



Subject Business as Usual Review of the Criteria for the Prescription of Qualifications
Purpose For Decision
From Head of Qualifications & Governance/The Registrar

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1. Summary

To discuss the current position in relation to the Criteria Review and the intended direction of travel of the reviews. To make strategic decisions regarding the next steps of the Review.

2. Recommendations

It is recommended that the Board:

- i. Notes the position regarding the progress of the Criteria Review;
- ii. Agrees that the ARB Criteria Task and Finish Group should continue to develop Criteria that would satisfy ARB's purposes based on a the Criteria consisting of a series of headings/outcomes;
- iii. Agrees that once an initial working draft of the Criteria has been developed by the Task and Finish Group, the Staff team should seek to re-engage with the RIBA to determine their views and
 - a. if agreement can be reached with the RIBA about the development of a joint set of Criteria at this stage, ARB should then continue to work with the RIBA to take the Criteria forward, undertake its pre-consultation with its key stakeholders (as ARB has already committed to doing) and then seek to take the revised Criteria through each respective organisation's approval processes, noting that ARB will need to issue the draft Criteria for a formal, three month consultation period before formally approving the Criteria; or
 - b. if agreement cannot be reached with the RIBA about the development of a joint set of Criteria at this stage, then the ARB Criteria Task and Finish Group should continue its work to develop a draft set of Criteria which ARB Staff can use to undertake a pre-consultation with its key stakeholders (as ARB has already committed to doing) and then bring a draft of the revised Criteria to the Board for consideration and so that it can issue the draft Criteria for a formal, three month consultation period.

3. Open Session

4. 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 to 'support architects through regulation'.

In line with Section 4(1)a of the Architects Act 1997, the Board is responsible for determining what qualifications and practical training experience are required for entry to the Register under the UK route to registration. In order to ensure that individuals have met the appropriate standards on entry to the Register, the Board has established a prescription process for recognising qualifications and practical training experience as well as the criteria which must be met at the appropriate levels. The Criteria for the Prescription of Qualifications document set out the standards, attributes, knowledge, understanding and abilities that individuals must meet before the end of each of the levels required for registration. The Criteria are therefore important in terms of assuring the users and potential users of architects' services that individuals who are on the Register have the appropriate minimum levels of skills and experience. The Criteria also provide information to students and institutions in terms of the areas that must be met in order to demonstrate competence to enter the Register.

5. Background

i. The Board's Objectives

At its meeting on 12 May 2017, the Board approved the following high level objectives for a 'business as usual' review of the Criteria for the Prescription of Qualifications:

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 RIBA and QAA, 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 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 Ministry of Housing, Communities and Local Government (MHCLG) had confirmed that the Board could progress a review of the UK routes to

registration.

ii. **Progress of the Review to Date**

The Board has received regular updates in relation to the review at each of its meetings, and took decisions at its meeting on 23 November 2017 in terms of the next steps that the review should take.

November 2017

At its meeting of 23 November 2017, the Board:

- i. noted the summary of the pre-consultation feedback relating to the criteria review and noted the positions of the Quality Assurance Agency and the Royal Institute of British Architects (RIBA);
- ii. agreed that the Task and Finish Group's recommendations* should form the basis of the next steps of the review, i.e., the Criteria Task and Finish Group should review these areas of the criteria;
- iii. agreed that ARB's Task and Finish Group should continue with its work, whilst ARB holds discussions with the RIBA to determine whether alignment between the Board's objectives and the Task and Finish Group's recommendations with the RIBA's aspirations can be achieved; and
- iv. noted that ARB would need to engage with the MHCLG to ensure that any next steps were clearly understood and that the Department's concerns around undertaking two reviews in succession and destabilising the UK's position whilst exiting the EU and possibly negotiations with the rest of the world had been considered.

*In summary, the ARB Criteria Task and Finish Group's recommendations were:

- At Part 1 and Part 2 levels, to remove the graduate attributes and develop succinct statements to sit underneath each of the 11 points. Differentiation between Part 1 and Part 2 would be achieved by developing different succinct statements at each level.
- At Part 3, to make minimal adjustments to the structure and content of the Criteria but to ensure that the indicative content remained up to date.

December 2017 – January 2018

In December 2017, ARB's Criteria Task and Finish Group continued to progress its work on the basis of the Board's agreed position, starting with the development of revised Part 2 level Criteria.

