Minutes of Board Meeting held on 11 September 2018

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

Note **Action**

1. Apologies for Absence

Apologies were received from Ros Levenson.

2. Members' Interests

The updated Register of Interests was noted.

There were no additional declarations to the declaration forms submitted in respect of the open session agenda items.

3. Minutes of the open session meeting of 19 July 2018

The following changes to the minutes were agreed:

- Item 12, paragraph 5: ARB's 2019 Business Plan
  - The first sentence should read, "It was queried whether the 2019 business plan sufficiently addressed equality and diversity issues."
  - The paragraph should be amended to reflect the assurances given by the Registrar about the way the recruitment process would be managed.
  - The word "but" should be replaced by "and" before "the staff team would work closely with the MHCLG..."
- Item 15: The Registrar's agreement to enquire with RIBA about providing legal assistance to architects should be noted under matters arising.
- Item 19: Work to examine the costs associated with the Prescribed Examination should be noted under matters arising.

The Board discussed whether notes and actions from informal Board meetings should be formally minuted. It was noted that decisions were not taken at informal meetings as the purpose of these events is to inform discussions at future Board meetings. These discussions and decisions were then formally minuted. It was agreed that any changes to Board governance should be considered by the new Board once constituted.

The Board approved the minutes of the meeting held on 19 July 2018, subject to the amendments noted above.

Proposer: R Parnaby
Seconder: S Roaf

The decision was unanimous.

4. Matters Arising Report

The Board noted the updated report on actions agreed from previous meetings.

The Registrar reported back on the two additional actions identified during the discussion at item 3. The Registrar reported that she had raised with RIBA the issue of providing regulatory insurance and legal assistance to architects. There did not appear to be appetite for this at the current time but it was agreed that the matter could be discussed further.

With regard to costs associated with the Prescribed Examinations, the Registrar told the Board that costs had formed part of the budget paper and in relation to reviewing the costs it will form part of the current Prescribed Examinations review.

The Registrar reported that the consultee list would be circulated, reviewed and updated by the end of October 2018.

The Registrar reported that she had written again to the MHCLG about obtaining a power to charge. The Ministry had suggested that this could be considered at the time that the Act was looked at if it was decided that ARB should be granted the powers to enter into mutual recognition agreements.

MATTERS FOR DECISION

5. 2019 – 2020 Business Plan and 2019 – 2021 Strategic Plan

The Board considered the three-year Strategic Objectives and the 2019 Business Plan.

The Board agreed it was important that the Strategic Objectives and Business Plan address ARB's key objective of protecting the users and potential users of architects' services. The Board discussed some of the limitations around the current wording of the Board's two overarching objectives and suggested that the newly constituted Board may want to reconsider the wording in due course. In the meantime, it was agreed that these should be clearly articulated within the strategic objectives.

It was agreed that Section 1, 'Organisational Excellence' should read, "We will deliver efficiencies and improve performance in a way that ensures or improves accessibility…"

The Board discussed what was meant by architects as "competent, qualified professionals" when architects develop competence in different fields and areas of architecture. It was noted that the Architects' Code of Conduct required architects to ensure they were competent to carry out the work they were engaged to do. It was noted that ensuring architects' ongoing competence was to be considered as part of the strategic objectives and would be a leading piece of work.

The Board discussed whether the importance of diversity within the recruitment of the new Board should be made more explicit. Some Board members considered that this was implicit in the requirement that those appointed reflect "ARB's values" and stated that the importance of valuing diversity ran through all of the strategic objectives, not just in relation to Board recruitment. The Board agreed that ARB's values should be added to the opening of the document to make clear the values running through the core of the plan.

It was suggested that the objective in relation to Britain's exit from the EU should state that ARB will be "planning for an effective exit". This would reflect the current uncertainty and ARB's role in planning to deal with eventualities as they arise.

In relation to the 2019 Business Plan, one Board member stated that the performance measures had not been drafted in accordance with SMART principles. They also

suggested making clear the areas of work which have already started by using wording such as, “build upon” and “further the work on”. Another Board member suggested providing a link to the annual report so that readers could access a record of work completed to date.
The Registrar told the Board that the actions were drafted in a way that should be measurable and that the “measures of success” column had been removed for stylistic reasons to make the document more easily readable. The Registrar told the Board that ARB would continue to report progress against the Business Plan through its usual reporting cycle both to the Board and to its Committees.

It was suggested in relation to section A5, that the third bullet point should read, “Put in place a policy and procedure for reviewing the impact of new initiatives”. At section C2 it was suggested that the second bullet point should read, “respond to the findings of the reviews…”, rather than, “commission a task and finish group to respond to the findings…”.

Board members confirmed that they found the new format of the Business Plan and Strategic Plan to be a marked improvement on the previous format and provided a more focused programme of work.

The Board agreed the 2019 Business Plan and 3 year Strategic Plan.

Proposer: R Parnaby
Seconder: J Singh

The decision was unanimous.

6. Title Regulation

The Head of Professional Standards introduced the paper proposing an increased in resource for title regulation. It was recommended that funding in this area should be increased by £185,000 over two years; £95k for year one and £90k for year two. He reported high levels of title misuse online, and explained that the additional resource would enable ARB to increase its efforts in dealing with this issue and raising awareness of the Register. The impact of the additional resource would be measured after two years. The recommendation was for the resource to be funded by an increase in the annual retention fee.

There was a discussion about the scale of title misuse and the importance of title regulation to the profession and to the users and potential users of architects' services. The Board agreed that it should consider the issue of how to fund the additional resource under item 7, but that additional resource should be funded.

