

## Minutes of Board Meeting held on 19 July 2018

Location	Present	In Attendance
8 Weymouth Street London W1W 5BU	C Bernstein, J Bill, C Corby, J Grierson, A Hynes, R Levenson 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 G Dyble (Minutes)

Note

Action

### 1. Apologies for Absence

Apologies were received from Guy Maxwell.

### 2. Members' Interests

The updated Register of Interests was noted.

There were no additional declarations to the declaration forms submitted in respect of the open session agenda items.

### 3. Minutes

**The Board approved the minutes of the meeting held on 11 May 2018.**

**Proposer: R Levenson**

**Seconder: J Grierson**

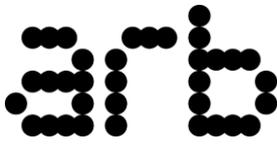
**The decision was unanimous.**

**The Board approved the resolution by write around concerning Committee membership dated 2 March 2018**

**Proposer: S Roaf**

**Seconder: A Hynes**

**The decision was unanimous**



#### **4. Matters Arising**

The Board noted the updated report on actions agreed from previous meetings.

It was queried whether the matter of a Board discussion on appointing an in-house lawyer should be added to the Matters Arising list. The Registrar noted that this would be given consideration. It was also noted that the Audit Committee could potentially hold an additional meeting in December 2018 to review the Equality and Diversity Performance Plan in the event that a new Board commenced work in January 2019.

#### **5. Chair's Report**

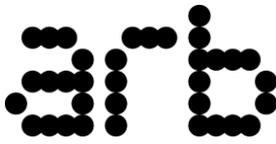
The Board noted the Chair's Report. The Chair suggested it would be helpful for Board members to hear from, and/or spend time with, ARB's operational teams as this would give them an insight into the work being undertaken by the different teams. It was suggested that it would be better if Board members did this in groups and/or around existing planned meetings to help staff better manage their time and available resources.

#### **6. ARB's Operational Activities**

The Board noted the Operational Activities Report. The Registrar confirmed that a new lease for 8 Weymouth Street had been signed to run up until 2024 with no rent review at 2020. The Board was advised that a full review of what should happen after 2024 would be undertaken in good time before the expiry of the current lease.

It was queried whether the removal from the register of the names of former registrants for non-payment had been completed satisfactorily. The Head of Professional Standards said that the individuals concerned had either been reinstated on the Register or stopped using the title, and that no prosecutions for misuse of title were planned.

The Board noted that members of staff had held a discussion with Youth Employment UK. It was queried whether ARB was in contact with a number of similar groups. It was noted that this was not the case and that any suggestions of other groups that ARB could contact would be helpful, including any suggestions for groups to be added to ARB's list of consultees, which would be circulated to Board members. It was noted



that staff had attended a recent Standing Conference of Heads of Schools of Architecture and had provided attendees with an update in relation to ARB's activities.

## **MATTERS FOR DECISION**

### **7. Proposed Changes to the Investigations and Professional Conduct Committee Rules**

The Head of Professional Standards introduced the paper and proposed an amendment to Rule 10 and the heading entitled 'Pre-trial directions'. It was proposed that the heading be amended to 'Pre-hearing directions'. It was noted that the changes were a manifestation of those agreed at the last meeting and would be subject to consultation should the Board agree to this at this meeting.

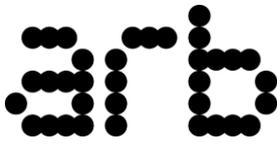
It was queried whether the fact that ARB would potentially no longer be employing a Clerk for Professional Conduct Committee affect the amount paid to Committee Chairs who would be effectively also undertaking the role. It was noted that it was not expected that the change would have any impact, but that it would be important to attract the right calibre of candidate to the chairing role. It was noted that a benchmarking exercise would be undertaken prior to recruitment. It was reported to the Board that if any issues arose in the future, then the Remuneration Committee would be able to approve any changes.

