

Minutes of Board Meeting held on 11 May 2018

Location	Present	In Attendance
8 Weymouth Street London W1W 5BU	C Bernstein, J Bill, J Grierson, A Hynes, G Maxwell, S McCarthy, S Roaf, D Walker, A Wright N Zulfiqar (Chair), R Levenson	K Holmes (Registrar) E Matthews M Stoner S Howard R Jones S Fagbohun (Minutes)

Note

Action

1. Apologies for Absence

Apologies were received from Richard Parnaby, Jagtar Singh and Soo Ware.

2. Members' Interests

The updated Register of Interests was noted.

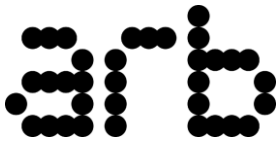
There were no declarations of interest in respect of the open session agenda items.

3. Minutes

Several Board members stated that the specific questions/issues they had raised at the last meeting had not been included within the minutes. These matters were as follows: there had been a suggestion that a review of the process for determining staff salaries should be undertaken; there had been a query as to whether members of staff should be present when remuneration issues were being discussed given that this could impact on the perception of ARB's governance structures and a suggestion had been made that a protocol should be developed to deal with this; and there had been a query as to why the Registrar's incentive payment had been higher than that awarded to Staff. The Executive stated that these matters would be considered more fully by the Remuneration Committee. It was agreed that the minutes of the meeting held on 14 February 2018 should be amended to include the specific questions/issues which had been raised.

Subject to the inclusion of additional details about the discussion surrounding Item 13, the Board approved the minutes of the meeting held on 14 February 2018.

Proposer: James Grierson



Seconder: Guy Maxwell

The decision was unanimous.

4. Matters Arising

The Board noted the content of the matters arising report.

5. Chair's Report

The Board noted the Chair's Report.

6. ARB's Operational Activities

The Board noted the Operational Activities Report.

7. Periodic Review Update

The Registrar provided a progress update in relation to the Periodic Review recommendations which had been received from the Ministry of Housing, Communities and Local Government (MHCLG) and which stated the following:

Powers of Direction for the Department to Direct ARB in Limited Circumstances – Not going forward

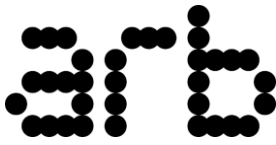
Further to wider consideration, the MHCLG had found that there was no fundamental issue that needed addressing. Given the current legislative pressures, it was unlikely that any legislative time would be available to progress this recommendation.

Assessing the Case for Bringing ARB Under the Remit of the Parliamentary Ombudsman – Not going forward

This had been considered in some detail. It would help provide additional protection to ARB but it could only apply to a small part of the complaints procedure and would require primary legislation. Other legislative pressures meant that this would not go forward at this stage even though the Department felt that there would be some benefit from enacting it.

Fine Levels – Not going forward

MHCLG had engaged with colleagues at the Ministry of Justice, the Ministry



responsible for policing fine levels for protection of title infringements. The Ministry of Justice had understood the case the MHCLG had made about how current fine levels were insufficient as a deterrent but that Department did not consider reviewing fine levels to be a priority.

Reform of Complaints Handling Reform – Not going forward

ARB had completed its Section 14 review to revise the complaints handling processes as far as currently possible. The more significant changes, such as updating the statutory test for complaint referral and providing the regulator with the ability to issue minor sanctions, required changes to be made to the Architects Act and thus primary legislation. [These would deliver significant cost savings, but legislative pressures meant this could not be introduced at present.

In light of the above information, the Board agreed that 'the Periodic Review Update' no longer needed to be a standing item on Board meeting agendas.

The Board agreed that the Registrar should continue to find opportunities to pursue changes to the Architects Act 1997 including a power to charge for certain activities and to make wider changes in relation to the complaints process. The Board agreed that the Registrar should monitor developments both in other regulatory bodies and Government Departments in case a suitable legislative vehicle for making such changes arose.

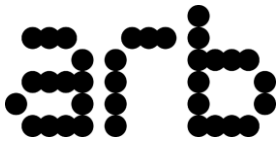
MATTERS FOR DECISION

8. Committee Structure 2018

The Board noted the paper setting out the proposed Committee structure for 2018/2019.

The Board:

- i. agreed the membership of the committees as shown in Annex A of the Board paper until May 2019 (or until a new Board was appointed);**
- ii. agreed that if any changes were needed to the membership of the committees as a result of the outcome of the election of Chair and Vice Chair, these would be discussed and agreed at the July Board meeting (19 July 2018) ; and**
- iii. noted that the committees would need to be reconstituted once a new Board had been appointed and that the new Board would need to prioritise decisions in relation to the membership of its committees at one of its first Board meetings.**



The decision was unanimous.

The Board agreed that should the statutory instrument amending Schedule 1 of the Architects Act 1997 not be progressed in a timely way, the Registrar should write to the MHCLG to express the Board's concerns regarding the delay and the impact that this was having on the Board's work.

9. Section 14 Review

The Head of Professional Standards introduced the paper by explaining the context of the review and its relationship with the MHCLG's Periodic Review.

The Board considered the details of the Section 14 review including the recommendations within the report and agreed:

To appoint expert architects to assist with the investigation of complaints about architects at any stage of the investigation process (recommendation 1).

That Investigations Panels should continue in their constitution and practice (recommendation 2).

That the Rules be amended to give the Investigations Panel the discretion of whether they will issue a preliminary or final decision. Guidance would be written which sets out the criteria that would be applied when using that discretion (recommendation 3).

