



Subject	Review of Appointment of External Professionals and Advisers Policy		
Status	Open Session		
Purpose	For Decision		
From	Emma Matthews		
History	Parent Committee	First Submitted	Revision Number
	N/A	13 May 2016	2

If you have any enquiries on this paper, please contact Emma Matthews on 020 7580 5861

1. Purpose

To discuss and approve the revisions to the Board's policy on the appointment of external professionals and advisers.

2. Recommendations

It is recommended that the Board:

- i. Notes the revisions to the policy set out in [Annex A](#) and approves the revised policy as set out as [Annex B](#) of the paper;
- ii. Agrees that this policy will apply from the end of the current term of office for each category of post holders with the exception of the Professional Conduct Committee members and Inquirers.

3. Terms of Reference

N/A

4. Open

5. Contribution to the Board's Purpose and Objectives

In delivering the Act, ARB's objectives are to protect the users and potential users of architects' services and support architects through regulation. Consumers/clients benefit from ARB's growing knowledge and experience of good practice, which translates into delivering a higher level of service. Architects benefit from a Staff/Board which has an improved understanding of the environment and climate in which it works. This policy will assist in the enhancement of the delivery of ARB's statutory functions.

6. Key Points

- i. This policy was last reviewed and approved by the Board in 2013. The policy sets out the principles that should be followed by Staff when appointing external professionals and advisers to assist in the delivery of ARB's work and its Business Plan each year. [Note: this excludes specialist commercial providers]. All of ARB's policies are subject to regular review and following feedback from Prescription Committee and Board members in late 2015, the Operational Management Group has recently reviewed this policy in order to bring it up to date and ensure that there is a better consistency of approach to the appointment of external professionals and advisers. The feedback provided by Prescription Committee and Board members primarily raised concerns about the tenures of ARB's Independent Examiners and Prescribed Examiners and queried the number of times some individuals had been re-appointed to these positions.
- ii. **Annex A** sets out a tracked changes version of the policy. **Annex B** sets out the final draft policy, which the Board is asked to consider and agree. The changes take account of the feedback/comments which the Board made at its meeting of 13 May 2016 in relation to the level of detail within the policy and the requirement, that where the role demanded it, a registered individual/s should be appointed.
- iii. In summary, the key changes include clarifications to the external professional and advisers' status once they have been appointed by ARB; make reference to the complaints process we have developed in the event a complaint is made against one of ARB's advisers; clarity regarding the appointment periods for each of ARB's main groups of external professionals and advisers and when re-appointment processes should typically be undertaken.
- iv. The Board is asked to note that we have applied the requirements that lay Board members are themselves subject to, i.e., two consecutive terms of four years, subject to re-appointment. Elected Board members may also serve two consecutive terms of four years (subject to successful re-election).

Before the end of an initial four year tenure, a review will be carried out by Staff to determine whether an appointment process is required or whether the appointment can be renewed for a further four years, subject to satisfactory performance. Details of each review will be reported to the Board for information at the first opportunity following the review allowing sufficient time for an appointment exercise if required.

Some categories of external professionals/advisers are already subject to annual appraisal; we will explore introducing similar appraisal processes across all external professionals/advisers as the relevant transitional arrangements are rolled out.

In developing the policy, and in relation to the appointment of ARB's Independent Examiners, we took into account the fact that Higher Education Institutions typically appoint their External Examiners for periods of four years before they are replaced. On consideration, however, we felt that little would be gained by excluding the Independent Examiners from undertaking a second four year term of office as their

impartiality and objectivity would be likely to remain the same. We would also expect all Independent Examiners to be active in higher education whilst they are undertaking the role.

It is proposed that the prohibition on any appointments lasting longer than eight years does not apply to Inquirers. Inquirers are expert architects who can be called upon to assist the Investigations Panels from time to time and are appointed under the Investigations Rules. Their role is more akin to that of specialist commercial providers, and in their term of appointment may well not be called upon at all. There is a need for a geographical spread of Inquirers, so to limit their length of appointment could hamper the Investigations Panels in securing the expertise required on occasion.