After contacting the RIBA in December 2017, the Registrar, Head of Qualifications and Governance and Chair of the Prescription Committee met with Adrian Dobson (Executive Director Members) and Alan Jones (Vice President, Education) from the RIBA in early January 2018. At that meeting it was agreed that both ARB and the RIBA would form a joint working group in order to work together to try and develop a revised set of Criteria at all three levels, i.e., Part 1, Part 2 and Part 3,

that both organisations could continue to hold in common and that meet the respective objectives of each organisation. It was agreed that the Group would consist of up to three members of ARB's Criteria Task and Finish Group, plus a member of the ARB Executive and up to three members of the RIBA's Education Committee, plus a member of the RIBA Executive.

We agreed to hold the first meeting in February, using ARB's initial drafts of a revised set of Criteria as a basis for discussion.

February 2018

The first Joint ARB/RIBA Criteria Working Group meeting took place in late February 2018.

Whilst it was a productive meeting and we were able to confirm our shared goal of retaining the Criteria in common, there were differences of opinion between both ARB and the RIBA in terms of the structure and content of the revised Criteria. At the meeting the RIBA rejected our Task and Finish Group's initial drafts of the revised Part 2 level Criteria in terms of its structure and content. The RIBA stated that they felt that ARB's proposed revised Criteria were too restrictive, not sufficiently succinct and would be more onerous for schools of architecture to meet.

The RIBA confirmed that it would prefer the Criteria at Part 1 and Part 2 to consist of the 11 points set out in Article 46 of the Qualifications Directive with graduate attributes at each level. The RIBA also confirmed that it wished to see the Part 3 Criteria overhauled.

After further discussion it was agreed however that both parties would work on our differences in order to determine whether we could achieve our shared goal. It was also agreed that we would issue a joint statement, which was developed by both organisations and published in March:

The Joint Working Group has since released the following statement:

'ARB and RIBA have commenced a set of meetings with the aim of developing a set of draft revised criteria that will meet each organisation's respective objectives and that can be shared with other stakeholders for initial feedback before going out to formal public consultation. Both organisations are committed to striving to continue to hold a single set of criteria in common if possible. We will be exploring the strengthening of professionalism, ethics and social responsibility in the new criteria.'

The Joint Working Group additionally agreed at its meeting in February to explore the following, on the basis that the current three Part structure (i.e., Part 1, Part 2 and Part 3) would remain:

Part 1 and Part 2 Criteria

The use of carefully drafted Graduate Attributes accompanied with the 11 points at each level should be explored instead of the use of succinct statements beneath each of the 11 points with no Graduate Attributes. The Criteria at these levels

could therefore consist of the following:

Part 1

Revised Graduate Attributes plus the 11 points of the Directive (with no succinct statements beneath them)

Part 2

Revised Graduate Attributes plus the 11 points of the Directive (with no succinct statements beneath them)

Part 3 Criteria

A wider scale change in relation to the Part 3 Criteria should be explored – the RIBA, in particular, is keen to see Part 3 reworked to reflect the nature of current practice. One idea the Group agreed to explore further is the possible introduction of Graduate Attributes at this level so that there are similarities between all three Parts in terms of their structure, although it was acknowledged that there were several ways in which any revised Part 3 Criteria could be restructured.

Briefly, other areas that were discussed included the need for clear preamble/s to the Criteria which set the context and the overarching scene; the RIBA also confirmed that it wished to ensure that areas such as professionalism, social responsibility, ethics and life safety should be covered within the Criteria and/or preambles.

We made it clear to the Joint Group that we would be taking these matters for exploration back to our own Criteria Task and Finish Group and discussing whether the above suggestions would meet the Board's objectives which included the Board having the ability to discharge its statutory functions and the need to deliver a revised set of Criteria that support robust, consistent and effective regulation, while allowing innovation and distinctiveness between qualifications, creating the right balance between consistency and flexibility.

Following the meeting the RIBA also sent us a copy of their proposed Criteria at Part 1, Part 2 and Part 3 which we agreed to take back to our Task and Finish Group for review and further consideration.

After careful and further consideration of the RIBA's proposals and ahead of our next Joint ARB/RIBA Criteria Working Group (planned for late April 2018), we provided our Task and Finish Group's initial feedback on the proposals to the RIBA. In summary the following points were provided to the RIBA by way of initial feedback:

- The [RIBA's] proposals would not fulfil ARB's stated objectives as they are currently constituted.

