

Minutes of Policy Committee Meeting held on 22/05/2020 - conducted by video-conference

Location	Present	In Attendance
Video-conference	A White (Chair) S Brookhouse W Freeman A Kershaw L Male	Simon Howard Brian James Emma Matthews Marc Stoner Philip Lam

Note

Action

Confidential Session

1 Apologies for Absence

There were no apologies for the meeting.

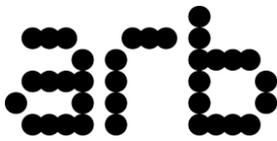
2. Declarations of Interest

Stephen Brookhouse declared that he had been a member of the Criteria Working Groups. It was agreed that this did not constitute a conflict of interest and that Mr Brookhouse's experience as a member of the groups was likely to add value to the Committee's discussions.

3. Terms of Reference

The Chair confirmed that the Policy Committee would be dealing with regulatory policy rather than organisational policy and that the Terms of Reference were as they had been when they were approved by the Board in July 2019. Organisational policy would primarily be dealt with under the Remuneration and Appointments Committee's remit. The Chair invited comments on the Policy Committee's Terms of Reference.

It was noted that the Operational Management Group (OMG) had now become the Senior Leadership Group (SLG); the relevant reference within the Committee's Terms of Reference should therefore be updated. It was confirmed that this adjustment could be made without the Terms of Reference needing to be reconsidered by the Board; once the adjustment had been made, the document would be lodged with the body of Board documents.



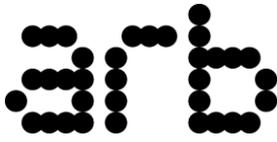
It was noted that the Committee would review the Terms of Reference periodically in the future, proposing adjustments to the Board where needed.

4. **Overview of emerging agenda for Committee**

The Chair had begun to discuss the scale and scope of the agenda with the SLG and noted that the frequency with which the Committee should meet would need to increase. The Chair noted that Fitness to Practice was currently tied up within the Professional Standards area currently, and that this may need to be separated out in the future. Each of the four areas, Education, Registration, Professional Standards and Fitness to Practice, required a body of policy, guidance and metrics to support it so that the Board was able to assess performance. The Chair saw the Committee's role as one of reviewing the current position, making recommendations and suggestions for improvement, with the Board then signing off the body of policy, guidance and metrics.

The Chair invited the Head of Registration to provide his observations about the organisation to date. The Head of Registration noted that he was still immersed in his induction programme, but that he had seen elements he recognised and was familiar with at ARB and that it was obvious that it was a hard working organisation striving to deliver. The Head of Registration confirmed that he was keen to understand more about capacity and demand, as well as the resources that were needed to maintain the Register. He noted that he also wished to understand the interfaces between the Registration, Qualifications and Professional Standards departments. The Head of Registration also commented that there were some areas that he did not recognise within the organisation, although some of that could be attributed to terminology. He noted that he was aware that there were at least 30 active areas which included projects that were either starting or already underway; that the SLG were in the process of developing plans to take these forward and that various interactions would need to be considered before they were approved by the Board.

The Chair also invited a member of the Committee, who had extensive regulatory experience to provide their observations. The Committee member noted that it would be key to learn more about the organisation's audience, the profession which it regulated and that everything, from his experience, flowed from the Register. It was also important that everything linked together. The Committee member had observed a great deal of activity within the organisation but had not observed as much linkage between the various functions as there should be. The Committee member agreed that there could be greater linkages between the areas of Education



and Professional Standards and that consideration should be given to separating out Fitness to Practice from the Professional Standards function. The Committee member felt that the Policy Committee would be able to assist with this. It was noted that good regulation should involve partnerships with key representative bodies. Performance statistics and metrics would be important so that the Board could see what was working and what was not working. The Committee member stressed that solely producing policies would not be sufficient in itself, and that the organisation would need to be able to demonstrate results and the impact of its policies.

