

Minutes of Board Meeting held on 13 May 2016

Location	Present	In Attendance
8 Weymouth Street London W1W 5BU	Peter Coe, Beatrice Fraenkel, Alan Jago, Guy Maxwell, Suzanne McCarthy, Ros Levenson, Sue Roaf, Danna Walker, Soo Ware, Neil Watts, Alex Wright, Nabila Zulfiqar	Karen Holmes (Registrar), E Matthews, M Stoner, S Howard, K Hewett

Note

Action

Open Session

1 Apologies for Absence

Apologies were received from Jason Bill, Richard Parnaby and Jagtar Singh.

2 Members' Interests

No members' interests were declared.

STANDING ITEMS

3 Minutes

The Board approved the Minutes of the Open Session of the meeting held on 11 February 2016. The Chair agreed to sign them as a true record.

Proposer: Peter Coe

Seconder: Soo Ware

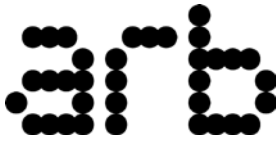
The recommendation was agreed unanimously.

The Board approved the minute of the Board Resolution dated 23 March 2016 which concerned the appointment of the Audit Committee Chair.

Proposer: Peter Coe

Seconder: Ros Levenson

The recommendation was agreed unanimously



4 Matters Arising

The update report on matters relating to the Board's business was noted.

5 Chair's Report

The Chair's report was noted by the Board. The Chair reported that she had met with the new Board members and carried out exit interviews for the majority of colleagues who had recently left the Board, feedback on those interviews would be provided to the Board.

The Chair and Registrar attended a Forum hosted by the Public Chairs Forum and the Cabinet Office on the future of Public Body Reviews. The Registrar confirmed that thirty regulators had been identified as being subject to review under the proposed new process, although ARB was not one of those identified. Further information on the revised review process would be reported when information was received.

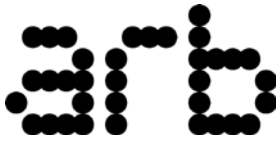
6 ARB's Operational Activities

The Registrar presented the paper which was noted by the Board.

The Head of Qualifications reported on the forthcoming review of the Services Directive and ensuing consultation. Board members commented on how important and relevant this Directive was to architects. It was noted that any consultation should be given careful consideration.

It was confirmed that the changes made to the Registrants' area of the website regarding equality & diversity were proving successful with regards to the collection of data. Staff agreed to provide an update on the proportion of registrants who had provided this data.

It was noted that the Register continued to grow and that this would have an on-going impact on resources. It was requested that the method of entry should be monitored and reported back. This could be reported in a similar way to the method of reporting numbers on the Register. It was confirmed that a more fulsome report on this subject would be brought to the July Board meeting by way of the mid-year report to the Board.



7 Periodic Review Update

The Registrar provided an update. The DCLG had envisaged that the report would be published shortly after the early May bank holiday. The Department had since been focussed on the Housing and Planning Bill the passage of which had created a delay. It was now envisaged that the report would be published towards the end of May.

8 2015 Financial Outturn

The Financial Controller presented the paper. It was noted that the surplus identified in the report was largely due to savings in areas such as staffing in addition to a previously reported underspend. The deferral of project work owing to the on-going periodic review had also contributed to the surplus as well as an increase in the number of applications to the Register.

The financial outturn for 2015 and level of resources would be considered as part of the budget setting cycle for 2017.

MATTERS FOR DECISION

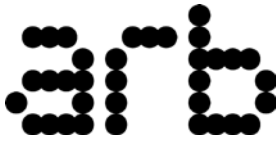
9 Management Accounts 2016

This paper was introduced by the Financial Controller. There was general discussion over whether a pattern might be established as to the levels of applications for registration and prescribed exams by looking over the data for previous years. It was confirmed that this exercise had been carried out, but that for budgeting purposes no real pattern had been established yet for 2016.

A general point was made that if the number of registrants continued to grow year on year, ARB's capacity and structure would need to be considered, to include looking at further IT investment, in an effort to assist with streamlining processes. An increase in applications for the prescribed exam process was also noted.

It was confirmed that a wider discussion on resources would take place at the Board's budget briefing in July.

The Board noted the 2016 Management Accounts to March 2016, year-end forecast and agreed utilisation of monies from the designated maintenance reserve.



Proposer: Soo Ware
Secunder: Nabila Zulfiqar

The recommendation was agreed unanimously.

10 Approval of Board Committees' Membership for 2016/2017

The Chairs of the Committees presented the paper, the content of which was agreed.

Owing to the change in membership of the Investigations Oversight Committee, it was confirmed that for consistency, the on-going Code of Conduct review would remain with the original IOC members: Alex Wright, Ros Levenson and Nabila Zulfiqar.

The Board:

- i. Agreed the members of the committees as shown in Annex A of the Board paper until May 2016, subject to the outcomes of the election of Chair and Vice Chair, when further adjustments may be needed; and**
- ii. Agreed that if changes were needed to the membership of the committees as a result of the outcomes of the election of Chair and Vice Chair, proposals would be circulated for agreement via write-around shortly after the July Board meeting so that the committees could continue to function between the July and September Board meetings.**

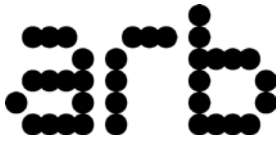
Proposer: Peter Coe
Secunder: Guy Maxwell

The recommendation was agreed unanimously.

