

## Minutes of Investigations Oversight Committee Meeting 9 June 2017

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Location	Present	In Attendance
8 Weymouth Street London W1W 5BU	Ros Levenson (Chair) Danna Walker James Grierson	Simon Howard (SH) Helen Ransome

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### Note

*Before the meeting opened IOC members were asked to declare any potential conflicts of interest. No conflicts were identified.*

#### 1 Apologies

None

#### 2 Presentation of investigations function at ARB

SH gave a presentation on the ARB investigations function, including the legal obligations and remit of ARB and the IOC, and the challenges to be faced following the outcome of the Periodic Review.

#### 3

##### Minutes of previous meeting

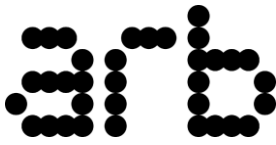
The minutes of the last meeting were agreed.

##### Matters arising

SH confirmed that ARB will consider the conduct of an architect complainant where appropriate.

SH stated that ARB plans to publish broader data around investigation outcomes on the website.

SH confirmed that the 'in-house' KPI has been reduced from 16 to 14 weeks, and that the 56 week end-to-end KPI has been measured and presented to the Committee for discussion.



SH confirmed that the communications strategy is ongoing. Guidance for architects on setting up a business has been written and will be published on the website shortly.

The IOC requested a separate document for recording and tracking matters arising from IOC meetings.

**Action:** SH to include a matters arising document in future IOC papers.

### 3 2017 Workplan

SH explained that work has begun to examine the efficiency and effectiveness of all investigations processes (the Section 14 Review). Professional Standards aim to bring their observations and recommendations to the IOC before the end of the year. The findings will be put before the Board in February. The Committee suggested that additional meetings may be necessary between November and February and it will keep this under review.

### 4 Investigations Pool update

The IOC noted the minutes from the latest Investigations Pool meeting, and that the IP Portal was due to be rolled out throughout the rest of the year, eventually resulting in paperless investigations.

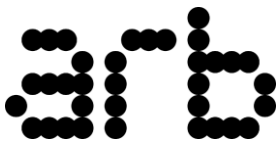
### 5 Professional Conduct Committee (PCC) update

The IOC considered the PCC decisions reached since its last meeting; in particular, a case where the PCC found no case to answer. SH explained that the key witness changed their evidence at the hearing and whilst this was regrettable, it could not have been anticipated. There were nevertheless lessons to be learnt in respect of the technical aspects of the case, which had been discussed with the ARB solicitor and at the subsequent Investigations Pool meeting.

There had been a further finding of not guilty which, while the case had been properly brought, gave valuable guidance to the Investigations Pool members as to the level of seriousness required in order for the PCC to make a disciplinary finding.

### 5 In-house lawyer

The Committee considered a business case about the procurement of an in-house lawyer. SH explained that this was a recommendation following the Periodic Review and the



Board would be asked to make a decision at its September meeting.

The IOC agreed with the provisional finding of the business case: there may be some merit in the recruitment of an in-house lawyer but that a decision in advance of the section 14 review would be premature. ARB should reconsider this matter once it has established its ideal operating model for investigating complaints, not before. Any changes identified as part of that review, along with any legislative changes, would impact on the resource required of legal services in the future.

In the meantime the IOC recommended that some additional detail be included in the business case before it is brought to the Board: further background information explaining the drivers for the business case, and a risk profile identifying the likelihood and seriousness of the risks identified.

**Action:** SH to prepare business case for the Board to consider at the September meeting

## 6 Update on Key Performance Indicators (KPIs)

The tabled KPIs were considered by the IOC.

**'In office' closures:** SH reported that the KPI had been reduced from 16 weeks to 14 weeks and this has resulted in compliance falling below 80%. SH reconfirmed his confidence that the more demanding target will be met again in future once the change is embedded.

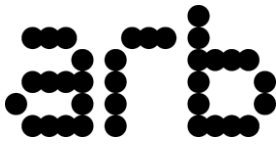
**IP decisions:** SH reported that the IP is performing well against its KPI, and the introduction of new members has had no adverse impact on performance. It continues to work at full capacity.

**Solicitors' reports:** SH confirmed that steps have been taken to ensure there is continued better performance of the ARB solicitors in respect of meeting deadlines.

**PCC listings:** SH reported that the performance against this KPI continues to be constrained by both the PCC rules and the limited membership of the Committee.

**End-to-end:** SH reported that ARB achieved the 56 week KPI in 100% of cases considered by the PCC in 2017.

The IOC requested commentary on cases which did not meet KPIs. It will consider what further information it would like to see around outliers at the next meeting.



**Action:** SH to include commentary on cases which do not meet KPIs in future reports.

## 7. Update on Legal challenges

SH updated the IOC on outstanding legal challenges.

## 8. 2017 Costs

SH provided the IOC with a summary of 2017 costs. He explained that costs to date have been low due to fewer PCC hearings. Costs will likely increase later in the year as there is a higher number of hearings scheduled.

## 9. 2016 – 17 IOC Annual Report

SH explained that the IOC Annual Report is due for submission to the Board. He proposed following the previous format, drawing on data from IOC minutes. The Committee agreed to this approach.

The IOC queried whether further data around equality and diversity (E&D) was available and could be included. SH explained that whilst data is collated during investigations, the response rate is low and so the sample size is very small. The IOC asked for E&D to be tabled for discussion at the next meeting.

**Action:** SH to add E&D to the next IOC agenda and to bring current data for discussion.

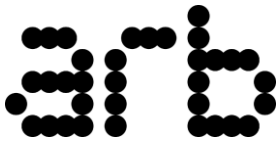
**Action:** SH to draft the IOC Annual Report and circulate to the IOC for comment.

## 10. Horizon Scanning

The IOC agreed that much of the horizon scanning discussion had been undertaken elsewhere in the meeting, but also considered what impact the political and economic climate might have on the number and type of future disciplinary issues brought to ARB.

## 11. Training needs

IOC members were asked to flag any training needs. It was suggested further information on the working practices of other regulators. SH explained that this will be gathered and



Note

Action

presented as part of the Section 14 review.

SH encouraged IOC members to attend an upcoming PCC hearing if they have not yet done so.

## 12. AOB

It was queried whether all operational activity within Professional Standards will be considered as part of the upcoming Section 14 review. SH confirmed that all practices will be reviewed.

**Date of next meeting:** The date of the next meeting has been moved to **Thursday 2 November** at 09:30.