

Minutes of Investigations Oversight Committee Meeting 8 June 2018

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

Note

Apologies

None.

1. Minutes of previous meeting

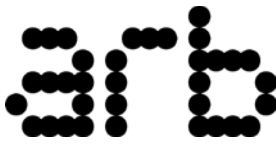
The minutes of the last meeting were agreed.

Matters arising

SH provided an oral update on one of the cases discussed at the last meeting. The case related to an architect based abroad but managing the architectural output at a practice in the UK. SH reported that ARB had consulted with the Investigations Pool (IP) and revisited the requirements within the Architects Act. The consensus reached was that an architect “in control and management of the architectural output” cannot do so effectively while working entirely remotely and never attending the office. It was agreed that this is not compliant with the Act. SH told the IOC that ARB had contacted the owner of the practice in question and she had agreed to stop using the title. The architect has also since resigned from the register.

The IOC questioned how this approach might affect the changing nature of flexible working. SH told the IOC that the Act requires an architect to supervise the work “at the premises it is carried out” and so while architects can work remotely and remain within the requirements of the Act, they must still be available at the premises as required. SH reported that a recent newsletter had provided guidance on what is expected of someone in control and management of architectural work. The IOC questioned whether additional guidance would be helpful to assist architects in understanding the Act and the Code and to prevent consumers running into trouble.

ACTION: SH to draft additional guidance and consult with the IP



2. Investigations Pool update

The IOC noted the minutes from the latest IP meeting.

SH told the IOC that before the online portal system is introduced, papers will be sent to IP members by Recorded Delivery in order to improve data security in light of new GDPR requirements.

SH reported that ARB would be recruiting IP members later in the year. It is anticipated the new members will start at the beginning of 2019.

3. Professional Conduct Committee (PCC) update

The IOC considered the PCC decisions reached since its last meeting.

It discussed a recent case where the architect was alleged to have made public representations that she was not yet a registered architect in order to satisfy an immigration tribunal. The evidence in the case suggested that a faculty member at her University gave evidence to the tribunal that the architect had received a pass on her Part 3 qualification but on the condition that she undertake extra work.

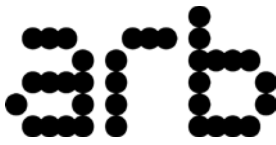
SH told the IOC that ARB had met with the University in question. They told ARB that the architect had passed her exam and that the information provided by its former faculty member had been misunderstood. SH explained that ARB would be considering the matter further at an upcoming Prescription Committee meeting. SH also reported that the fundraising webpages allegedly set up by the architect are still live. ARB will contact her in due course and ask that she take steps to have them taken down.

4. Update on Key Performance Indicators (KPIs)

The tabled KPIs were considered by the IOC.

SH reported that the in-office KPI is still being met and the IP KPI is slightly below the required 80%. SH explained that this is based on a small number of cases and so the percentage figure is affected more substantially by anomalies.

SH explained that ARB had met with one of its firms of solicitors earlier in the year to discuss compliance with the KPI. This led to some changes in practices and since that meeting all cases have met the KPI.



SH explained that the listing of PCC cases is going well and ARB is now achieving the KPI; however, SH reported that half of those cases had resulted in an adjournment. He explained that the changes in the Rules will allow for more active case management from PCC Chairs in advance of the hearings. It is hoped this will help address issues of architects turning up unprepared, requesting further time. SH told the IOC that he will be meeting with the Chair of the PCC to discuss adjournments.

With regard to the overarching KPI, half of the cases considered in the first six months of the year missed the KPI. This is largely due to a lack of, or inconsistent, engagement from the architects involved in those investigations.

ACTION: Office to provide KPI statistics in advance of future meetings.

5. **Update on legal challenges**

An update was provided.

6. **2018 Costs**

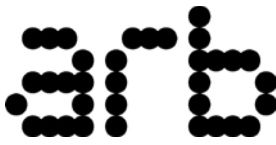
The IOC considered the summary of 2018 costs. SH reported that Professional Standards is currently underspent in all areas but the nature of accruals and the forecasted case load means that the budget is likely to be met by year-end.

7. **Third Party Reviews (TPRs)**

The IOC considered the TPR annual report.

