

Minutes of Board Meeting held on 12 May 2017

Location	Present	In Attendance
8 Weymouth Street London W1W 5BU	C Bernstein, J Bill, C Corby, J Grierson, A Hynes, R Levenson, G Maxwell, S McCarthy, R Parnaby, S Roaf, J Singh, D Walker, S Ware, A Wright, N Zulfiqar (Chair)	K Holmes (Registrar) E Matthews M Stoner S Howard R Jones S Ison (Minutes) T Graham (Minutes) J Weinburg (Chair of the Professional Conduct Committee, attended for item 8 only)

Note

Action

Open Session

1 Apologies for Absence

None received.

The Chair welcomed the new lay Board members, Caroline Corby, James Grierson and Alice Hynes.

2 Members' Interests

The Register of Interests was noted.

The Chair requested that members declare their interests for each item of the open session, as appropriate.

STANDING ITEMS

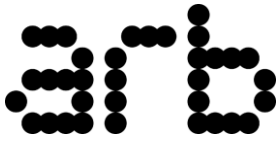
3 Minutes

The Board approved the Open Session minutes of the meeting held on 16 February 2017.

Proposer: Ros Levenson

Seconder: Richard Parnaby

The recommendation was agreed unanimously.



4 Matters Arising

The Board noted the update report on actions agreed at previous meetings.

The Board had previously asked the Department for Communities and Local Government (DCLG) if it could provide equality and diversity data regarding the Board recruitment process to enable the Board to determine whether the dissemination of the candidate information was appropriate. The Head of Finance and Resources advised the Board that he was seeking clarification regarding the initial information he had received and that this would be circulated to the Board in due course.

It was queried when the Board would receive a presentation from the Stephen Lawrence Trust. The Registrar advised that the Board plan would include this later in the autumn as there were other priorities taking up Board time at present.

5 Chair's Report

The Board noted the Chair's Report. In response to a query, it was confirmed that the staff team would facilitate administrative arrangements for the Board Members' appraisal process.

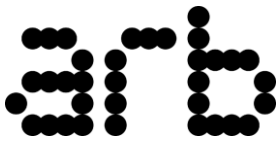
6 ARB's Operational Activities

The Operational Activities Report was noted by the Board.

The Registrar advised the Board that ARB would be exhibiting at the upcoming Homebuilding and Renovating Show which was taking place 20-21 May 2017 in Glasgow and that tickets were available should Board members wish to attend.

The Head of Qualifications and Governance advised the Board that a meeting had taken place with the Director of Education from the Royal Institute of British Architects (RIBA). The Registrar said that she would be meeting with RIBA's Chief Executive in May and that a liaison meeting between the two organisations was due to take place shortly.

A Board Member asked about whether those who don't pay their fees are referred to the Architects Benevolent Society (ABS), referring to an approach taken by the Royal Institute of Chartered Surveyors, a professional body. The Registrar said that referrals were not made but that the staff team was



signposting registrants to the ABS where appropriate. Another Board Member noted that this point highlighted the separate and distinctive roles of regulators compared with professional bodies.

The tone of voice project was discussed. It was noted that a project group (involving both staff and external representatives) was reviewing ARB's correspondence. Discussion followed about the need for correspondence to signpost people facing difficulties to appropriate support.

The Head of Qualifications and Governance gave an update on the recent Architects Council of Europe (ACE) meeting, advising that it had covered issues related to architectural education and the practice of architecture. She explained that the meeting had also covered the potential implications of the Services E Package for architects including the matter of holding a Services E-card, which is not supported by ACE.

The Board discussed the subject of apprenticeships and the Trailblazer Group's proposals. Board members felt a future conversation on this would be beneficial in order to further explore matters related to the development timeline and the proposal's ability to address equality and diversity concerns by enabling access to all.

7 Periodic Review Update

The Registrar updated the Board that two meetings had taken place with DCLG since 7 April 2017, when the Department had presented the outcomes of the periodic review to the Board at a special meeting.

