Minutes of Board Meeting held on 13 July 2017

Location	Present	In Attendance
8 Weymouth Street London W1W 5BU	C Bernstein, J Bill, C Corby, J Grierson, A Hynes, R Levenson, G Maxwell, S McCarthy, R Parnaby, S Roaf, J Singh, D Walker, S Ware, A Wright, N Zulfiqar (Chair)	K Holmes (Registrar) E Matthews M Stoner S Howard R Jones S Loukes (Minutes) R Wilson (Minutes) G Dyble (Prescription Items)

Note **Action**

1 Apologies for Absence

None received.

2 Members' Interests

The Register of Interests was noted.

The Chair requested that Members declare their interests for each item of the meeting, as appropriate.

The following declarations of interest were made in relation to the agenda:

Alex Wright made the following declarations of interest:

- Professor of Architecture and Head of Architecture, University of Bath.
- The University of Bath's programmes in Architecture would potentially be affected by any changes which result from the reviews being discussed. Chair of the UK Architectural Education Review Group (UKERG) and co-author of its "Pathways and Gateways Report", which proposed revisions to the UK criteria and prescription processes.
- University of Bath representative on Standing Conference of Heads of Schools of Architecture (SCHOSA) Council and former Chair. SCHOSA's longstanding policy has been for a simplification of the UK's criteria. As the University of Bath's representative on SCHOSA he had articulated the potential benefits of a review of the criteria and prescription processes and was involved in the consultations regarding agenda items 12 and 13, although he was not present at the SCHOSA meeting when the representations to ARB were agreed (Ravensbourne Conference 2017).
- Member of the Board of the Built Environment Professional Education (BEPE) Project whose Chair had written in support of the review of the criteria.

- Member of the RIBA Education Review Group, although this group had not met for two years and it was not involved in the drafting of the RIBA's draft document or representations to ARB.
- Author of a research paper on the definition of an architect, the content of which included the areas of regulation related to the criteria employed in the UK. The paper suggested possible revisions to the criteria, although these were different from those suggested by the RIBA, SCHOSA and UKAERG. The paper was due for publication later this year.
- He has lectured/spoken widely on the topic of Architectural Education in recent years, including on matters related to the criteria and prescription including: key note lectures at the Future of Architectural Education conference in Beirut in 2016; the Timsoara Architecture Biennale in 2016; a presentation at the Design Principles and Practices Conference in Rio in 2016; and the RIBA's most recent Symposium on Education in London.
- He was a Consultant at the University of Leeds.

Richard Parnaby made the following declarations of interest:

- Member of working group and joint author of the UK Architectural Education Review Group's "Pathways and Gateways Report", which proposed revisions to the UK criteria and prescription processes.
- Co-author of the existing ARB criteria.
- Member of the RIBA Council.
- Formerly Professor of Architecture at the University of the West of England (to 2014)
- Formerly Professor of Architecture at the University of Wales Trinity St David (UWTSD) from 2014-2016 and currently acting as a Consultant to UWTSD.
- External Examiner at Lincoln University (2012-14)

Danna Walker made the following declarations of interest:

- RIBA Chartered Member.
- Built Environment Professional Education Project (BEPE) Board Member. (Olympic legacy project whose aim is to change the way built environment professionals are taught inclusive design.)

Soo Ware made the following declarations of interest:

- Member of RIBA, although not a member of any current committees/working groups. Member of RIBA's Validation Panel. Very rarely called upon to make visits to the UK or the EU. Previous member of the RIBA's Education Review Group.

- Academic/quality assurance/strategic involvement at School, Faculty and College Level.
- A School of Architecture Professor of Professional Practice in Architecture at University College London (UCL).
- Director of Chartered Practice Architects Ltd and a Non-Executive Director of Consarc Architects.
- Regarding the Board discussion about apprenticeships, the Bartlett had been approached but no agreement had been reached regarding its involvement at this stage.

