

# Built Environment Forum Scotland (BEFS) submission of 20 January 2023

## PE1957/D: Home Reports - make surveyors more accountable

Built Environment Forum Scotland (BEFS) is an umbrella body for organisations working in the built environment in Scotland. Drawing on extensive expertise in a membership-led forum, BEFS informs, debates and advocates on the strategic issues, opportunities and challenges facing Scotland's historic and contemporary built environment. BEFS is a supporting member of the [Climate Heritage Network](#).

BEFS thank The Citizen Participation and Public Petitions Committee for their letter inviting our response.

BEFS and Under One Roof share Secretariat for the [cross-party working group on maintenance of tenemental property](#), mentioned within the Official Report from the Committee.

The Petition is:

*Calling on the Scottish Parliament to urge the Scottish Government to:*

- ensure surveyors are legally responsible for the accuracy of information provided in the single survey; and*
- increase the liability on surveyors to pay repair bills where a Home Report fails to highlight existing faults in the condition of the property.*

### **BEFS Response is given in full below:**

BEFS appreciate that the Scottish Government has stated that:

*it considers the asks of the petition to be inappropriate because the scope of the home report survey is outlined at the beginning of the report and clearly identifies the limitations of the survey, and because members of the Royal Institution of Chartered Surveyors carrying out the single survey and valuation in a home report must be appropriately qualified, carry professional indemnity insurance*

*and have in place a complaints-handling procedure that offers independent third-party recourse to complaints*

BEFS sees no concern in the Petitioners suggestion (in response to the above) that: all home reports should include contact details for the Centre for Effective Dispute Resolution.

BEFS supports the need for quality surveys, and supports the professionalism of the individuals within BEFS Members, RICS.

BEFS also support the questions raised by the Committee to be put to other parties, around numbers/types of complaints. Information and data should always support informed decision making.

In regard to the Petition first point, BEFS appreciate that surveyors do have responsibilities regarding the any liability, but also know that liability is heavily caveated by a number of disclaimers in the Home Report, as would be expected in contracts of this type.

Raised levels of liability *could be considered* but, to be pragmatic - if set too high surveyors will find themselves not wanting to accept work on 'trickier' or 'potentially problematic' properties, leading some very undesirable impacts on existing properties, and the market more generally. (This aspect could only be better informed from data relating to current levels/types of complaints.)

BEFS believes The Petition is positive in raising the profile of questions relating to the Home Report and a potential review more broadly. Scotland already leads the way with this process, with Westminster exploring ways to provide better upfront information in relation to home buying. Any review can only support the system further for all parties.

With regard to the comments made by Paul Sweeney within the Committee, BEFS and Under One Roof draw the Committee's attention to the [work of the group](#), and the Recommendations previously accepted by the Scottish Government.

One of the recommendations includes 5 yearly surveys – these would add weight and information to any Home Reports relating to the properties in question. Including providing information which may not be picked-up through existing Home Reports, providing assurance and information to all parties.

Action from across the Parliament to support any of the recommendations from the tenement maintenance group, and the

resultant work of the Scottish Law Commission can only strengthen and support homeowners and those that work with them in the future.