness Accreditation Service (EWAS)

These criteria apply if you wish to become an RICS Accredited Expert Witness. This category will entitle you to full inclusion on the RICS President's Panel with full use of the benefits available to the members of this panel including nominations by the President.

These criteria focus on the knowledge, skills, experience, and qualifications required to undertake the role of an expert witness; to be accredited as such by RICS; to be included on the RICS President's Panel in this capacity, and so to be eligible for nominations by the President.

Your application will be assessed on your submission and your panel interview.

In order to be considered for inclusion on the RICS President's Panel of Accredited Expert Witnesses, you must satisfy the following entry requirements:

- Successful completion of the RICS Expert Witness Certificate (including successful assessment of all five competencies of the RICS Expert Witness Certificate) \*
- A minimum of 10 years' experience in your primary profession\*\*
- Recognition by the market, as reflected in your referees' reports, of your active involvement and expertise in your sphere of professional practice
- A minimum of one expert witness report completed by you in the last five years\*\*\*
- Compliance with CPD requirements of your principal professional body/bodies in the last three calendar years
- Successful completion of the online RICS Professionalism Module and Diversity and Inclusion e-learning
- Successful completion of the panel assessment interview
- Payment of the applicable panel assessment fee (£450 + VAT for members, £495 + VAT for non-members) or local equivalent

## Exemptions

\*You may be eligible for a full or partial exemption from the academic part of the RICS Expert Witness training if you can demonstrate to RICS that you undertook a formal expert witness training programme elsewhere within the last three years of the same standard and with the same or substantially similar learning outcomes as the RICS training. Please note, you will still be required to have all five competencies of the RICS Expert Witness Certificate programme successfully assessed. For details of the exemption policy, please contact DRS on the details provided below.

\* and \*\* You may be eligible for an exemption from the RICS Expert Witness Certificate including the assessment of the five competencies of the RICS Expert Witness Certificate if you can demonstrate that your senior status in the EW field is such that you do not need to undertake any (or further) training. See below for details.

\*\*\* Exceptions to these requirements can be made by RICS on reasonable grounds e.g. in a relatively newly established area of specialism.

If you wish to apply for an exemption, please contact DRS on the details provided below.

## Guidance to the criteria

Prior to the interview you will need to send to DRS:

- Completed RICS EWAS Skills Form for RICS Accredited Expert Witnesses
- Professional references
- Expert witness CV
- One expert witness written report completed by you in the last five years
- Evidence of compliance with CPD requirements of your principal professional body/bodies in the last three calendar years
- Evidence of successful completion of the online RICS Professionalism Module
- Successful completion of the Diversity and Inclusion e-learning
- The appropriate fee

## RICS EWAS Skills Form

In this form you should indicate your skills, geographic coverage, the value, complexity, and types of disputes in which you submit you are qualified to testify, and the tribunals before which you believe you are competent to appear. Your skills form will be provided to the interview board and during the interview it will help them assess whether you have identified your skills correctly and whether the skills you list are commensurate with your experience in practice. It should be clear from the information provided that your professional knowledge and experience is such as to allow RICS to hold you out as an expert in your field of primary professional practice as well as being a person who is able competently to discharge the role of an expert witness.

## Professional references

Your skills form must include contact details and signatures of two referees who can support your application. Your referees must have significant standing in the expert witness field (such as solicitors or other RICS Accredited Expert Witnesses). DRS will obtain written references prior to the interview and will forward these to the interview board. The referees will be asked to comment on your standing in the profession, your knowledge, expertise, and expert witness

experience. A member of the interview panel may speak to the referees prior to the interview. RICS also reserves the right to make wider enquiries among your colleagues or clients etc where it regards this as appropriate.

### Expert witness CV

You will need to submit your CV that focuses on your expert witness experience as well as your professional knowledge and experience in your field of primary professional practice. You should write this CV with potential instructing party/parties in mind.

### Written expert witness report

You will be required to submit one expert witness reports prepared by you in the last five years, ideally those that were submitted and accepted by a court or other tribunal. Exceptions can be made by RICS on reasonable grounds e.g. in a relatively newly established area of specialism.

We are aware that in some regions it is common for an expert witness report to be drawn up by a team of experts. If you are not able to submit a report written only by you, we can accept a report to which you substantially contributed with your contribution highlighted. You must make it clear to DRS that you are submitting a report that was not single-authored by you.

If the report had a lead/named expert, please provide RICS with the name and email address of the lead expert including a confirmation that the lead expert is happy for RICS to contact them and ask them for confirmation of your involvement/contribution.

