



Subject	Investigations Oversight Committee's Annual Report 2014-15		
Status	Open Session		
Purpose	For Note		
From	Chair of the Committee, Nabila Zulfiqar		
History	Parent Committee	First Submitted	Revision Number
	IOC	16/7/2015	1

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1. Purpose

To note the activities of the Investigations Oversight Committee (IOC) from July 2014 to June 2015.

2. Terms of Reference

The Committee will submit an annual report to the Board on its work. Its Terms of Reference are attached to this report ([Annex A](#)).

3. Open

4. Contribution to the Board's Purpose and Objectives

Consumers: will have confidence in ARB's process for investigating a complaint about an architect's conduct or competence.

Architects: A robust and fair disciplinary procedure will maintain the reputation of the profession.

5. IOC Annual Report for 2014 - 2015.

Executive Summary

- This is the second annual report of the IOC since its formation in January 2013. Under its Terms of Reference the role of the Committee is to keep under review ARB's processes for discharging its disciplinary statutory responsibilities fairly and efficiently.
- The regulatory functions of ARB are generally operating efficiently and fairly, with no significant failings or risks to report to the Board. Key Performance Indicators are generally being met. There are areas in which reform would bring about improvements in performance and efficiency.
- Some of the reform envisaged is not possible until the outcome of the Periodic Review is known. The IOC has scrutinised aspects of the disciplinary process and procedures that may bring about improvements without the need for statutory

change. This includes:

- New guidance on the importance of PII being published.
- Implementing most actions identified in the Compliance Review commissioned by the Audit Committee. Other actions require legislative change.
- Implementing Consent Orders and overseeing the process.
- Improving channels of communication with the Investigations Panel and Professional Conduct Committee.
- Monitoring KPIs with a view to steady improvements being made from referral of a case to issue of a decision by the Investigations Panel.
- Inputting into the Periodic Review of the complaints and disciplinary process.

6. Key Points

i. **Meetings, Committee membership and meeting attendees**

The Committee membership has remained unchanged since January 2014 as follows:

Nabila Zulfiqar (Chair)
Alex Wright
Arun Singh

The Committee met three times since its last Report: on 19 November 2014, 12 February 2015 and 4 June 2015. All meetings were fully attended.

Alex Wright and Arun Singh also attended meetings of the Investigations Pool in July 2014 and December 2014 as observers. This enabled the IOC and Investigations Pool to learn more about each other's work and for the IOC to gain a greater understanding of how the investigation of cases is managed.

ii. **Work Plan**

The Committee plans its annual work through an agreed work plan, setting out what needs to be discussed throughout the year. The current work plan, which is reviewed and updated throughout the year, is attached at [Annex B](#).

iii. **Investigations Pool**

The Investigations Pool consists of three architects and four lay persons, who are appointed by the Board under s14 of the Architects Act 1997. Their role is to consider allegations of unacceptable professional conduct and serious professional incompetence and decide whether an architect has a case to answer at the Professional Conduct Committee.

All members of the Investigations Pool have been appointed since 1 January 2013 for an initial period of three years.

The IOC has noted that its performance in terms of timings has been satisfactory since April 2014. Further long-term improvements can be made by a modification of its procedures. It should be noted that this is always going to be an area of ARB's work which is vulnerable to third party delays, and the Pool's performance should not solely be based on measurements against KPIs, but also on the quality

of its decisions. However, the KPI's are monitored closely by the IOC to ensure that cases are concluded at this stage of the process as quickly as possible.

The Investigations Pool provides a report annually to the IOC on its work and performance. The IOC was reassured that the IP had been provided with training sessions throughout the year, and that it periodically reviewed those decisions it made that were either referred back to it for further consideration, or those that resulted in a not guilty finding at the Professional Conduct Committee.

iv. **Professional Conduct Committee (PCC)**

The Professional Conduct Committee consists of three architects, three lay persons and three legally qualified persons nominated by the Law Society¹. They are appointed by the Board under Schedule 1 of the Architects Act 1997. Their role is to decide whether architects are guilty of unacceptable professional conduct or serious professional incompetence and impose disciplinary orders. They have no part in the Investigations Pool stage of deciding whether a registrant has a case to answer.

The IOC queried a small number of not guilty findings made by the PCC and reviewed the circumstances and outcome in each case. The IOC was reassured that the PCC made their decisions based upon the evidence presented to them, which may be obtained after the case is referred to the PCC.

The IOC is mindful that a number of not guilty findings are to be expected in any disciplinary jurisdiction. The PCC provide detailed reasons for all finding and sanctions and it is clear that, on the whole, referrals by the Investigations Panel to the PCC do result in sanctions being imposed. They operate independently of the Investigations Panel and carefully weigh all the evidence, including hearing from witnesses. A not guilty finding in a relatively small number of cases demonstrates the process is working fairly and transparently.

v. **Section 14 Review**

Part of the 2015 ARB Business Plan was for a root and branch review of how ARB delivers its responsibilities under the statute. This was to include a comparison with similar regulators as to best practice, and to undertake a rewrite of the Investigations and Professional Conduct Committee Rules.

In 2014 Russell Cooke Solicitors undertook an audit of ARB's regulatory function, and recommended a number of changes. These would require legislative amendments. Those changes are supported by the IOC and submitted to the Department of Communities and Local Government (DCLG) by the Board. As yet no feedback has been received from DCLG.

¹ There are a further seven Board members appointed to the PCC under the Act, but do not take any part in its business.