- ARB's Task and Finish Group had identified concerns that the level of detail within the proposals was not sufficient to enable the Board to make informed and consistent decisions when considering qualifications for prescription or provide our stakeholders/examination candidates with enough information about what is expected.
- Whilst the proposals reflected the level required at Part 1 and Part 2, the Group believed they lacked detail in terms of the content that need to be covered in order to become a competent architect, and that whilst these may work as part of the RIBA's visitation process, the Group concluded that the proposed way forward of using the graduate attributes and the 11 points would not work with ARB's paper/office-based systems. The Group felt that the Board would need to make significant changes to its current prescription processes in order to accommodate the proposals as they stand.
- The Group also felt that the use of 'attributes' was problematic in terms of their language.

We also informed the RIBA that our Task and Finish Group had therefore suggested that we should consider exploring alternative approaches to the structure and content of the Criteria on the basis that neither our original proposals nor the RIBA's more recent proposals fulfil both organisations' requirements. Our Task and Finish Group suggested that a series of heading/outcomes could be used as a framework for the alternative approach.

Since providing the RIBA with an initial summary of the Group's feedback the RIBA has responded by email expressing their disappointment that our Task and Finish Group did not feel the proposal put forward by them would enable the Board to fulfil its objectives. The RIBA additionally stated in their email that they did not wish to go ahead with our next Joint Working Group meeting as planned but would be pleased to re-engage with the Criteria review as soon as we had a set of draft Criteria at Parts 1, 2, and 3 for them to consider. Within the email they also asked us to note that they would not support a set of Criteria that were expressed as a series of headings/outcomes, which was an approach our Task and Finish Group believed could be a compromise that would satisfy both organisations' objectives. The RIBA stated that they believed that a 'headings/outcomes' approach would be unnecessarily restrictive and would place excessive limitation on interpretation of the Criteria by the Schools of Architecture.

As a result of this, we instructed our Criteria Task and Finish Group to consider and develop a set of Criteria that would work for ARB's purposes.

ARB's Task and Finish Group's Final Comments on the RIBA Proposals

Since the above exchanges of correspondence between the RIBA and ourselves, our Criteria Task and Finish Group has finalised its comments on the RIBA proposals

which are as follows:

'The Group has concerns that the level of detail in the RIBA proposal is insufficient to enable ARB to make informed judgements for regulatory purposes, or to provide applicants or Prescribed Examination candidates with enough information about what is expected. There is agreement about 'referencing all relevant curriculum areas', but concern that the current proposal does not do this; a number of substantial omissions were noted compared with the coverage of the current Criteria and Attributes, including:

- the need for design to satisfy both aesthetic and technical requirements
- engineering problems, comfort, and the environment
- the arts, technologies and human sciences relating to architecture
- urban design and planning.

In summary, while the RIBA proposal reflects the level required at each of Parts 1 and 2 very well, it is short on detail of the content needing to be covered in order to become a competent architect, and omits some important areas as indicated above. It may be possible to infer this reasonably consistently when using approval visits with well-briefed and experienced assessors who are supported by a standardisation process, but it is unlikely to be adequate for office-based systems as used by ARB at present. Discussions in the parallel Procedures Task and Finish Group indicate the need for clear criteria that can be used to judge paper applications.

ARB has a duty to ensure that architects are sufficiently competent at the point of registration, and it is unable to do this reliably if important aspects of coverage are left to the discretion of individual higher education institutions. Members of the Criteria [Task and Finish] Group who are familiar with the criteria used in professions other than architecture have commented that the expectations put forward by ARB are not over-detailed or particularly onerous. Discussions with both Groups are favouring a system of mapping at the level of whole criteria rather than any sub-points that can be inferred from them.

The Group has noted the greater emphasis on professionalism, and supports this. It will also review its original Part 2 draft [11 points/succinct statements] to see if there are any areas where detail can be reduced without compromising the ability to regulate.

There is agreement that the relevant higher education levels should be reflected in the Part 1 and 2 Criteria. However, care should be taken not to use terminology (e.g. levels 6 and 7) or requirements (honours degrees at Part 1) that do not apply throughout the UK.

The Group is on balance favourable to considering an alternative structure to the '11 points' for the Criteria at Parts 1 and 2. There are however two matters of concern here. One is the RIBA proposal to retain a dual structure (attributes and 11 points), with determination that if an alternative structure to the 11 points is

used, the areas covered by the points should be incorporated in the main structure and cross-referenced in an appendix. Simply appending the 11 points without further explanation or expansion makes their status unclear and does not address consultees' concerns about having two overlapping sets of criteria. The other matter relates to the familiarity of the 11 points and the additional work likely to be required of institutions if the primary structure (e.g. for mapping to course content) is changed to a different set of headings.