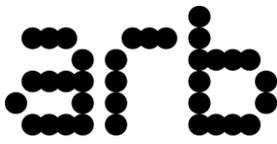
Another Committee member queried how it would be possible to ensure proportionality of approach. It was noted that regulators ran the risk of making their approaches to regulation too complex. It would be important for ARB to ensure that it kept its policies to what was sufficient to meet its responsibilities. The Head of Registration added that other regulatory bodies dedicated resources to monitoring the regulatory landscape. The impact of the regulation of the profession and the Board's ability to identify failures in important areas was also discussed. The Board would need to take care to strike the right balance in terms of what it needed and what was proportionate.

5. **Consider next steps in respect of the output from the Climate Change and Fire/Life Safety Working Groups**

Following the introduction of this item, it was queried whether the outputs of the groups' work were sufficiently ambitious. It was noted that the outcomes of introducing adjusted criteria would not be known for around ten years so far as architecture students were concerned, but also the impact of the proposals on those who were already on the Register had not been taken into account. The Chair noted that if the Committee decided to forward the groups' output to the Board, it would be necessary to cover the latter area as well as architecture students.

The Head of Professional Standards reported that whenever any new criteria were introduced, there would always be a time lag in terms of its impact on architecture students or those joining the Register being known, but it was acknowledged that the groups' output had not been considered in terms of those already on the Register. It was noted that the working groups had been populated by higher education and industry experts and that the professional bodies were supportive of the outcomes of the groups' work. The potential for reputational damage if appropriate action was not taken was also highlighted by the Executive.

The Committee member who had also participated in the groups noted that given his



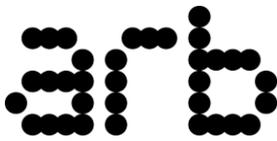
role on the Committee, he had looked at the groups' output from a different perspective and since participating in the groups, had identified areas of concern. The Committee member raised concerns about the ability of the ARB to administer the criteria and test qualifications against them; whether the proposals were more akin to a curriculum rather than criteria and would therefore be confusing to institutions given that the existing criteria were pitched at a higher level and also whether the proposals were sufficiently up to date and relevant. The Committee member noted that the groups' outputs was likely to become out of date quite quickly and queried whether the level of ambition could be higher on the basis that institutions were probably already teaching most of the content of the groups' outputs. He noted that he saw this as an opportunity for the organisation to bring a breath of fresh air to the criteria in relation to life/fire safety and climate change.

Another member of the Committee queried how the output of the groups' work correlated with the work that Working Group 7, which ARB chaired, was undertaking in response to the Hackitt Report. It was confirmed that the outputs from the Working Groups looking at developing a competence framework for the sector would sit alongside the work of ARB's Criteria Working Groups, which had been focussing on threshold levels of competence, whereas the other working groups had been focussing on competence required to work on higher risk residential buildings. There was a concern that ARB would not have gone far enough, quickly enough in terms of responding to these issues.

A further member of the Committee commented that the Criteria Working Groups' output did not appear to be progressive and that ARB needed to be seen to be actively taking the debate forward in these areas. Another Committee member noted that 2021 was likely to see the approval of the Building Safety Act as well as COP26 (Sustainable Innovation Forum), and that a spotlight would be shone on life/fire safety and climate changes issues.

One member of the Committee suggested that the criteria needed to enshrine more principles, rather than a deeper level of detail.

The Committee discussed whether the groups' outputs were sufficient to make a difference and whether they were sufficiently strategic. It was noted that whilst the Executive had sought legal advice on the enforceability of the proposals, the proposals needed to be more ambitious if they were to have impact. Refocussing the work in this area would present opportunities to open a dialogue with key stakeholders, such as the Standing Conference of Heads of Schools of Architecture, who were keen to play a more active role in this area. The Board had an opportunity



to think more strategically and to develop strategic statements in relation to life/fire safety and climate change. Not only should the Criteria be reviewed within the context of these statements but similarly the Code should additionally be amended to reflect them. In relation to the Criteria, minimal adjustments could be made to the headline statements within the General Criteria to address this. Adjustments could also be made to the Code of Conduct, which could be supported by guidance for registrants in terms of their ongoing competence. It was suggested that given the Executive's capacity was limited at the current time and that progressing this work was urgent, the input of a professional expert may be needed to help assist in addressing the Committee's concerns. It was also emphasised that the Board could not wait three years as the climate change emergency was upon us. A number of stakeholders had a high interest in this.

