



Subject Prescribed examination eligibility requirements
Purpose For Decision
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1. Summary

At an informal discussion around Section 4(1)(b) of the Architects Act 1997 on 15 September 2016, the Board requested a paper outlining the risks and opportunities associated with reviewing the eligibility requirements for the prescribed examination.

2. Recommendations

It is recommended that the Board decides that a review of Section 4(1)(b) is inappropriate at this time due to its inextricable links with Section 4(1)(a). The opportunity will present itself once Section 4(1)(a), and subsequently the routes to registration, are reviewed.

3. Open Session

4. Contribution to the Board's Purpose and Objectives

In delivering the Act, ARB's objectives are:

Protect the users and potential users of architects' services. Reviewing the process through which individuals access the Prescribed Examination will give the public confidence that the Board is regularly reviewing whether access to the Prescribed Examination is fair, whilst providing assurance that individuals seeking access to the Register are competent to practise.

Support architects through regulation. Reviewing the eligibility requirements will provide architects with assurance that whilst ARB is committed to providing fair access to the profession, the public can have confidence that architects on the Register are competent.

5. Background

i. Section 4(1)(b): the Board's current opinion

Section 4 of the Act states:

4. - (1) A person who has applied to the Registrar in the prescribed manner for registration in pursuance of this section is entitled to be registered in Part 1 of the Register if-

(a) he holds such qualifications and has gained such practical experience as may be prescribed; or

(b) he has a standard of competence which, in the opinion of the Board, is equivalent to that demonstrated by satisfying paragraph (a).

(2) The Board may require a person who applies for registration on the ground that he satisfies subsection (1)(b) to pass a prescribed examination in architecture.

The reference point for the required standard for admission to the Register is the qualifications and experience the Board prescribes. Section 4(1)(b) is subsidiary to Section 4(1)(a) because it applies to an applicant who has a standard of competence which is in the opinion of the Board equivalent to that demonstrated by holding the qualifications and experience prescribed under S4(1)(a). The Act expresses the required standard in 4(1)(a) as a combination of qualifications and experience. The role of the Board is to use its expertise to determine what the required qualifications and experience should be. It does this by the prescription process.

Section 4(1)(b) is not drafted to permit registration on the basis of competence which is unrelated or materially different from that demonstrated by holding the Section 4(1)(a) prescribed qualifications. The required competence under 4(1)(b) is expressly required to be equivalent to that required by 4(1)(a).

The opinion of the Board has been that 'equivalence' requires the holding of qualifications which are equivalent. The Act envisages that the formation of an opinion of equivalent competence may require some form of personalised assessment. Accordingly the Board is given power to require the passing of a Prescribed Examination for that purpose.

Prescribed Examinations

The Board's approach has been to establish whether an applicant has equivalent qualifications through a Prescribed Examination. Only applicants who have non-prescribed qualifications are permitted to take the Prescribed Examination, because the Board has been of the opinion that passing the Prescribed Examination is in itself insufficient to show equivalence; it has been the Board's opinion that equivalent competence to that demonstrated by holding prescribed qualifications requires the holding of equivalent qualifications supplemented by the Prescribed Examination.

An ARB-prescribed qualification must align with the criteria, set by the Board in 2010 (Annex A), including the relevant Graduate Attributes, General Criteria and underpinning requirements. Accordingly the standard of competence to be demonstrated by holding a prescribed qualification is that demonstrated by holding a prescribed qualification which the prescription process ensures meets the Board's criteria (an ARB prescribed Part 1 or Part 2).

Full details of the current eligibility requirements can be seen at pages 8 and 9 of the Examination Procedures, sampled at Annex B.

The current arrangement

In April 2012, a number of modifications were introduced to the Prescribed Examination procedure, relating to how ARB established eligibility to take the exam.

Prior to this, ARB relied on the awarding institution of the individual's qualification giving assurance in the form of a mapping sheet that a qualification covered equivalent ground to that expected in a prescribed qualification. It was the view of the Board that when examined, the underlying qualification transcripts did not always support the awarding institution's assurances, and that 40% of candidates with qualifications accepted on this basis failed the exam. Concerns had been expressed that even a single sitting of the Prescribed Examination was very expensive for students. The Board had previously decided that the examination fee should meet the cost of holding the examination.

In light of this, the Board amended the process to introduce an additional level of scrutiny of the curricular content of qualifications. The full paper is included at Annex C.

