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ARB Consultation on the Code of Conduct – August 2015

Responses:

	Name of responder and role	Q1 reply:	Q2 reply:	Q3 reply:	Q4 reply:	ARB comments:
1.	Matthew Judd, Architect		It's reasonably good but some of the wording could be reviewed for clarity, for example in para. 3.1 'You are expected to promote your professional services in a *truthful and responsible manner*' could be improved to 'You are expected to promote your professional services *truthfully and responsibly'*.		In my opinion paras 6.1 and 6.2 are partially repetitive and need editing. 6.1 says 'You are expected to carry out your work promptly', 6.2 says 'You should carry out your professional work without undue delay'. What is the intended difference between these two? Could we omit the wording from 6.1?	Drafting suggestions noted
2.	Yarema Ronish, Architect	The Construction (Design and Management) Regulations 2015 create a new role of Principal Designer, which falls to the architect by default on domestic projects, and is an appointment on other projects. Architects' appointments should specify whether or not they are acting as Principal Designer. However this could be dealt with as guidance rather than an amendment, as this point is implied into paragraph 4.4 of the Code ("who will be responsible for what").	Yes. There is so much unnecessary regulatory change at the moment that any amendment to the Code would simply create unnecessary uncertainty. Also disciplinary proceedings would have to distinguish between the requirements of an old and a new Code.	CDM Regs as stated.		Noted
3.	Tim Gough, Director and Senior Lecturer	No	Yes	No. The current Code is exemplary in its clarity and, on reviewing it (again) I could not see any point of ambiguity or anywhere where detailed guidance is needed	As noted above, the Code seems to me to be exemplary in providing clear and succinct guidance to the architecture profession. I could not see anything that needed changing, and as you note there are benefits to maintaining the same text of the Code. I was formerly Vice-President Practice at the RIBA and teach on the Part 3 course at Kingston	Noted
4.	David Darkin, MD				I would like to suggest that in Relation to 'Maintaining the Reputation of Architects' and 'Respect for others' that a note on social media conduct is included. Whilst I'm not aware of any particular instances involving architects, but I believe it would be beneficial to stay ahead of the curve on this one. For example, should an architect be caught trolling someone on Twitter, then this clause would make it clear that this is unacceptable behaviour under the code of conduct	Noted, but this may already covered by the general provisions of the current Code.
5.	David Rea, Director			Clause 6.3 is extremely vaguely worded and has allowed Clients, particularly professional clients in say the accountancy or other professions to refer Architects to ARB. Matters of cost are generally handled by a QS, granted that the Architect is the lead consultant, however, he/she should not become responsible for the performance of other consultants. Quality is the responsibility of a contractor via the building contract, similarly it is the Contractor's role to report any issue which may affect quality.		ARB does not accept that there is anything particularly onerous or inappropriate about an expectation that an architect will keep their client informed of the progress of work.

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				Clearly Architects should not withhold such issues from their Clients, and there must be a high level of transparency in their dealings and communication with all parties both pre-contract and during a contract. However, Architects should not be ultimately responsible for clause 6.3. Lay members of ARB's board may not appreciate the detail of this point, however practitioners on the board certainly will.		
6.	Gavin Edwards, Architect	UK Employment Law 2010 Equality Act 2010 Bribery Act 2010	No, recent updates to European and UK employment law has sought to introduce the legal enforcement of 'morality' and 'ethics' in business. Standards 1,9 & 12 in the present form of the Code of Conduct does contain morality clauses but the enforcement of our standards, in my experience, is focused on the consumer and not all aspects of an Architect's business. If Architects wish to be at the pinnacle of the construction industry then should our Code of Conduct set the highest standards in all aspects of our business? In which case, it is not the Code which needs updating but its scope of enforcement widened beyond the consumer client and protection of title.	Yes, the guidance should express whether the Code <u>only</u> applies to an Architects business with the consumer or all of their activities?	I consider that the present Code and its implementation by the board provide good protection for the consumer. However, it offers no protection to other parties, such as employees or creditors: Currently, we rely on other legal mechanisms for resolution but surely as a professional body with a protected title we should strive to recognize all breaches of law and take appropriate action. I appreciate that disciplinary proceedings take time, personnel and money and that these commodities are not infinite. Maybe the introduction of a lesser disciplinary measure, such as a written warning, for breaches deemed as misdemeanours during the complaints procedure; would at least enable ARB to keep a record on an Architect, especially to keep tabs on repeat offenders.	While general law is not repeated by the Code, clarification over its scope of application is a valid point. The points on regulatory and disciplinary measures are relevant to ARB, though not to this particular consultation on whether the Code requires amending.
7.	John Murray, Architect	Yes. The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. It replaced previous anti-discrimination laws with a single Act, making the law easier to understand and strengthen protection in some situations. It set out the different ways in which it's unlawful to treat someone.	No. It should actively promote equality of opportunity for everybody who has dealings with us, irrespective of their race, gender, disability, religion, belief system, sexual orientation or age.	Yes. We operate in line with the Government's public sector equality duty. This duty places a responsibility on all public bodies to eliminate unlawful discrimination, advance of equality of opportunity and to foster good relations between different groups of people. The duty also extends to publishing information on how we have delivered on that responsibility.		The Code makes clear that it does not repeat legal obligations that exist elsewhere. It is not envisaged that any amended Code would do so either. Standard 12 already expects all architects to treat others fairly, and without discrimination.
8.	David Holford-Wright Architect	The implications of CDM 2015 Regulations (where applicable on a particular project) puts greater emphasis on the role of Principal Designer making it advisable for Clients to specifically appoint a party to this role and imposing legal duties on those undertaking this role. The role of Principal Designer typically and in most instances is likely to be the Architect.	Regarding the above, there are two points: 1) Appointment for Principal Designer must form part of the overall scope of services or Form FOAPD2015 by the Association for Project Safety (APS) should be used in conjunction with the scope of services offered to a client. 2) Principal Designers must ensure they have the requisite Skills, Knowledge and Experience to undertake the role and fulfil their legal duties imposed by CDM Regulations 2015.	There is considerable amount of CDM guidance available from CITB and APS. But there is no Approved Code of Practice (ACoP) to support the new regulations. Most of the new regulations is common sense, however without an ACoP there is no standardization of what questions ought to be asked and at which stage, what needs to be recorded throughout the design process and what should form the basis of adequate information for the Pre-Construction Information that the Principal Designer will be responsible for compiling. RIBA have voiced concern that having no current ACoP may put Architects at litigation risk, as cases brought will not have an approved code of standard by which to compare the particulars of a case. Further input by the ARB and RIBA in collaboration with practicing architects on this matter to establish a base set of guidance on 'CDM – What Looks Good' would be of	Suggestion: The above could be summarized as an addition under part 5 of the Code: **Considering the Wider impact of your work.** **5.2** Alongside your primary responsibility to your clients, you should take into account the Health, Safety and Wellbeing of those involved, effected by your professional activities and additionally, if undertaking the role of Principal Designer; ensure that you have adequate skills, knowledge and experience required by CDM Regulations 2015 to meet your legal duties. Alternatively or in addition 2.4 could be expanded to include the highlighted **bold** text: 2.4 You are expected to keep your knowledge and skills relevant to your professional work up to date, **have adequate experience to fulfil your legal duties of care** and be aware of the content of any guidelines issued by the Board from time to time.	Noted: drafting suggestions, some of which already covered by the general provisions of the Code.

