



The single biggest risk of a negligence claim arising from lack of technical knowledge is that of 'dabbling' – taking on work which is outside your skill and expertise.

For example:

- Survey and valuation work - if this is undertaken outside your local area, the lack of local knowledge could be disastrous
- Dilapidations – It is very difficult to do such work unless you have an understanding of how covenants to repair are interpreted. Whilst chartered surveyors are not expected to have had any formal legal training, it is almost impossible to practice dilapidations effectively without a working knowledge of the relevant case law on the different standards of repair
- Asbestos - are you up to date with the Control of Asbestos Regulations 2006? Are you sure that you could both correctly identify whether asbestos is present in decorative panels or coving, particularly if close up analysis was difficult or impossible, and advise appropriately?

Sometimes your technical skills are challenged because an existing client asks you to deal with an unusual matter, or because they recommend a new client to you. Surveyors are understandably reluctant to turn away work and may want to expand their areas of practice, but you should be wary of moving into any unfamiliar area of practice.

Surveyors sometimes take on work which is outside their expertise because they value the relationship with the client and do not want to refuse. Always consider the potential damage to that relationship if you are unable to complete a matter satisfactorily.

Some surveyors genuinely want to move into a field, or to expand their skills. This requires good support, and unless you have a colleague with experience in this area, or have the time to research it thoroughly, you may run into problems. In some circumstances, you may want to subcontract part or all of the work to others, but bear in mind that if you rely blindly on their advice, you may share liability for any mistakes they make.

Be clear about the work that you can and cannot do, and do not be pressured (or tempted) into taking on work that is outside your expertise in the misguided belief that this will keep the client happy.

It is essential to keep up to date with new practices, new laws and regulations as well as cases that have gone to court. If there are changes in your area of practice, it is essential that at least one fee-earner from the firm attends a course on the subject. Make sure that everyone in the firm is familiar with the changes, including (where appropriate) support and administrative staff. If there is new terminology, or if new forms are in use, your firm's literature and website should reflect these changes and the stationery cupboard should be cleared so that no old forms are used by accident.

Set up an in-house training session to pass on the information from any courses you or your colleagues attend, and allow time for questions or debate. The key is to make sure that everyone involved is familiar with the changes and understands how it could affect their work. Sometimes the implications of new legislation are not fully appreciated, even by experts, until it has been in place for some time – so build in further training or review sessions for later in the year. Watch out for staff who miss the training because of absence or other work commitments. Do not let them slip through the net.

Some points to consider

- Ensure new instructions are reviewed by a partner before agreeing to take on new work
- If in doubt, refuse instructions - pass the client elsewhere for specialist advice
- Set a policy that no one should take on a matter outside their expertise unless agreed by two partners
- Make sure that partners lead by example in keeping up to date with the law and best practice
- Does one person have responsibility for co-ordinating and monitoring Lifelong Learning for all fee-earners? Remember that the RICS Lifelong Learning scheme requires all chartered surveyors to record 60 hours every three years on qualifying activities
- Are in-house seminars fully utilised so that courses are focused on your firm's needs?
- If you use in-house presenters, train them in presentation techniques so that those attending derive maximum benefit
- Annual appraisals should cover training needs – make sure these are completed each year, and that a supervisor/partner discusses courses before bookings are made
- Have a policy that fee-earners who attend external courses have to give feedback sessions to colleagues. Book the follow up session when the course is booked
- Circulate articles and journals within the firm or an individual department, marking matters of importance. Make one member of staff responsible for doing so
- Run regular departmental meetings to discuss and consider changes relevant to your firm. If you don't, client service will suffer