

## Minutes of Board Meeting held on 20/11/2014

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Location	Present	In Attendance
8 Weymouth Street London W1W 5BU	R. Brennan, P Coe, H Eisner, B Fraenkel (Chair), A Jago, M Kinghorn, R Levenson, A Mortimer, R Parnaby, A Singh, S. Ware, N Watts, A. Wright, N Zulfiqar	Karen Holmes (Interim Registrar), E Matthews, M Stoner, S Howard, K Hewett

Note

Action

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### Open Session

#### 1 Apologies for Absence

Apologies were received from John Assael.

The Chair introduced Anna Bradley, Chair of Healthwatch England and Joanna Parry from the RIBA who were both observing the Board meeting. As Anna Bradley was present as part of the Chair's appraisal process, the Board agreed that she should also remain to observe the confidential session.

#### 2 Members' Interests

No Members' interests were declared.

### STANDING ITEMS

#### 3 Minutes

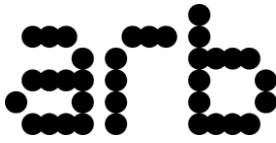
Some minor amendments to typographical errors within the open session minutes were communicated to the office prior to the Board meeting, and it was confirmed that those amendments needed to be made to the draft minutes.

**Subject to the adjustments mentioned above, the Board approved the Minutes of the Open Session of the meeting held on 18 September 2014 and the Chair agreed to sign as a true record.**

**Proposer: Myra Kinghorn**

**Secunder: Ros Levenson**

**The recommendation was agreed unanimously.**



#### **4 Matters Arising**

The Interim Registrar introduced this item and presented a paper providing an update on the list of outstanding actions resulting from the 18 September Board Meeting. This was well received with one query relating to the provision of guidance on ARB's social media policy. It was confirmed that where it stated that guidance would be provided in 'due course', this would be provided by March 2015 at the latest.

#### **5 Chair's Report**

The Chair presented a report to the Board in which it was confirmed that the Board member appraisals were on-going. Approximately half had been completed. The appraisals were proving very informative and would further develop the Board.

The Chair and Interim Registrar attended the Public Bodies Summit at which they were taken through Bernard Jenkin's report on Arm's Length Bodies. It was found to be a very useful and relevant conference.

The Chair confirmed that the next RIBA/ARB working group meeting was due to be held in January 2015.

#### **6 ARB's Operational Activities**

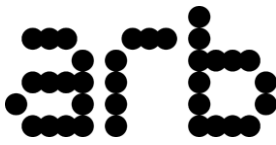
The Interim Registrar presented the paper which was noted by the Board.

The Interim Registrar additionally provided an update on the retention fee and confirmed that 4,800 payments had been taken to date, with a further 12,500 due to be paid by Direct Debit. Staff had written to the professional bodies and some press contacts to try and enlist support for communicating the retention fee payment deadline.

The Board noted that ARB's profile was increasing, which was evidenced by publications contacting ARB to request articles, and expressed thanks to the staff involved.

With regard to the focus group that was held in respect of ARB's website and social media presence, the Interim Registrar agreed to report back to the Board with a summary of the outcomes of the group.

A Board member raised a query with regard to European issues and whether any further advice and guidance had been provided by the Department for Business, Innovation and Skills about the interpretation of the revised Qualifications Directive. The Head of Qualifications confirmed that we were still awaiting a response.



## **7 Management Accounts 2014**

The Financial Controller presented the paper, the content of which was noted. Thanks were expressed for such a comprehensive report and no further questions were raised.

## **8 Periodic Review Update**

The Interim Registrar provided an update and confirmed that Phase 1 of the Review was now complete, with the decision that statutory regulation should continue. Phase 2 would look at the future roles and responsibilities of the regulator, with a decision due to go to the Minister in April 2015.

### **MATTERS FOR DECISION**

## **9 Routes to Registration Scope**

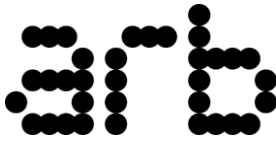
The Head of Qualifications presented this paper which set out the scope of the project as it had been envisaged, but explained that the recommendation had changed owing to the outcome of Phase 1 of the Periodic Review which was not known at the time the paper was written.

