

Minutes of Investigations Oversight Committee Meeting 7 October 2015

Location	Present	In Attendance
8 Weymouth Street London W1W 5BU	Nabila Zulfiqar (Chair) Alex Wright Ros Levenson	Simon Howard Tanya Davies

Note Action

1 Apologies

None

2 Minutes of previous meeting

A number of typographical errors were highlighted under the Equality and Diversity Data section.

The IOC agreed the minutes from the meeting of 4 June 2015, subject to the agreed amendments.

Action: SH to amend minutes and circulate to IOC

Matters arising

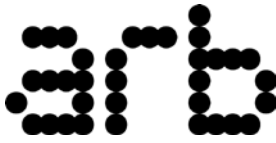
The Committee welcomed Ros Levenson as a new member to the IOC.

NZ reported that she had attended the Investigations Pool meeting on 29 September 2015

Action: SH to invite PCC Chair to IOC meeting

SH reported that 9% of architects on the Register are based in Scotland, and that 14% of the complaints received during 2015 were about architects based in Scotland.

The IOC noted that the department is currently undertaking an audit of all complaints received over the last five years. This will provide a more accurate breakdown of statistical information which will be reported back at the end of the year.



The IOC further noted the legal advice regarding the Alternative Dispute Resolution (ADR) Directive.

3 Investigations Pool update

The IOC noted the minutes of the IP meetings of 14 July 2015.

NZ reported back on her attendance at the meeting and advised that the IP had queried the process where it wished to make a different finding in one case, for example offer an architect advice in respect of one allegation and refer others to the PCC. A future revision to the Rules at the appropriate time will offer greater clarity on this point.

The IP discussed the possibility of recruiting a Scottish member to the Investigations Pool to consider cases based in Scotland. This will not only mirror the composition of the PCC, but will also assist the Panel in considering Scottish matters where there are material differences in laws and regulations. A suggestion was also made to provide the Pool with training in this area, although it was noted that there are three Scottish Inquirers to assist when particular expertise is required.

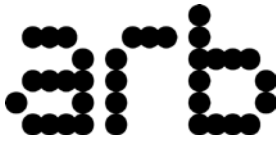
Action: SH to add the requirement of a Scottish member to the IP recruitment exercise in 2017.

NZ invited the IP to consider how the IOC can assist or offer improved feedback and that she was keen to promote a joint and good practice with the PCC and IP.

Action: SH to look in to the possibility of joint generic training sessions between the PCC & Investigations Pool members.

The IOC considered that it would be worth highlighting to architects in the department's literature that their co-operation and assistance in the smooth running of the investigations process is ultimately within their interests. The architect's minds should be directed towards the allegations from the start of the proceedings.

Action: SH to review wording of current literature



4 Professional Conduct Committee update

The IOC considered PCC decisions that have been reached since its last meeting. In particular it noted a recent case in which the PCC found there was no case to answer. SH reported that all parties involved in the case prior to the hearing had based their understanding on an incorrect assumption of the facts and it was not until the hearing itself that the PCC uncovered the full position.

The IOC enquired about a recent PCC case had taken the full three days allocated to it to conclude, when it appeared that the Architect appeared to admit the majority of the allegations. The IOC was advised that this case involved 13 allegations, none of which were admitted until the proceedings commenced. The PCC was also required to consider whether each of the allegations amounted to UPC or SPI.

A further issue was raised over the use of 'breaches of the Code' in PCC decisions and SH agreed to raise this as a matter at the PCC Review Day.

Action: PCC should be asked to consider whether 'breaches' of the Code is appropriate language at the its Review Day on 25 November

5 Legal Challenge update

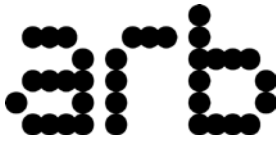
SH updated the IOC on any legal challenges.

6 Costs Update

SH reported that the Professional Standards department was currently under budget, but when considering accruals and future cases in the latter part of the year the budget was expected to be met.