**The Board agreed the draft changes to the Investigations and Professional Conduct Committee's rules should be issued for consultation, subject to a change to the title of Rule 10 to 'Pre-Hearing Directions'.**

**The decision was unanimous.**

### **8. Scheme of Decision Making**

The Chair of the Audit Committee confirmed that the Scheme of Decision Making had been reviewed by the Committee and she recommended it to the Board for approval. It was queried whether better use could be made of ARB's Executive Team to help ensure transparency and oversight. It was also queried whether the Audit Committee Chair should check and approve the expenses for both the Registrar and the Chair. It was explained that the current arrangement was for the Registrar's expenses to be signed off by the Chair and vice versa. It was agreed that this arrangement should be



discussed further by the Audit Committee at its next meeting and that input should be sought from Grant Thornton.

**The Board agreed the changes to the Scheme of Decision Making.**

**The decision was unanimous.**

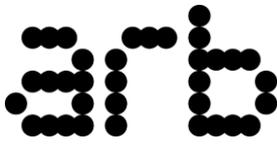
## **9. Board member, Committee member, Panel member and Adviser Attendance Allowance and Travel and Subsistence Policy**

This item was introduced by the Head of Finances and Resources and had come from the Remuneration Committee.

The Board's approach to carers' allowance was discussed, and it was agreed that the current position should be re-considered by the Remuneration Committee at its next meeting, with recommendations to be brought back to the Board at its meeting in February 2019.

**The Board agreed to:**

- i. Hold the attendance, subsistence and travel allowances at the current level for 2018/2019 for all Board members, Committee members, Panel members and Advisers (excluding enquirers);**
- ii. Increase the hourly rate for Inquirers from £75 per hour to £120 per hour;**
- iii. Amend the wording in relation to use of hotels to state:**  
**'If you are required to leave home before 6.30am on the morning of the meeting in order to arrive for the planned time, you may be entitled to claim for overnight accommodation. If you believe an overnight stay is necessary to attend a meeting, please consult with the meeting organiser.**  
  
**Once approval for accommodation has been obtained from the meeting organiser, we encourage individuals to book their own accommodation; and**
- iv. Amend the wording in relation to purchase of advanced rail tickets to state:**  
**'Standard class rail travel should be regarded as the norm and rail travel**



**should be booked as far in advance as possible (advance purchase fares can generally be booked up to twelve weeks before the date of travel). Advance purchase fares booked directly with the train company will usually offer the best value. It is advisable to explore both return and single tickets to secure the best price.'**

**The decision was unanimous.**

### **9a. Remuneration for the new Chair**

This paper had come from the Remuneration Committee and set out the recommended position in relation to the newly constituted Board Chair.

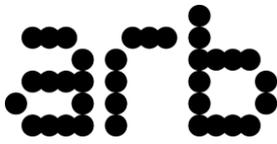
It was highlighted to the Board that it was now common practice to offer an annual salary for the role of Chair of a Board. It was noted that a conversation had previously been held by the Remuneration Committee as to whether an annual salary should be offered. It was suggested that until more information was available on what would be required of the new Board, it would be better to keep the Chair's remuneration at a daily rate.

It was queried whether there would be a cap on the total that would be paid. It was noted that there was no cap at present, and that it would be for the Registrar to discuss with the Chair the expected number of days the role would require. It was also noted that an indicative number of days could be placed in the advert for the role.

It was suggested that a salary could be more attractive to potential candidates. It was noted that the number of days required might be greater than those expected when deciding on salary, but that the number of days could be hard to control. It was suggested that daily rates encouraged better attendance, and that some organisations operate a flat allowance coupled with an attendance allowance.

A discussion was held as to whether a daily rate of either £400 or £500 was more appropriate. It was noted that the rate for a similar role at the Ministry of Justice was £400 per day. A number of Board members expressed support for the position that the daily rate should be £400. It was highlighted to the Board that in light of the fact that Board members were paid £375 per day, there would only be a difference of £25 per day between Board members and the Chair.

It was suggested that given the lack of clarity as to how much work would be required



for the new Chair, the rate should be left for the new Board to decide once there was a better sense of the requirements of the role. It was also suggested that if the Board wished to move towards paying a salary, it would first need to come to a decision regarding an appropriate day rate and then work out the salary based on the expected workload.