It is important to note that it was the level of scrutiny that was enhanced. The core eligibility requirements, which require an individual to hold a qualification principally concerned with architecture and the required duration of study, were not altered.

The current scrutiny process involves an initial assessment of the curricular content of the non-prescribed qualification. The qualification is referred to a reviewer for assessment if it:

- is not principally in architecture (i.e. the qualification is not titled 'Architecture');
- does not follow the 3+2 or 5 year model;
- includes more than 20% in modules unrelated to architecture; or
- is not covered by the extended transitional arrangements currently in operation.

The application reviewer's job is to ensure that the qualification as a standalone

entity gives the candidate sufficient foundations in the relevant areas to provide an assurance that they have covered similar ground to that covered in a prescribed qualification. Qualifications will need to be at least 80% in architecture in line with EU directive requirements, and at least 50% in design.

The extended transitional arrangements

Transitional arrangements were put in place by the Board when the new eligibility scrutiny arrangements were approved following consultation. The arrangements meant that some candidates who would have been accepted as eligible to take the prescribed exam before the new eligibility scrutiny system came into force, could sit the exam provided they applied before 31 December 2011 and sat it before 31 March 2012.

In February 2015, following discussions with stakeholders, the transitional arrangements were extended. This was to allow individuals who had not taken advantage of the transitional arrangements at the time they were in place to take the exam. It was decided by the Board that these candidates would have had a reasonable expectation that they would be eligible to sit the Prescribed Examination upon commencing their studies, so should not be excluded.

The extended transitional arrangements will remain in place for anyone who commenced a course of study before October 2013, where graduates from the same or a previous cohort had an application to sit the Prescribed Examination accepted.

The cohort of graduates eligible to take the Prescribed Examination through the transitional arrangements will come to a natural end.

At a discussion at a post Board session, the Board requested a paper outlining the risks and opportunities associated with reviewing the eligibility requirements for the prescribed examination. Interest was also expressed as to the possible relevance of social inclusion objectives. The Board indicated that this should not be a full review of Section 4(1)(b) or the routes to registration, but rather a paper explaining the risks and opportunities associated with reviewing the eligibility requirements.

ii. ***Reviewing the eligibility requirements***

Opportunities

A review of the eligibility requirements will allow the Board the opportunity:

- to review whether access to the Prescribed Examination is fair and not unduly restricted;
- to assess whether the current arrangement provides sufficient assurance that the statutory test (that there is equivalence with Section 4(1)(a)) is

being applied in the most appropriate way;

- to consult publically and consider the views of stakeholders on the matter;
- to consider whether it would be appropriate to relax the additional scrutiny introduced in 2012 and return to reliance on institutions' confirmation of eligibility to meet the Board's opinion of equivalence; and
- to consider whether eligibility for the Prescribed Examination should be considered in relation to the social inclusiveness of routes to registration generally.

Any proposal for a specific decision or change may require consideration of the appropriate process and consultation before a specific decision is made.

Risks

There are risks associated with reviewing the eligibility requirements namely:

- that the current opinion of the Board is that the Prescribed Examination is not a standalone assessment of competence, but rather a tool for assessing whether an individual who already possesses a suitable qualification meets the required test in the Act to join the Register. Any change to this position could lead to suggestions that ARB is not complying with Section 4(1)(b) by admitting applicants whose competence is not equivalent to that demonstrated by holding prescribed qualifications;
- there is a danger that if ARB reverts to the pre-2012 system of assessment, it will be allowing individuals to sit the Prescribed Examination with qualifications that would not pass through the prescription process. Altering the eligibility requirements in this way could introduce an unjustifiable inconsistency between the route based on prescribed qualifications and that based on equivalence. If the route by equivalence was seen as being less onerous than that through prescribed qualifications, prescribed qualifications could become less attractive to students. Ensuring consistent and integrated arrangements might necessarily extend consideration to the whole scheme of routes to registration prematurely. Proceeding discretely might lead to an approach to standards which then restricted outcomes of a more general exercise in due course. The linkage between 4(1)(a) and 4(1)(b) is inescapable from the wording of the Act. The standard required for both must be equivalent. If, for example, particular periods of study are required for prescription under 4(1)(a) but not for 4(1)(b) that distinction would require rationalisation to explain why, for example, the passing of a university examination covering the relevant criteria alone was not sufficient to support a prescription of a qualification.
- changes could lead to candidates without a realistic prospect of passing the Prescribed Examination entering and bearing the examination fee;