11 Policy regarding appointment of external and professional advisers

The Head of Qualifications presented the paper. It was confirmed that this was based on feedback which indicated that there should be consistency (where appropriate) between the maximum tenure for Board members and other advisers. It was further confirmed that if the policy was agreed, transitional arrangements would need to be considered so that ARB's business could continue uninterrupted.

The paper was generally welcomed by Board members, although it was discussed whether the policy should refer to advisers being registered, where appropriate.



One Board member suggested that the content might benefit from being streamlined to remove any operational detail. This would be picked up outside of the meeting.

It was agreed that a decision on this paper should be deferred until the July Board meeting on the basis that the transitional arrangements still needed to be considered. This would also provide an opportunity for a decision on whether reference ought to be made to any advisers being registered, where appropriate.

The Board agreed to defer the decision on this paper until 14 July 2016.

MATTERS FOR NOTE

12 Audit Committee's Annual Report 2015

A member of the Audit Committee, Ros Levenson, presented the paper and started by thanking the previous Chair of the Committee for her contribution and welcoming the new Committee members.

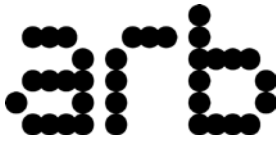
It was reported that it had been a good year for the Committee as demonstrated by the results from the various external and internal audits. It was felt that while the overall annual opinion received from the external auditors might seem somewhat ungenerous, discussions had taken place with the auditors about the wording. They had been confirmed that this was a standard form of wording issued when giving a positive opinion and should not cause the board concern.

A query was raised in respect of reference to a report which would detail feedback received from stakeholders about the work and service provided by ARB, and whether this would be made available to the Board. It was confirmed that this would be considered by the Audit Committee at its June meeting and would then be brought to the Board.

It was also agreed that the ARB/DCLG Framework Agreement should be circulated to those Board members continuing their terms so that they could re-familiarise themselves with the document.

13 Professional Conduct Committee Annual Report

The current Chair of the Professional Conduct Committee, Julian Weinberg, attended the meeting for this item and presented the paper. He stressed the independence of the Professional Conduct Committee from the Board, and



confirmed that the full decisions as listed in the paper could be viewed online. He also confirmed that the PCC would welcome any Board members wishing to observe a hearing and hoped they would find it a useful experience.

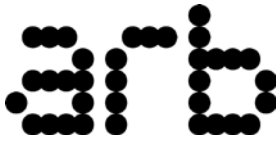
There were a number of questions on the report:

- What is evidential test used by the PCC? It was confirmed that the test is the civil one - the balance of probability
- How did the PCC currently manage complaints about an architect's behavior in their personal life, rather than concerning their professional behavior? The Chair explained that current case law on this point was not particularly helpful as it is inherently case sensitive. However, the overwhelming majority of cases heard before the PCC related to cases about professional practice. Cases involving criminal convictions may relate to behaviours occurring outside of practice which might have an impact on registration.
- Why a small number of cases (two) resulted in the PCC finding no case to answer? It was explained that cases can demonstrate a conflict in evidence which could not be tested at the investigations stage. These kinds of cases were rare. They could be taken as a further demonstration of the PCC's independence and should therefore not cause the Board undue concern.
- Whether it might be beneficial to receive an overview of the last ten years' PCC decisions to see how decisions might have changed? It was confirmed that a summary of each decision was sent to the Board as standard procedure, that the Investigations Oversight Committee had sight of all decisions and that each panel member was mindful of previous findings. This helped with consistency.
- Why were the criminal convictions not consistently given in the report? It was confirmed that this was an oversight and that they would be included in future.

14 Routes to Registration

The Head of Qualifications provided an update on the review of ARB's Routes to Registration. Board Members were advised that until the outcome of the Periodic Review was known, ARB was not in a position to move this project forward. It was confirmed that ARB was continuing to gather information with a view to re-visiting the scope of the project. It was considered that the scope would need adjustment as it had been prepared in November 2014.

It was queried whether, when the project was re-visited, any amended scope would first be reviewed by the Prescription Committee. It was confirmed that, as had occurred previously, this would be brought directly to a Board Meeting as it was for the Board to decide how the project should progress.

**15 Minutes**

The Board noted the minutes of the Investigation Oversight Committee's meeting of 5 February 2016. This promoted a discussion on Alternative Dispute Resolution (ADR). It was confirmed that whilst ADR was encouraged under the Architects Code, it is only mandatory for architects to provide details of an ADR provider when there was one approved by the relevant Competent Authority. At present there was no such provider for architects' services. It was further clarified that ARB is a regulator, not a body which resolves disputes between parties.

There was further discussion as to whether it might be considered as an amendment to the Act as part of the Periodic Review. It was confirmed that this had been an area of in depth discussion at the workshop of the review group, but that it was ultimately for Government to decide.

16 Any other business

There was no other business.

17 Date of next Board Meeting

14 July 2016