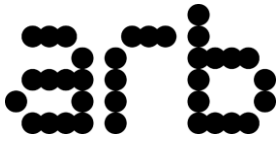
The Registrar highlighted that the recommendation covering disciplinary arrangements would require a change to primary legislation. She noted that the Board had requested this change in its periodic review submission. Consequently, she advised that the Executive would need to undertake preparatory work so that it was ready to proceed with this matter when a suitable opportunity for legislative change arose.

MATTER FOR NOTE

8 Professional Conduct Committee's Annual Report

The Chair of the Professional Conduct Committee, Julian Weinberg, joined the meeting and introduced the Report.

The Board noted the 2016 Report of the Professional Conduct Committee.



The Chair highlighted a number of pertinent points. He noted that there had been an increase in hearing days (explaining that this was due to cases being part-heard) and that the Committee had deployed the full range of sanctions at its disposal. He also explained that one case was unsuccessfully appealed to the High Court.

The Board discussed the Report and requested that rolling five year data showing trends regarding complaints be included in future reports so that decisions could be monitored from both a risk and equality and diversity perspectives. Members also noted that the Report provided insights which could be shared with registrants to reduce the incidence of complaints.

When questioned by the Board about the periodic review recommendation relating to the possible use of an in-house lawyer, the Chair of the PCC offered a number of reflections. He noted that the current arrangements were working effectively, with high quality papers being presented at hearings thus enabling the Committee to make robust decisions. Furthermore, he advised that reputational matters should be considered and that any decision would need to ensure corners were not cut so that standards could be maintained.

MATTERS FOR DECISION

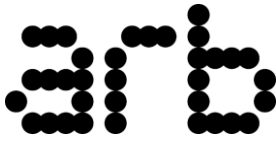
9 Board Members' Code of Practice

The Chair of the Audit Committee advised the Board on the process which had been undertaken to review the Board Members' Code of Practice, which had commenced under her predecessor. She thanked all those who had contributed including members of the Audit Committee, both past and present, and the Executive. She explained that the Code had been framed to include the principles of public life, which apply to all public appointments, as well as being sensitive to ARB's needs.

The Chair of the Audit Committee set out a number of typographical changes to the text presented in the papers and summarised the changes which had been made to Annexes C and D of the paper.

The Board agreed the changes to the Board Members' Code of Practice as outlined in Annexes C and D subject to the following:

- **Paragraph 5.5.1 should have the wording 'carry individual and corporate responsibility to the Board', as deleted in the tracked changes version,**



added back in;

- Paragraph 5.5.2 should have the Appendix reference changed to 'Annex Q';
- The references to 'etc' in paragraphs 5.5.2 and 5.7 be reviewed;
- Any reference to 'Registrar' should be amended to 'Registrar and Chief Executive' for consistency;
- Paragraph 5.6.1 should have the words 'or' 'which' inserted for clarity;
- Paragraph 5.6.2 should have the word 'the' inserted and the typo on member's corrected;
- The Chair of the Audit Committee and the Registrar would review paragraph 5.6.2 to determine whether the current minimum threshold regarding the recording of gifts/hospitality should be lowered;
- Paragraph 5.7 is amended to include the information that DCLG ask for anything to be declared that is not consistent with the highest standards of personal conduct;
- Paragraph 5.7 should have the Appendix reference changed from Appendix to Annex M;
- Paragraph 5.16 (now 5.17 following the inclusion of a paragraph on the Equality Act as per the further amendment below) should have the Appendix reference changed from Appendix K to Annex N;
- Paragraph 5.13 should refer to other areas of the Board's Handbook rather than specific legislation or statutory responsibilities.
- The Board Members' Code of Practice should include a reference to the Equality Act 2010 to reflect the Boards commitment to related issues.

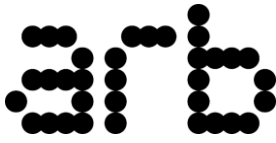
The recommendation was agreed unanimously.