Other Committee members agreed that a more strategic approach was needed; that it would be better to produce some strategic statements of intent in these areas and then follow them up with proposals to adjust the Criteria and the Code in line with those statements; that the proposals should be further developed before being taken forward to the Board for consideration.

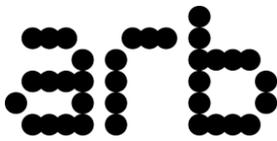
The Committee agreed that:

- i. strategic statements of intent relating to life/fire safety and climate change should be developed and taken forward to the Board for consideration;**
- ii. the Executive should explore how the Working Group's outputs, as well as the Code of Conduct, would align with the strategic statements and should bring back proposals to the Committee as to how this could be achieved;**
- iii. guidance should be developed for those on the Register in terms of maintaining their competence in these areas for consideration by the Committee;**
- iv. taking these areas of work forward was an opportunity for collaboration with other organisations and stakeholders; and**
- v. support could be sought regarding the wider communication of the Board's strategic statements once they had been agreed.**

6. Progress report on the Professional Conduct Review

Note: items 6 and 7 were taken in reverse order.

The Head of Professional Standards noted that the Board had recently agreed that a review of the investigations policies and processes should be undertaken. The aim



was to cover the costs of the review through any savings within the Professional Conduct and Regulation budget. The Head of Professional Standards had identified an independent reviewer to undertake the review, who was Head of Fitness to Practice at the General Osteopathic Council, and further conversations to take the appointment forward were in hand.

The Chair hoped the review would help the Board to understand the areas of the processes where any improvement was required and requested that the relevant background documents be provided to the reviewer.

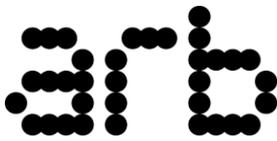
A member of the Committee highlighted that it would be important to ensure that the decision making processes were correct; that decisions were being made in the right places; that the panel selection processes were appropriate; that there was an educational element; that the rules were as streamlined as possible; and that the processes were easy to understand.

The Head of Registration, who had previous experience of fitness to practice processes at other regulatory bodies, considered that the independent review would be valuable and provide a clear diagnosis of issues requiring attention.

Another member of the Committee commented that at some point, it should be considered whether practices as well as individuals should be regulated by the ARB. He had observed systematic failures at practice level which were going undetected and that were not being addressed. It was agreed that the Committee should continue to identify lacunae in the legislation for consideration at a future date; and that if the Board felt it necessary to address these issues, a case could be developed to facilitate change. Another Committee member suggested that ARB could look at other regulatory models, such as the legal regulators, which regulated businesses if it wished to take this further.

The Head of Professional Standards aimed to ensure that the review could be completed within the £10k budget; if the budget was likely to be exceeded he would inform the Policy Committee accordingly.

The Committee noted the plans that were in hand to undertake the independent review. The recommendations, including a plan to address them, would be brought back to the Committee once the review had been completed.



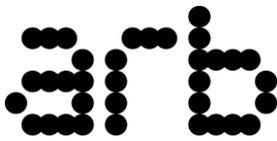
7. **Proposed Approach to Review of Prescription Procedures**

The Chair invited the Head of Qualifications and Governance to give an overview of the position and her planned approach to the review of the prescription processes.

The Head of Qualifications and Governance provided the Committee with some context to the current position, noting that the Board had approved adjustments to the Prescription Procedures in November 2020. Those adjustments were mainly internally-facing and gave the Executive, rather than the Prescription Committee, more responsibility for the information gathering elements of the Procedures, and for making recommendations to the Board. The terms of reference and membership of the Prescription Committee had also been adjusted. Since that point, the Qualifications Team had been trying to set up new systems to ensure the smooth operation of the revised Prescription process. They had numerous ideas about developments to make the revised process work. They had however, been slowed down by a series of events including an unprecedented year of renewals; the expansion of the team with three new members joining during the Autumn; and the impact of Covid19. This had delayed the development work needed in order to properly establish and embed the revised Procedures.

