



**Subject** Progress update against Periodic Review recommendations  
**Purpose** For Note  
**From** Karen Holmes, Registrar & Chief Executive

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## 1. Summary

To update the Board on the progress made in delivering the recommendations of the Ministry of Housing, Communities and Local Government's (MHCLG) Periodic Review.

## 2. Open

Open Session

## 3. Contribution to the Board's Purpose and Objectives

Architects and the public will have confidence that ARB is delivering the Act in an effective and transparent manner, taking into account Government expectations.

## 4. Key Points

- i. The MHCLG's Periodic Review made a number of recommendations. The Board has considered at each meeting the progress on the delivery of those recommendations, where responsibility lies with ARB.
- ii. **Recommendation 4**  
**Following discussion between ARB and the Department to assess whether the reshaped board should be 11 or 9, the legislation to be changed to reflect that.**  
  
The Department has now advised that the new Board will consist of 11 Board members. Legislative change is now being worked on, but a new Board is unlikely to be in place before October 2018.
- iii. **Recommendation 6**  
**For the regulator to work with the sector to review, refresh and update all aspects of the guidance for complaints handling.**

ARB's Professional Standards department has commenced its review of how it delivers its

statutory obligations to investigate complaints about architects under section 14 Architects Act 1997. The review is restricted in its scope by the uncertainty surrounding the implementation of the legislative change recommended by the Periodic Review. That implementation rests with MHCLG.

- iv. A pre-consultation has been undertaken and staff have been considering submissions and best practice across the regulatory field. A number of recommendations for change have been drafted, which will be considered by the Investigations Oversight Committee before a report will be made to the Board in May 2018. The target to have all changes completed by the end of 2018 remains on course.

#### **Recommendation 17**

**For the Regulator to explore co-location opportunities or the possibility of operating from outside London as lease opportunities permit (next break 2019)**

- v. Opportunities for relocation have been explored, and a paper is being brought for consideration to the Board at its February 2018 meeting. Because of the commercially sensitive nature of the information, consideration of this paper will take place in the confidential session of the Board meeting.

- vi. **DCLG responsibilities update**

There are a number of recommendations from the Periodic Review which remain the responsibility of the Department to deliver. A full list of outstanding recommendations can be found at [Annex A](#). The recommendation which has progressed since the last update to the Board is listed below.

#### **Recommendation 12**

**For the Department to explore the case for ARB being bought under the remit of the Parliamentary Ombudsman to provide a more defined escalation route and final decision maker for complaints in relation to decisions made by them.**

A meeting has been held with MHCLG to discuss what role the Parliamentary Ombudsman might play in overseeing the work of ARB, bearing in mind that its statutory decisions are subject to judicial review and appeal by the courts. There is an added complication in that the Ombudsman is prevented by its own legislation from considering any complaints which relate to *the control of entry to any profession or the regulation of the conduct of members of any profession*<sup>1</sup>.

For ARB to come under the remit of the Parliamentary Ombudsman there would therefore require an amendment to primary legislation, either by way of a change to the Parliamentary Commissioner Act 1967 or the Architects Act 1997. It will be for MHCLG to take a view on whether it wishes to pursue such change.

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<sup>1</sup> Section 4(5)(c) The Parliamentary Commissioner Act 1967

**5. Resource Implications**

There will be staff time and legal costs involved in implementing in any legislative change, and particularly in relation to the recruitment of a new Board. Resource implications in respect of any relocation of ARB will be considered within that paper.

**6. Risk Implications**

ARB will continue to deliver its statutory functions under the current iteration of the Architects Act; however proposed change brings with it uncertainty, particularly as the organisation has little influence over the timetable for the required legislative change.

**7. Communication**

ARB is committed to working with Government and other key stakeholders to ensure that it remains an effective, transparent organisation with the ability to meet future challenges.

**8. Equality and Diversity Implications**

When the Board is reduced to a membership 11 there will be an increased challenge to ensure that it is appropriately diverse. The Section 14 Review will include an Equality Impact Assessment on the current disciplinary regime and any proposed changes to it. An Equality Impact Assessment will also need to be undertaken in respect of any potential relocation.

**9. Further Actions**

ARB staff will continue to liaise with MHCLG in relation to all of the above, and continue to report to each Board meeting on ARB's progress. The MHCLG periodically attend Board meetings to provide an update on the Periodic Review recommendations that fall to them to implement.