

## Minutes of Investigations Oversight Committee Meeting 27 February 2018

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Location	Present	In Attendance
8 Weymouth Street London W1W 5BU	Ros Levenson (Chair) Danna Walker James Grierson	Simon Howard Helen Ransome (minutes) Harriet Swanston (observer)

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### Note

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#### 1. Apologies

None.

The Chair welcomed HS as an observer.

#### 2. Minutes of previous meeting

The minutes of the last meeting were agreed.

#### Matters arising

JG reported that he had attended a meeting of the Investigations Pool (IP). He described it as a worthwhile and useful experience.

HR agreed to circulate dates of upcoming IP pool meetings and upcoming PCC hearings.

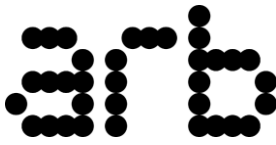
SH told the IOC that the ARB's proposed approach to equality and diversity had been reported to the last Board meeting. He explained that ARB was consulting with the Human Rights Commission about the appropriate data to be sought from stakeholders.

#### 3. Investigations Pool update

The IOC noted the minutes from the latest IP meeting.

#### 4. Professional Conduct Committee (PCC) update

The IOC considered the PCC decisions reached since its last meeting.



It discussed a recent case where the architect's practice was using the title "architect" but where the architect worked remotely and resided abroad. SH told the IOC that since the conclusion of the hearing the architect had queried the requirements placed upon architects under the Act with regard to control and management of architectural work. She questioned how this should apply in the current climate, where remote working is commonplace. SH reported that this question would be put to the IP for discussion and that ARB would be seeking legal advice.

The IOC discussed the impact of different working environments and business models. It queried whether ARB should consult the profession when coming to a view. SH expressed that this should be considered with caution as ARB cannot go behind the requirements of the Act when considering how it may be applied. ARB's preferred approach would be to take a view as a regulator and communicate this to the profession accordingly.

**ACTION:** SH to update the IOC with a planned approach at the next meeting

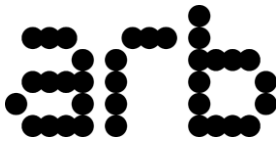
The IOC discussed a case where the PCC found the architect had made a fundamental mistake but that this was not serious enough to warrant a disciplinary finding. SH explained that this was a helpful decision to inform future IP decision-making around seriousness.

## 5. **Update on Key Performance Indicators (KPIs)**

The tabled KPIs were considered by the IOC.

It considered a summary of KPI compliance across all cases resulting in a PCC hearing in 2017. SH reported that some of the longer delays in cases can be unavoidable; for example, where there are ongoing legal matters or further complaints received by ARB. SH explained that some cases missed the overarching end-to-end KPI because the PCC hearings did not conclude during the days listed. This causes problems regarding availability of the panel and the parties for resuming dates. SH explained that ARB is erring on the side of caution when deciding the length of each hearing, in an attempt to remedy this issue.

SH explained that some of the shorter delays were within ARB's control; for example, issues with the availability of ARB's solicitor. SH reported that ARB had widened the pool of solicitors available in order to increase availability and flexibility. This had largely resolved the issue.



ACTION: HR to provide this KPI summary annually and to bring any exceptional cases to the IOC earlier for discussion.

## 6. Update on legal challenges

SH updated the IOC on any ongoing legal challenges.

## 7. 2017/2018 Costs

The IOC considered the summary of 2017 costs.

SH explained that the figures reflected a downturn in cases reaching the PCC hearing stage. He reported an increase in IP costs following an increase in IP members in 2017. This increase has provided more flexibility and resilience within the IP. SH explained that ARB would keep activity levels under review during 2018.

## 8. Third Party Reviews (TPRs)

The IOC considered the recent TPRs.

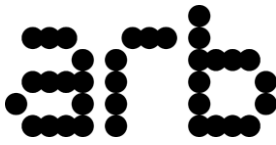
The IOC discussed a case where the architect requested the TPR citing that the IP should not have considered the case after the complainant withdrew support for their complaint. The complainant also expressed that the IP had given him a “warning” which was incorrect. The TPR found that ARB had acted properly in considering the complaint but suggested further guidance for the IP on issuing advice. SH reported that this had been shared with the IP and it responded that further guidance was not required. The IOC concurred with this view but suggested ARB may want to provide guidance to stakeholders about the function and purpose of advice.

SH reported that ARB is looking at all of the guidance provided to architects and complainants. It is considering providing guidance in new formats (e.g. videos) to make the information more accessible.

## 9. Represented / unrepresented respondent comparison

The IOC considered the paper on represented and unrepresented respondents.

SH reported that around half of all respondents in the data gathered were unrepresented. The data showed that hearings lasted longer, on average, when the architect was represented. With regard to the effect on sanction, the data showed that



architects are more likely to receive a penalty order if represented and more likely to be erased if unrepresented.

The IOC requested further narrative about the hearings in question and queried whether equality and diversity data could be included.

The IOC raised the importance of encouraging architects to seek representation during the pre-hearing process. HR reported that ARB staff signpost architects to organisations such as the Free Representation Unit and Bar Pro Bono Unit for help and advice.

**ACTION:** SH to provide further information and narrative to the next meeting

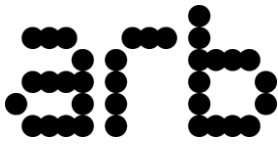
#### 10. **Progress update on Section 14 review**

SH presented an update on the Section 14 review including the recommendations to be made to the Board. The IOC was generally supportive in principle of all the proposals put forward.

The IOC discussed the recommendation to move IP paperwork online. SH explained that this would mitigate data security risks and improve efficiency. It is also in line with new requirements under the General Data Protection Regulations (GDPR). The IOC queried the workability of such a change, and were not yet convinced that the benefits of moving IP paperwork online would outweigh potential problems. IOC members highlighted the importance of ensuring IP members are able to read and consider papers thoroughly. It also raised the importance of carrying out an equality and diversity assessment to ensure the changes do not cause disadvantage. SH agreed that ARB should balance reducing the risks around data management alongside finding a suitable, workable solution. He reported that ARB would take a phased approach, piloting the new process on smaller cases first.

The IOC discussed the recommendation to remove the role of the Clerk. SH agreed to make the financial savings of this change clear for the Board. He also reported the positive reputational effect this change could have as it is intended to make the PCC process more cost effective and efficient.

The IOC also discussed the recommendation for some PCC reports to be completed in-house. It raised the risk of managing more work in-house and the effect this could have on other business. SH reported that the change would be used flexibly, using internal or external resource as appropriate.



Note

Action

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11. **AOB**

There was no other business.

**Date of next meeting:** The date of the next meeting will be 8 June 2018