

# Guidance on dealing with a complaint



Architects Registration Board

**This information sheet explains how we deal with complaints or other information we receive, which alleges misconduct or incompetence. It also explains what action you should take if we tell you that we have received a complaint about you. Please note that this is only a guide, and is not a substitute for formal advice.**

## About Us

We were established as a statutory body by the Architects Act 1997. The title “architect” is regulated in the UK, and registration under the Act enables you to use the title. We have a dual mandate to protect consumers and safeguard the reputation of architects. We aim to do this by:

- keeping an up to date Register of all architects
- promoting good standards, both in the education of architects and in professional practice
- providing consumers with an efficient, accessible service in cases of complaint
- investigating and prosecuting unregistered individuals who unlawfully call themselves an architect

The law gives us powers to restrict or remove your right to undertake work as an architect if we find that:

- you have been convicted of a criminal offence which is relevant to your fitness to practise
- you are guilty of unacceptable professional conduct
- you are guilty of serious professional incompetence

## How you can deal with a complaint

If a client raises a problem with you, please try to resolve it direct with them. Alternatively, it may be something that requires mediation or arbitration, depending on the contract you have with your client. If you think you have been negligent, you may need to trigger your Professional Indemnity Insurance to maintain cover. You might find the following guidelines helpful in dealing with a client’s complaint.

- If the complaint is in writing, acknowledge it immediately
- Tell your client who will be dealing with the complaint, and what the likely timescale is for dealing with it
- Keep your client informed of the complaint’s progress if it is unlikely to be resolved quickly
- Note what the client expects from the complaints process, and whether those expectations are reasonable
- If your client asks for a meeting, try to arrange one as soon as possible
- Open a complaint file, and keep a record of what steps you take towards resolving the complaint
- Finally, remember that speedy resolution of complaints helps to maintain client goodwill, and is frequently the most cost-effective solution for you.

We appreciate that it will not always be possible to settle a complaint to your client's satisfaction. If that is the case, you should refer your client to ARB (Standard 12 of the Code of Conduct refers). Doing that can often help to defuse what might otherwise become a highly antagonistic situation.

### **How ARB deals with complaints**

When we receive a complaint, we will usually:

- send you a copy of the complaint and ask for your comments
- send a copy of your reply to the complainant and ask for their observations
- examine the documentation in detail to establish whether there is an issue either of unacceptable professional conduct or serious professional incompetence which will need further investigation

### **Conduct and Competence Procedures**

The conduct procedures deal with cases where your conduct or competence falls short of the standards required of a registered person.

The procedures apply to all architects. The aim of the procedures is to:

- protect consumers – your clients
- stop the architect from re-offending
- deter other architects from behaving in a similar way

Our main role is to protect the public so that they are confident about the standards and service they can expect from architects.

### **Criminal convictions**

The police or the courts may tell us if you are convicted of a criminal offence in the UK. We have to accept a conviction as evidence that you are guilty of that offence. When you have been convicted, you cannot argue that you were innocent.

We view seriously any criminal offence by an architect, especially if it was committed in connection with the architect's professional work or is materially relevant to an architect's fitness to practise.

### **How we receive information**

We can receive complaints from a variety of sources, including clients and members of the public. The police or other public organisations can also refer information to us.

We do not usually investigate very old matters (generally over 6 years) unless there are special circumstances. This is because the general law provides limitation periods, and there are Human Rights considerations which ARB must take into account.

In most instances, we will usually tell you about any complaint made about you as soon as it is received. The exception would be if the complaint were, in our view, wholly frivolous. Both you and the complainant will have the opportunity to comment on the matter, which may then be referred to the Investigations Committee (IC). This Committee is composed of three Board members, one of whom is an architect. The Committee may decide to appoint an architect Inquirer to report to them. Complaints are assessed by reference to the Code of Professional Conduct. The Committee will consider all the information available, taking into account:

- the seriousness of the matter
- any other information we may have received about you
- any relevant evidence which may be available

If the IC considers that there is a case to answer, the matter will be passed to the Board's solicitor, who will prepare a report for the Chairman of the Professional Conduct Committee. This will lead to a formal hearing in public. Alternatively, the IC may dismiss the complaint, or issue a formal warning.



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### Timing

Depending on its complexity, a complaint under investigation can take many months to complete. It is important that complaints are handled promptly and effectively, which is why we need to impose time limits, both on the complainant and the architect. However, while we ask you to respond to any correspondence from ARB within 14 days, we accept that this will not always be possible. If you contact us to explain why you need longer, there is no reason why we cannot give you a short extension of time.

We will endeavour to keep you advised as to the progress of the complaint. However, if you are in any doubt at any time, we are always available to be telephoned, and will welcome hearing from you.

### Confidentiality

It is axiomatic that disciplinary hearings will generate a fair degree of media interest. It is not our policy to comment on or divulge the details of a case to the media while it is under investigation. We are committed to protecting both the confidentiality and the reputation of the parties to a complaint until the matter comes before the Professional Conduct Committee and is formally in the public domain. It is important, therefore, that you and the complainant also undertake to preserve the confidentiality of all information arising from a case.

### The Professional Conduct Committee (PCC)

The PCC usually meets in London, and the meetings are held in public. The hearings follow a set of legal rules, and you may want to have your own legal representative in attendance. We will tell you the date and time of the hearing, and will expect you to attend. Cases are heard by architects and lay persons, under the independent chairmanship of a solicitor nominated by the Law Society.

Both you and the people who have complained may be called to give evidence on oath, and you may be cross-examined. We may also call witnesses to attend and be cross-examined, and you have the right to do the same, should you so wish.

After hearing the evidence, the PCC has to consider the following questions:

- did you behave in the way alleged?
- if you did, does this behaviour amount to unacceptable professional misconduct or serious professional incompetence?

The Committee will also consider details of your character and history.

The PCC can decide:

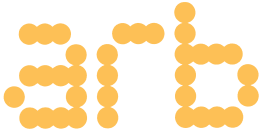
- to reprimand (warn) you and conclude the matter
- to impose a penalty or fine
- to suspend your registration
- to erase your name/strike you from the register
- that there is no case to answer

### Right to Appeal

The decision of the PCC takes effect as soon as you are formally notified. You have three months to appeal against the decision to the High Court or Court of Session (in Scotland).

### Further information

Should you like further information, please contact us on 020 7580 5861, or by fax on 020 7436 5269. Alternatively, you can visit our website, [www.arb.org.uk](http://www.arb.org.uk), or if you prefer, you can email us at [RegulationDepartment@arb.org.uk](mailto:RegulationDepartment@arb.org.uk).



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## An Architect's Obligations

### Under the Architects' Code, an architect's obligations are to:

- Act with integrity at all times
- Provide adequate resources when undertaking professional work
- Promote their professional services in a truthful and responsible manner
- Carry out their work faithfully and diligently, with due regard to the relevant standards
- Have regard both to their clients' interests and to conserving and enhancing the quality of the environment
- Maintain their professional service and competence in areas relevant to their work
- Execute the requirements of any contract with due care, knowledge and attention
- Ensure the security of moneys entrusted to their care
- Hold adequate and appropriate professional indemnity insurance
- Manage their personal and professional finances prudently
- Organise and run their professional work responsibly, and have regard for the interests of their clients
- Deal promptly and appropriately with disputes or complaints relating to the professional work either of themselves or their practice
- Promote the standards laid down in the Architects' Code