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				great benefit given the legislative changes imposed by the new regulations.		
9.	David Billingsley, Architect	No	Yes	No	None	Noted
10.	Tom Woolley, Architect	Since 2010 it has been increasingly recognized that the world faces a serious environmental crisis and that CO2 emissions need to be reduced urgently. Government targets for zero carbon buildings will not be met unless significant changes to current design practice are made. http://zerocarbonhub.org/zero-carbon-policy/zero-carbon-policy. There is substantial evidence that methods adopted by architects in recent years are leading to serious problems of dampness, under performance, overheating and other associated health issues. http://www.zerocarbonhub.org/current-projects/performance-gap; http://zerocarbonhub.org./current-projects/tackling-overheating-buildings http://www.worldgbc.org/activities/health-wellbeing-productivity-offices/ Currently architects pay insufficient attention to these issues and many architects do not know how to design environmentally responsible buildings competently	The Code of Conduct is not fit for purpose because it fails to put sufficient responsibility on architects to tackle environmental issues. The 2002 Code put an explicit responsibility on architects to tackle environmental issues. Standard 5 2002 Code *Whilst Architects' primary responsibility is to their clients, they should nevertheless have due regard to their wider responsibility to conserve and enhance the quality of the environment and its natural resources.* This was watered down in the 2010 code Standard 5 2010 Code 5.1 *Whilst your primary responsibility is to your clients, you should take into account the environmental impact of your professional activities*. "Taking into account" environmental issues is far too weak. The stronger 2002 statement should be reinstated and strengthened even further.	Detailed supplementary guidance should be provided on how architects should have due regard to their wider responsibility to conserve and enhance the quality of the environment and its natural resources. A small working group of experts in this area should be established and asked to collate such guidance for the Board.	I would be keen to make a verbal presentation to the Board about this.	Noted
11.	Roger Bloomfield, Architect	No	Yes.	I examine Part 3 candidates and I am often engaged to investigate and report on technical and professional aspects of failures of buildings and their procurement. I see weaknesses in candidates and have to assess whether they will be able to increase their competence in the early stages of their professional careers. I seldom come across instances where the performance of architects suggests that they may be barely if at all competent to hold themselves out in their work or have lost sight of the basic requirements of professional practice. More often, I come across sometimes baffling cases in which apparently competent, sometimes very experienced architects, usually in modest sized practices, have failed to ensure that they can properly attend to what is put to them, or to what happens on their projects where their client may be bound to rely on their judgment, their intervention, their insistence on the letter of contracts or, in those cases where non-professional clients may themselves be making life difficult, failed to warn of the consequences of their architect not being allowed or given the resource to carry out their jobs in the interest of their client. Your reports of disciplinary hearings are clear and to the point – though it is by then too late and requires effective use		Noted, but not wholly relevant to the consultation on whether a new Code of Conduct is required.