The project had been scoped in accordance with the appropriate internal deadlines however, the timeline for the Periodic Review had now been amended and it had become apparent that the role and responsibility of the regulator would be explored in the next phase of the Review. One of the areas to be explored would be the role of the regulator in setting the standard for entry onto the Register. It was noted that the review of ARB's routes to registration would be a major project, and would be running at a time when significant resources would be needed to contribute effectively to Phase 2 of the Periodic Review and at a time when the role of the future regulator was yet to be defined.

The Board was asked to consider all risks which arose as a result of the amended timeline of the Periodic Review and to also consider value for money, proportionality, and the prudent use of resources before embarking on the Routes to Registration project.

It was therefore recommended that the Board should postpone the Routes to Registration Review project until the outcome of the Periodic Review was known.

One Board member welcomed the paper and agreed with the point concerning the appropriateness of pushing forward with the Project at this time; it was also noted that this would afford the Board more time to consider the content of the paper in



more detail. It was requested that the item be included on the agenda for each forthcoming Board meeting so that the Board could be updated on the position, followed by a final paper once the outcome of Phase 2 of the Review was known. It was considered that this was an important piece of work that should continue to be thought about.

One Board member considered that the paper contained some inaccuracies in terms of the terminology used. It was clarified that the ARB did not set the criteria for entry onto the Register, as the criteria for automatic entry for those holding European qualifications was set out in the Qualifications Directive. It was therefore confirmed that ARB could only set the criteria for entry via the UK route.

It was noted that if there were to be legislative changes as a result of the Periodic Review, the changes could potentially address some of the issues the Board wished to explore as part of the routes to registration project.

**The Board agreed the recommendation that the Routes to Registration review be postponed until the outcome of the Periodic Review was known. Once the outcome of the Review was known, as well as the position of the Board vis-à-vis its roles and responsibilities, an updated paper would be brought back to the Board seeking its direction in this area. In the interim, an update would be brought to each Board meeting until the conclusion of the Review.**

Board members agreed to the recommendation on the grounds that:

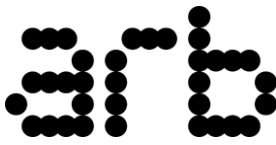
Significant resources would be required to contribute to the debate envisaged as part of Phase 2 of the Periodic Review and it would be almost impossible to deal with both major initiatives; and

At present, the role of the future regulator was yet to be defined in the area of setting the entry requirements to come onto the Registrar. The debate as to who carries out the functions associated with prescribing qualifications would take place over the coming months and it was therefore considered the wrong time to be moving forward with such a project when the basis for ARB's work in this area was unclear.

**Proposer: Hans Eisner**

**Seconder: Richard Parnaby**

**The recommendation was agreed unanimously.**



## 10 Attendance Allowance & Travel and Subsistence

The Chair of the Remuneration Committee presented the paper which recommended that the attendance, reading and travel allowance for Board members, panel advisers and Committee members remain unchanged pending the outcome of the Periodic Review.

It was queried whether the Review would conclude within the timescale set out and therefore whether adequate wording to cover this could be added into the recommendations.;

One Board member noted that the Board should consider setting a flat rate across all roles in future.

It was agreed that a further paper would be brought back to the Board in July 2015 as part of the annual review of attendance allowance and travel and subsistence.

### **The Board agreed that:**

- i) There should be no change to the attendance allowance and reading allowances paid to the Board, Committee members, Panel members and Advisers with the position to be re-considered on the outcome of the Periodic Review or at least on an annual basis;**
- ii) All travel and subsistence allowances should remain the same as 2014;**
- iii) Once the outcome of the Periodic Review is known, if appropriate, a pay and job specification review be carried out for all ARB roles undertaken (non-staff); and**
- iv) An annual review would be undertaken in line with the budget for 2015 and a paper would be brought back to the Board at that point for further consideration.**

**Proposer: Neil Watts**

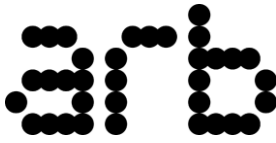
**Secunder: Hans Eisner**

**The recommendation was agreed unanimously.**

## 11 Professional Conduct Committee Consent Orders

The Professional Standards Manager presented the paper and clarified that staff had submitted a response to the consultation suggesting a slight amendment to the time-frame in which a Consent Order could be considered.