### CPD

You will need to submit evidence that you have complied with the CPD requirements of your principal professional body/bodies in the last three calendar years. This should include breakdown of your CPD and should cover CPD relevant to your field of expertise as well as the role of an expert witness. (Please note: Copies of CPD records, including the RICS online records, must be provided with expert witness matters highlighted.) The interview board will discuss your CPD records and their relevance with you.

### RICS Professionalism Module and Diversity and Inclusion e-learning

After the appropriate interview fee has been paid, you will be enrolled onto the e-learning modules and sent a link to access the modules free of charge. Prior to your interview, you will need to send a copy of the certificates you receive after successful completion of the modules

to DRS. If you completed the courses in the last three years, you do not have to complete them again. We will accept certificates that are less than three years old.

### Appearances as an expert witness

In your skills form, you will be requested to provide details of the matters before a court or other tribunal in which you have appeared as an expert witness in the last five years. Such appearances are not prerequisite for inclusion on the RICS President's Panel of Accredited Expert Witnesses, but this information may be of relevance to RICS DRS in the nomination process.

### Senior status in the expert witness field

You may apply for inclusion on the RICS President's Panel of Accredited Expert Witnesses if you have not attended a formal expert witness training, but you are a senior industry figure whose standing is beyond question and for whom any form of additional formal training is considered unnecessary. You should be a person viewed by your peers as self-evidently "out of the ordinary" with exceptional standing and experience in the EW field.

In addition to the documents mentioned above, in your skills form, you will need to provide comprehensive information in support of this. During the interview, the board will have a discussion with you to determine whether your eminence as an expert witness is such that receiving further formal training is deemed unnecessary.

### Assessment Interview

The purpose of the panel interview is to test your knowledge and ability to discharge the role of an expert witness. You should expect far reaching and diverse questions. The assessors will delve into your knowledge as well as your attitude, commitment and understanding of the role of an expert witness.

### Knowledge

The interview board will refer to your skills form and your other submissions and question your knowledge on inter alia the responsibilities and duties of expert witnesses, as well as acceptance of instructions, conflicts of interest and perceived bias; relevant law and rules of evidence; report writing; oral evidence; immunity from suit; and overall suitability to be accredited as an expert witness including CPD compliance. You must also be familiar with the current RICS Professional Standards for surveyors acting as expert witnesses.



### Formal training and experience

The interview board will ask probing questions to establish that you comply with these criteria. It may ask questions about your formal expert witness training and your experience acting as an expert witness.

The interview board will also have a discussion with you to establish that:

- you have had at least 10 years' experience in your sphere of primary professional practice or that there are reasonable grounds for not complying with this requirement.
- you have completed a minimum of one expert witness reports in the last five years or that there are reasonable grounds for not complying with this requirement. The interview board will also discuss the quality of your report and its compliance with the RICS Expert Witness Practice Statement and Guidance Note.
- you are recognised by your peers as experienced and skilled to a level consistent with being an expert in all areas set out in your skills form.
- in your skills form you properly identified your skills and the geographical areas to which they relate
- the skills you have listed are commensurate with your experience.

The interview board will also discuss with you your appearances (if any) as an expert witness before a court or other tribunal in the last five years.

### General

The interview board will consider your overall suitability. This will include:

- your ability and aptitude as a potential expert witness
- the standard and professionalism of any documentation and communications submitted by you
- any upheld complaints against you
- any judicial criticism or comment.

For the possible outcome of the assessment and other information about the interview, please refer to the RICS Interview Guide for Candidates available on [www.rics.org/drs](http://www.rics.org/drs)

All panellists must sign and comply with the Service Level Agreement between DRS and the panellist. A copy is available from DRS upon request.

## Reassessment

To remain on the panel, you will have to undergo regular reassessments. For further information about reassessments, please refer to the Criteria for Reassessment.

### Please note:

Being accredited as an expert witness by RICS and being enrolled on the RICS President's Panel of Accredited Expert Witnesses will make you eligible for nominations by RICS DRS but is not a guarantee that you will receive nominations from RICS.

Successful candidates are required to pay an annual administrative fee (£100 + VAT for RICS members or £120 + VAT for non-RICS members, or local equivalent) to remain on the RICS President's Panel of Accredited Expert Witnesses.

**These criteria are monitored, and their effectiveness is reviewed. DRS reserves the right to update/modify the criteria at any time.**

### For further information contact

RICS Dispute Resolution Service, 55 Colmore Row, Birmingham B3 2AA

t +44 (0)20 7334 3806 e [drs@rics.org](mailto:drs@rics.org)