



As a chartered surveyor, you will play a pivotal role in matters even where you are not the project manager. You are likely to play a major part in liaising with clients and their solicitors or with property owners, developers and the construction team. The way you communicate with those outside your firm will have a major impact on the progress of a project and, ultimately, its success. Poor communication can cause delay, increased costs and lead to serious negligence claims.

#### The main risks are:

- Lack of clarity as to who is doing what, especially when the original instructions are varied
- Incomplete instructions so that the client does not get full advice
- Not having an audit trail, documenting who is doing what
- Sharing responsibility for another consultant's mistake
- Instructing an engineer or lawyer, for instance, at the last minute or without careful consideration
- Inadequate or ambiguous communications
- Not acting in a timely manner, especially where time is of the essence

#### The golden rule

Do not delay. If outside expertise is needed, instruct such consultants as soon as possible. Alternatively, if you need to go back to your clients first, explain the need for additional expertise, the likely cost and the impact on the project if this is not brought in.

#### Drafting the instructions

- Summarise the background to the matter
- Provide all relevant documentation in a structured way

#### Terms of engagement

Ensure that your terms of engagement are clear and that they state explicitly the work that you will be covering and also the work that you will not be doing. If you do not do so, you may be treated as having implicitly accepted a wider remit. Don't assume that your client understands this - spell it out.

In your communications with other professionals, ensure that the limits to your instructions are clearly set out - do not assume responsibility by default. Consider asking them (or your client) for sight of their terms of engagement to avoid assumptions or misunderstandings.

A common area of confusion arises in serving notices in rent review matters. Deadlines are crucial and it is highly risky simply to hope a solicitor has done it. Be certain that a missed notice can't land in your lap as a negligence claim.

#### Dealings with other professionals

- Prepare all documents (including emails and file notes) on the basis that they may one day be read by your client, a court or an RICS Professional Conduct Panel
- The acid test is: 'would you be happy for your letters emails and file notes to be read out in open court?'
- Lengthy unstructured documents seldom present your client's position in the best light
- Aim for clarity and brevity where possible. If matters are so complicated that they cannot be set out in a few pages, use schedules or other strategies for ensuring that your points are presented in the most effective way
- Be objective – put your client's position forward firmly, but don't make derogatory comments about other parties or their representatives, even when replying to a letter that casts aspersions on you or your client. If you wish, dictate a reply in the heat of the moment but then dispose of it and redraft a more restrained version. Do remember the importance of cooling off, especially when it's so quick and easy to respond to emails
- If you genuinely believe another member of the project team has acted in an unprofessional manner, write to them – or to the senior partner of their firm – before taking further action

**There is no justification for rude, insulting or aggressive language. If you feel that another professional has acted improperly, stop and reflect before involving the relevant professional body.**