

Return To Work Insight

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Protection of Staff & Clients is Key

Amidst the excitement of relaxation of lockdown measures, many estate agents have report a huge spike in interest from potential purchasers and renters. Whether that is simply locked up demand bottle necked over the last three months or is signs of a more sustainable pattern remains to be seen.

As the Bank of England's leading economists talk of a V curve, rather than U, W or L (surely simply saying indicators suggest a swifter recovery than previously predicted would do the trick?) it may be that confidence will return sooner than most thought likely and at least in the property sector transactional activity is set to return to near normal levels in the very near future.

Whilst that would be fantastic news for all professionals engaged in the sector, it would bring with it some real logistical issues for which careful planning must take place and be implemented. Quite clearly, there can be no complacency until the ongoing dangers posed by COVID-19 have passed, indeed these are likely to remain present for the foreseeable future. What, then, are the practical considerations for returning to work in the property market in the current climate?

DAC Beachcroft has already produced a series of articles relevant to operating during the pandemic; these can be accessed via the [Collections](#) section of our website but we attach links to a selection of those of particular relevance including:

[Changing times: Reopening Workplaces Safely - 7 May 2020](#)

[Working around COVID-19: new guidance for employers - 12 May 2020](#)

[Working Safely during COVID-19: New Guidelines and HSE Enforcement - 13 May 2020](#)

[Working Safely in Wales during Covid-19: New Guidance & HSE Enforcement - 4 June 2020](#)

[Achieving a Safe Return to Work during Covid-19 Webinar - 8 June 2020](#)

There is a considerable amount of food for thought within that content, the take home points from those include:

- All employers being required to carry out a COVID-19 risk assessment and to take preventative measures to reduce risk to the lowest reasonably practicable level. This should include continuing support for working from home where feasible, and protecting those employees at higher risk or who need to self-isolate.
- Ensuring that social distancing rules can be followed or, where that is not possible, providing appropriate facilities and equipment to mitigate the risks.
- Managing the workforce to reduce contact between workers, as well as minimising the need for site visits.

From the perspective of surveyors and valuers, the general principles of social distancing and risk mitigation are easy to understand, but can be more difficult to put into practice when each day will likely include site visits to multiple properties and contact with numerous people, including owners, prospective purchasers, tenants and other professionals.

The RICS has therefore been involved with the recent release of 'Industry Guidance: Re-opening the Home Moving Market Safely'. It is a collaboration effort between various parties within the residential sector and is endorsed by The Law Society, The Society of Licensed Conveyancers and the NAEA, amongst others. The RICS has also produced two further guides for surveyors; 'Residential valuations and surveys in England' and 'Non-domestic property inspections and visits in England'. There is inevitably overlap between the documents.

In many respects the guidance represents common sense, whilst at the same time aiming to protect and advise the professionals about how to deal with the additional complications of functioning during COVID-19. Extracting the most relevant elements in the context of survey and valuation work:

1. It is imperative that the clients are made specifically aware of any restrictions, caveats or assumptions that have needed to be made, so that there can be no cause for misunderstanding, and no doubt about the basis upon which work has been performed. Ideally this should also be detailed within the Terms and Conditions of the retainer, or in writing subsequently so that there is a clear paper record. This is not only part of the service being provided to the client, but is also good risk management.

2. Physical viewings of property should be limited as far as possible, but of course this is not feasible for a survey or valuation (other than perhaps an AVM). As such, particular care needs to be taken both before and on site.
3. The professional should check beforehand whether the occupiers have had COVID-19, any COVID-19 symptoms, are shielding or clinically vulnerable, or have not yet completed the required period of self-isolation.
4. The professional should obtain as much background information about the Property as possible before the inspection, to provide a clear idea of the aspects that need to be investigated, the location of the services and utilities, and to limit contact with the occupiers.
5. The site visit should be carefully planned with the owners / occupiers beforehand, to minimise contact with people and the property itself, and to ensure that the professional has easy access to all areas required for the inspection, including cellars and basements, garages, sub-floors and lofts (depending upon the nature of the instruction).
6. Only one professional should attend the inspection or viewing, and ideally should not use public transport. If any other property professionals are involved, physical contact should be avoided, maintaining social distancing at all times.
7. The occupiers should remain outside or at least in a different room during the actual inspection, again to ensure social distancing.
8. Professionals should follow existing guidance about the use of personal protective equipment, including gloves, face masks and hand sanitiser.
9. Where possible, the professional should avoid touching surfaces or else have minimal contact necessary to carry out any investigations and testing.
10. Appropriate use should be made of video and photographic equipment, particularly for those areas where access is restricted or impossible.

Property professionals will inevitably be judged to have the same duties and obligations as they did prior to the pandemic, and still be expected to perform their instructions in accordance with the terms of the retainer and in line with RICS standards.

Past experience demonstrates how quickly clients are prepared to turn on their advisers when things go wrong, which danger may only be exacerbated by the limitations imposed by lockdown. However, with careful preparation, conduct of the inspection and subsequent reporting, including clearly defining the restrictions of any assessment, surveyors and valuers should once again be able to carry out their part in helping the property market take its first steps back towards normality, whilst also protecting their own position.

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