A process for appointing new members of the Professional Conduct is currently underway and appointments must be made by the Board in September 2016. While any new appointments would reflect this policy, if agreed, it is not proposed that the eight year prohibition is applied to any existing PCC member reappointed through this current appointment process. It would however limit their appointment to four further years, meaning that a fresh appointment exercise be undertaken in 2020 (there could be no reappointment in this situation). This in itself may have advantages of staggering new appointments to the PCC, thereby reducing the risk of ever having an entirely inexperienced Committee.

The Board is asked to note that transitional arrangements will need to apply in order to regularise the appointments of the various categories of external professionals/advisers and to ensure that we are able to deliver our statutory functions. These will be dealt with in Confidential Session because they relate to appointments and personal information.

When reviewing and revising the policy our overall objective has been to ensure that there is a balanced approach, taking into account consistency, continuity and the need for regular refreshment of our various pools of advisers.

7. Risk Implications

The Board and/or its committees may be unable to take informed decisions due to a lack of information/evidence. The appointment of external professional/advisers, where appropriate, will facilitate the Board and/or its Committees' ability to take informed decisions and to deliver its Business Plan.

Overly prescriptive restrictions applying to tenures and/or running frequent appointment exercises may result in a failure to attract high calibre individuals. This policy is designed to set out some more cohesive ground rules, whilst facilitating a proportionate approach to appointment/re-appointment which allows ARB to attract suitable appointees for the various roles.

8. Resource Implications

The costs associated with the appointment of external professionals and advisers are factored in to the budget each year. [See Growth Duty Considerations also].

9. Communication

The Board has a clear and transparent policy regarding the appointment of its external professionals and advisers.

10. Growth Duty Considerations

The Board has a duty to consider the regulatory burden its decisions will have on business, and this will include the costs of regulation. While the Board should ensure that advisers are not appointed for longer than appropriate, this must be balanced against the financial and resource costs of appointment and briefing exercises, which can be significant and are ultimately borne by the profession.

11. Equality and Diversity Implications

Steps will need to be taken to ensure that any appointments are made in line with ARB's commitment to equality and diversity, and its equality and diversity scheme.

~~In July 2009, the Board's agreed a policy in this area was developed designed~~ to ensure a fair and transparent appointment process for any external professionals or advisers whose expertise ARB require. The Board last reviewed and updated this policy in 2016. The Board and the Board's staff will take follow this policy ~~into account in when~~ making such external appointments.

The following key principles will be considered by staff when appointing external professionals or advisers:

- Role and duties description will be drawn up to clarify the parameters for the appointment. (Roles and duties descriptions will be reviewed regularly to ensure that they remain up to date and fit for purpose. Where the role necessitates it, the role and duties description will specify that a registered individual is required.)
- Where appropriate, positions should be advertised in the Board's e-Bulletin, on ARB's website ~~and/or in relevant press publications via ARB's social media channels and/or via relevant websites.~~ However, the extent of any advertising must be proportionate to the nature of the appointment involved. In certain instances, advertising may not be necessary as the input sought may be narrow and/or of a short duration. Staff may then additionally deem it appropriate to approach key partners/stakeholders for assistance and to disseminate information.
- The selection process should be documented and should achieve the following:
 - be objective in the assessment of the potential contribution of candidates who apply for roles/to provide advice;
 - demonstrate value for money and added value to the organisation
 - be transparent and fair; and
 - observe the principles of ARB's Equality Scheme.

These principles will be applied in respect of all ARB's external appointments, as well as those set out in Annex A of this policy.