10 Audit Committee's Terms of Reference

The Chair of the Audit Committee advised that it was proposed by the Audit Committee that the Board agree to the Committee's Terms of Reference being updated to clarify that the Chair or one other member of the Committee required financial or audit experience and that the Committee would hold a minimum of four meetings per year.

The Board agreed the amendments to the Audit Committee's Terms of Reference as shown in Annex A.

The recommendation was agreed unanimously.



11 Prescription Committee's Terms of Reference

This item was introduced by the Head of Qualifications and Governance.

The Board agreed the amendments to the Prescription Committee's Terms of Reference as shown in Annexes A and B.

The recommendation was agreed unanimously.

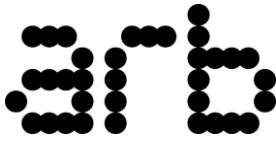
12 Criteria for the Prescription of Qualifications

The Head of Qualifications and Governance introduced this item. She referenced a note circulated to the Board regarding a recent meeting with the RIBA at which the Institute had set out its intention to review the criteria which it used for the purpose of validating qualifications.

The Chair asked for declarations of interest in relation to this item advising the Board that they could participate to an 'in principle' discussion. It was noted, however, that if the Board moved into discussing any specific proposals, Board members' declarations of interest would then need to be considered and discussed further. The following declarations of interest were made:

Alex Wright made the following declarations of interest:

- Professor of Architecture and Head of Architecture, University of Bath.
- The University of Bath's programmes in Architecture would potentially be affected by any changes which result from the reviews being discussed.
- Chair of the UK Architectural Education Review Group (UKERG) and co-author of its "Pathways and Gateways Report", which proposed revisions to the UK criteria and prescription processes.
- University of Bath representative on Standing Conference of Heads of Schools of Architecture (SCHOSA) Council and former Chair. SCHOSA's longstanding policy has been for a simplification of the UK's criteria. As the University of Bath representative on SCHOSA he had articulated the potential benefits of a review of the criteria and prescription processes and was involved in the consultations regarding agenda items 12 and 13, although he was not present at the SCHOSA meeting when the representations to ARB were agreed (Ravensbourne Conference 2017).
- Member of the Board of the Built Environment Professional Education (BEPE) Project whose Chair had written in support of the review of the criteria.



- Member of the RIBA Education Review Group, although this group had not met for two years and it was not involved in the drafting of the RIBA's draft document or representations to ARB.
- Author of a research paper on the definition of an architect, the content of which included the areas of regulation related to the criteria employed in the UK. The paper suggested possible revisions to the criteria, although these were different from those suggested by the RIBA, SCHOSA and UKAERG. The paper was due for publication later this year.
- He has lectured/spoken widely on the topic of Architectural Education in recent years, including on matters related to the criteria and prescription including: key note lectures at the Future of Architectural Education conference in Beirut in 2016; the Timsoara Architecture Biennale in 2016; and presentation at the Design Principles and Practices Conference in Rio in 2016; and the RIBA's most recent Symposium on Education in London.

Richard Parnaby made the following declarations of interest:

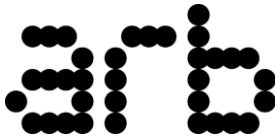
- Member of working group and joint author of the UK Architectural Education Review Group's "Pathways and Gateways Report", which proposed revisions to the UK criteria and prescription processes.
- Co-author of the existing ARB criteria.
- Member of the RIBA Council.

Danna Walker made the following declarations of interest:

- RIBA Chartered Member.
- BEPE Board Member.
(Olympic legacy project whose aim is to change the way built environment professionals are taught inclusive design.)

Soo Ware made the following declarations of interest:

- Member of RIBA, although not a member of any current committees/working groups. Member of RIBA's Validation Panel. Very rarely called upon to make visits to the UK or the EU. Previous member of the RIBA's Education Review Group.
- An academic/quality assurance/strategic involvement at School, Faculty and College Level.
- A School of Architecture Professor of Professional Practice in Architecture at University College London (UCL).
- Director of Chartered Practice Architects Ltd and a Non-Executive Director of Consarc Architects.
- Regarding the Board discussion about apprenticeships, the Bartlett had been approached, but no agreement had been reached regarding its involvement at this stage.