**The Board rejected the original recommendations and replaced them with the following:**

**The Board agreed that the role of the Chair for the newly constituted Board should be advertised at £400 per day based on the expectation that the role would involve between 20 and 30 days' work per annum.**

**The Board agreed to continue to defer the decision in relation to the Chairs of the Committees' remuneration until the new Board and Committee structure had been decided by the new Board.**

**Thirteen Board members voted for the proposals and one Board member abstained.**

## **MATTERS FOR DISCUSSION AND INFORMATION**

### **10. 2018 Business Plan**

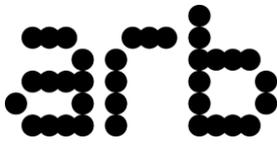
- **Report on the delivery of the 2018 Business Plan**

The Board noted a report on the delivery of the 2018 Business Plan.

- **Extension of the 2018 Business Plan**

It was queried as to whether there was a compelling reason not to extend the Business Plan until the end of March 2019 and let the new Board agree a new Business Plan at that point. The Registrar noted that this had been already been done once with the expectation that the new Board would be in place in 2018. It was suggested that momentum for staff was important and that work to develop the 2019 Business Plan was already underway. It was highlighted that it was more difficult for staff to work in six-month cycles.

It was queried whether a wider view of stakeholder engagement would be considered, and whether staff would be looking engage with stakeholders beyond the Standing



Conference of Heads of Schools of Architecture, the Association for Professional Studies in Architecture and students via the university liaison visits. The Head of Qualifications and Governance explained that work was already being undertaken to engage with the Office for Students and the Quality Assurance Agency.

**The Board agreed to extend the 2018 Business Plan to the end of 2018.**

**The decision was approved unanimously.**

#### 11. Report to the Board on Statistics, Trends and Performance Indicators 2018

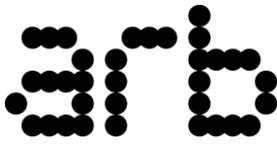
The Board noted the report on Statistics, Trends and Performance Indicators 2018.

It was queried as to why the number of prosecutions for misuse of title were low. It was highlighted that work was done to resolve cases without the need to bring cases to court. It was noted that currently all cases were being resolved, but that consideration may need to be given to the threshold at which cases were prosecuted.

Concerns were raised regarding the Investigations Panel and Professional Conduct Committee's targets not having been met. The Head of Professional Standards said that the Investigations Oversight Committee (IOC) was aware of the statistics and that these were discussed at IOC meetings.

It was reported that it was hoped that changes to the Act and the Section 14 review would help meeting these targets in the future. It was also noted that although the IOC discussed the issue on a regular basis, there was a reluctance to reduce the aspirational standards. It was queried whether a benchmarking exercise could be undertaken across other regulators in order to find more effective ways of moving cases through the disciplinary process and confirmed that benchmarking had taken place as part of the Section 14 review.

A Board member suggested that it was important to track the nature of complaints being referred to the PCC. It was noted that this information was reported to the Board in 2017 based on five years of complaints. It was suggested that it was easier to establish trends based on larger numbers and that these numbers were then used to inform communications provided to the profession. It was suggested that five years between reports was a long period of time, and Board members asked whether a report could be produced every two years.



It was queried whether there were any trends in relation to Freedom of Information (FOI) requests. It was noted that FOI requests tended to come from commercial organisations seeking commercial information.

It was also raised as to why there was a potential overall drop in applications to join the Register, particularly from the UK. It was reported that there appeared to be no clear reasons for this, but that this trend would be closely monitored to see if it persisted over the busier months of the year. It was noted that Part 3 programmes were dominated by four large Part 3 providers, and that trends might reflect where students were undertaking their Part 3 qualification.

It was highlighted to the Board that the average number of days to process applications to the Register had not dropped. It was clarified, however, that processing time to put applicants on to the Register was dependent on applicants submitting timely and correct information.

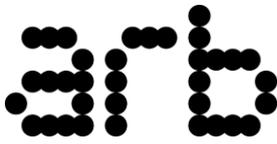
## **12. ARB's 2019 Business Plan**

It was noted that the paper requested that the Board consider the proposed approach for introducing the new three-year Strategic Objectives document with an annual Business Plan providing operational detail.