The IOC discussed the new decision template which was created as a result of observations made by a TPR. The new template is designed to reflect the two stage decision process: considering the particulars of the allegation both individually and cumulatively before reaching a decision on case to answer. SH explained that the IP was working under this process previously but that the new template makes it clearer to stakeholders.

SH reported that ARB will be reviewing all of its guidance following the Section 14 Review, including guidance given to architects about the IP process.



8. Unrepresented respondents

The IOC considered the guidance provided to the PCC and the parties around unrepresented respondents.

SH told the IOC that the guidance would be reviewed and revised following any changes as a result of the Section 14 Review. Any new guidance will also be considered in light of principles of plain English. SH reported that ARB would also be looking into creating short videos to help stakeholders understand the complaints process.

The IOC suggested emphasising the information which signposts architects to legal services and representation. It suggested piloting new guidance on architects or architectural students.

The IOC queried whether ARB has any guidance or arrangements for health and safety at hearings, particularly in relation to risks surrounding the security of those participating. SH reported that ARB had not considered this previously and agreed that consideration should be given to this area.

The IOC queried whether the Indicative Sanctions Guidance had a process in place for review. SH told the IOC that there was no formal process but one could be considered. He suggested that a review of the guidance should be undertaken soon.

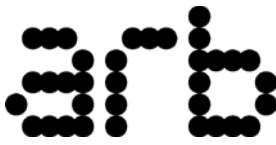
ACTION: SH to look at health and safety requirements and training for dealing with volatile situations.

ACTION: SH to send IOC members the Indicative Sanctions Guidance and to consider appropriate process for review.

9. Section 14 Review next steps

SH told the IOC that he had consulted ARB's lawyer about changes to the Rules and these had been drafted. SH raised that the lawyer had suggested keeping a flexible provision for appointing a Clerk to the PCC. The IOC discussed the problems this could pose in practice, particularly around appropriate criteria for appointing a Clerk. The IOC also noted that the PCC Chairs themselves had described the Clerk as a luxury rather than a necessity.

SH will discuss the matter further with the ARB lawyer and will be placing the agreed,



draft Rules before the next meeting of the Board. SH explained that ARB would look to consult on the Rules and would carry out an equality impact assessment on the changes.

10. In-house lawyer

The IOC discussed the decision taken by the Board in relation to the recruitment of an in-house lawyer. The IOC was satisfied that an in-house lawyer would not be appropriate within investigations and that any wider decision about in-house legal resource should be a matter for the Board rather than the IOC. In terms of lessons learnt, the IOC suggested that a more detailed breakdown should be provided of costs/benefits and risks in any similar reports to the Board in future. This would help facilitate the discussion more smoothly.

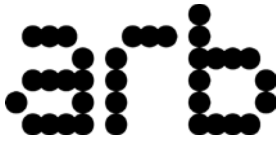
11. Collecting feedback / E&D information

The IOC considered the E&D data collected since the last meeting.

SH reported that the information included 100% of data in relation to age and gender. He advised the IOC to approach the data around disability, ethnicity and religion with caution as it only represented a few individuals. SH reported that architects are now providing E&D data when registering and so data should improve in the future.

The IOC asked that in future E&D data is put into context by including indications of whether numbers have increased/decreased from previous reports. The IOC raised the risks of moving towards online processes and the impact this could have in relation to accessibility. It asked that ARB report to the Board on how it plans to mitigate these issues.

The IOC then considered the processes for gathering feedback from stakeholders involved in the investigation process. The IOC discussed the best way to receive feedback so that it is not influenced by the case outcomes. The IOC suggested providing for free text answers, using scales for measuring satisfaction levels and the possibility of telephone surveys. It also suggested reminding stakeholders throughout the process that we welcome feedback and allowing them to opt in/out of receiving feedback surveys. The IOC suggested looking at processes at other regulators to learn about good practice elsewhere.

**AOB**

The IOC discussed its upcoming annual report for the Board. SH suggested topics to be covered. The IOC asked that it include the observations carried out by IOC members along with the areas of work the IOC is satisfied with overall and the areas which remain of concern.

ACTION: SH to draft annual report and sent to the IOC Chair

Date of next meeting: The date of the next meeting will be 21 September 2018

DRAFT