

Minutes of Investigations Oversight Committee Meeting 5 February 2016

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

The Investigations Oversight Committee (IOC) agreed the minutes from the meeting of 7 October 2015.

Matters arising

The Professional Conduct Committee (PCC) Chair will be attending the July Board meeting and October IOC meeting, subject to reappointment.

SH reported that there will be a newly formed PCC starting in September and two new IP members in April 2017. Training needs will be assessed following recruitment.

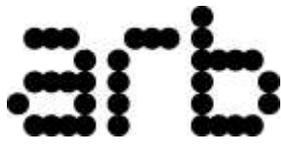
Action: SH/ TD to identify any training needs of the PCC and Investigations Pool (IP) and arrange training as appropriate.

SH confirmed that the requirement of a Scottish member had been added to the IP recruitment exercise in 2017.

SH confirmed that information ARB gives about the investigation of complaints had been amended to advise that architects' co-operation and assistance in the smooth running of the investigations process is ultimately within their interests.

3 Investigations Pool update

The IOC noted the minutes of the IP meeting of 8 December 2016.



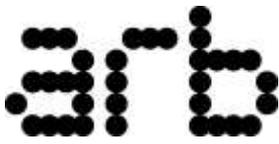
The IOC considered the IP Annual Report.

SH explained the delay in relation to the development of the IP Portal which related to external IT contractors. He outlined the next steps for its delivery.

The IOC discussed the Standard of Acceptance guidance document and queried whether some of the wording could be more straightforward. SH reported that various documents across the organisation will be sent to other regulators for scrutiny, as part of ARB's 'tone of voice' review. It was suggested that an excerpt should be added from the introductory wording of the Code of Conduct which refers to 'not every shortcoming will necessarily lead to disciplinary action'. The IOC also suggested strengthening the Drafting of Formal Allegations section to make it clear that the ARB investigates the complaint and drafts the allegations.

It was agreed that the 'similar conduct' under the Criminal Convictions section could be revised.

ACTION: SH/ TD to amend Standard of Acceptance document and include it in ARB's 'tone of voice' review; revised version to be provided to IOC at next meeting.



4 Professional Conduct Committee update

The IOC considered the minutes of the PCC Review Day which took place on 25 November 2015. The IOC discussed the framing of allegations, alleging both UPC and SPI, and whether, under the terms of the Act, the PCC can sanction an architect separately for a finding of both.

ACTION: SH to speak to ARB's solicitor John Gould about the issue of sanction when finding both UPC & SPI.

The IOC also noted that the PCC had discussed the success of consent orders.

The IOC considered PCC decisions that have been reached since its last meeting.

A query was raised as to what procedures had been put in place to help identify the correct architect a complaint should be advanced against. SH advised that the department's standard letters will be amended to advise an individual that they have been named as the architect and by responding to the complaint they are assuming responsibility. The matter had also been addressed by including guidance to complainants regarding the identification of the architect about whom they are complaining, and making it a requirement in order to submit an online complaint.

ACTION: SH/ TD to amend standard letter to advise architects that by responding to a complaint they are assuming responsibility for it.

5 Legal Challenge update

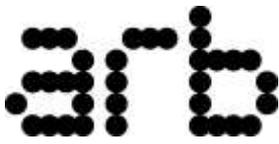
SH updated the IOC on any legal challenges.

6 Costs Update

SH reported that the end of year figures demonstrated that the Professional Standards department was under budget in 2015.

SH reported that there had been a saving in respect of PCC solicitor costs and this could be attributed to the two consent order cases.

SH reported that the 2016 budget was similar, but with a further amount set aside for



the PCC recruitment exercise.

7 KPIs

The tabled Key Performance Indicators (KPI) were considered by the IOC. Generally the KPIs set are being met, including the delivery of Investigations Panel decisions which was noted at 80%. SH reported that the IP was working as hard as possible and that each member was committed and dedicated to the role. It would be unnecessary to change the KPI on the basis it had been achieved on one occasion and advised that if any revisions to processes and procedures need to be implemented they can be done at the conclusion of the Periodic Review.

The IOC queried whether PCC solicitor performance was monitored on a regular basis and SH advised that it was with annual reviews taking place. SH advised that all PCC solicitor contracts are due for renewal this year and previous performance – including quality, promptness and value for money - will be taken into account

Action: Individual solicitor performance to be reported to the IOC periodically.

8 2016 Workplan

The IOC considered the 2016 Workplan. SH highlighted the Section 14 Review and that there may be changes to IOC membership based on the forthcoming Board Member appointments. The workplan may need to be adjusted to take account of any new members to the Committee and their availability.

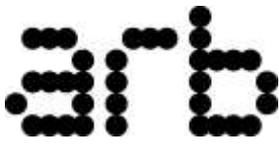
ACTION: SH to review IOC Workplan once Board Member appointments have been finalised.

9 Consent Orders Review

The IOC considered the implementation of Consent Orders and agreed that it was a success. Confidence in its process will increase over time.

10 Update on 5 year complaints statistics project

The IOC discussed the information provided as part of the update on the 5 year complaints project. SH reported that 75% of previous complaints over the last five



years had been scrutinised and that the information would be published and shared with the press in due course. It was queried whether the information also covered ethnicity and country of qualification. SH advised he would check whether this information had been collated.

Action: SH to bring completed report to next IOC meeting.

11 Alternative Dispute Regulations

The IOC noted that ARB had written to the DCLG setting out its understanding of the Alternative Dispute Regulations and that the delivery of ADR does not fall within its statutory remit.

12 Third Party Review Annual Report

The IOC discussed the TPR Annual Report and noted a typographical error at point 3 which should read 'We *are* not restricted in what we can consider'. It further noted that there had only been two reviews in 2015. They did not raise any significant issues.

13 Periodic Review/ s14 update

SH advised that the Periodic Review report had been referred to the Minister and that a decision was due at Easter. In respect of the Section 14 review, this would give the ARB the opportunity to streamline and strengthen the current disciplinary processes, and have a discussion as to risk appetite.

The IOC suggested that this project may be scoped in advance of the results of the Periodic Review.

ACTION: SH to draft a preliminary plan of work for the Section 14 review.

AOB

Dates of next meetings:

2 June (10am)

25 October (10am)