

Citizen Participation and Public Petitions Committee

3rd Meeting, 2024 (Session 6), Wednesday
21 February 2024

PE1957: Home Reports – make surveyors more accountable

Petitioner Catherine Donaghy

**Petition
summary** 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.

Webpage <https://petitions.parliament.scot/petitions/PE1957>

Introduction

1. The Committee last considered this petition at its meeting on [17 May 2023](#). At that meeting, the Committee agreed to write to the Scottish Government.
2. The petition summary is included in **Annexe A** and the Official Report of the Committee's last consideration of this petition is at **Annexe B**.
3. The Committee has received a new response from the Scottish Government which is set out in **Annexe C**.
4. Written submissions received prior to the Committee's last consideration can be found on the [petition's webpage](#).
5. Further background information about this petition can be found in the [SPICe briefing](#) for this petition.

6. The Scottish Government's initial position on this petition can be found on the [petition's webpage](#).
7. Every petition collects signatures while it remains under consideration. At the time of writing, 43 signatures have been received on this petition.

Action

The Committee is invited to consider what action it wishes to take.

Clerk to the Committee

Annexe A

PE1957: Home Reports – make surveyors more accountable

Petitioner

Catherine Donaghy

Date lodged

6 September 2022

Petition summary

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.

Previous action

I have contacted my MSP, Christina McKelvie, and my MP, Dr Lisa Cameron.

I have also raised my experience of this issue directly with the surveyor's company who worked on my own house, and the Royal Institute of Chartered Surveyors.

Background information

I purchased a house on the basis that the Home Report Survey did not highlight any areas of the property requiring immediate remedial work. There were/are many faults in the property which were not stated in the home report. The main faults being the hole in the roof, the poor fit of the conservatory roof, and missing gutters/rainwater systems. The surveyor said that the rainwater systems should be checked when it rains, but failed to mention there were NO rainwater systems.

Annexe B

Extract from Official Report of last consideration of PE1957 on 17 May 2023

The Convener: Our next continued petition is PE1957, which calls on the Scottish Parliament to urge the Scottish Government to ensure that surveyors are legally responsible for the accuracy of information provided in the single survey and to increase the liability on surveyors to pay repair bills where a home report fails to highlight existing faults in the condition of the property.

We previously considered this petition at our meeting on 7 December 2022, when we agreed to seek the views of a number of organisations. We have received responses from the Scottish Law Commission, Built Environment Forum Scotland, the Royal Institution of Chartered Surveyors and the Law Society of Scotland. Copies of the responses have been included in our meeting papers for today.

Although BEFS saw no concern with the petitioner's suggestion that all home reports should include contact details for the Centre for Effective Dispute Resolution, the Royal Institution of Chartered Surveyors response noted that

“it is not”

currently

“possible to name a single specific third-party resolution service as this would indicate bias”.

The responses from RICS and the Law Society noted an expectation that the Scottish Government will carry out a review of home reports in the near future, which is a move that BEFS would support.

Do members have any comments or suggestions?

Alexander Stewart: It is important that we seek more information. I suggest that we write to the Scottish Government to seek information on its plans to review home reports, including the anticipated timetable for any review.

The Convener: I think that the evidence that we received talked about an expectation that the Scottish Government would conduct such a review. As much as anything, we need to establish that such a review is in prospect.

Fergus Ewing: It is worth establishing that, but I think that the detailed responses from BEFS, RICS and the Law Society clearly set out the parameters of the home report. As is confirmed by my experience as a solicitor, it is more than a basic valuation report, but it is far less than a detailed structural report, which would cost

huge amounts of money. The limitations of the home report are clearly stated on it and, in practice, most solicitors are pretty good about advising clients about those limitations. Moreover, the surveyors have to have liability insurance and undergo professional training. The system is pretty well understood and works pretty well in practice.

Imposing a blanket strict liability, which is what the petitioner wants, would simply mean that the cost of a home report would go up exponentially in order to pay for the additional professional liability insurance premiums that would automatically ensue. I say that not because I want to prejudice the outcome of any review, but because it would be risky to raise the petitioner's expectations, although I understand that some individuals might have experienced hard cases. I cannot comment on individual circumstances.

The Convener: Mr Ewing's point highlights the conundrum that was at the heart of the debate when the Parliament sought to introduce home reports. Gosh, I think that they were introduced during my first session as an MSP—the 2007 to 2011 session.

Fergus Ewing: They existed far before then. The issues have certainly been debated for quite a long time. If there is to be a Scottish Government review, we should at least find out when it expects to hold it.

The Convener: Do members agree with that approach?

Members *indicated agreement.*

Annexe C

Scottish Government submission of 16 June 2023

PE1957/G: Home Reports – make surveyors more accountable

This petition calls 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 to increase the liability on surveyors to pay repair bills where a Home Report fails to highlight existing faults in the condition of the property.

We previously responded to this petition on 6 September 2022 and our position remains unchanged. The view of the Scottish Government is that this would be inappropriate for the following reasons:

- The scope of the home report survey is outlined at the beginning of the report. It clearly identifies the limitations of the survey being carried out and the extent of the survey is clear. It is aimed at providing an assessment of all elements that can be accessed in the property at the time of inspection, based on a visual, non-invasive inspection/survey. The surveyor is not expected to move any obstructions within the property and externally is expected to carry out the inspection from ground level.
- Under the Housing (Scotland) Act 2006, only members of the Royal Institution of Chartered Surveyors (RICS) can carry out the single survey and valuation in the home report. A home report must be signed off by a fully qualified member of RICS who is also a registered valuer. To gain qualification to the RICS the valuer must have passed the appropriate examinations or hold an accredited degree and will have passed an Assessment of Professional Competence based on relevant work experience. Members of the RICS who carry out a home report must have in place a complaints handling procedure, offer independent 3rd party recourse to complaints, including Alternative Dispute Resolution by The Property Ombudsman (TPO), and carry professional indemnity insurance (PII).

Therefore, we do not support the petitioner.

Further to this, the committee has written to the Scottish Government on 19 May 2023 to request an update on plans to review the Home Report.

We can confirm that the five-year review on Home Reports, published in 2015, found that the original objectives were still being met and were still appropriate.

A second review was planned for 2020 but this work was postponed due to the Covid-19 outbreak. Our current plans are that the review of Home Reports will now be progressed alongside our work to update cross-tenure housing standards. It will fully consider the findings from the first review together with other issues which have emerged since, such as the recommendations by the Scottish Parliamentary Working Group on Tenement Maintenance and the measures set out in our Heat in Buildings Strategy. We will engage with key stakeholders as we reflect on how Home Reports should evolve to ensure prospective purchasers are furnished with a useful assessment of the house condition which will in turn help them to make informed decisions about purchase.