

Appendix II

Registered Property Receivers' Scheme

Terms of Reference of the Quality Assurance Panel

Purpose:

The purpose of the Quality Assurance Panel (“**QAP**”) is to ensure the maintenance of expected professional standards amongst scheme registrants.

Functions:

IPA and RICS have delegated to the QAP the following functions:

- a) review of the inspection visit reports;
- b) the setting of conditions for continued scheme registration where a registrant is considered to be falling short of expected professional standards;
- c) requesting targeted inspection visits in addition to those forming part of the routine inspection cycle, at the registrant’s cost, where aspects of the registrant’s practice are considered to warrant further oversight
- b) consideration of application for scheme registration where the applicant seeks the exercise of discretion as to their admittance

Composition:

The QAP shall comprise three (3) Registered Property Receivers considered by the parties to be of good standing and one (1) appropriately experienced Lay Member. RICS shall be entitled to nominate two (2) Registered Property Receivers from amongst their members and IPA shall be entitled to nominate one (1) Registered Property Receiver from amongst its membership and one (1) Lay Member. The IPA will also appoint a suitably qualified person to act as Secretary of the QAP.

Appointment and term:

Appointment to the QAP will be via the usual appointment processes operated by the RICS and IPA in respect of their respective nominees. Appointments to the QAP will ordinarily be for a period of 3 years. The appointing party shall be at liberty to remove a panel member via their usual removal processes, where they reasonably believe it to be in the interests of the scheme or the public interest to so do.

Non-participation of Trade Body:

As a representative body for Property Receivers, NARA will not perform any function in respect of the QAP, although they may make representations on behalf of a scheme registrant where they are invited by the registrant to do so.

Business of the QAP:

1. The QAP. will act reasonably at all times and all decisions must be made with unanimity of the panel members.
2. The QAP will as part of its oversight of the inspection process review all reports received following inspection where there have been found to be

significant or reportable concerns. This review process will include the following:-

- a) The IPA secretariat will send to each QAP member the inspection reports including comments made by scheme registrant following receipt of their report.
- b) The QAP will then determine for each report if it is:-
 - Satisfactory
 - Satisfactory subject to some specified further action/further information
 - Not satisfactory (whether or not subject to further action / further information)

And the secretary shall maintain a record of those determinations.

3. Where the decision made is that some further action or information is required (whether or not the report is otherwise considered satisfactory), the QAP may request the registrant to provide that information or recommend that they take such action as is necessary to ensure that the registrant is meeting expected professional standards.
4. Where the decision made is “not satisfactory”, the QAP may:
 - a) determine that a further inspection of the registrant’s practice is warranted, the costs of which are to be met by the registrant at the rate specified in the Monitoring Services Agreement at Appendix III; and/or
 - b) refer the Scheme registrant’s conduct to their relevant professional body; and/or
 - c) remove or suspended the registrant from the Scheme
5. The QAP may co-opt additional professional members or consult external advisers for a specified purpose where this is considered appropriate. Where it is considered necessary to utilise external assistance, the secretary will notify RICS / IPA of any anticipated costs and seek their authorisation prior to those costs being incurred. Any such costs will be met equally by IPA / RICS.
6. On an annual basis, the QAP will review a sample of 10% of those inspection reports found by the IPA to be satisfactory and report its findings to RICS and IPA (“review report”). The RICS and IPA will be entitled to comment on this review report.
7. Where an applicant for scheme registration is unable to demonstrate that they meet the criteria for registration, the QAP shall be afforded discretion to admit them to the scheme notwithstanding any evidential defect, but **only** where:
 - a) good cause is shown in justification of the application; and

- b) no diminution in expected professional standards is anticipated to result from the decision to admit the applicant; and
 - c) admittance of the applicant will not diminish the standing of other scheme registrants.
8. The QAP will conduct its business by electronic means, unless it is considered that a physical meeting is warranted, for instance where they receive a request from a registrant to attend before the panel in person.
 9. All decisions of the QAP must be reached unanimously as amongst those panel members who have not withdrawn from the decision by virtue of conflict of interest. Any decision of the QAP under paragraphs 3, 4a), 4c) or 7) shall be notified to the registrant (or applicant, as the case may be) in writing, within 15 business days and shall be subject to appeal to the scheme Independent Adjudicator, in accordance with the terms of the MoU.
 10. The secretary will prepare a bi-annual report on the work of the QAP for review by the RICS / IPA / NARA.
 11. Any out of pocket expenses of QAP members will be met by the party by whom they were appointed. QAP members will not otherwise receive payment for their services.
 12. The Lay Member appointed to the scheme shall be entitled to be remunerated at a rate of £200 per quarter (plus VAT, if applicable), payable jointly by IPA and RICS. The IPA may retain funds from registration or renewal fees that would otherwise be payable to RICS for the purposes of defraying 50% of these costs.
 13. Any person sitting on the QAP who becomes aware of a conflict of interest concerning a scheme registrant, shall immediately declare such conflict and remove themselves from any decision making process relating to the registrant concerned. The decision of the remaining QAP members shall remain valid, provided that it is made by at least one RPR member and the Lay Member. Where the Lay Member declares a conflict of interest, IPA and RICS shall agree upon the appointment of a suitable substitute Lay Member for the purposes of determining the matter in question.