A further change was identified by a consultee and related to the equality statement within the Rules. It was suggested that this should incorporate the term 'Gender Reassignment'. If accepted, it was confirmed that this would be incorporated into the



Equality Statement contained in other ARB documents.

The Chair of the Investigations Oversight Committee (IOC) confirmed the IOC's endorsement of this process although it considered that proposed orders sent to respondents should clarify that both the facts were admitted and that the registrant accepted that those facts amounted to unacceptable professional conduct and/or serious professional incompetence.

One Board member expressed concern that a respondent had a fundamental right to put forward their views but that with the proposed process, there would be no room for negotiation. The Professional Standards Manager confirmed that if the respondent agreed the Consent Order, they would be agreeing to the facts as well as the sanction, and if there were concerns on the respondent's part as to what was being admitted then the Consent Order could be rejected and the matter resolved at a hearing.

**The Board agreed the recommendation that its PCC Rules be amended as set out in Annex A of the paper to allow for cases to be disposed of by consent, with the addition of 'Gender Reassignment' to the Equality Statement contained within those Rules.**

**Proposer: Ros Levenson  
Seconder: Nabila Zulfiqar**

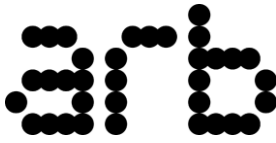
**13 Board members supported the recommendation, no Board members voted against the recommendation, 1 Board member abstained**

## 12 Board Effectiveness Review

The Interim Registrar presented the paper, the content of which was noted by the Board. It was confirmed that the questions contained at Annex B of the paper remain unchanged from last year, but the recommendation that the management team also complete a similar questionnaire was highlighted. This suggestion was welcomed and it was noted that it was important that there was no disconnect between management team and the Board. It was agreed that if differences of opinion between the management team and the Board were identified, the findings would require significant discussion and action.

### **The Board:**

- i) Noted the progress made to date on the 2013 Board and Committee Effectiveness Review recommendations;**
- ii) Agreed the suggestion that views should be sought from the Management Group**



as part of the 2014 Board and Committee Effectiveness Review; and  
iii) Noted the timeline for the 2014 review and agreed the approach being taken.

**Proposer: Myra Kinghorn**  
**Seconder: Nabila Zulfiqar**

**The recommendation was agreed unanimously.**

### **13 Risk Management Strategy**

The Interim Registrar presented the paper which included only small amendments to reflect current practices.

It was confirmed that the organisation's risk appetite would be discussed fully at the July 2015 Board meeting.

It was suggested that the term 'proportional' be incorporated into the Strategy wording as although it is stated that ARB is risk adverse, it should be understood that there will always be certain calculated risks. It was agreed that the phrase '*an appropriate and proportional approach to risk*' be included within the Risk Appetite heading of the strategy.

The Chair expressed thanks for the work carried out and the value that the work added to the Board.

**The Board agreed the amended Risk Management Strategy at Annex A, subject to the phrase 'A regular internal audit of ARB's risk management structure will be undertaken' being adjusted to read 'An internal audit of the ARB's risk management structure will be undertaken at least every three years.'**

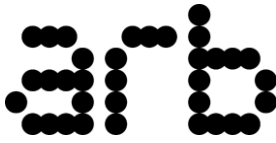
**Proposer: Ros Levenson**  
**Seconder: Nabila Zulfiqar**

**The recommendation was agreed unanimously.**

### **MATTERS TO NOTE**

#### **14 Annual Report 2013-2014 on ARB's work in relation to Qualifications**

The Board noted the Annual Report on the Qualifications Department's activities and performance against the key performance indicators for the period September 2013 to September 2014.



## **15 Progress Check on Equality and Diversity**

The Interim Registrar presented this item and commented that the work on equality and diversity was very much a work in progress and more work was needed in order to embed it within day to day activities.

The Board noted the content of the paper.

## **16 Minutes**

- i) Remuneration Committee meeting held on 3 September 2014**  
The Minutes were noted.
- ii) Draft Remuneration Committee held on 24 October 2014**  
The Minutes were noted.
- iii) Draft Audit Committee meeting held on 4 November 2014**  
The Minutes were noted. The Chair of the Audit Committee highlighted some areas covered within the minutes, in particular two Internal Audits for which 'substantial assurance' findings had been achieved.

## **17 AOB**

Nothing further was raised under this item.

## **19 Dates of meetings 2015**

The dates of the meetings for 2015 were noted.