The Head of Qualifications and Governance and the team had now begun to receive feedback from the Board in terms of the quality and content of the paper that they had been receiving and would develop a plan to improve a number of areas within the revised process. The overall aim was to make the Prescription processes more streamlined, efficient and robust. The first area that needed to be prioritised was looking again at two specific areas of the Procedures for the Prescription of Qualifications: the policy which stated that institutions should be free to submit the material they deemed appropriate as part of their applications; and the Board's decision making processes. It was the Head of Qualifications and Governance's view that the policy should be tightened so that ARB could be more directional about the material submitted by institutions; and the material could be standardised. In addition, the Board's decision making processes which allowed institutions to make representations immediately before the Board took a decision should be reviewed to ensure that there was provision to ensure there was sufficient time for the Executive, as well as the Board, to digest any representations it received.

The Head of Qualifications and Governance also highlighted other areas that she felt should be included in the plan: the development of a new database to house information and documentation relating to prescription applications/prescribed qualifications; consideration of what information ARB needed to hold and what was



superfluous; improved quality assurance features within the prescription processes; consideration and development of key metrics and performance indicators; the review of existing policies and development of new ones to support the team and institutions in understanding ARB's expectations; and the development of revised Board templates and streamlining the information provided to the Board. The Head of Qualifications and Governance was also considering the resources needed to deliver the improvements and developments; these included potentially using the expertise of the Prescription External Advisers more; learning from other organisations about how they ran their processes; benchmarking with others; and investing in the development of a new database. It was acknowledged that support may be needed in terms of working out which specific information and data should be collected, collated and held by ARB.

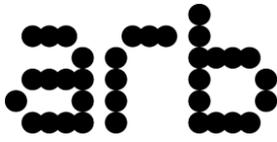
The Head of Qualifications and Governance explained that she had not provided an exhaustive list of the areas on her radar, but hoped her report had given the Committee an insight into the areas in need of development. Her next steps would be to draw up plans, with other SLG colleagues, for presentation to the Committee and/or Board.

One member of the Committee commented that it would be important to ensure that the process remained proportionate and that the Criteria remained at the heart of everything. The Board would need the prescription information to be pre-digested and analysed in preparation for its meetings and the approach which had been outlined should assist with this.

Another Committee member suggested that it would be helpful to provide institutions with examples of good practice where this was possible. The Head of Qualifications and Governance confirmed that the team had previously disseminated examples of mapping documents which schools had produced; that could be repeated. The variety of the award titles which the Board prescribed was also noted as an ongoing issue.

A further member of the Committee cautioned against becoming over-reliant on the Prescription External Advisers. The Committee member also queried the management of the advisers; and whether the way they were being used constituted the best use of resources. In due course it might be helpful to consider whether an inputs and/or outputs based prescription process was most effective for ARB.

Overall the Committee agreed that outline plans should achieve the aims as intended.



The Committee agreed that the Head of Qualifications and Governance should continue to develop the plans as outlined, presenting them to the Board at its meeting on 19 June 2020.

8 Any Other Business

The Committee requested that a copy of the report resulting from the recent Professional Indemnity Insurance Survey be provided to it for consideration at its next meeting.

The Committee noted that there were likely to be matters arising from the recent stakeholder engagement research which had been undertaken and that would be of interest to the Committee and that would help inform its future work.

The Head of Qualifications and Governance reminded the Committee that the Board had additionally agreed that the Committee should be responsible for the consideration of matters relating to the EU/UK negotiations regarding the mutual recognition of professional qualifications; and that this would need to be factored into future agendas where appropriate.

A member of the Committee noted that at some point and when considering ARB's regulatory stance, the Committee should discuss the position of registrants who took part in protests/were placed under arrest for protesting.

The Chair thanked both the Executive and the Committee for their contributions and for a positive meeting.

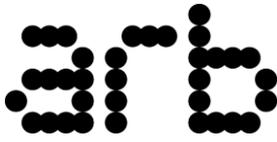
9 Dates of Next Meetings

The Committee noted the following dates for the next meetings:

30 July 2020

23 October 2020

14 December 2020



Note

Action

Notwithstanding this, the Committee additionally agreed that it should meet on a monthly basis throughout the remainder of 2020, with the exception of August. It was agreed that additional dates for June, September and November should be agreed as soon as possible. Three hours should be allocated for each meeting.