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				of the 'mark as unread' tag to be useful. The documentation generally that you produce is in my view perfectly adequate. Also, I note that in all your communications, you properly treat us all as mature professionals on the premise that we know the rules and want to do what we should. Even so I wonder if there is space in which you might pithily publicize cases and outcomes, even narrow escapes, as information and as counselling. Webinars and mailings might be useful as well as obtaining feedback for membership samples.		
12.	Predrag J Maric, Principal Partner	Yes, the developments in use of Code of Conduct in practice have substantially improved.	Please see comments below: There are evidence holes in the extent of protection of Practice in real life on the street. Namely, there are Companies of dubious profile allowed to legitimately use the word: 'ARCHITECTURE' in their Company Limited title, such as 'ARCHITECTURE LTD', concealing the fact that they do not have ARB registered Architects employed at the formally appropriate level. They are allowed to freely confuse the public with their glorified name, and worse, carry out combined Building Construction and Architectural work outside formal controls in place. In brief, NOBODY and NO ENTITY within the borders of UK who are not the fully qualified and ARB-registered Architects, or do not employ an ARB-registered Architect ON A FULL TIME BASIS at the senior level such as the Director or the Partner should ever be permitted to use any word in their title or description of their work which includes ANY REFERENCE TO ARCHITECTURE OR ARCHITECTURAL DESIGN, OR ARCHITECTURAL SERVICES OF ANY KIND OF WORK WITHIN THE MEANINGS OF ARCHITECTURE WHATSOEVER! From what we have found to be the case the word 'ARCHITECTURE' with all its direct or indirect meanings remains currently UNREGULATED in public use! The question is why is that still so, and when that loop hole shall formally be closed to prevent further abuse of our profession? Can that be introduced in decisive terms and without delay during or as of this year? Yours sincerely, PM&A ARCHITECTS & ENGINEERS (Architectural Practice)			Irrelevant to this consultation on the Code of Conduct
13.	Julian Weinberg, Chair PCC, ARB	Whilst not strictly relevant to the code, the increase in statutory fine levels has not been reflected in the Board's powers re financial penalties	Yes, but it could be improved – see below.	The Code refers to expectations as opposed to stating that a registrant "must" do something as per e.g. the NMC code of conduct. Is this appropriate in every case? Code 4.4 – should there not be an obligation on the architect to provide it as opposed to being able to rely on correspondence from the client who has made reference to aspects of the contract? Code 6.4 – should the		The Code of Conduct is issued under the power granted by section 13 Architects Act 1997, which sets out that the Code will lay down standards of conduct and practice *expected* of registered persons. The current code mirrors that language. Drafting suggestions are noted.

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				client's consent not be sought as well where the architect will lack impartiality. Acting as both architect and contractor is a relationship fraught with issues, not least regarding conflicts of interest. It should be clear that if acting in both capacities, the architect should also ensure compliance with 1.3 in undertaking that dual role – it should be more explicit. I think the code should also be clear that it covers both the professional and private life of an architect.		
14.	Royal Incorporation of Architects in Scotland	We consider that the standards need to be revised to fit in with the reality and challenges of practising architecture today	The RIAS generally support the Code of Conduct. The standards are similar to those applied by other professional bodies. The RIAS responded to ARB's previous consultation in 2009 and the comments submitted in relation to the previous Code revision (2010 edition) are still relevant. There are a number of points which we would ask you to take into consideration with a view to amending the standards. 1. Throughout the Code the word 'ensure' is used. Example Standard 2.1 *if you engage other to do that work you should ensure that they are competent and adequately supervised*. This term is onerous. Could a substitute such as *carry out reasonable checks* or *use reasonable endeavours* be used to replace the word ensure? This would be in line with the terms of Architects' appointments which don't use the terms 'ensure', following advice from legal advisers and PII insurers. 2. Standard 2.2 You are expected to make appropriate arrangements for your professional work in the event of incapacity, death, absence from, or inability to, work. In practice this is very difficult to achieve. There are complex issues of liability and insurance cover which would need careful consideration. The standard should be revised. 3. Complaints and the explicit requirement for all architects to have a written complaints handling procedure. Standard 4.4 and 10 Complaint procedure states: *inform the client that [named individual and title] will be responsible for receiving and handling complaints (a senior member of the practice is recommended)*. We suggest a revision on this standard. We agree architects should have a duty to deal with complaints *promptly and courteously* but it is unnecessary to have to provide the client with a written complaint procedure at the time of appointment. The standard should be clarified. It is unclear whether this requires a copy of the complaints-handling procedure to be produced to the client along with the terms of engagement or whether it is simply sufficient to make reference to the existence	We do not believe that the issue of supplementary guidance – apart from short factual information – is the answer. It could introduce further problems and be subject to interpretation.	The RIAS feels that the issue is not so much the standards themselves but the way they are interpreted and applied disproportionately against architects. The RIAS has previously raised its concern about a number of case histories of recent Scottish cases which went before ARB.	The proposed drafting amendments are noted, though not necessarily agreed with. ARB does not consider they are sufficiently serious to require a new Code, and notes that RIAS is generally in support of the Code of Conduct. Views on supplementary guidance are noted and understood. The application of the Code in terms of disciplinary action is not relevant to this consultation, though RIAS' views are noted.