- ~~Where appropriate, external professionals and advisers will be eligible to claim for attendance/reading time/travel expenses in line with the Board's policy.~~
- ~~All attendance allowances, fees and expenses will be paid after deduction of any taxes and other amounts that are required by law to be deducted (whether under PAYE or otherwise).~~
- ~~Appointments will be made in the capacity as an office holder for tax and national insurance purposes but otherwise the adviser's relationship to ARB will be that of~~

~~independent contractor and nothing in the agreement shall make the individual an employee or worker of ARB and the individual must not hold themselves out as such.~~

- ~~• Duties will be performed remotely at the appointee’s own premises and they will use their own equipment and resources. They will be required from time to time to attend meetings at ARB’s offices and at such other locations in the United Kingdom as ARB considers necessary for the proper performance of their duties.~~

~~These principles will be applied in respect of all of ARB’s external appointments.~~

~~A formal contract will be drawn up between the Board and the external professional or adviser.~~

In accepting a role as an external professional and adviser to the Board, all external appointees will agree to participate in an induction programme and any relevant briefing programmes so that they have an understanding both of the arena in which the Board operates and of the role they are expected to perform. ~~In addition to the initial induction, appointees will also participate in any training days that may be arranged from time to time. Continued appointment, or re-appointment will be contingent upon satisfactory performance and continued compliance with the key criteria required for each role.~~

A complaints process has been put in place, which sets out the procedure that will be followed in the event a complaint is made about the conduct or performance of any external professional or adviser.

~~External professionals and advisers will be appointed for a maximum term which is no longer than that of Board members, e.g., four years. Re-appointment will be possible subject to satisfactory performance.~~

External professionals and advisers will be appointed for a period of four years in the first instance. External professionals and advisers will typically be eligible for re-appointment on at least one further occasion. Before the end of each four year period, a review will be undertaken by Staff to determine whether a recruitment exercise needs to be run or whether appointments should be renewed for a further term. The outcomes of each review will be reported to the Board, and the relevant approvals sought.

Current and Proposed Terms of Office for ARB’s External Professionals and Advisers

<u>External Professionals and Advisers</u>	<u>Current Arrangements</u>	<u>Proposed Arrangements</u>
<u>Professional Conduct Committee</u>	<u>Appointed for a three yearly term which can be renewed once.</u>	<u>Appointed for four years; a decision as to whether the appointment should be</u>

	<p><u>No restrictions on reapplying as part of an open recruitment exercise.</u></p>	<p><u>renewed, subject to satisfactory performance, for a further four years or whether to run a recruitment exercise (open competition) will be taken before the end of the first period of appointment.</u></p> <p><u>Individuals would be able to complete a maximum of two consecutive terms of four years; individuals may not re-apply until at least four years have elapsed after the second term has been completed.</u></p> <p><u>A recruitment process via open competition will automatically need to take place after eight years if this has not occurred within that period.</u></p>
<p><u>Investigations Panel</u></p>	<p><u>Appointed for a three yearly term which can be renewed once. No restriction on reapplying as part of an open recruitment exercise.</u></p>	<p><u>Appointed for four years; a decision as to whether the appointment should be renewed, subject to satisfactory performance, for a further four years or whether to run a recruitment exercise (open competition) will be taken before the end of the first period of appointment.</u></p> <p><u>Individuals would be able to complete a maximum of two consecutive terms of four years; individuals may not re-apply until at least four years have elapsed after the second term has been completed.</u></p>

		<p><u>A recruitment process via open competition will automatically need to take place after eight years if this has not occurred within that period.</u></p>
<p><u>Third Party Reviewers</u></p>	<p><u>Appointed for a three yearly term, which can be renewed. No maximum term.</u></p>	<p><u>Appointed for four years; a decision as to whether the appointment should be renewed, subject to satisfactory performance, for a further four years or whether to run a recruitment exercise (open competition) will be taken before the end of the first period of appointment.</u></p> <p><u>Individuals would be able to complete a maximum of two consecutive terms of four years; individuals may not re-apply until at least four years have elapsed after the second term has been completed.</u></p> <p><u>A recruitment process via open competition will automatically need to take place after eight years if this has not occurred within that period.</u></p>
<p><u>Inquirers</u></p>	<p><u>Appointed for a three yearly term, which can be renewed. No maximum term.</u></p>	<p><u>Appointed for four years; a decision as to whether the appointment should be renewed, subject to satisfactory performance, for a further four years will be taken before the end of</u></p>

