

## Minutes of Board Meeting held on 14 February 2018

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Location	Present	In Attendance
8 Weymouth Street London W1W 5BU	C Bernstein, J Bill, J Grierson, A Hynes, 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 K Hewett (Minutes)

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Note	Action
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### 1. Apologies for Absence

Apologies were received from Caroline Corby and Ros Levenson.

### 2. Members' Interests

The Register of Interests was noted.

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

No declarations were made in respect of the open session of the Board meeting.

### 3. Minutes

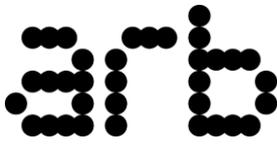
**The Board approved the minutes of the meeting held on 23 November 2017.**

**Proposer: Richard Parnaby**

**Seconder: Alice Hynes**

### 4. Matters Arising

The Board noted the content of the matters arising report.



## 5. Chairman's Report

The report was presented by the Chair of the Board who highlighted the feedback following her appraisal and the suggestions for ongoing development.

One Board member queried what was meant by one of the questions used in the appraisal/Board effectiveness process about providing feedback on stakeholder engagement to the Board and/or the Executive; specifically, the expectation of Board members around this area. It was suggested that if a Board member was aware of something that might be of interest or operationally relevant to the ARB, then they should feed it back so that it could be explored further.

A Board member noted reference to the presentation at the Bartlett and suggested that we could consider exploring the use of webinars for similar presentations.

The Registrar & Chief Executive commented that initiatives surrounding this area would be considered as part of the communications strategy, and took the opportunity to introduce Kate Howlett, ARB's new Communications Lead.

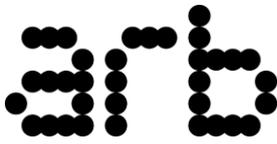
## 6. ARB's Operational Activities

The paper was introduced by the Registrar & Chief Executive who further reported that she had attended a meeting hosted by the Better Regulation Executive (BRE). At the BRE meeting, there was discussion about the outcomes of a report undertaken by the Cabinet Office on how periodic reviews were carried out. Of note was information around the ability for regulators to charge for intervention; this would be by way of an overarching piece of legislation.

Also, there was discussion around a 'Regulators Pioneer Fund' where regulators could put forward bids for innovative change.

A Board member queried the scenario planning referenced in respect of the UK's departure from the EU. The Head of Qualifications & Governance confirmed that a staff group had been formed to assist with the compilation of a list of issues or areas of ARB's work that might be impacted in the various Brexit scenarios. This would also likely feature as a topic for discussion at the May Board development day.

With regard to the project work detailed under the Section 11 process, a Board member queried whether a case could be put to the innovation fund for development



of a Registrant Services app. It was felt that this might assist with architects ensuring ARB was kept informed of any change of address.

One Board member commented that the Operational Report appeared very Europe-focussed, and queried whether the focus ought to shift to outside of the EU, given Brexit. The Registrar & Chief Executive explained that ARB was awaiting further authority from the Ministry of Housing, Communities and Local Government (MHCLG) and the Department for International Trade (DIT) in order to commence discussions concerning development of mutual development agreements (MRA) with countries outside of the EU. Further, that ARB was not currently proactively seeking to commence discussions, and that it would be for any countries looking to explore an MRA to approach ARB. It was requested that if the Board was minded to change its approach, it would need to give the Registrar & Chief Executive clear direction on this.

A Board member queried the project work on storing pass lists electronically; particularly whether, once the project was complete, it might be possible to interrogate the data and report on how many individuals might be eligible for registration but do not apply. The Head of Registration confirmed that although there was still some way to go on the project, this kind of information could be obtained once completed.

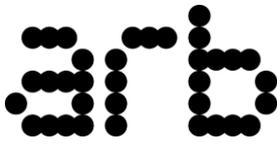
The Head of Qualifications & Governance provided an update on the apprenticeship route. The end point assessment (EPA) for the architectural assistant level had now been approved, and the final standard and EPA would be published in the coming weeks. This meant that ARB could soon start to see applications for prescription of the academic provision.

The Head of Professional Standards provided an update on a recent mis-use of title prosecution under Section 20 of the Architects Act. He reported that a matter had been heard at Luton Crown Court which had resulted in a fine of £24,000 with an additional £5,000 awarded in costs.