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			of one. It should also be reworded to fit every type of practice. In the case of a sole practitioner, complaints will obviously have to be dealt with by the sole practitioner themselves. 4. Standard 12 *You should treat everyone fairly and in line with the law. You should not discriminate because of disability, age, gender, sexual orientation, ethnicity, or any other inappropriate consideration*. This is covered by appropriate legislation. It should not therefore be part the Code of Conduct, just as other matters within general legislation do not require reiteration in a code specific to architects. 5. In general the Code should avoid straying into territory beyond what architects are contracted to do. For instance the code's obligations with regard to the environment and the wider public good (example Standard 5.1). Architects operate within a legal and regulatory framework which is sufficient.			
15.	Patrick Bligh-Cheesman, Lay Member, ARB Investigations Panel	Should the new ADR information requirements under para 19(2) of the Consumer Protection: Alternative dispute resolution for consumer disputes (amendment) Regulations 2015 be added to the Code as a new Standard 10.4?	**1. Ill Health**. There have been a few cases where architects have failed to meet standards because of ill health. Many professional regulators have Health Committees to deal with such cases. I appreciate that ARB responsibilities are tied to the legislation and we do have standard 2.2. However, I wonder whether there is some way that ARB could require notification of ill health and then take some kind of monitoring/support role to ensure that proper arrangements are in place to try to ensure that clients continue to receive an appropriate level of service. **2. Party Wall Surveyors**. Bearing in our recent discussions and training, this is an area that I believe would benefit from more precise guidance. I would suggest that it should be made clear that where an architect has an interest in a Building Owners project (other than as Party Wall Surveyor) then he should not act as Party Wall Surveyor for the Adjoining Owner. **3. Financial interest in a project**. There have been a number of cases where an architect has had a financial interest in a development/project and I have been surprised that the architect has not seen this as an inherent conflict of interest situation. This sort of situation reflects very badly on the profession. I appreciate that there will be many occasions when this happens without any adverse effect but the opportunity for reputational damage is considerable here. I would suggest that Standard 6.4 be amended to include 'If you have financial interest in a development site and/or property you should make it clear in writing to any	**1. Personal relationships with clients**. Whilst this could be said to be covered by general provisions of the Code, I do think that some further guidance would be useful, even if not be way of amending the Code. **2. Handling of Complaints.** I think we all recognise that a significant proportion of complaints are linked to fee disputes and unpaid fees. There have been one or two cases where unpaid fees and suspension of services have lead to complaints not being properly handled and therefore escalating and increasing the opportunity for reputational damage. I think it would be helpful to have some further guidance here to advise architects that complaints must still be responded to, although careful wording will be needed to recognise the inherent tensions in such situations.		The points raised, while valid, are capable of being dealt with under the current version of the Code. Views on more detailed supplementary guidance are noted.

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			client/purchaser of the land/property that your advice will not be impartial'.			
16.	Stephen Neale, PCC lay member				The only comment I have regarding the current code is around the wording of Standard 6.4, and focuses on the conflict of interest when an architect acts as contractor – even if this is put in writing, the conflict remains because the architect would still need to certify his own work completed as the contractor. Yet the code almost gives tacit approval of this as it refers to "if you are to act as both….."	ARB considers the current position under the Code to be correct. Architects should legitimately be able to act in a conflict of interest situation (e.g. design & build) so long as informed consent is acquired from the relevant parties.
17.	John Hickey, Director Architect	The evolving changes in business practice which enable dissolution of a business, either LLP or Ltd Co, leaving no persona with liability has been clearly exampled many times during the recent recession. This has led to clients being left high and dry with no financial recourse and no ability to pursue insurers. This issue has also brought to light the ability for any excluded registrants to form another corporate business with registered directors under the title architect and to be a principal in that business. Neither of these are in line with the principles behind the ARB code: that of protecting the public interest.	I believe the Code should be restructured to recognize the above problems and to make it clear that when Clients have entered into dealings with a corporate structure rather than a sole trader that that business is expected to keep to the principles of the codes and not admit an excluded person as a principal, a director, or a controlling shareholder. It is also imperative that a clear of the nature of Professional Indemnity insurance cover, its limitations, and the remaining risks in the event of dissolution should be required to be made clear to clients	It may be that the issues raised above are more appropriate to be detailed in such supplementary guidance		Noted, although under the legislation ARB can only regulate individuals, not corporate entities.
18.	Neil Ferguson, Sole Principal	The role and responsibilities of the Architect need to be prescribed through ARB when appointments are made to public bodies. Through legislation and the dominance of Project Management doctrinaire methodologies the professional role of the Architect has been undermined in public bodies. The Architect generally does not have the necessary authority to exercise professionalism and skill and in theory should not accept such positions – too many Architects are put into compromising positions and the regulatory body should set out a framework that other legislation and procurement criteria should recognise – all to maintain the reputation of architects.	The code needs to be adjusted for this age of collaboration and the adoption of BIM particularly the intention to migrate to level 1.	Supplementary guidance for Architects working for public bodies (see above).	An interactive on-line tool for practitioners and students to use as a health check each year, with feedback notes from the Board placed as tags against the standards.	Doubtful as to whether the Code could assist with this problem; it can only put expectations on registered architects, and not oblige others to act in a certain way. The current Code already expects architects to only accept work when they have adequate resource to undertake it.
19.	Andrew Catto AADip RIBA ACArch, Hon Secretary, ACA	Although there have been changes, particularly to the CDM legislation, the ACA do not believe any of these require a change to the ARB Code. The Code of Conduct should define the standards for Architects generally, and not duplicate statutory duties that may also apply to non-architects	Yes.	No. As a consequence of the remarks above.	We note that the Code is required by the Architects Act, and are content that the current Code fulfils this role without straying beyond relevant areas. Confusion could arise because of the RIBA also issues a Code of Conduct. Surely the profession only needs one.	Noted and agreed.
20.	Roger Wilson, Architect/ARB PCC member	No	Yes	Not necessarily		Noted.
21.	Ian Salisbury, Architect	I do not see the relevance of post 2010 developments restricting a review of the Code. The Code is flawed and has been so since its inception.	No. The Board is required to lay down in a code standards of professional conduct and practice expected of registered persons. It is clear that the code is to relate only to professional conduct and practice, and is not to be taken as a set of	No. The Board has no power to provide detailed supplementary guidance. It has only a power to issue a code laying down standards of professional conduct and practice expected of registered persons, nothing else.	I suggest the following as an adequate and sufficient code to replace the existing: In their professional conduct and practice registered persons are expected to	ARB has previously satisfied itself that the Code is legally compliant with the provisions of the Architects Act. No legal challenge has ever been raised against the current version of the Code.

