

SINGLE MEMBER OF REGULATORY TRIBUNAL

DECISION SHEET

RICS Regulatory Tribunal Rules 2022

Part VI, Regulatory Tribunal Single Member Decision

Regulated Member: Cecile Blanchard 5607116

Single Member Decision of: Ron Barclay-Smith

Case Number: CON001800

Date of Decision: 22 August 2024

Charge:

"Between 1 January 2022 and 1 February 2023, you have failed to comply with RICS' requirements in respect of Continuing Professional Development (CPD) in that you have not completed or recorded, or caused to be recorded, at least 20 hours of CPD on the RICS CPD portal."

Alleged Rules Breach:

RICS alleges that the Member's actions are contrary to Rules 1 and 2 of the Rules of Conduct for Members Version 2 with effect from 2 February 2022 and that, as a result, she is liable to disciplinary action under Bye-law 5.2.2(c).

Materials Considered:

In considering this case, I have relied upon a bundle of evidence comprising 93 pages. The bundle comprises statements and evidence provided by RICS and includes email correspondence with the Regulated Member. The Regulated Member appears to have distanced herself ultimately from the investigation process by means of an email to RICS dated 20 June in which (responding to an email from RICS dated 13 May which explained the background and process relating to the proposed imposition by RICS of a Regulatory Compliance Order and in which Ms Blanchard was invited to agree, sign and return the Order otherwise the matter would be referred once again to the Head of Regulation) she invited RICS to refer the matter back to the head of Regulation. No further communication from the Member has been included in the bundle of evidence provided by RICS. The bundle includes extracts from RICS Rules, Guidance, Law and Procedure as they apply to this matter, an investigation report, and a number of associated documents which comprise variously extracts and downloads from RICS computer systems, statements by RICS staff, extracts of the relevant RICS Guidance, Rules and Policies and emails between RICS' staff and the Regulated Member. Finally, the bundle includes an assessment of the evidence and materials by means of a report provided by RICS, and a statement of costs incurred by RICS.

Background:

The Member has been liable since at least 2015 to undertake CPD in accordance with RICS Regulations. Evidence provided by RICS shows that the Member has failed to record CPD on two previous occasions, and that she received subsequently a Caution in 2017 and then a Caution and Fine in 2021. There is some evidence provided in the bundle which indicates that the Member retrospectively sought to clarify her failure to record CPD in 22/23 by means of personal circumstances and incorrect entry of data. As a result, the Head of Regulation proposed that a Regulatory Compliance Order be made against the Member in respect of the 22/23 breach. The member has in effect declined to sign the agree and sign the Order, hence this referral to me for a decision. It is clear that the Member has undertaken CPD to the correct level in some years; it is thus it is reasonable to assume she was aware of the requirement to undertake and record CPD. Moreover, extensive efforts were made by RICS to contact the member using the information contained in her personal details to remind her to complete and record her CPD for the year in question. It is reasonable to assume, therefore, that the Member did receive reminders to complete her CPD and, as has been stated above, was aware of her responsibility to do so and, indeed, she had successfully recorded CPD in previous years.

Findings of Fact:

In determining the facts of this case, I have relied on the evidence bundle provided by RICS. No other material relevant this matter has been drawn to my attention. Accordingly, I have reviewed and carefully considered all of the material provided to me in the evidence bundle. Rules 1 and 2 of the RICS Rules of Conduct for Members 2022 Version 2 require that members shall comply with RICS' requirements in respect of CPD. RICS' requirements in respect of CPD are set out in the document "CPD Requirements and Obligations". The Document includes the requirement that "All members must undertake a minimum of 20 hours CPD each calendar year (January to December)" and that "Members must record their CPD activity online by 31 January".

Of the 20 hours CPD required each year, at least 10 must be formal CPD as defined. The remainder can be informal CPD. It is clear from the documentation and downloads from RICS' computer system that the Member has failed to record any hours of CPD for 2022 and is therefore in breach of RICS' CPD requirements for that year. I also note from the records and statements provided to me that this is the Member's third breach of CPD requirements within a 10-year period and, moreover, whilst there is some evidence that the Member has offered an explanation for failing to comply with RICS' CPD requirements, she has effectively disengaged from the process and declined (by default) to agree to the Regulatory Compliance Order proposed by RICS.

I therefore find that the Member has failed fully to meet her CPD requirements for 2022 and, moreover, note that this is her third breach of the CPD requirements within 10 years.

Liability for Disciplinary Action:

As stated above, I find that the Member has failed to comply with her CPD obligations in 2022 and, moreover, that this is the third breach of RICS' CPD requirements within 10 years.

The Regulated Member has not made any substantive statement of regret for her failure to record CPD. The rules are completely clear and require Regulated Members to complete 20 hours of CPD per calendar year. The reasonable assumption must be that she was well aware of the annual requirement. Furthermore, the Member has effectively disengaged from the regulatory process. I therefore have concluded that the Member is liable to regulatory sanction.

In coming to this conclusion, I have carefully balanced the impact of the failure to complete CPD on both the Regulated Member's professional standing, and the public interest.

Regulatory Sanction:

I note that this is the third breach of CPD requirements within a ten-year period. In reaching my decision as to sanction, I have taken careful note of the relevant Guidance which is clear as to the sanction which is appropriate for a third breach. In all the circumstances, expulsion from membership is both proportionate and appropriate, as Regulation is pivotal in protecting the public and in maintaining the public's confidence in Chartered Surveyors and trust in the RICS.

Order Made:

I therefore make the following order: **that the Member be expelled from membership of the RICS.**

Taking Effect of Order:

This Order will take effect 14 days from service of the Single Member's decision upon the Regulated Member, unless notification in writing is received in writing from the Regulated Member or RICS stating that they consider that the findings and/or the Regulatory Sanction imposed by the Single Member are wrong.

Costs:

I make the following order in respect to costs: **that the Member shall pay to RICS the sum of £350.00.**

Publication:

The Single Member's Record of Decision will be published following the expiry of 14 days from service of the Single Member's decision upon the Regulated Member.