## 7. Periodic Review Update

**The report was presented by the Registrar & Chief Executive and noted by the Board.**

The MHCLG reported via the Registrar that ARB should await confirmation of the timetable for the legislative changes which would enable an all appointed Board to be brought into existence, which was due to be implemented in October 2018. It was explained that the MCHLG also continued to assess the case for bringing ARB under the remit of the Parliamentary Ombudsman and was working with ARB to consider how



it might fit into the current complaints processes. Most of the other recommendations required primary legislation to make changes to the Architects Act so would not be pursued at this time due to other legislative pressures. MHCLG confirmed that it will keep the position under review to ensure that the recommendations could be progressed as and when the opportunity arose.

## **MATTERS FOR DECISION**

### **8. Equality & Diversity Performance Plan**

The Head of Professional Standards presented the paper. It was stressed that whilst ARB had always been compliant in this area, the proposed performance plan would enable ARB to monitor and improve performance in specific areas of work.

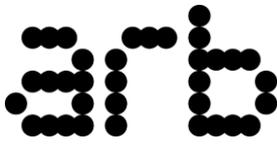
A Board member commented that the suggested plan was adequate for what was needed and felt that any external expertise and oversight should come later, as a way to ensure that the plan was being adhered to.

A Board member raised concern that there were gaps in the document such as the absence of a specific strategy with evidence-based outcomes, no timelines, no responsible person listed and no financial implications. Also, that the plan did not make specific reference to the Gender Pay Gap regulations.

The Registrar and Chief Executive stressed that there had been an internal audit carried out on Equality & Diversity, and that ARB was compliant with all legal requirements. There was an Equality & Diversity strategy, and that although some language in the Plan might be outdated, ARB was very much committed to progressing this work.

A Board member said that the draft Plan was presented to the Board in November 2017 and comments were requested. The Plan should be adopted to prevent any further delay. It was a living document and could be amended, updated and reviewed on a regular basis to ensure it remained fit for purpose.

The Chair of the Audit Committee moved for the Performance Plan to be approved and said that the Audit Committee would hold the Executive to account for the Plan's the implementation along with any agreed measurables, and that the Audit Committee would then be able to provide assurance to the Board that the Plan was being delivered.



**The Board agreed to adopt the Equality & Diversity Performance Plan as outlined at Annex A of the paper.**

**The decision was agreed unanimously.**

## **MATTERS FOR NOTE**

### **9. Update on the Business as Usual Reviews of the Criteria and Procedures for the Prescription of Qualifications**

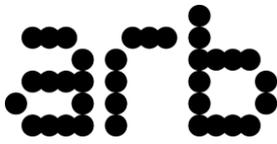
The Head of Qualifications and Governance provided the update and directed Board members to the update contained at section 5 of the Operational Report at page 23 of the Board pack.

It was reported that, in terms of working with the RIBA, a date had been set for the first joint ARB/RIBA Criteria Working Group meeting on 26 February 2018. It was anticipated that additional meetings would be held throughout March and April.

A Board member asked when the Board would become involved in the review process. The Board was reminded that it had appointed a Task and Finish Group to undertake the 'business as usual' review of the Criteria based on the objectives agreed by the Board in July 2017. It was noted that the Board would have the opportunity to review, discuss and agree the draft Criteria documents when the documents were presented to it in May 2018.

It was suggested that when the draft versions of the Criteria were presented to the Board, in terms of presentation it would be helpful to show the journey of where suggestions and potential amendments had come from. This would ensure clarity over what had been discussed and the outcomes of those discussions.

The Head of Qualifications & Governance confirmed that the staff team was aiming to present the proposed draft Criteria and Procedures to the Board at its May meeting, assuming there were no delays.



A Board member commented that the draft Criteria and Procedures would also need to be formally consulted on after it had been presented to the Board, and so might require further changes dependant on consultation responses received

## 10. Report on the Delivery of the Business Plan

The item was introduced by the Head of Professional Standards who highlighted an error at page 50, within the table at paragraph (ii) of the report. The number of amber items in 2017 should have read '1' rather than the stated '3'.

Board members commented that it was pleasing to see the progress that had been made in terms of achieving targets. The Board queried when the metrics that sat behind the report might be reviewed. It was confirmed that the appropriateness of the current key performance indicators would be considered this year, and that any changes would be captured in the 2019 reporting cycle.

One Board member asked how staff had reached the conclusion that no equality and diversity implications had been identified within the report (paragraph 8 refers). It was suggested and agreed that in future reports staff should specifically identify how the equality and diversity conclusion had been reached rather than simply stating 'none identified'.

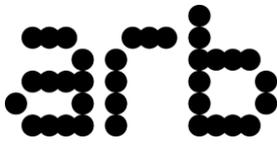
The Registrar & Chief Executive highlighted that the current Business Plan was an extension of the 2017 Plan, and would only take the Board to June 2018. It was confirmed that discussion was already taking place concerning the Plan for the remainder of 2018.