- that if the outcome of the review leads to the extension of the transitional arrangements to include qualifications commenced after October 2013, it could lead to criticism from candidates with similar qualifications but that which do not fall under the arrangement. There would need to be an acceptable reason to distinguish these qualifications from other similar qualifications that did not fall under the arrangement and there would need to be assurance that any extension to the current arrangement was indeed limited to a period of transition;
- changes in eligibility could lead to pressure for the Prescribed Examination to become a free-standing test of competence. The Board's position to date has been that generally quality assured university level study and examination was a key element in the competence demonstrated by holding prescribed qualifications;
- a free-standing test of competence could undermine the requirement (confirmed in the Directive) that a minimum period of study and criteria compliant qualifications were necessary for registration; and
- that the Routes to Registration review could be launched shortly after completion of any eligibility requirements review. As well as being costly, reviewing the eligibility requirements separately could impact on the enthusiasm of respondents when consulting with the public and cause confusion amongst potential candidates.

Conclusion

In conclusion, whilst there are risks and opportunities associated with reviewing the eligibility requirements, the advice to the Board is to hold off reviewing them for the following reasons:

- the opportunity to address the issues driving the argument that we change the eligibility requirements will be fully addressed in the routes to registration review;
- under the Board's long standing opinion of 'equivalence', individuals sitting the Prescribed Examination need to hold qualifications which are equivalent to prescribed qualifications. Returning to the pre-2012 system of scrutiny or something similar would allow individuals to sit the Prescribed Examination with qualifications that our current scrutiny arrangements have indicated are not 'equivalent' to prescribed qualifications; and
- The eligibility requirements reflect the Board's current opinion of 'equivalence' to Section 4(1)(a). The consideration of equivalence and how it is established is likely to depend on the nature of the requirements for prescription itself on the basis of which equivalence must be established. This suggests a more wholesale review of routes to registration which is on hold

pending the outcomes of the Periodic Review.

6. Resource implications

A review of the eligibility requirements will be a significant exercise, though it is difficult to assess the resource impact before the Board has discussed and made a decision on the direction of this area of work. Any changes to the Prescribed Examination procedures would require a public consultation exercise.

7. Risk Implications

The risks associated with conducting a review are outlined in the body of the paper. The main risk associated with *not* conducting a review is that the Board could be open to criticism for failing to consider whether access to the Prescribed Examination is fair and at an appropriate level. There is also the possibility of a legal challenge from an affected group or individual.

8. Communication

The Board is committed to regularly reviewing the operation of its procedures and making improvements where these will add value.

There is a concern that access to the Prescribed Examination is prohibitive and will become more so once the transitional arrangement comes to its natural end. It is appropriate for the Board to decide whether it should review the eligibility requirements now having considered the risks and opportunities, in advance of, and in isolation to, the routes to registration review.

9. Equality and Diversity Implications

Equality and diversity is at the heart of the review of the application of the scrutiny process and the eligibility requirements. It is important that access to the Register is not unduly restrictive and these reviews serve as an opportunity to ensure that ARB is providing equal opportunities and encouraging diversity in the profession whilst continuing to fulfil its regulatory objective of protecting the public and potential users of architects' services.

Part of the eligibility review will be to look at the equality and diversity data that we currently hold on applicants for the Prescribed Examination. ARB will also need to consider how it obtains equality and diversity data in the context of the Prescribed Examination.

10. Further Actions

If the Board decides that a review of the eligibility requirements should be taken forward, and the Examination Procedures require amending, the Staff team will need to set aside some time in early 2017 to begin work on reviewing this area. This review will include analysing the data we hold on the individuals who undertook the Prescribed Examination before and after April 2012, including pass and failure rates for individuals with qualifications not principally in architecture; determining whether any external expertise is required to support the review; and a three month consultation period. The terms of the consultation will need to be drafted. Restraint will need to be exercised to ensure that the

review relates to the eligibility requirements only and does not impact on ARB's operation of Section 4(1)(a).

Once the consultation is complete, an updated paper will be provided to the Prescription Committee (around mid-2017) outlining the responses, ARB's comments and any suggested amendments to policy. A paper will be prepared for the Board shortly afterwards.