It was highlighted to the Board that the format of the 2019 Business Plan had been developed following the Board's Development Day. One of the issues that had been discussed on that day was the fact that the Board no longer wanted to see core work within the Business Plan. The Registrar asked Board members to identify any aspects which should have, but were not, included in the strategic aims.

It was noted that the first Strategic Objective did not need to include the word 'smaller' in relation to inducting and embedding the new all appointed Board. It was also suggested that it might be helpful to add a reference to protection of title under the 'Access to the Register' objective. It was noted that the Executive would take a look at these suggestions.

A concern was raised regarding the use of the word 'efficiencies'. It was suggested that the new Board should be about developing effectiveness and good governance rather than efficiencies. It was also suggested that the phrase 'market research' should be amended to just 'research'. Further comments concerned whether



objective three should refer to both standards and stakeholders.

One Board member expressed the view that the 2019 Business Plan did not sufficiently address equality and diversity issues. In particular, there appeared to be nothing within the Plan which ensured that the recruitment process for the new Board would attract a suitably diverse range of candidates. It was noted that the recruitment process for Board members would be led by the MHCLG, but that the staff team would work closely with the MHCLG to publicise the Board member vacancies in order to assist in attracting as diverse a range of candidates as possible.

The Board was advised that the full Business Plan would be presented to the Board at its meeting in September 2018, and that any further comments should be passed to the Registrar in advance.

### **13. Outcomes of the 2017 Board Effectiveness Survey**

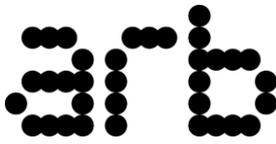
The Board noted the outcomes of the 2017 Board Effectiveness Survey. It was queried whether there was a group who had tested the survey questions to ensure compliance with equality and diversity legislation. It was noted that this had not happened, but it was something that could be considered for the future.

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

The Board was provided with a verbal update in relation to the Procedures and Criteria Reviews. It was noted that at its meeting of 11 May 2018 the Board had provided the Criteria Task and Finish Group with additional strategic direction. It was noted that the Board had also asked to see an initial draft of the new Criteria prior to re-engaging with the RIBA, and that an informal meeting with the Criteria Task and Finish Group had been arranged to take place on 24 July 2018.

It was queried as to what stage the Procedures Review had reached. It was noted the Procedures Review was being dealt with in parallel, and that the Procedures and Criteria Task and Finish Groups would join together in due course, once a working draft of the Criteria was available.

It was queried as to whether the Board's directions to the Criteria Task and Finish Group had provided the Group with any difficulties. It was reported that the Group had not faced any significant problems, and that a presentation to the Board on 24 July



2018 should address the Board's strategic directions. It was explained that information would be provided to those Board members who could not attend the informal briefing.

### **15. Professional Conduct Committee (PCC) Annual Report**

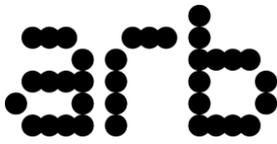
The Board noted the PCC's Annual Report and the verbal updated presented at the meeting by Julian Weinberg, the PCC Chair. In particular, he provided clarification and assurance to the Board that the absence of a Clerk to the Professional Conduct Committee would not, in his opinion, have an adverse impact on the integrity of the process.

It was queried as to why it was better for architects to have legal representation when there was no disparity in outcomes between represented and unrepresented architects. It was explained that, on the whole, representation helped to simplify cases and ensure that the evidence provided was focussed on what the PCC needed to know.

It was asked how the recruitment process for recruiting new members of the PCC would operate. It was clarified that there would be an open recruitment process, but that the timings were somewhat complicated by the approval of the Statutory Instrument/adjustments to the Act. It was noted that recruitment would be likely to go ahead in Spring 2019.

It was queried as to whether the RIBA offered legal assistance to architects involved in PCC cases. This had been raised with the RIBA several times in the past, but the RIBA had been unwilling to take this forward. It was reported that conversations had also been held with insurers regarding the provision of legal assistance. The Registrar said that she would raise the matter again with the RIBA President.