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			regulations. Thus:- **1.** Code Standard 3.4 is expressed in terms that are inconsistent with the Architects Act. It is only necessary to apply the code to the assessment of the professional services of a registered person. There is no reason that is compliant with the Architects Act for "all architectural work" to be "under the control and management of one or more architects". All that is necessary is that any work done by or under the control of a registered person meets the reasonable professional standards of conduct and competence that are expected. Who the work is done by is irrelevant. This code standard is also contrary to the provisions of the Competition Act 1998. **2.** Code Standard 8.1 is expressed in terms that are inconsistent with the Architects Act. The Board has no power to determine with guidance or by any other means a minimum level of insurance cover, or at all. It is sufficient and appropriate to lay down an expectation that a registered person is expected to have adequate and appropriate insurance, but that is all. The Board has a power to make rules generally for carrying out or facilitating the purposes of the Act. However, that does not entitle the Board to arrogate to itself powers not conferred by the Act. **3.** Code Standard 8.4 is expressed in terms that are inconsistent with the Architects Act. The Board has no power to expect a registered person to provide evidence of any kind and no power to convert a reluctance or refusal to provide such evidence into an imputation of unacceptable professional conduct. The last two sentences of the previous paragraph is here repeated. **4.** Code Standard 9.2 is expressed in terms that are inconsistent with the Architects Act. Architects may freely bring the profession into disrepute provided that in doing so, there is no serious failing in their standards of professional conduct and practice. The Board has no power to judge any activity other than the professional conduct and practice of registered persons. The last two		1. Assure themselves that information given in connection with their services is in substance and presentation factual and relevant to the occasion, and neither misleading nor unfair to others; 2. Define beyond reasonable doubt before making an engagement, whether by a contract of professional employment or by a contract for the supply of professional services, the terms of the engagement including a. the scope of the service b. the allocation of responsibilities and any permitted limitation of liability c. the method of calculation of remuneration d. the provision for termination 3. Declare to other parties to an engagement any business interest which might appear to be prejudicial to the proper performance of the engagement 4. Carry out faithfully and competently the performance of an engagement a. with proper regard for the interests of those who may be expected to use or enjoy the product of their work b. with fairness in administering the terms of a building contract where that is required, and c. without inducement to show favour 5. Withdraw without delay from an engagement if at any time their integrity is put into question by reason of professional or personal conflict, unless an agreement is reached on the continuance of the engagement.	

			sentences of paragraph 2 above are repeated. This code standard is also contrary to the provisions of the Human Rights Act 1998. **5.** Code Standards 9.3, 9.5 and Standard 11 are expressed in terms that are inconsistent with the Architects Act. The code cannot impose such a positive duties on registered persons because the Board has no power under the Act to impose them. The last two sentences of paragraph 2 above are repeated. **6.** Code Standard 12.1 is expressed in terms that are inconsistent with the Architects Act. It can however be made valid by preceding it with the words "Within your professional practice…" The last two sentences of paragraph 2 above are repeated.			
22.	David Shield, Architect				The bigger issue is… why use an architect at all anymore. Many construction professionals act as architects, have no code of conduct to work under and can therefore act in any manner they choose. Many describe what they do as architecture and there is certainly no law against it. I suggest protecting the 'discipline' of architecture rather than just a word!	Irrelevant for the purpose of this consultation.
23.	Julie Boultby, Director	There are economic and political circumstances that have changed, which are intended to boost the economy, to recover from recession and help small businesses. There are many more micro businesses (1-2) than ever before because many people were made redundant in the recession. Small businesses are a huge force in the UK, yet they face red tape etc. that limits their ability to expand and reduces profit. There is too much power for the consumer at present, as clients who don't wish to pay their bill can simply make a complaint to the ARB, which then takes up the architect's time/emotional energy having to respond to. Even if they don't, the threat is always hanging there which is in addition to statutory and contract law that already protects the consumer. Small architectural practices need all the help they can get. Architects live under the day to day stress of possible legal action which means many of us leave the profession or spend hours of fruitless time 'covering our backs'. What a senseless waste of training and effort.	No. It is too woolly. I believe that ideology should be reserved for the RIBA Code of Conduct to create an 'image' for the profession. The ARB is there to protect consumers and therefore needs to be more pragmatic/specific, then everyone would know where they stand. For example the requirement to be 'competent' is simply an ideological notion, which solicitors can make a meal of. It may as well ask for architects to be perfect! Perhaps it should read that architects should be suitably qualified and experienced in the sector of work they are undertaking and where there is a lack of experience, this should be made clear to the client/employer. That way it asks for a level of ability without alluding to perfection and everyone would know what to expect. The ARB is a quasi-legal court that can find any mistake in any architect's work as an example of incompetence because there is no specific definition. Other examples include 'Respect others' – again this is vague, ideological and not pragmatic and respect is already covered in UK law. There is no point repeating consumer protections that are already in law. There are only 3-4 rules that really benefit the consumer – Architects should be required to: (in addition to being fully qualified)	No, I think it should be shorter and more precise in the first place. It doesn't need punchy headlines with a load of extra explanations, it just needs a few concise rules that are already well explained.	Many people whom I trained with and worked with have left the profession because of the stressful ramifications of the work. There are numerous protections for the consumer already and not enough for architects who can fall victim to clients who simply don't want to pay their bill. Chartered Architects ca already be dealt with under criminal law, civil litigation, the RIBA and the ARB – isn't this enough to put anyone off the profession?????	Noted