Sue Roaf made the following declaration of interest:

- Worked on the original criteria for validation in 1992-1994.

Jason Bill made the following declaration of interest:

- Member of the RIBA.

Some members of the Board raised queries about the revised approach to the declaration of interests. The Chair advised that the revised declaration process was the result of advice received from the Board's solicitor (to protect the Board from accusations of prejudgement or perceptions of prejudgement). Refresher training would be provided to the Board on this subject by the Board solicitor in July.

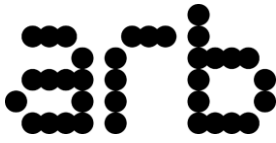
The Board agreed that, due to the overlap between agenda items 12 and 13, these two items would be discussed together.

The Board was supportive of the proposal to begin a 'business as usual' review of the criteria pending DCLG's agreement and discussed when this would take place. Board members confirmed that they had read the paper and noted the advantages and disadvantages of conducting a review at present. The Board also noted that it was normal within the higher education sector to conduct criteria reviews and that previous decisions to postpone this exercise meant that such a review was now due and should be progressed.

The Head of Qualifications and Governance advised the Board that the RIBA had informed ARB that it was in the process of undertaking a review of the criteria that it used for the purposes of validating qualifications. She provided the Board with background information, explaining that originally ARCUK (the predecessor to ARB), RIBA and the Quality Assurance Agency (QAA) had held three separate criteria. She advised that the organisations had then worked together to agree shared criteria in order to reduce the burden on schools and to reduce confusion amongst students.

Whilst the Board agreed that the objective of holding shared criteria with the RIBA and the QAA should be agreed in principle, Board members also noted that ultimately ARB had the statutory obligation to prescribe qualifications.

A range of other matters related to the criteria and the procedures were also discussed. The Registrar confirmed that a review of the criteria and procedures would require additional resources and that funding has already been agreed within the business plan for this work. Board members also considered the need



to develop criteria which were futureproofed and sustainable. A Board member queried one of the proposed high-level objectives for the review regarding the need to comply with the Professional Qualifications Directive. The Registrar confirmed that DCLG would expect the inclusion of this point for a 'business as usual' review which reflected the need to work within the current EU legislative framework.

The Head of Qualifications and Governance confirmed that, in light of the Board's decision, a paper would be presented to the July Board meeting setting out the scope of the review including the high-level objectives, which the Board agreed.

The Board:

- i) Noted the position regarding the current criteria;**
- ii) Considered the advantages and disadvantages of progressing a review of the criteria at this point in time and decided that it would progress with the review;**
- iii) Noted that it must discuss the position with the Department for Communities and Local Government before formally commencing a review; and**
- iv) Discussed and agreed its high-level objectives for a review of the criteria.**

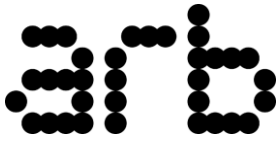
The high-level objectives were agreed as follows:

Any revised or updated criteria should enable the Board to:

- Continue to discharge its functions under Section 4(1) a and 4(1) b of the Architects Act 1997;**
- Ensure that competent individuals are admitted to the Register on completion of their studies and practical training experience, i.e., setting the standards for entry under the UK route onto the Register; and**
- Ensure that the criteria meet the requirements of the Mutual Recognition of Professional Qualifications Directive so that the UK's qualifications can continue to be listed under Annex V of the Directive.**

The Board additionally agreed in principle that it wished to continue to hold the Criteria in common with both the Royal Institute of British Architects and Quality Assurance Agency, but that any revised Criteria would need to meet the Board's agreed high level objectives.

The Board noted and agreed that the review of the criteria must be based on



the Board's current requirements for entry to the Register which state that individuals must hold Part 1, Part 2 and Part 3 qualifications. It was noted that this element could not be reviewed until the DCLG has confirmed that the Board can progress a review of the UK routes to registration.