It was asked as to what level of legal representation was seen amongst disciplinary cases for other regulators. The Board was informed that it varied amongst professions with doctors more likely to have legal representation and Quantity Surveyors less so. Overall it was suggested that there was a greater trend towards obtaining legal representation. It was queried as to whether the matter of legal representation in respect of PCC hearings should be given greater attention to ensure architects had full access to relevant information. It was confirmed that very detailed guidance was provided to any architect involved in the disciplinary process.



## **16. Investigations Oversight Committee's Annual Report**

The Board noted the Investigations Oversight Committee's (IOC) Annual Report. Appreciation was expressed to the Head of Professional Standards and the team for the work they had done. It was queried as to when the online portal would be available for use. It was expected that the online portal would be available in time for the next IOC meeting. It was also noted that at its next meeting the IOC would be considering the best way to summarise the nature and description of complaints.

## **17. Prescription Committee's Annual Report**

Appreciation was expressed to the Qualifications Team for the work the team had done by the Chair of the Prescription Committee. This year had been very demanding with the introduction of apprenticeships and the work of the Criteria and Procedures Task and Finish Groups. The Committee was moving towards giving staff greater ownership over the prescription information gathering process, which should in turn make the material presented to the Committee and Board more straightforward to deal with.

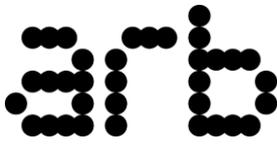
Significant issues which would be faced by the Committee in the future were highlighted and included the nature of the evidence provided by institutions, issues of institutional resourcing and dealing with the new quality assurance regulatory landscape.

Board members queried the basis for the internal operational changes which were referred to in the report. It was explained that the suggested changes came in part through the annual review and feedback sought from institutions, while others had arisen during Prescription Committee discussions.

## **18. Minutes**

The Board noted the following draft minutes:

- i) The Remuneration Committee's meeting of 18 May 2018
- ii) The Investigations Oversight Committee's meeting of 8 June 2018
- iii) The Audit Committee's meeting of 15 June 2018



## 19. Management Accounts

The Committee noted the 2018 Management Accounts to May 2018 and the year-end forecast.

It was observed that it appeared that the Prescribed Examination was generating a surplus and it was asked if work could be done to establish which costs varied and which were fixed. It was suggested that as part of the review of the Prescribed Examination, work should be carried out to ensure that the costs associated with the Prescribed Examination remained appropriately designated.

It was asked if ARB would be able to recoup the money owed by a misuse of title offender. It was noted that an individual offender had also been fined £22,000 and that there was a distinct possibility that the individual would declare bankruptcy if legal action was pursued.

It was confirmed that the 'Board expenses' section also included the attendance allowance paid to Board members.

### a. Request for Additional Funds to be Added to 2018 Budget

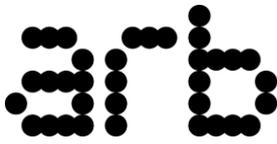
The Board noted the Registrar's request for additional contingency funds to resource meeting the additional demands ARB was facing.

It was asked as to what percentage of reserves the figure requested of £200k represented. It was noted that it would bring the reserves down from four months to 3.7 months. It was clarified that £80k would come from the year end surplus and a further £120k would be taken directly from reserves.

It was queried whether the wording of the decision should be amended to specifically reflect the three bullet points, i.e., the Hackitt Review, the UK's exit from the European Union and discussions regarding mutual recognition agreements. This was agreed.

**The Board agreed to approve a contingency fund of £200k for the Executive to use in relation to the following:**

- **The outcomes from the Hackitt review and the 'competence' working group that ARB is chairing**
- **The UK's exit from the European Union; and**
- **Discussions about mutual recognition agreements.**



Note

Action

**The Board agreed that the contingency fund should carry over to 2019 if required.**  
**The decision was unanimous.**

## **20. AOB**

There was no other business raised at the meeting.

## **17. Dates of meetings 2018**

11 September 2018

29 November 2018