In response, the Group has put forward a revised structure for the Criteria based on seven headings. These incorporate the 11 points and are close enough to them to make cross-referencing simple, while providing a more logical and clearly-worded structure against which architectural education can be mapped. Each criterion will consist of a heading accompanied by a short expansion that includes what at an overall level graduates will be expected to be able to do. The Group considers that this provides a succinct and rational way of specifying the Criteria, while supporting ARB to carry out its regulatory functions.

Regarding Part 3, the Group sees the benefit of further discussion on content, while noting that evidence is needed to back up any claims that contradict the ARB consultation. The Group has proposed that Part 3 content is expressed in the same way as at Parts 1 and 2, using the same structure. [The RIBA has provided some information in relation to this area which has now been passed to the Group.]

The Group's comments suggest that ARB should be open to considering an alternative structure at Parts 1 and 2 to the 11 points, while ensuring that the content implied by them is incorporated. However, the level of depth in the RIBA draft is likely to be insufficient for regulatory purposes, and if the RIBA structure or something similar is adopted it will need to be further revised and fleshed out. It is difficult to make a categorical assessment in advance about the level of detail needed to ensure adequacy and consistency, but reviewing practice in other professions subject to external regulation (or self-regulation within contexts where public protection is critical) indicates that the ARB proposals are not particularly onerous and suggests that an approach such as that currently proposed by RIBA, which is more open to interpretation, creates too high a level of risk.

The Group's proposal aims to adopt a more logical structure that reflects something of both approaches while ensuring that the requirements of the EU Directive continue to be met. Depending on the extent of agreement that can be reached, this could lead to a common structure being adopted but with the ARB version incorporating more detailed explanation.

As a final note the language of 'attributes' is problematic in relation to criteria concerned with providing access to a profession, as it potentially allows for matters to be included that create unnecessary and discriminatory barriers to entry. As a public regulator, ARB needs to ensure that access is fair and based on justifiable criteria. A preferable way of approaching the criteria that follows good practice in UK professions is to express them consistently as outcomes or competencies, i.e. things that graduates need to be able to do. This latter approach supports criteria that are aligned to practice requirements, and does not imply a greater or lesser

level of detail or prescription than any other approach.'

- iii. The ARB Task and Finish Group met most recently on 4 May 2018. At that meeting the Group agreed that the best option for the ARB would be to develop a set of revised Criteria which consisted of a series of outcomes and headings (refer to the Group's comments above). The Group is aiming to develop an initial draft of the revised Criteria by early June 2018.

6. Resource implications

Refer to Item 12 within the Board Papers (page 65), 2017 Financial Outturn. Professional Services and Legal Advice: £24k of the costs associated with the Criteria Review were covered from 2016 reserves.

Refer to Item 13 within the Board Papers (page 72), Management Accounts and Year-End Forecast 2018: Professional and Services and Legal Advice: The estimated costs of the on-going Criteria Review are estimated to be £25k in 2018. Funds were set aside to cover some of these costs in previous years and therefore are unlikely to impact on the budgeted outturn.

7. Risk Implications

We prepared a bespoke risk register for this review which was presented to the Audit Committee in October 2017. We provided further updates to the Audit Committee in January and March 2018, and will continue to do so for the duration of the review. The Criteria Task and Finish Group has also been made aware of the risk register. We will continue to identify any new or changing risks as the review progresses. One of the key risks has materialised in that the RIBA's initial and most recent proposals do not align with the Board's objectives in respect of its 'business as usual' review of the Criteria and appear to go beyond the scope of the current review. We have attempted to undertake further discussions with the RIBA at this stage to facilitate a better understanding of each organisations' position but the RIBA has recently stated that it only wishes to re-engage with ARB once ARB has a revised draft of the Criteria ready for discussion. If objectives of each organisation cannot be aligned following discussions about ARB's next revised draft of the Criteria then the Board may be in a position whereby it has to progress its review independently. This will lead to there being two sets of Criteria which institutions/students are required to meet for the purposes of registration with ARB and membership of the RIBA. If this occurs it will be important to deliver a set of Criteria that are an improvement on those we currently have.

