



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	1

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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; and
- iii. The Staff team bring a schedule of transitional arrangements back to the Board for noting in July 2016.

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.
- 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 a recruitment 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 a recruitment 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.

Recruitment for 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 recruitment process. It would however limit their appointment to four further years, meaning that a fresh recruitment 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. We will bring back further details of these arrangements to the Board for noting at its meeting in July 2016.

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 recruitment 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 recruitment/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 recruitment 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.