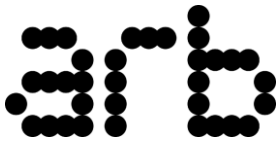
That no in-house lawyer should be employed to prepare and/or present Professional Conduct Committee (PCC) reports (recommendation 4)

That under the Rules, ARB staff may prepare reports for the PCC (recommendation 5).

That the PCC Rules should be amended to remove the requirements for a Clerk (recommendation 6).

That the PCC Rules be amended to:

- i. extend the earliest date of a hearing from 42 days to 49 days;**
- ii. extend the period for receiving the respondent's defence from 14 days 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 (recommendation 7).

That the PCC Rules be amended to give the ARB and then the architect the opportunity to make closing submissions at the conclusion of the evidence (recommendation 8).

The Board directed that the changes to the Investigations and Professional Conduct Rules be drafted so that they could be consulted on.

In relation to recommendation 4, the Executive should give further consideration as to whether an in-house lawyer should be employed in a wider role. That consideration should be undertaken in conjunction with the Investigations Oversight Committee and the Audit Committee and brought back to the Board.

The decisions were unanimous.

10. Business as Usual Reviews of the Criteria and Procedures for the Prescription of Qualifications

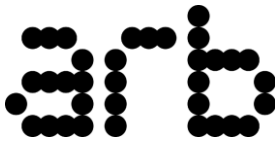
The Board noted the paper and the details of events which had occurred since February 2018.

Board members discussed the Task and Finish Group's proposal that the Criteria should be based on seven headings rather than the 11 points as set out in Article 45 of the Qualifications Directive. Board members suggested that it would be counterproductive to move away from the 11 points set out in the Directive given the current EU sensitivities surrounding the UK's departure from the EU and that it may cause significant confusion to stakeholders.

One Board member suggested that the Task and Finish Group should be directed to reconsider the usefulness of attributes. Another Board member noted that attributes were not a useful way in which to quantify student learning.

The Board also discussed meeting informally with the Task and Finish Group before any revised Criteria were provided to the RIBA.

One Board member suggested that the recommendations should be reframed to direct the Task and Finish Group to look at whether programme level qualification descriptors would be the best approach and requested that the staff review the recommendations, bringing back a fresh set of recommendations following the Board's lunch. The Registrar stated that it would be advisable to ask the Task and Finish Group to review programme level qualification descriptors as one of the options but that the Group should additionally be asked to review other options. The Board agreed to pause its consideration of this item and resume its discussions once a revised set of recommendations had been brought back to it following the



lunch

This item was returned to following the Board's lunch

The Registrar and Head of Qualifications and Governance tabled a revised set of recommendations based on the Board's earlier discussions.

The Registrar stated that whilst flexibility was being sought by some stakeholders, it was important that the Board balanced this with its role and statutory obligations. Board members queried at what point they would have an opportunity to review the new Criteria and who would be responsible for this. It was also queried whether the Task and Finish Group would present the new Criteria to the Board. It was noted that a presentation and further information would be provided once the Criteria were ready for review by the Board.

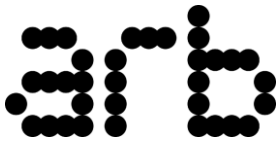
It was suggested by the staff team that the Criteria Task and Finish Group should explore all of the possibilities under the eleven points, and that the Board would need to be mindful that the new Criteria must be fit for purpose.

It was queried whether the inclusion of Programme Level Qualifications Descriptors would be seen as being too restrictive. It was suggested by one Board member that this would not be the case. It was noted, however, that the new Criteria would need to be compatible with the Quality Assurance Agency/Office for Students' requirements.

One Board member offered the opinion that what ARB requires from the Criteria in 2018 may be different from what may be required in 2020. It was noted by the Registrar that this was why ARB was only conducting a 'business as usual' review of the Criteria during 2018.

The Board:

- i. Noted the position regarding the progress of the Criteria Review;**
- ii. Noted the position of the RIBA;**
- iii. Agreed that the ARB Criteria Task and Finish Group should continue to develop Criteria that would satisfy ARB's objectives (as agreed in July 2017). The Board advised that the Task and Finish Group should focus on developing Criteria at Part 1 and 2 levels using the 11 points and other relevant amplifications in order to differentiate between each level. As part of this, the Board requested that the Group should review whether programme level qualification descriptors, for example, were an appropriate way of differentiating between the Criteria at Part 1 and Part 2 level;**
- iv. Agreed that the Group should continue its review of the Part 3 level Criteria;**
- v. Agreed that the Task and Finish Group should provide an initial draft of the revised Criteria to the Board; and**
- v. Agreed that once the Board had considered the Criteria, ARB would re-engage with the RIBA.**



The decision was unanimous.

MATTERS FOR NOTE

11. Chair/Vice Chair's Election Timetable

The Board noted the details for the 2018 periodic election of the Chair and Vice Chair.

12. 2017 Financial Outturn

The Board noted the details of the 2017 financial outturn. Board members supported the way in which investments had been dealt with.

13. Management Accounts

The Board noted the management accounts and year end forecast for 2018.

14. Annual Report from the Audit Committee

The Annual Report (1 April 2017 to 31 March 2018) from the Audit Committee was noted. It was additionally noted that staff had developed operational risk registers for the business as usual reviews of the Criteria and the Procedures as well as the impact that the UK's departure from the EU could have on ARB's work.

15. Minutes

The Board noted the draft minutes of the Investigations Oversight Committee meeting of 27 February 2018.

16. AOB

There was no other business raised at the meeting.

17. Dates of meetings 2018

19 July 2018

14 September 2018 (now changed to 11 September 2018)

29 November 2018