The Board agreed to increase funding for its regulation of title work by £185,000 over two years (£95k year 1 and £90k year 2).

A majority decision was reached. 13 Board members voted in favour and 1 abstained.

The Board deferred its decision regarding the future amount of the annual retention fee to be considered under item 7.

7. Budget, Annual Retention Fee and Other Fees for 2019

The Board noted the content of the paper and in particular section 5, vi and vii which listed items that had not been factored in to the budget as the impact was, as yet, unknown. The Head of Finance and Resources told the Board that further information on the funding for the listed 'unknowns' would be provided at a later date.

The Board was invited to consider whether there should be an increase in the annual retention fee and whether such increase should be in either the amount of £109 or £111 taking into consideration the agreement reached to increase the level of resources available for the area of title regulation.

The Board discussed the importance of ongoing work such as implementing relevant recommendations from the Hackitt Review and the work required by the Executive in preparing for the UK's departure from the EU. It discussed the financial challenges these may bring, and noted that that a lack of sufficient resources could affect ARB's ability to deliver its core work effectively. It was noted that ARB had not increased its retention fee since 2015 while its workload had increased and that it had been able to hold the fee because of the increased income received from the higher numbers joining and remaining on the Register.

Some Board members raised concerns about the size of the proposed rise and suggested a rise more in accordance with inflation. One Board member said that the

UK leaving the EU may result in more architects applying for registration through the mutual recognition route before the UK exited. This could result in an increase in funds.

The majority agreed that it would be prudent to increase the retention fee to safeguard against the impact of the increased workload and uncertain political climate. It also agreed that more expenditure on tackling misuse of title would likely be welcomed by many within the profession. It was agreed that any work which was not critical for the effective delivery of ARB's work would be placed on hold until spring 2019 to allow time to understand the impact of Brexit. The Registrar would then determine the appropriate approach with regards to non-critical work in due course, in accordance with the agreed budget.

The Board discussed the additional fees as identified in annex D of the paper and agreed to hold them at the 2018 level.

i. The Board agreed to increase the annual retention fee to £111.

A majority decision was reached. 9 Board members voted in favour and 5 against.

The Board also agreed the following:

ii. To hold the prescribed examination fee at the 2018 level of £1671;
iii. To hold all other fees at the 2018 level (annex D);
iv. The budget for 2019, as shown in Annex A, Column 5.

The decisions at (i), (ii) and (iv) were unanimous.

STANDING ITEMS FOR NOTE

8. Chair's Report

The Board noted the Chair's Report.

The Chair told the Board that she had met with Ben Derbyshire, Adrian Dobson and Alan Jones of the RIBA regarding matters of common interest. The two organisations had agreed a joint statement regarding the Criteria for Procedures and Qualifications. A minute of that meeting would be made available to the Board.

The Chair reported that she had also had a productive meeting with the Ministry of Housing Communities and Local Government's (MHCLG) Permanent Secretary, Melanie Dawes. They had discussed the need for ARB to use some of its reserves to carry out work in relation to the UK leaving the EU, the Hackitt Report and the possibility of Mutual Recognition Agreements with international countries. The Permanent Secretary had thanked the Board for its work.

The Chair also reported on the meeting of 'Working Group 7' (Architects/Building Designers) which ARB chairs and which sits underneath the Hackitt Review Steering Group. The Terms of Reference for the group had been agreed and meetings would be taking place every 4-6weeks. At the first meeting the group had discussed the role of a Lead Designer. The notes and actions of the meeting would be fed into the Industry Response Steering Group.

9. Operational Activities Report

The Board noted the Operational Activities Report. The Registrar and Executive Team summarised some of the key activities outlined in the report.

It was noted that the changing regulatory function of the Office for Students (OfS) was in its preliminary stages and its full regulatory powers had not yet been established. Members of the Qualifications Team would be meeting with the OfS and the QAA to better understand their new functions and how ARB could work with them in the future.

It was queried whether ARB had considered the impact that leaving the EU could have on universities and on the capacity for delivering qualifications. It was noted that monitoring UCAS applications could provide an idea of the number of EU students applying for university courses but the exact figure would not be known for some time. The Head of Qualifications and Governance told the Board that the guidance provided to institutions seeking prescription/to renew prescription was currently being reviewed and that the staff team would be looking at whether it would be valuable to provide some clearer expectations in terms of resourcing levels in the future.

10. Management accounts – ARB's financial position as at 31 July 2018

The Committee noted the Management Accounts.

The Head of Finance and Resources told the Board that £72,000 of the £200,000 contingency fund agreed by the Board at the last meeting had now been

spent/committed.

It was raised that ARB should be cautious when applying investment figures as part of the budget. The Head of Finance and Resources told the Board that ARB was conservative with its forecasted investment income but would remain realistic.

11. AOB

A Board member raised the Professional Standards Authority's Lessons Learned Review of May 2018 into the Nursing and Midwifery Council's (NMC) handling of complaints about midwives in Morecambe Bay. Three areas were highlighted in the report where the lessons identified could be suitable for consideration by the Board being: the use of interim powers to protect the public during disciplinary investigations; the treatment and support provided to witnesses; and the delay in taking action where there were ongoing third party investigations. It was agreed that the report would be discussed at the Investigations Oversight Committee. The Head of Professional Standards told the Board that many of the criticisms made of the NMC were specific to the size and scale of the organisation.

Dates of meetings 2018

29 November 2018
19 December 2018