Sue Roaf made the following declaration of interest:

- Worked on the original criteria for validation in 1992-1994.

Jason Bill made the following declaration of interest:

- Member of the RIBA.

Guy Maxwell made the following declaration of interest:

- Knew the Principal and Vice Principal of the University of Strathclyde socially.
- Received commissioned architectural work from 1991 to 2016 from the University of Strathclyde and the University of Edinburgh.
- A Lecturer at the Department of Architecture at the University of Strathclyde (1988-1991).

James Grierson made the following declaration of interest:

- His daughter is completing her Part II at the London Metropolitan University.

STANDING ITEMS

3 **Minutes**

The Board approved the Open Session minutes of the meeting held on 12 May 2017, subject to the amendment to section 9 regarding the Audit Committee's Terms of Reference. It was agreed the first paragraph should be amended to 'The Chair of the Audit Committee advised that it was proposed by the Audit Committee that the Board agree to the Committee's Terms of Reference being updated to clarify that the Chair or one other member of the Committee required financial or audit experience and that the Committee would hold a minimum of four meetings per year'.

Proposer: Richard Parnaby

Seconder: Danna Walker

The recommendation was agreed unanimously.

4 **Matters Arising**

The Registrar informed the Board that a presentation would be given by The Stephen Lawrence Trust in September.

The Registrar highlighted that there would be a discussion and paper in relation to Governance presented to the Board at its September meeting.

The Board noted the final action point agreed at the last Board meeting, 12 May 2017, (and those carried forward from previous meetings) should be amended to 'Consider and develop governance models as to how the Board can operate a revised Committee structure from 1 April 2018'.

5 **Chair's Report**

The Board noted the Chair's Report.

The Chair reported on her frequent and regular contact with the Registrar to discuss all aspects of ARB's business. This had included updates on discussions with the DCLG regarding implementation of the Periodic Review's recommendations and general overviews of meetings with other government departments and stakeholders.

The Chair confirmed that a liaison meeting with the RIBA would take place on 21 July 2017 with Alan Vallance, the Chief Executive, and Jane Duncan, the President. It was noted there would be discussions about areas of joint interest and the Chair confirmed that she would be providing an update on the Section 14 Review.

The Chair advised the Board that she had asked to meet with the Minister, Alok Sharma MP, and was waiting for a response from DCLG.

The Chair reported that ARB is a member of the Public Chairs Forum which exists to improve the efficiency and effectiveness of delivering public services and she confirmed that she would be attending her first meeting on Friday 14 July 2017 where there would be a discussion about 'Board Intelligence – what does effective governance look like?'.

The Chair shared her thoughts on the recent Grenfell Tower Disaster. She commented on the need for clear, focussed minds in order for the right questions to be asked of the right people. The Chair confirmed that ARB would take responsibility for ensuring its standards for entry on to the Register and conduct were fit for purpose and upheld so that only those who were competent to enter the profession did so. The Chair said the Executive were gathering information, and ARB would investigate and take action where justified.

6 **ARB's Operational Activities**

The Board noted the report from the ARB team on matters relating to the running of the Board's business.

The Registrar reported on the RIBA liaison meeting held in May 2017 with the Chief Executive and the Members' Executive Director where they discussed the outcomes of the Periodic Review and different areas of each organisation's work including the upcoming Review of the Criteria and Prescription Procedures and possible Mutual Recognition Agreements (MRA) with international countries.

Following the release of the Periodic Review Report, the Registrar reported that Andrew Newton, Department of Communities and Local Government, attended the ARB staff meeting in May to discuss the recommendations. The staff team asked who, as part of the Review, the review group had spoken to in the wider regulatory environment. The DCLG representative provided information on how wide the department's engagement had been.

