



What constitutes unacceptable professional conduct and serious professional incompetence

This guidance is intended to help architects and consumers understand how the Architects Registration Board (ARB) approaches its disciplinary responsibilities under the Architects Act 1997.

Introduction

Section 14 of the Architects Act 1997 identifies two offences that may be committed by an architect: *unacceptable professional conduct* and *serious professional incompetence*.

The High Court has indicated that both offences must be 'serious lapses'¹ in order for it to be appropriate that a disciplinary sanction be imposed.

The Professional Conduct Committee

The Professional Conduct Committee considers whether charges of unacceptable professional conduct and serious professional incompetence are proven, and if so whether a disciplinary sanction ought to be imposed. The charges will be supported by allegations of particular acts and omissions identified in accordance with relevant Professional Conduct Committee procedures.

More information about the procedures of the Professional Conduct Committee can be found at <http://www.arb.org.uk/PCC-guidance>

Unacceptable professional conduct

Unacceptable professional conduct is conduct which in the judgment of the Professional Conduct Committee falls short of the standard required of an architect in the circumstances.

The general standard of conduct expected of architects is set out in the Architects Code of Conduct and Practice. Not every shortcoming, or failure to meet the standards of the Code will necessarily give rise to disciplinary proceedings, but a failure by an architect to comply with the Code will be taken into account when considering whether they have committed an offence.

¹ Vranicki v Architects Registration Board [2007] EWHC 506 (Admin)

It is up to the Professional Conduct Committee, after determining the particular facts of a case on the balance of probabilities, to decide whether an architect has been guilty of unacceptable professional conduct. The general test is whether he or she has fallen seriously short of the standard of conduct expected of a member of the profession in the circumstances.

The conduct complained of must be serious in order for unacceptable professional conduct to be found. The question of what is serious or not in the context is not a technical legal exercise but a question for the skilled judgment of the Professional Conduct Committee.

Serious professional incompetence

Professional competence relates to the quality and application of the professional skills architects need to do their job. In particular circumstances some acts or omissions may amount to both incompetence and unacceptable conduct.

Serious professional incompetence is a serious failure to meet the required standard of skill expected of a member of the profession undertaking a similar kind of job at the same time. It can relate to something that an architect has or has not done, but an unexpected or unsatisfactory outcome is not in itself proof that an architect has been seriously incompetent.

Because the facts and circumstances of each case are different, it is not possible to identify the exact point where incompetence becomes serious incompetence; however the following features make it more likely to be viewed as serious:

- When the consequences are, or could have been, particularly serious
- Where the architect's standard of competence falls significantly below that expected
- Where a number of failings, while not serious individually, together demonstrate a pattern of incompetence
- Where a pattern of incompetence suggests an architect may not act competently in the future

Sanctions

If the PCC make a finding of unacceptable professional conduct and/or serious professional incompetence, it may decide to impose a disciplinary sanction. The sanctions available to the PCC are:

- Reprimand
- Penalty Order (a fine) of up to £2,500 for each offence
- Suspension (up to 2 years)
- Erasure