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			1. Carry PI insurance (this is the main form of consumer protection). 2. Have a written contract in place. 3. Do a defined amount of annual CPD Respond to complaints in a calm, professional manner that makes attempts to resolve matters through negotiation without going to court.			
24.	Peter Wray, Architect	No	No, Because it is a duplication of the RIBA code of conduct	Some sample forms of appointment might be helpful showing appropriate levels of content for different sizes of project	I firmly believe that the duties of the ARB should be give over entirely to the RIBA including maintaining the Register and a code of conduct.	ARB has a legal obligation to issue a Code of Conduct.
25.	Max Fawcett, Architect				I would like the Board to consider the following items for incorporation within the Code. (For avoidance of potential doubt, I am writing on a personal basis, and not on behalf of my employer) Under the category of: '1. Be honest and act with integrity' Proposal 1: It should be a clear and emphatic requirement of the code that architects do not undertake work for free. Reasons: A: Providing work at no cost is neither responsible nor professional. It is also dishonest, in that zero-fee work cannot be resourced by architects in the same way as paid work. Unpaid work is unfair to clients as it could increase the incentive to architects to recover costs at later stages of the project. In summary, zero fee work does not promote the provision of high-quality services for Clients - one of the key objectives of the profession. C: Unpaid work de-values the profession to both the eyes of clients and the wider public. Architects deserve renumeration for the work they do and the skills and experience they offer. Working for free undermines the title of 'architect'. D: If all architects were required by the code to charge for services provided, it could have the potential to revolutionise the financial security of the profession, and help practices support investment in people and training. '3. Promote your services honestly and responsibly' Proposal 2: It should be a requirement of the code that architects are prohibited from promoting their services to a client with the intent of undermining or replacing another architect working for that client. Reasons: A: Architects should behave with professional respect to one another and their clients. They should be required to collaborate constructively with other professionals,	It would be inappropriate for ARB to involve itself in the setting of fee levels, and likely to result in legal challenge should it attempt to do so. The Code already expects adequate resources to be in place for work undertaken. There already exists an expectation for architects to act with honesty and integrity.

					including other architects. B: An architect promoting their services to a client with the intention of taking work from another architect devalues the profession, and is both dishonest and unprofessional. C: Taking work from other architects could involve low or zero fee bidding (see Proposal 1). Thank you for consulting on the Code.	
26.	Chris Heuvel, Architect/Teacher	Yes – the Localism Act suggests that Standard 5 should be expanded in order to clarify that part of 'environmental impact' is SOCIAL SUSTAINABILITY: Architects ought to be obliged to take account of the views of the local community when proposing new development.	Generally, yes.	No – simplicity is best!	None.	Noted
27.	Katarzyna Woznicka, Architect		In my opinion the code of conduct should say more about relation architect - architect (= employer - employee). Architecture is the only profession where it is treated as 'normal' that employers force their employees to work unecceptably long hours on daily basis. Many of my colleagues from respected and internationally recognised architectural firms are forced to work unbelievable amounts of extra hours each week. They are not able to leave on time, nor get paid for their overtime hours. They leave and work in constant stress, under constant pressure and in fear that if they do stand up in protest, they will lose their job. And they fear that if they do resign, their new work place might be even worse in this aspect. This ongoing situation makes incredible damage to the profession. It all started in recession, when many architects lost their jobs and employees tried to win new projects and survive the crisis with fewer staff. Unfortunately although the market has now recovered, this attitude did not change and 'new standards' remained. Employees forced to work extra hours without choice and without any pay or time in lieu often have to sacrify their private lifes and eventually become physically and psychologically exhausted. This makes them less productive and often takes the entire pleasure from working as architects. Moreover, it is also resulting in a feeling of disappointment, frustration and dislike towards their job and their bosses. Perhaps some employees are therefore trying to use sick days to compensate themselves, which is not sustainable. We chose to be architects because we enjoy design and solving problems. Working extra			These are matters which are already covered by general law.