The Board will need to ensure that it can continue to fully discharge its statutory functions both under the relevant sections of the Act. Amongst other things, the criteria set out the requirements that the Board uses to check that qualifications are meeting the appropriate standards and cover the relevant subject areas, as well as ensuring that competent individuals are eligible to join the Register. The current Criteria embed the relevant

requirements of Article 46 of the Professional Qualifications Directive and this will need to continue to be the case. The Board will need to take care to ensure any revised criteria will continue to fulfil these objectives. Failure to do so may result in the Board being unable to undertake its duties effectively, could lead to a lack of transparency and ultimately could lead to incompetent individuals joining the Register.

The Board will need to be aware that any changes to the criteria for the prescription of qualifications could impact on the revision of the criteria and/or have an unintended impact on the Prescribed Examinations which may lead to a lack of synergy between the processes in the future. It will be necessary to understand the impact that any proposed changes will have on other elements of ARB's existing policies, processes and procedures. The Executive will monitor this as the reviews progress.

The Board will need to ensure that it properly consults all relevant stakeholders in accordance with its consultation policy. All stakeholders should be given the opportunity to contribute to and comment on the development of any revised criteria before the Board agrees to issue them formally and implement them. Failure to do so could result in reputational damage and a lack of buy-in by key stakeholders. All stakeholders had the opportunity to contribute to the pre-consultation process, which was widely publicised and open from early September until early October 2017. A full formal consultation exercise is planned once any revised document has been reviewed by the Board. We have also committed to consult with a number of key stakeholders before a draft of the Criteria is taken to the Board for initial consideration. [Note: feedback gathered which is more appropriate for the Routes to Registration review will be held on file until the Board progresses with this review.]

The original timescales which envisaged the publication of a revised set of Criteria in September 2018 and those Criteria becoming effective from September 2019 will be impacted as a result of the events outlined above. We will aim to bring a revised draft of the Criteria to the Board for consideration in July 2018; if the Board is satisfied with the drafts they will need to be issued for consultation for the period covering the beginning of August – to the end of October, with a view to bringing the consultation responses back to the Board in November 2018. The Board could then decide to introduce the revised Criteria with effect from November 2019 or to shorten the implementation time in line with its original plans. The Board will need to ensure that it is clear about its timeframes once a working draft of the revised Criteria has been considered so that institutions seeking prescription are clear what deadlines they are working to. Clear transitional arrangements will also need to be developed, i.e., the phasing in of the revised Criteria as each institution needs to renew prescription.

8. Communication

ARB is committed to regularly reviewing its policies and procedures and has commenced a 'business as usual' review of its procedures for the prescription of qualifications. ARB will wish to continue to fully engage with and consult a wide range of stakeholders throughout the process. Regular updates have and will be provided to both the Board and its stakeholders as the project progresses. We have a dedicated website page which will cover

this: <http://www.arb.org.uk/criteriaproceduresreview/>

9. Equality and Diversity Implications

Equality and diversity implications are being taken into account as part of the review and equality impact assessments were prepared in relation to the existing Criteria.

The outcomes of the impact assessment were provided to the Task and Finish Group at its initial meeting. A further impact assessment will be undertaken before the draft Criteria are provided to the Board for consideration.

The Board will need to ensure that any revised criteria meet ARB's objectives in this area.

10. Further Actions

Subject to the Board's decisions above:

- The Staff team will instruct the ARB Criteria Task and Finish Group to continue to develop Criteria that will satisfy ARB's purposes based on a the Criteria consisting of a series of headings/outcomes;
- Once an initial working draft of the Criteria has been developed by the Task and Finish Group, the Staff team will seek to re-engage with the RIBA to determine their views and
 - a. if agreement can be reached with the RIBA about the development of a joint set of Criteria at this stage, ARB Staff will then continue to work with the RIBA to take the Criteria forward, ARB Staff will undertake pre-consultation with its key stakeholders (as ARB has already committed to doing) and then seek to take the revised Criteria through each respective organisation's approval processes, noting that ARB will need to issue the draft Criteria for a formal, three month consultation period before formally approving the Criteria; or
 - b. if agreement cannot be reached with the RIBA about the development of a joint set of Criteria at this stage, then the ARB Criteria Task and Finish Group will continue its work to develop a draft set of Criteria which ARB Staff can use to undertake a pre-consultation with its key stakeholders (as ARB has already committed to doing) and then ARB Staff will bring a draft of the revised Criteria to the Board for consideration and so that it can issue the draft Criteria for a formal, three month consultation period.