



<b>Subject</b>	<b>Professional Conduct Committee (PCC) Consent Orders Review</b>		
<b>Status</b>	<b>Open Session</b>		
<b>Purpose</b>	<b>For Note</b>		
<b>From</b>	<b>Simon Howard, Professional Standards Manager</b>		
<b>History</b>	<b>Parent Committee</b>	<b>First Submitted</b>	<b>Revision Number</b>
	PCC	11/02/2016	1

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### 1. Purpose

To review the success of PCC Consent Orders in 2015.

### 2. Terms of Reference

Section 14 of the Architects Act 1997 requires the Professional Conduct Committee to consider allegations of unacceptable professional conduct and serious professional incompetence against architects.

The PCC Rules provide that admitted allegations of unacceptable professional conduct and serious professional incompetence can be disposed of by consent.

### 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. Key Points

- i. In November 2014 the Board agreed to amend the PCC Rules to allow for admitted allegations of unacceptable professional conduct and serious professional incompetence to be resolved without a PCC hearing.
- ii. During 2015 the Consent Order procedure was used twice.
- iii. In the first instance, an architect who had been convicted of a serious sexual offence agreed that the circumstances of his conviction made his conduct incompatible with his registration as an architect. He wished to avoid having to undergo a public disciplinary hearing and expressed his desire to resign from the Register. In the circumstances he consented to an erasure order, on the basis that it was the likely sanction at PCC should the matter have gone to a hearing. The

PCC concurred that erasure was the appropriate sanction, and approved the Consent Order.

- iv. In the second case the architect admitted that he had failed to provide his client with terms of agreement prior to undertaking work, as expected by the Architects Code of Conduct. He expressed contrition and provided evidence that he had amended his business practices.
- v. Taking into account the PCC Indicative Sanctions Guidance and previous cases before the PCC, it appeared to ARB that a finding of unacceptable professional conduct and the imposition of a reprimand was the likely result should the matter proceed to a hearing. After seeking independent legal advice the architect agreed the proposed sanction, and the PCC subsequently approved a Consent Order to that effect.
- vi. PCC Consent Orders are no different from a finding reached at a hearing, and are published on ARB's website in a similar fashion.
- vii. The estimated saving in having these two cases resolved by consent rather than at a hearing is some £14,000.
- viii. The Board may therefore consider the introduction of PCC Consent Orders to be a qualified success in its first year. The scheme remains in its early stages and it will take some time for staff, solicitors, the PCC and architects to become entirely confident in its usage, but to date there have been no significant problems identified. The PCC remains supportive of the scheme.

## 6. Risk Implications

Care must be taken not to give the impression to the public or the profession that a Consent Order is in some way less serious than a finding after a Professional Conduct Committee hearing.

## 7. Resource Implications

None. The financial implications of Consent Orders have been factored into the 2016 budget.

## 8. Communication

None.

## 9. Equality and Diversity Implications

Care must be taken to ensure that this scheme does not adversely impact on any particular section of the profession, and that no architect feels unduly pressured to accept a Consent Order. All architects are told that they may wish to seek independent advice before agreeing to an Order.