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			hours only occasionally is understandable and acceptable. But we cannot accept situations where so many award winning architects, reporting high profits year by year, are building their fame using slave labour. In many cases there is a note in contracts of employment that architects sign, saying that employee may be asked to work extra hours if required with no pay. According to information published at www.nidirect.gov.uk/overtime 'Most workers can't be made to work more than an average of 48 hours a week, but they can agree to work longer. This agreement must be in writing(...)' Most of us work 40 hours per week. An employee required to work 2 extra hours everyday, works 50 hours per week. With no pay, no time in lieu and no right to say 'no'. According to a survey published in Architects Journal few months ago, many architects work far more than 10 extra hours per week. This must be stopped immediately, architects must be properly protected and companies abusing the law and forcing their workforce to work extra time with no pay or time in lieu should be named and shamed. Almost all my friends working for big or small architectural practices are being put in this unacceptable situation. I believe that these appalling and shameful practices can be significantly limited or eliminated entirely and the conditions of architects forced to work unpaid overtime hours can be improved if appropriate wording appears in the Code of Conduct.			
28.	Ian K Whittaker, Architect	Yes. The issues of what an 'Architect' is changing. Other professions are now using the term 'Architect'. These professions include the following. Software Architect, Enterprise Architects, Application Architects, Solution Architect, Application Architect, System Architect, Hardware Architect. Clearly these professions have nothing to do with the original nature of the profession of Architecture in relation to 'construction', 'building' or 'design'. These types of 'Architects' are however 'communicating the overall system design to developers and other team members, comparable to the drawings made by building architects.' Source: https://en.wikipedia.org/wiki/Software_architect#history. These new professions are therefore legally interacting in a similar manner to that of the Architects profession and so a distinction between the professions	No. The existing code makes no specific definition of the terms 'Architect' or the terms 'construction', 'building' or 'design'. In the existing ARB Architects Code the term 'architect has apparently the meaning given to it by the architects Act 1997' (Section General Guidance A). However upon checking the Architects Act 1997 no specific definition of the title 'Architect' exists within it. The issue of what an 'Architect' is changing. See response to Question 1. Therefore can the ARB please make amendments to the Architects Code and then also to the Architect Act to ensure the title 'Architect' is given a clear, legal, definition and that the terms 'construction', 'building', and 'design' are included and referred to.			Irrelevant for the purposes of this consultation on the Code of Conduct.

		needs to be made.				
29.	Robert Tinsley, Architect and IP Member	No	Yes	No	I think the Code is fit for purpose but maybe come wording could be "tweaked" as the following suggestions: 1. Standard 6 i) and ii) – consider alter wording to avoid duplication of carry out work "promptly" and "without undue delay" 2. Standard 6 iv) – following recent cases, consider adding in specific reference to Party Wall Surveyor: "You should when acting between parties or giving advice, for instance in relation to party wall matters… etc"	Drafting suggestions noted.
30.	Ombudsman Services	Response attached				ARB already issues supplementary guidance from time to time, and the areas the Ombudsman Service highlight are valid ones. Whether or not more transient areas of guidance should be incorporated into the Code itself may be a question of style and preference.
31.	Jenny Harborne, Architect		This clause is open to misapplication by clients who have increased their brief and then do not want to pay, either for the related scale fees or the contractor, depending on the extent to which the work has reached: "6.3 You are expected to keep your client informed … of any issues which may significantly affect its quality or cost." On small projects the contractors tenders can vary by 150% depending on the quality of the contractor and eagerness for work. I advise clients at the outset that they may employ a QS if they wish to keep a cost control of the project from the outset, however I warn them that the QS predictions may not be accurate in the light of the tendering variations. I then advise that if they include in the design all items they wish for and treat the tender results as a shopping list, they can then select how much of the design they can afford from real costs being offered them by the preferred builder. It is not helpful or rational to lead clients to believe that they can add to a project and not increase their budget – this is common sense and there should not be a loop hole in the Code promoting this misunderstanding.			This standard of the Code expects no more than an architect to keep their client informed of issues that may affect the quality or cost of their project.
32.	Geraldine Denning, Architect	The developments are not legislative, regulatory or professional as such (but legislation relating to permitted development rights over brownfield sites may be such an issue), but relate more to the changing political and economic climate of the UK, and the dismantling of the welfare state by the current government. Architects play a role in	The current Code does not take into enough consideration the long term effects of the products of architects, and specifically its effects on those obliged to use it or currently residing within it. Standard 5 – considering the wider impact of your work, the only requirement states "whilst your primary responsibility is to your clients, you should			Noted, and raises interesting questions over the status of the Code and role of ARB as a statutory regulator to set minimum standards. The issues raised may be considered more appropriate for a professional body.

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		the so-called 'regeneration' of the country, and currently are passive in their relationship to political and financial will. The role of the architect used to be an ambitious social vision which believed that architecture could improve the conditions of a place. It is fast losing that will, and simply bowing to the might of the developer. The Code of Conduct could be a very powerful tool which we as architects could use to prevent us becoming mere tools of capital.	take into account the environmental impact." No mention is made here of the people who live on or currently use the spaces the architecture relates to. The 2002 Code was slightly better in this regard. According to the Code, architects have no responsibility to anything other than the private interests of their client. This is seriously problematic, and needs to be addressed. The Code can give architects power and authority by setting out an ethical practice sorely missing at the moment. Architects need to take responsibility for the social impact of their work, and the environment they create, not just the material object.			
33.	Julian Owen, Architect and Investigations Pool Member	No	Yes	Many architects do not understand the process of a disciplinary investigation, particularly how to muster their arguments and provide evidence to back up their defence against allegations. If they are not reading the available information describing the process perhaps it needs presenting in a different way. It is hard to give specific guidance because whether the Code is breached often depends on the surrounding circumstances, but guidance could end up being worded generally that it ceases to become meaningful. It may be that examples of resolved cases presented in an anecdotal way describing what architects did wrong and what they did right related directly to each section of the Code would help, rather than just issuing the formal summaries of cases by email as they arise. Quite a few architects tell me that they believe that if they get something wrong but their client is compensated by the insurer this is adequate evidence that they have complied with the Code. They are genuinely shocked to learn that this is not necessarily the case.	I think the Code is fine as it is but some architects don't seem to understand what is expected of them when they are first presented with allegations. I think the current guidance document doesn't really seem to help enough with this. Quite a lot of time would be saved if an architect being investigated had a clearer idea of what is expected of them and presented their case clearly, with full documentary evidence.	Noted
34.	Edoardo Milli, Architect	The legislation, the professional environment and the whole society are in constant change, therefore a regular review of the Code is needed. However the current Code should be amended regardless of these changes.	No it doesn't. The Code focuses primarily on protecting clients and architects' reputation without taking into consideration the impact on people's lives and communities: too often architecture is used to boost investors' profits to the detriment of local communities and architecture itself; the involvement most architects have in countries where slavery is legal and widely in place; the almost total	I believe that every point of the current Code needs to be improved, expanded and detailed in a supplementary guidance or within the Code itself.	I haven't any further comment in addition to the answers to questions 1, 2 & 3.	Noted, and raises interesting questions over the status of the Code and role of ARB as a statutory regulator to set minimum standards. The issues raised may be considered more appropriate for a professional body. Minimum employment terms are covered by