The Board requested that a paper be presented at the July Board meeting setting out a project scope including addressing the agreed objectives.

Proposer: Suzanne McCarthy

Seconder: Jason Bill

The recommendations and additional points set out above were agreed unanimously.

13 Procedures for the Prescription of Qualifications

Declarations of interest provided above were additionally applied to item 13. This discussion was taken together with item 12.

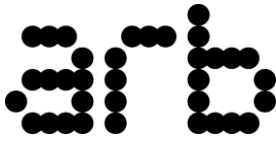
The Board:

- i) Noted the position regarding the current Procedures;
- ii) Considered the advantages and disadvantages of progressing a review of the Procedures at this point in time and decided that it would progress this review;
- iii) Noted that it must discuss the position with the Department for Communities and Local Government before formally commencing a review; and
- iv) Discussed and agreed its high-level objectives for a review of the Procedures.

The high-level objectives were agreed as follows:

Any revised or updated Procedures for the Prescription of Qualifications should enable the Board to:

- Continue to discharge its functions under Section 4(1) a and 4(1) b of the Architects Act 1997;
- Ensure that its processes for prescribing qualifications, renew prescription of existing qualifications, dealing with annual monitoring submissions and course and title changes continue to be clear, transparent, proportionate, efficient and effective;



- Ensure that its processes support the admission of competent individuals to the Register on completion of their studies and practical training experience;
- Ensure that qualifications, and, where appropriate, experience it prescribes meet the requirements of the Mutual Recognition of Professional Qualifications Directive so that the UK's qualifications can continue to be listed under Annex V of the Directive as well as any additional requirements the Board may wish to set over and above this.

The Board noted and agreed that the review of the Procedures must be based on the Board's current requirements for entry to the Register which state that individuals must hold Part 1, Part 2 and Part 3 qualifications in order to enter the Register. It was noted that this element could not be reviewed until the Department has confirmed that the Board can progress a review of the UK routes to registration.

The Board agreed that a paper would be presented to them at the July Board meeting setting out a project scope including addressing the agreed objectives.

It was agreed that the Registrar should inform the DCLG of the Board's position and seek the Department's views on moving the reviews forward.

Proposer: Carol Bernstein
Secunder: Guy Maxwell

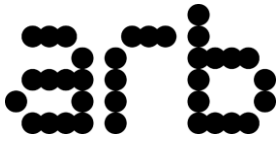
The recommendation was agreed unanimously.

14 Sharing of Data

Items 14-16 were taken out of sequence and dealt with at the end of the meeting.

This item was introduced by the Head of Professional Standards who highlighted the importance of sharing data with third parties to help minimise misuse of title and complaints. It was noted the risks in sharing data was minimal and the cost in doing so were relatively low.

There was some discussion around the risk in sharing data to third parties. It was noted that the data would only be shared with those who could demonstrate that there was a regulatory or public benefit in them having the data. It was



further noted that ARB had sought legal advice and, as the data being shared was already in the public domain, it was no different from publishing the Register, just in a different format.

The Board agreed to share the data of the Register of Architects with third parties where there is a regulatory benefit.

13 Board members voted in favour of the recommendation and 2 Board members voted against the recommendation.

15 Board Effectiveness Survey Report

This item was introduced by the Chair.

The Board was mindful of its priorities and where this would sit within those priorities. It also considered the recommendations in the Periodic Review regarding consulting more widely with stakeholders. The Board agreed that it was important to seek feedback and improve communication with its stakeholders.

It was agreed that the recommendation to undertake some research on the impact and effectiveness of ARB be considered as part of the review of the current Business Plan and priorities 2017/2018.

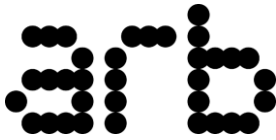
16 Mental Health and Wellbeing of Architecture Students

This item was introduced by the Communications Lead and was very well received by the Board.

