

THE INSTITUTE OF REVENUES, RATING AND VALUATION

CODE ON MARKETING PRACTICE FOR RATING SERVICES

[Approved by the Council on 13 January 2014; coming into effect 1 July 2014]

Introduction

1. This Code regulates the marketing of professional services by or on behalf of members of the Institute (including Organisational Members) and firms controlled by such members.
2. Members will be held accountable for any breaches of this Code by persons engaged in marketing on their behalf unless they can show that they took reasonable steps to ensure that this Code was properly observed. Any complaints alleging a breach of the Code will be referred for investigation and possible action to a Conduct Sub-Committee of the Institute's Professional Conduct Committee.
3. Compliance with the specific requirements of this Code does not obviate compliance with the general Code of Conduct for Members of the Institute, and the two codes should be seen as complementary. All marketing activity by or on behalf of members must also comply with the Business Protection from Misleading Marketing Regulations 2008 and any other relevant legislation.

Seeking instructions – general principles

4. There is no blanket restriction in principle on approaching a ratepayer to offer rating services, even in the awareness that another professional adviser has been retained or had submitted a rating appeal.
5. However, those making such approaches should act professionally at all times and should not persistently or in a harassing manner seek instructions after the ratepayer has indicated that he is content with his present advisers or does not wish to use the services of the firm or individual making the approach. A ratepayer may decide to conduct his or her own appeal without representation and such a decision must be respected without repeated attempts to encourage that person to engage outside assistance.
6. Instructions must not be solicited directly from any branch of a national organisation, where the person soliciting the instructions is aware, or could readily ascertain, that the matter in relation to which instructions are sought is being dealt with by the headquarters of that organisation.
7. Proper diligence must be exercised in identifying the appropriate person to approach within the organisation to solicit instructions, and if that person declines the approach no other person in the organisation should be approached.

Conduct of marketing and telesales staff

8. Marketing and telesales staff employed or retained by the firm should be given appropriate training in the basic principles of rating advice and the services being offered, and also made familiar with the content of this Code.

9. Any marketing approach, whether in person, by telephone, in writing or by email, should be carried out professionally and without the making of any untrue, exaggerated, irrelevant or inappropriate statements.

10. The content of any approach should be restricted to describing the services the firm has to offer, and should not include any criticism, direct or implied, of the firm currently instructed by the ratepayer. In particular, the firm should not –

- Cast aspersions on the work carried out by the retained firm.
- Imply that the firm making the approach has a better success rate in appeals than the retained firm.
- Misleadingly imply that the services offered are different from those carried out under the existing instructions.
- Misleadingly advise the ratepayer that he is “missing out” by not submitting an early appeal.
- Criticise any other qualified rating surveyor or firm of chartered surveyors.

11. The firm or individual must not seek to gain an advantage over the firm currently instructed by of its own volition lodging an appeal, ostensibly on behalf of the ratepayer but without having been instructed to do so, or later withdrawing or agreeing that appeal, and thereafter claiming some form of “ownership” of the appeal.

Marketing material and communications

12. All marketing material, communications and activity related to the marketing of professional services shall –

- (a) be legal, decent, honest and truthful;
- (b) not criticise the work of other professional rating advisers; and
- (c) not bring the Institute into disrepute.

13. All case studies or testimonials included in marketing material shall be genuine, accurate and capable of being authenticated.

14. No general or specific percentage reductions shall be stated in marketing material either in relation to comparable (or not comparable) properties in such a way as to imply that a similar reduction could be achieved on a ratepayer’s property, when it could not be known whether other factors relating to that property might apply so as to prevent such a reduction being obtained.

15. In this Code, as in the general Code of Conduct, “marketing material” includes (without limitation) published advertisements, mailshots, advertising on any website or form of social media, radio and television advertising and any other form of public announcement, electronic or otherwise.

Professional fees

16. Fee bases must be agreed in advance at the giving of instructions, or as soon as practicable thereafter.

17. No fee shall be payable for merely physically lodging an appeal with the Valuation Office Agency, without attendant professional advice in relation to the proposed appeal.

Contracts of engagement

18. All contracts for the provision of professional rating services shall be fully and clearly documented, reflecting accurately the terms that have been agreed. Any contract relating to more than one rating revaluation should make the duration of the contract and the period covered explicit in the letter of engagement or contract and this duration and period should be clearly stated and not contained in other or minor clauses covering other or minor issues.

19. Contracts should be written in Plain English, readable and readily capable of being understood.

20. Any contract agreed orally but not signed may be carried out if the firm has informed the client in writing of the intention to do so, and provided there is no objection received from the client. Such contracts should be confirmed by the rating surveyor in writing prior to carrying out any contracted work.

21. Contracts should not contain onerous or unreasonable penalty clauses which would prevent a client changing professional advisers. If a change of adviser is made, the former adviser may be able to charge a fee commensurate with the work carried out, including full payment of the fee if work has been completed.

Complaints procedures

22. A written complaints procedure shall be maintained within the firm, and the client must be informed of the existence of the procedure and that a copy is available on request.