The Head of Qualifications and Governance reported on high level discussions with the National Council of Architectural Registration Boards (NCARB) (USA) which had taken place in late June regarding the potential development of a Mutual Recognition Agreement between the USA and the UK. A similar discussion had also taken place with both the Architects Accreditation Council of Australia (AACA) and the New Zealand Registered Architects Board (NZRAB). ARB's Sponsor Lead from the Department of Communities and Local Government was present at these discussions. The Registrar and Head of Qualifications and Governance had agreed with these bodies that each organisation should map their respective registration and prescription requirements to determine the level of commonality between them. Further discussions are due to take place in October 2017. Staff will work closely with the relevant Government Departments in relation to this issue to ensure that they are informed of any developments. The Registrar advised the Board that it needed to be proportionate about this work given the potential resource implications.

A Board member queried the Equality and Diversity implications and suggested there would be scope to be more specific as the staff team was already undertaking work in this area that should be recorded.

A Board member suggested that in order to increase ARB's reach through social media communications, it should consider ARB's wider audience and the type of information which should be shared.

7 **Update on the recommendations following the Periodic Review**

The Board noted the update on the progress made in delivering the recommendations of the DCLG's Periodic Review.

The Registrar reported to the Board that the Executive continued to work closely with the Department in order to deliver the seven recommendations that fall to ARB.

The Registrar advised that DCLG had confirmed it was working to achieve its timescale for an all appointed Board and was continuing to consider if ARB should come under the remit of the Parliamentary Ombudsman. A meeting had been scheduled with the Ministry of Justice concerning regulatory fine levels.

A Board member asked why disciplinary sanctions imposed by the Professional Conduct Committee could not be displayed on the Register. The Head of Professional Standards confirmed that the Architects Act did not currently allow for this and the recommendation for this to be allowed was for DCLG along with other recommendations requiring changes to primary legislation.

One Board member asked if any further update had been received regarding the recommendation to move towards a smaller Board. The Registrar confirmed that the view of the Board on this subject had been submitted to DCLG.

MATTERS FOR DECISION

8 **Review of Criteria**

The Board agreed that, due to the overlap between agenda items 8 and 9, these two items would be discussed together.

The Chair introduced the item and reminded the Board that it should consider the context in which it was operating, including on-going discussions with Government

regarding the outcomes of the Periodic Review. The Chair also noted the general need for stability at the current time given that preliminary conversations with other countries regarding the development of potential Mutual Agreements were taking place and reminded the Board that the Routes to Registration review was on hold. The Chair also advised the Board that DCLG had asked for reassurance that the Review of Criteria would be separate to the Routes to Registration review. The DCLG had asked the Board to ensure that full consideration was given to the risks and benefits of undertaking a 'business as usual' review at this juncture. DCLG had highlighted the possibility of the Criteria being changed twice in quick succession, leading to uncertainty for both the sector in the UK and those that the UK may be negotiating with in the EU or the rest of the world.

The Board considered the additional information circulated by the Registrar setting out the risks of undertaking the Criteria review, the alternative options and the risks associated with them. The Board concluded that it wished to proceed with the Criteria Review. There was an acknowledgment that the project plan, with its key milestones, enabled it to take stock at its November meeting. At that point the outcomes of the pre-consultation phase would be known. At the November Board meeting the Board would consider responses and the direction of travel, enabling it to ensure the risks surrounding the negotiations with Europe and the rest of the world were considered thoroughly.

There was some discussion regarding the proposed pre-consultation exercise and its purpose. The importance of ARB actively engaging with DCLG, the Quality Assurance Agency QAA and the RIBA was noted.

The Head of Qualifications and Governance took Board members through the proposed project stages of the Criteria and Procedures reviews which set out a high level outline of the proposed activities and timescales.

There was a detailed discussion regarding the establishment of a Board Oversight Group to oversee the reviews. After consideration, the Board agreed that the inclusion of a Board Oversight Group would complicate matters and potentially cause delays to the reviews. As a result, it was agreed that the Task and Finish Groups should report directly to the Board.

It was noted that the Prescription Committee would act as a consultee within the process and have the opportunity to provide feedback as part of the pre-consultation process. It would not be responsible for overseeing or reviewing the work of the Task and Finish Groups.