		<p><u>the four year period.</u></p> <p><u>Inquirers will not be prohibited from reappointment after eight years, if suitable.</u></p>
<p><u>Prescription Committee’s Independent Advisers</u></p>	<p><u>Appointed on a five yearly basis, subject to annual review; typically five year maximum term, but Prescription Committee agreed that advisers may re-apply through open competition in order to facilitate continuity.</u></p>	<p><u>Appointed for four years; a decision as to whether the appointment should be renewed, subject to satisfactory performance, for a further four years or whether to run a recruitment exercise (open competition) will be taken before the end of the first period of appointment.</u></p> <p><u>Individuals would be able to complete a maximum of two consecutive terms of four years; individuals may not re-apply until at least four years have elapsed after the second term has been completed.</u></p> <p><u>A recruitment process via open competition will automatically need to take place after eight years if this has not occurred within that period.</u></p>
<p><u>Prescribed Examiners</u></p>	<p><u>Appointed on a three yearly basis; subject to annual review; no maximum term of office; may re-apply through open competition.</u></p>	<p><u>Appointed for four years; a decision as to whether the appointment should be renewed, subject to satisfactory performance, for a further four years or whether to run a recruitment exercise (open</u></p>

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<p><u>Independent Examiners</u></p>	<p><u>Appointed on a three yearly basis; subject to annual review; no maximum term of office; may re-apply through open competition.</u></p>	<p><u>Appointed for four years; a decision as to whether the appointment should be renewed, subject to satisfactory performance, for a further four years or whether to run a recruitment exercise (open competition) will be taken before the end of the first period of appointment.</u></p> <p><u>Individuals would be able to complete a maximum of two consecutive terms of four years; individuals may not re-apply until at least four years have elapsed after the second term has been completed.</u></p> <p><u>A recruitment process via open competition will automatically need to take place after eight years if this</u></p>

		<u>has not occurred within that period.</u>
<u>Competency Standards Panel Members</u>	<u>Appointed on a three yearly basis; subject to annual review; no maximum term of office; may re-apply through open competition.</u>	<p><u>Appointed for four years; a decision as to whether the appointment should be renewed, subject to satisfactory performance, for a further four years or whether to run a recruitment exercise (open competition) will be taken before the end of the first period of appointment.</u></p> <p><u>Individuals would be able to complete a maximum of two consecutive terms of four years; individuals may not re-apply until at least four years have elapsed after the second term has been completed.</u></p> <p><u>A recruitment process via open competition will automatically need to take place after eight years if this has not occurred within that period.</u></p>

Annex A

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- Where appropriate, external professionals and advisers will be eligible to claim for attendance/reading time/travel expenses in line with the Board's policy.
- All attendance allowances, fees and expenses will be paid after deduction of any taxes and other amounts that are required by law to be deducted (whether under PAYE or otherwise). At present ARB considers that tax and national insurance is required to be deducted from attendance allowance payments and other fees but that travel, accommodation and subsistence expenses are required to be paid to external professionals and advisers gross. However, ARB will reserve the right to change this approach at any time.
- Duties will be performed remotely at the appointee's own premises (details of which will be provided to ARB) and they will use their own equipment and resources. They will be required from time to time to attend meetings at ARB's offices and at such other locations in the United Kingdom as ARB considers necessary for the proper performance of their duties.

A formal contract will be drawn up between the Board and the external professional or adviser.

The Board's policy in this area was developed to ensure a fair and transparent appointment process for any external professionals or advisers whose expertise ARB require. The Board last reviewed and updated this policy in 2016. The Board and the Board's staff will follow this policy when making such external appointments.

The following key principles will be considered by staff when appointing external professionals or advisers:

- Role and duties description will be drawn up to clarify the parameters for the appointment. (Roles and duties descriptions will be reviewed regularly to ensure that they remain up to date and fit for purpose. Where the role necessitates it, the role and duties description will specify that a registered individual is required.)
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 - demonstrate value for money and added value to the organisation
 - be transparent and fair; and
 - observe the principles of ARB's Equality Scheme.

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		period.
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Annex A

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