The IOC considered whether any changes could be made to help make PCC hearings more efficient. The quality of documents could assist, as could proactive case and time management from the chairs. SH agreed to raise these issues with the PCC at its Review Day.

The IOC discussed the trend of longer hearing days and requested an average figure of which cases conclude within their allocated hearing time and which cases run over.



Action: SH to raise the issue of case management at the PCC Review Day on 25 November

7 KPIs

The tabled KPIs were considered by the IOC. All of the KPIs set are being met, with the exception of the delivery of Investigations Panel decisions. The 12 week target for IP decisions is being met in 75% of cases, just below the 80% target.

IOC was informed that the IP has been working at full strength for some time which is reflected in the improved statistic. There are however many external influences, such as the appointment of inquirers or delays from parties when providing information (particularly architects who understandably need to ensure their responses have been approved by insurers) that can contribute to delays. The IOC noted that there is not 'stop-the-clock' mechanism to account for delays caused whilst waiting for further information.

SH reported that while more complaints were being received, a robust assessment of whether they might ever amount to upc or spi means that less are being referred to the IP. The IOC expressed its encouragement with this approach.

8 Rule 6 Memos

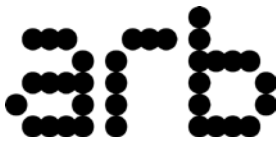
The IOC considered correspondence from a member of the public who was raising concerns about the use of 'Rule 6' memos. A Rule 6 memo is a covering document that sends complaints to the Investigations Panel, and which covers the allegations, identity of the parties, and a contents list of the evidence bundle.

The IOC noted the views of the Third Party Reviewer, who stated that the complainant's case had been properly investigated and that Rule 6 memos were a neutral way of sending a case to the IP.

While the IOC noted that it had no remit to look into any individual case itself, it was satisfied that the Third Party Reviewer had considered the particular investigation to be a fair one, and the Committee was of the view that Rule 6 memos are an appropriate method of referring complaints.

9 Review IOC Terms of Reference

The IOC agreed to add a further bullet to the Purpose section of its Terms of



Reference to include the ability to deal with policy decisions of the Board to enable it to carry out its duties.

The IOC considered whether a further item should be added regarding the non-attendance of members of the public at Committee meetings. To ensure there is consistency across the board, a comparison of other Committee's Terms of Reference will be undertaken before any changes are made.

Action: SH to prepare a Board paper proposing a change to the IOC's Terms of Reference. SH to also compare the Terms of Reference with other committees', to ensure consistency as to meeting attendance.

10 Code of Conduct Review

The IOC discussed a work plan and framework to review the Code of Conduct. It was agreed that the Board had not agreed to a comprehensive rewrite of the Code, but to review language and take account of the consultation responses and Board suggestions.

It was agreed that the proposed revisions be put into a 'matrix' model which will enable each member to review the general points and record whether they agreed the matter requires further discussion or not. The IOC will then meet to discuss those points and, if necessary, agree any appropriate re-wording.

The proposed revisions would then be discussed with stakeholders before being referred to the Board and subsequently for public consultation.

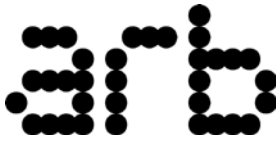
The IOC agreed to provide the Board with an update at its November meeting.

Action: SH to email a matrix to all IOC members for response and circulate a doodle link to arrange a meeting to deal with this specific item before the end of the year.

11 2016 Work Plan

The IOC discussed its workplan for next year and agreed that the review of the Code of Conduct should be added to its February meeting agenda.

It agreed that its meetings shall follow the same month pattern as before and these



Note

Action

shall also take account of IP and Board meeting dates.

SH also encouraged members to observe a PCC hearing if they had not done so already.

Action: SH to circulate a doodle link to arrange all IOC meetings for next year, and a 2016 workplan.

12 **AOB**

Dates of next meetings:

5 February (2pm)

2 June (10am)

25 October (10am)