A Board member asked if the composition of the Task and Finish groups was the same for both. The Head of Qualifications and Governance confirmed that the groups would have the same chair with the remainder of each group consisting of different individuals. The Groups would be supported by the Qualifications and Registration teams. The Head of Qualifications and Governance advised the Board that the Chair of the Task and Finish Groups would be an independent consultant who would be familiar with writing and drafting criteria and procedures documents and would provide additional support to the staff team in this area.

There was some discussion about the Task and Finish Group providing a suitable lay and stakeholder perspective. The Head of Qualifications and Governance confirmed that the Executive had identified one independent consultant who did not have any conflict of interests,who had a background in education and had not worked in architecture. The Executive also proposed that individuals from other regulatory bodies and/or from university quality assurance be included within the membership of the Task and Finish groups, which would provide additional lay representation. The Board was advised that declarations of interest would be carefully managed and dealt with in the usual way. The Board was assured that the RIBA and QAA would be consulted and involved in the appropriate phases of the Criteria review.

One Board member raised the operational risk of the project, and the Head of Qualifications confirmed the work would be reviewed by the Audit Committee. The Board noted consideration had been given to the risk of change to Board personnel during the process. The Head of Qualifications reported that the intention was to make recommendations at the February 2018 Board meeting.

The Board agreed:

- That the Registrar should contact the DCLG and provide the written assurances that the Department was seeking regarding the review of Criteria, as well as confirmation that the business as usual review of the Criteria would be completely separate to the Routes to Registration Review;

- That the Registrar should contact the Department and outline the Board's proposal that it would continue with the initial pre-consultation work for both the Criteria and Procedures reviews. When contacting the DCLG, the Registrar should make it clear that the Board would discuss the outcomes of the pre-consultation work in relation to the Criteria and Procedures reviews and the subsequent intended direction of travel of the reviews with the Department in November, when the Board would then need to make strategic decisions

regarding the next steps of each of the reviews;

- That the outline project plan for the business as usual review of the Criteria and Procedures for the Prescription of Qualifications should be progressed subject to the following:

- The Task and Finish Groups should report directly to the Board;
- No Board Oversight Group would be established;
- The Chair would be included in discussions about the final decisions regarding the constitution of and appointments to the Task and Finish Groups;
- The Executive would be mindful of the size of each Task and Finish group ; and
- The Executive would look carefully at the mix of skills and expertise when putting together each group and ensure that there is sufficient lay representation.

The decisions were agreed unanimously.

9 **Review of Prescription Procedures**

This item was discussed together with item 8.

The Registrar advised the Board that the DCLG had provided feedback regarding the Board's position and had proposed that the Procedures Review be delayed until May 2018. The Registrar referred to the paper she had circulated for discussion setting out alternative options and the risks associated with them. The Registrar confirmed the Executive's view that the Board should undertake a pre-consultation exercise at the same time as the Criteria review. The Executive should provide a formal update on progress of both the reviews of the Criteria and the Procedures at the September Board meeting and report the findings of the pre-consultation exercise to the Board in November. The Board was advised the Task and Finish Groups would be in a position to present clear proposals to the Board in November, and as a consequence it would be possible to provide the DCLG with the additional assurances it required so that the Board could proceed with both reviews.

The Board agreed:

The outline project plan for the business as usual review of the Procedures for the Prescription of Qualifications as agreed under item 8.

10 **Priorities, Business Plan and Resources 2017-2018**

Item 10 (i) was introduced by the Registrar.

The Board's attention was drawn to the updated business plan which had been extended to July 2018. A visual on the business plan timeline was provided to the Board for information.

The Registrar explained to the Board that the paper shows the scope and scale of work undertaken which was managed by the Operational Management Group.

A Board member asked about the project regarding making consultations more accessible and suggested students, education providers and employers should also be included when the project was undertaken. The Registrar confirmed that the structure of consultations was an organisation wide issue and the list of consultees would be carefully considered.

