



Subject Changes to the Investigations and PCC Rules
Purpose For Decision
From Simon Howard, Head of Professional Standards

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1. Summary

The Board considered the Section 14 Review at its meeting of 11 May 2018. At that meeting it agreed in principle to the eight recommendations made in the review. The Board is now being asked to agree for the changes to the Investigations and Professional Conduct Committee Rules to be consulted on.

2. Recommendations

It is recommended that the Board agrees that the draft changes to the Investigations and Professional Conduct Committee Rules at **Annex A** be consulted on.

3. Open

4. Contribution to the Board's Purpose and Objectives

In delivering the Act, ARB's objectives are:

Protect the users and potential users of architects' services

Support architects through regulation.

To manage the organisation's finances prudently whilst delivering ARB's statutory requirements and objectives.

5. Background

- i. At its meeting of 11 May 2018 the Board agreed in principle to the following recommendations arising from the Section 14 Review:
 1. *Appoint expert architects to assist with the investigation of complaints about architects at all stages of the investigation process;*
 2. *Investigations Panels should continue in their constitution and practice;*
 3. *Investigations Rules should be amended to give the Investigations Panel the discretion of whether they will issue a preliminary or final decision. Guidance to be written which sets out the criteria that will be applied when using that discretion;*
 4. *No in-house lawyer should be employed to prepare and/or present PCC reports at this stage, but that further consideration will be given to the*

appointment of a lawyer to the staff team at a later date;

5. *Rules should be amended to allow ARB staff to prepare reports for the PCC;*
6. *Rules should be amended to remove the requirement for a Clerk, and transfer the necessary powers to the PCC Chair;*
7. *Rules should be amended to*
 - i) extend the earliest date of hearing from 42 to 49 days*
 - ii) extend the period for receiving the respondent's defence from 14 to 21 days prior to the hearing; and*
 - iii) allow for the PCC Chair to require the parties to engage in a case-management meeting;*
8. *Rules should be amended to give both the ARB and the architect the opportunity to make closing submissions at the conclusion of the evidence*

- ii. The draft tracked changed amended Rules are at [Annex B](#).

6. Resource implications

It is anticipated that the changes to the Rules will result in an annual saving in the region of £70,000. This would be the saving made as a result of not paying a Clerk to the PCC.

However, it may be that the enhanced role of the PCC Chairs will require a higher rate of remuneration. During the consultation period a pay review will be undertaken as to whether the current rate of pay (£495 per day) remains appropriate and sufficient to attract the right calibre of appointments.

7. Risk Implications

The risks in respect of these recommendations were considered in some detail at the last Board meeting.

8. Communication

This will be the second consultation on the Section 14 Review, being that a pre-consultation took place prior to the commencement of the review.

ARB will be keen to hear from all stakeholders in relation to the potential impact that these changes might have. We will be particularly keen to hear from those that represent the views of those with protected characteristics, and those who have had experience of dealing with ARB's disciplinary processes.

9. Equality and Diversity Implications

An Equality Assessment will be carried out in conjunction with the consultation. That Assessment will seek to identify any adverse impacts the new policies will have on any party with protected characteristics, and whether further steps should be taken to mitigate those impacts.

10. Further Actions

Subject to the Board's agreement to the recommendation, a consultation will be undertaken on the proposed changes to the Rules. While it was initially envisaged that the results of that consultation would be brought to the Board at its September meeting, this would mean a short period of consultation over the summer months, when it is generally accepted that response rates are lower. It is therefore planned that the results of the consultation are presented to the Board in November, and a final decision made as to the recommendations.