The IOC considers that the main risk to ARB in this area is a potentially insufficient membership of the PCC, which has been aggravated by an increase in case-load over the last three years. It has left the Committee vulnerable to situations where there may be conflicts of interest. This risk is particularly acute in relation to Scottish cases, as there must be an architect registered in Scotland that sits on the PCC. The current position is manageable through the possibility of the PCC co-opting members, but in the longer term it will require a more sustainable solution through a change to the Act.

vi. **Key Performance Indicators**

One of the responsibilities of the IOC is to monitor ARB's performance against its KPIs.

The initial investigations stage, preparation of solicitor reports and listing of PCC hearings have been undertaken in line with agreed KPIs. There was an issue in 2014 with the Investigations Panel failing to reach decisions within the expected 12 week target, but after remedial action was taken in terms of streamlining procedures and clarifying expectations, performance in this area has returned to an acceptable level.

A more detailed consideration of the suitability of ARB's KPIs relating to investigations will need to be undertaken during the section 14 review. This will allow those areas that are functioning less well to be identified, and a review of whether the current KPIs are challenging yet achievable.

Up to date figures on how ARB is performing against its KPIs will be reported separately to the Board at its July 2015 meeting.

vii. **Looking Forward**

Any full scale review of the Architects Code of Conduct and Practice will be a substantial exercise.

In the event that the Board decides a review of the Code is required, then the IOC will suggest that it works with the Executive to oversee the consultation process, consider and recommend a new document for approval by the Board. It is proposed this is a more effective use of the IOC skills and also enable Board time to be utilised more efficiently. Further work on improving the investigations and disciplinary process, through benchmarking with other regulators to identify best practice, is proposed in late 2015/ 2016.

7. **Risk Implications**

Risks are identified within the report. They are currently being managed through careful advance planning and flexibility of the use of Committee members. Longer term stability will be provided through legislative change.

8. Resource Implications

The annual cost of the Investigations Panel is restricted to the expenses of its members, being £2,676 for July 2014 – June 2015.

9. Communication

The Investigations Oversight Committee prepares an annual report for the Board to assist the Board in carrying out its oversight responsibilities. The annual report also gives the Board an opportunity to explore the IOC's work and identify any areas of concern.

10. Equality and Diversity Implications

Whilst the production of this Annual Report has no specific E&D implications, the specific work of the Committee takes into consideration the E&D implications during the formation and delivery of that work.

In particular, the IOC periodically considers the E&D information collected in relation to investigations, and uses this data to advise the Board on an appropriate communications strategy in this area of its work.

ANNEX A

Investigations Oversight Committee Terms of Reference

Purpose

The purpose of the Investigations Oversight Committee (the IOC) is to:

- keep under review the processes by which allegations of unacceptable professional conduct and serious professional incompetence against architects are investigated under sections 14(1) and (2) of the Architects Act 1997 (the Act); and
- assist and advise the Board in discharging its responsibilities under the Act by providing assurance that
- The investigations process is fair and transparent
- The investigations process is operating efficiently, in accordance with best practice and principles including those on equality and diversity
- Agreed performance indicators (which may include timescales, budget and quality of decision making) are being observed, and that adequate data is available to enable the Board to obtain a true picture of the investigations process
- Notify and highlight to the Board any emerging issues or trends arising out of complaints

Specific Cases

Members of the IOC are not persons appointed in accordance with section 14(1) of the Act and the IOC has no responsibility for making decisions in specific cases. The IOC shall have such access to information relating to specific cases as it may require for the purpose of its functions.

Membership

The members of the IOC shall be appointed by the Board and shall consist of no fewer than three Board members comprising

- At least one elected member and
- At least two appointed members, one of whom shall be the Chair of the IOC

The secretary to the IOC shall be the Professional Standards Manager.

Meetings and Procedures

- The IOC will meet at least once a year.
- The Chair of the IOC may at any time by giving a minimum of fourteen days' notice call additional meetings where there appears to be good cause for doing so.
- The quorum of the IOC shall be two, with the Chair of the IOC having the casting vote in the event of any tied vote.
- Members of staff may attend all or part of the meetings at the request of the IOC.
- Members of the Investigations Pool may attend all or part of the meetings at the request of the IOC.
- Meetings of the IOC shall be minuted and the minutes submitted to the Board.
- The IOC shall submit an annual report to the Board on its work.
- The IOC may review, and where necessary recommend to the Board, amendments to, its Terms of Reference.

The IOC shall have no power to

- investigate any allegations relating to an architect; or
- consider the merits of any individual decided or current cases.

Dated: 1 January 2013

Updated: 18 September 2013

ANNEX BInvestigations Oversight Committee Work Plan 201512 February 2015 (2pm)

Investigations Pool Annual Report
 PCC Consent Orders implementation
 Annual Report of Third Party Reviewer
 Professional Conduct Committee Annual Report/update
 Annual 2014 KPIs
 Legal challenge update
 Periodic Review update

4 June 2015 (12.30pm)

IOC Annual Report to the Board (to go to July Board meeting)
 Half-year KPIs
 Investigations Panel update
 Professional Conduct Committee update
 Costs update
 Legal challenge update
 Periodic Review update
 Section 14 Review update
 Business Plan 2016 planning

7 October 2015 (3.30pm)

Review Terms of Reference
 Investigations Panel update
 Professional Conduct Committee update
 Costs update
 Legal challenge update
 Section 14 Review update
 KPIs

IP Meeting Dates	Board meeting dates
23 February	11 February
30 April	14 May
14 July	15 May (Development Day)(Provisional)
29 September	16 July
8 December	17 September
	19 November