The Registrar suggested that a paper be brought back to the Board in September with a costed budget for agreement.

Item 10 (ii) was introduced by the Registrar.

The Registrar also introduced a paper to the Board requesting an increase to staff headcount. The Board were asked to increase the permanent headcount from 23 to 25.

The Board discussed the paper. The Head of Finance and Resources confirmed there was sufficient funding within the 2017 budget to fund the proposed increase of staff. The Registrar was asked if the proposed increase in resources was sufficient to meet the demands of the Business Plan/Priorities. The Registrar confirmed the priorities could be achieved with the increase in resources.

The Board:

i. Noted the 2017 and 2018 Business Plan and Priorities;
ii. Agreed the request for additional resources

Proposer: Suzanne McCarthy
Seconder: Richard Parnaby

The recommendation to increase the headcount was agreed unanimously.

MATTERS to NOTE

11 **Management Accounts**

This item was introduced by the Head of Finance and Resources.. The Board commended the paper for providing a clear and concise report on ARB's financial position.

A Board member asked if there had been a drop in EU applications to Register following the vote for Brexit. The Head of Professional Standards confirmed there had been a small fall in EU applications, although the decrease in numbers was not significant because they were still at 2015 levels and there had been a big surge in numbers previously. The Head of Finance and Resources confirmed that registration levels would be monitored and information would be presented at the Board budget meeting in July.

The Board noted the 2017 Management Accounts to May 2017 and the year-end forecast.

12 **Report on the delivery of the 2017 Business Plan**

The Board agreed that agenda items 12 and 13 would be discussed together.

The Head of Professional Standards presented both items, and advised that the report provided a snapshot of the state of play half way through the year. The Board noted that most KPIs were being met and that there was a small drop in EU applications. The Head of Registration advised the Board that the historical analysis information at Annex B showed that EU applications had dropped to the levels recorded in 2015 and he assured the Board that the Executive continued to monitor the data.

The Board noted the anomaly in Annex A regarding the figure presented for 'Title complaints with ARB's Solicitor to conclusion – No. of weeks from date of referral to non-prosecution conclusion/summons'. The Head of Professional Standards confirmed the January – June 2017 percentage should be amended to 100%.

There was some discussion about the Key Performance Indicator traffic light criteria, and a Board member suggested comparing the ARB criteria with other regulators in order to ascertain if there could be an improved method of displaying the information and statistics. Another Board member queried whether there was a more effective way of measuring performance against KPIs considering we were often working very small data sets that were easily skewed by one or two outcomes. The Registrar agreed to seek guidance from the internal auditors to determine what would be reasonable.

The Board agreed that the Executive should be commended for meeting the majority of KPIs and suggested that they may wish to review the current KPIs to ensure that they continued to challenge performance.

The Board noted and discussed the mid-year performance against the 2017 Business Plan.

13 **Report to the Board on Statistics, Trends and Performance Indicators 2017**

This item was discussed together with item 12.

The Board noted and discussed the mid-year performance against the 2017 Business Plan.

14 **Prescription Committee's Annual Report**

Alice Hynes introduced this item in her capacity as the incoming Chair of the Prescription Committee.

The Board were informed the report set out both the work that the Committee had undertaken over the period June 2016 – June 2017 and some of the areas that the Committee would need to focus on in the coming year.

The Board noted the Prescription Committee's Annual Report.

15 **Investigation Oversight Committee's Annual Report**

The Chair of the Investigation Oversight Committee (IOC) introduced this paper.

The Board was advised that the main focus of the IOC's work over the next 12 months

would be the Section 14 Review concerning how ARB deals with disciplinary investigations.

The Board noted the activities of the IOC from July 2016 to June 2017.

16 **Minutes**

The Board noted the draft minutes of the Investigation Oversight Committee meeting of 9 June 2017.

17 **Any other Business**

There was no other business.

18 **Dates of Meetings 2017**

14 September 2017
23 November 2017