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			obliteration of historic buildings architects are contributing to for the same reason of fulfilling developers' desire to make money. This attitude has become for a long time common practice and has to change in order to avoid seeing our cities and people's lives being destroyed. Architects should take their responsibilities for encouraging all this. The Code should therefore be amended as follows: (Point 5 of the Standard of Professional Conduct and Practice) • Architects should consider the wider impact of their work and act in the interest of existing communities and anyone expected to use it; they should also ensure that their work is carried out in accordance to ethical principles and avoid any breach to human rights and activity that may harm people; • Architects are expected to work with the maximum respect for the historical environment (buildings, infrastructure and assets in general) and the impact of their work in relation to it. In addition I would like to cover another topic that should be included in the Code concerning employment and regulation or working hours. As general practice in most architectural offices, employees are required and expected to work long hours over the maximum weekly working hours, set as 48hrs/week by the Working Time Regulations, in most cases up to 12-14 hours/day as normal day. This is unproductive and can lead to serious health consequences. A rigorous system should be put in place to regulate, safeguard and control the treatment of employees within architectural practices as well as adequate legal proceedings.			general law, which is not repeated by the Code of Conduct.
35.	Dale Sinclair, Chair, RIBA Practice & Professional Committee	Not that we are aware of.	No, the current Code is not in our view fully fir for purpose. A number of the standards are repetitive and unnecessarily prescriptive. We would suggest that the Code is split in to Principles (1-12) and Standards that support those Principles, and backed up where strictly necessary with guidance on best practice. Guidance has the benefit of being easier to update to react to the changing professional environment. However, it is important that guidance remains guidance and does not	Yes – where suggested in our answers to Q2. Please note that as referenced above the current guidance in relation to professional indemnity insurance is in our view unnecessary and unhelpful since the appropriate level of insurance needs to be considered on a case by case basis.		Drafting proposals noted; however this submission appears to be a misunderstanding of the status of the Code of Conduct. It is not a set of rules and contains no mandatory requirements, whether that is in terms of insurance or any other matter. It is guidance as to what is expected of an architect. This is explained in the introduction of the Code.

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			become interpreted as 'rules', and any tendency to introduce unnecessary or extraneous guidance should be resisted. Specific suggested changes to the Code are listed below: 1. Standard 2.3 and 2.4. These are both covered by 2.1 (to be competent) and should be moved to 'Guidance'. 2. Standard 3.2. The second sentence is covered by legislation and should be moved to 'Guidance'. 3. Standard 3.3. This is already covered by 3.1. 4. Standard 3.4. We consider it is only relevant that work undertaken by an individual or practice meets the reasonable professional standards of conduct and competence. Who undertakes or supervises this work is not relevant to consumer protection. 5. Standard 4.3. This is already covered by both 4.1 and by legislation, and should be moved to 'Guidance'. 6. Standard 4.4. While there is no particular issue with this list we would encourage reference to guidance and the use of standard published agreements suitable to the project as best practice. 7. Standard 4.6. We are unclear as to the original thinking behind this, or the purpose. We have noticed a number of cases where architects have fallen foul of this point. Many would consider this to be a minor failing and yet expensive and reputationally damaging professional conduct cases have revolved around this. By definition, in such cases the complainant has been aware of the facts referred to in the information apparently omitted from the agreement, or they would not have contacted the ARB. We do not believe this should be a strict requirement on registered architects. 8. Standard 4.7. We are unclear as to why this information needs to be provided, as the architect/practice is liable for the services regardless. We suggest this is moved to 'Guidance'. 9. Standard 4.8. This is already a legal requirement and therefore we suggest this is moved to 'Guidance'. 10. Standard 8.1. We understand the			

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			need for 'adequate and appropriate' insurance but this should be considered on a case by case basis rather than the imposition of a minimum and, frankly, arbitrary figure. In addition, if this is a strict requirement then it cannot be 'Board guidance' as suggested in the wording. 11. Standard 8.2. This is already covered by 8.1. 12. Standard 8.4. We query the necessity of this. We would suggest that evidence is only needed where there is a question as to whether adequate insurance is in place. 13. Standard 9.1. This is already covered by 4.1. 14. Standard 9.3. This should be in 'Guidance' and not a standard. There should be no requirement for a registered person to 'inform' on another. This should be a matter of personal judgement and conscience. 15. Standard 10.1. Final sentence. This person may vary according to the project. We would suggest that this is moved to 'Guidance'. 16. Standard 10.2. Once again, this should be 'Guidance' and not a strict standard. 17. Standard 12.1. All of this is already covered by legislation and should be included in 'Guidance'. If not, it should be prefaced by 'Within your professional practice' or similar.			
36.	Grant Elliott, Associate Architect	No	Yes	No	None	Noted.