## 11. Report to the Board on Statistics, Trends and Performance Indicators

The Head of Professional Standards presented the report which the Board noted.

There was discussion over the number UK applicants (section 1.2 of the report). It was requested that information be circulated on the number of applicants who apply for registration but who fail to meet the criteria.

A query was raised over section 4 of the report regarding the low level of prosecutions compared to the overall number of cases. The Head of Professional Standards confirmed that matters not resulting in prosecution were dealt with within the office.



It was queried whether staff followed up on cases closed within the office. It was confirmed that current resources did not allow for this. It was also commented that there would be a discussion concerning the Board's overarching 'misuse of title' policy later in the year.

A Board member raised concern over the human resources section of the report and the working time lost through absence, which had increased from 2016. The Head of Finance & Resources provided assurance that any loss of working time was owing to genuine reasons, and that a detailed report on staffing was regularly presented to the Remuneration Committee. It was suggested that the short and longterm sickness figures be separately reported in future reports.

As a general point, it was requested that future reports contain actual numbers rather than percentages, where appropriate.

With regard to the prescription information (section 2 - annex A), it was requested that future reports include information on the total number of UK institutions prescribing qualifications.

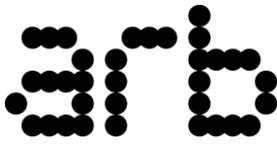
With regards to the university liaison programme, as detailed at section 2.20 of annex A of the report, a Board member queried the UK coverage of the university visits and whether there are any institutions that do not currently feature, but perhaps should.

It was generally felt that the annual report to the Board contained a huge amount of data, and that in future it would be helpful to include more analysis about how the information could inform the organisation's future strategic and policy decisions. It was confirmed that the current reporting structure was under review by the Operational Management Group, and that updates surrounding any changes would be brought to the Board. It was suggested that this subject be allocated some time at the Board Development Day in May.

## 12. Complaints Procedure

The paper was presented by the Head of Professional Standards and noted by the Board. It was highlighted that the procedure was directed at complaints received about those undertaking a role on the Board's behalf, for example, members of the Investigations Pool or ARB's solicitors.

Some concern was raised over the close working relationship in some instances of the



'complaints adjudicator' and 'reviewer' roles, and it was queried whether this might give rise to a perceived partiality. It was, however, acknowledged that this would need to be balanced against proportionality given the size of the organisation and the number of potential complaints that might be received. It was suggested that consideration be given as to whether an alternate member of the Operational Management Group should act in the post of 'reviewer' in some circumstances.

### 13. Annual Report of the Remuneration Committee

The report was presented by the Chair of the Remuneration Committee and the content noted by the Board.

It was queried whether the staff incentive payment referenced in the report was pensionable and the Head of Finance & Resources confirmed that it was not.

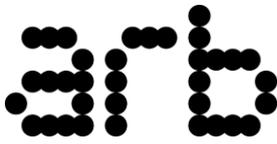
There was discussion around the staff pay increments, particularly surrounding the Registrar & Chief Executive's salary. It was confirmed that her salary had been externally benchmarked and discussed by the Remuneration Committee. In addition, all staff roles had also been benchmarked. It was confirmed that the Registrar had a delegated authority in respect of staff pay and specific details of any increments awarded in line with the organisation's pay policy were reported via the Remuneration Committee.

A Board member raised a query about the Remuneration Committee agreeing the Registrar and Chief Executive's salary without Board approval. It was confirmed that the Remuneration Committee had delegated power to make this decision in accordance with the Board's Scheme of Decision Making.

It was suggested that more detail in future Committee annual reports might be helpful. The Board was reminded that the minutes of all committee meeting's were provided to the Board at each meeting. These minutes contained more detail about the discussions and decisions made.

### 14. Financial Year End update

The Head of Finance and Resources provided a verbal update and confirmed that the work for the 2017 year end accounts was on track and, subject to the final capital costs, investment valuations and corporation tax, there was nothing material or significant to report on the outturn.



Note

Action

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The year end accounts would be presented at the May 2018 Board meeting.

#### **15. Investments Update**

The Head of Finance and Resources presented the paper which was noted by the Board.

#### **16. Minutes**

The Board noted the draft minutes of:

- i) The Investigations Oversight Committee meeting of 2 November 2017
- ii) The Remuneration Committee meeting of 29 November 2017
- iii) The Audit Committee meeting of 17 January 2018

#### **17. AOB**

There was no other business raised at the meeting.

#### **18. Dates of meetings 2018**

10 May 2018

11 May 2018 (Board development day)

19 July 2018

14 September 2018

29 November 2018