It was noted that a paper relating to this matter had been discussed by the Prescription Committee at its meeting on 23 February 2017. Following on from that meeting that paper had been updated and included a number of recommendations.

It was noted that mental health is one of a number of protected characteristics that the Board, from a regulatory point of view would need to take a proportionate approach.

The Board also noted that the Registrar and the Communications Lead had



attended the launch of a new mental health support service run by the ABS in partnership with Anxiety UK. The launch was hosted by the RIBA. The issue of research was raised at that event with the ABS saying that it was considering undertaking further research in this area.

The Board agreed that it would update the ARB student handbook to include signposting information regarding a range of support services including, but not limited to, those covering mental health problems;

And

The Board agreed that it would monitor developments in the sector related to mental health, including the publication of any relevant research and may review its approach as required.

Recommendation number 5 in the paper was unanimously agreed.

17 Approval of Board Committee Membership

This item was introduced by the Chair.

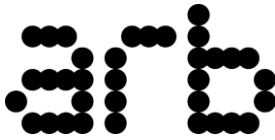
The Board:

- i) Agreed the membership of the committees as shown in Annex A until at least 31 March 2018, subject to the outcomes of the election of Chair and Vice Chair, when further adjustments may be needed;**
- ii) Agreed if any changes are needed to the membership of the committees as a result of the outcomes of the election of Chair and Vice Chair, proposals be circulated for agreement via write around shortly after the July Board meeting so that the committees could continue to function between the July and September Board meetings; and**
- iii) Agreed to review the position at its February 2018 meeting should a new Board not be in place for 1 April 2018 onwards.**

Proposer: Sue Roaf

Seconder: Sue Ware

The recommendation was agreed unanimously.



18 Chair/Vice Chairs Election Timetable

This item was introduced by the Registrar. The Board's attention was drawn to the fact that the Chair elected in July may only be in the role until 1 April 2018 when the new Chair, appointed by DCLG/Privy Council, would take up the post.

The Board noted the 2017 annual election timetable as required under Rule 7 of the General Rules.

19 To note the 2016 Financial Outturn

This item was introduced by the Head of Finance and Resources.

The Board noted the 2016 Financial Outturn.

20 Management Accounts

This item was introduced by the Head of Finance and Resources who highlighted that investments were on track to generate £100k in income, which was £80k above the budgeted figure.

In response to a query about income generation, it was noted that the DCLG was currently exploring whether it would be possible to provide the Board with the power to charge for certain functions.

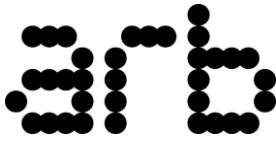
The Head of Finance and Resources also advised on the purpose of the reserves and confirmed that the Board could decide to spend from the reserves whilst agreeing the budget and business plan for 2018.

The Board noted the Management Accounts.

21 Annual Report from the Audit Committee

This item was introduced by the Chair of the Audit Committee who drew the Board's attention to a number of points including the revised Code of Practice and the rolling programme of internal audits. She noted that the internal auditor had confirmed a positive 'moderate' rating.

The Chair of the Audit Committee also confirmed that the 'deep dive' process was underway. The registration 'deep dive' had been completed and a schedule of reviews of other departments was planned. There followed some discussion about the possible need to move the prescription 'deep dive' to later in the



process due to the substantial increase in the prescription department's workload which may arise as a result of the review of the criteria and procedures.

The Annual Report from the Audit Committee was noted by the Board.

22 Routes to Registration

The Head of Qualifications and Governance advised that the government had requested, through the Periodic Review Report, that this project be placed on hold whilst Government explored issues linked to the UK's decision to leave the European Union. She also confirmed that any associated updates had been covered under agenda items 12 and 13.

The Board noted the Head of Qualifications and Governance's comments and agreed to remove this as a standing item from the Board's future agendas, noting that it would be covered by updates relating to the Periodic Review.

23 Minutes

The Board noted the draft minutes of:

- i) The Investigations Oversight Committee meeting of 24 February 2017
- ii) The Audit Committee meeting of 16 March 2017