



Subject Minor Adjustments to Prescription Committee's Terms of Reference
Purpose For Decision
From Prescription Committee/Head of Qualifications & Governance

If you have any enquiries on this paper, please contact Emma Matthews at emmam@arb.org.uk or on 020 7580 5861

1. Summary

To consider the minor changes which need to be made to the Prescription Committee's Terms of Reference in order that the Committee can continue to operate beyond 7 January 2019 and to agree to publish a revised draft of the Terms of Reference on ARB's website for a period of 14 days to allow any interested parties with the opportunity of providing any representations they wish to in relation to the changes.

To note that the details of any representations will be brought back to the Board for consideration at its meeting of 19 December 2018, when the Board will be asked to finalise a revised version of the Committee's Terms of Reference.

2. Recommendations

It is recommended that the Board agrees the amendments to the Terms of Reference, subject to a 14 day consultation in early December 2018 and a final decision being made at the Board's meeting on 19 December 2018.

3. Open Session

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: we ensure that architects are appropriately qualified and have undertaken appropriate qualifications before being admitted to our Register.

Support architects through regulation: we maintain and publicly demonstrate the status of architects as competent, qualified professionals by ensuring that they have completed appropriate qualifications before they are admitted to our Register.

5. Key Points

- i. The Prescription Committee's Terms of Reference were last reviewed and updated

in 2017 in order to allow the appointment of an external individual to act as Chair of the Committee for a period of up to one year where the Board does not have the necessary skills base.

Little has changed in relation to the Committee's role and remit since this point. The Board will be aware, however, that the current Board will cease to operate on 6 January 2019. It is therefore possible that all current Committee members will cease to be Board members and can no longer sit on the Committee from 7 January 2019. The new Board will need time to establish itself and it is unlikely that its first Board meeting, at which the Board will need to repopulate its committees, will take place until at least late February/early March 2019. This creates a position whereby the current Committee membership requirements cannot be fulfilled beyond 6 January 2019. The Board will be aware however, that the first few months of each year are extremely busy in terms of the prescription cycle and the Committee deals with a significant number of applications to renew prescription/annual monitoring submissions etc. It is therefore paramount that the Committee can continue to operate and prepare the relevant reports/papers that need to be forwarded to the Board for consideration during the Spring 2019.

It should be noted that the business as usual review of the Procedures for the Prescription of Qualifications is ongoing and is looking at the constitution/membership of the Committee in the longer term. The revised Procedures will not be approved before the current Board departs. Therefore, the outcomes of the review can be taken into account by the new Board when making its decisions regarding the future constitution and membership of the Prescription Committee.

In order to ensure that the transitional period between 7 January 2019 and such time as the new Board puts a new Committee in place is as smooth as possible, and the work in this area can continue without disruption, it will be necessary to make some minor adjustments to the Committee's current Terms of Reference.

It is therefore proposed that the membership and quorum elements of the Terms of Reference are adjusted to allow existing Committee/Board members to continue on/join the Committee. A tracked changes version of the proposed changes to accommodate this can be found at **Annex A**. A clean copy of the proposed and adjusted Terms of Reference can also be found at **Annex B** for reference.

Subject to final approval of the changes to the Terms of Reference on 19 December 2018, it is suggested that the membership of the Committee from 7 January 2019 is as follows until such time as the new Board makes changes to it:

Alice Hynes (Chair) (Lay member)
James Grierson (Lay member)*
Carol Bernstein (Lay member)
Soo Ware (Architect member)

Alex Wright (Architect member)
Guy Maxwell (Architect member)
Des Fagan (Independent Adviser)

*Note: The Committee agreed at its meeting on 11 October 2018, that should any existing Committee members be unable/not wish to remain on the Committee beyond 7 January, then the Board will be asked to appoint alternative appointed or elected members as appropriate. Caroline Corby confirmed that she was unable to return as a Committee member in early 2019 due to her appointment as Chair of another body. As a result and further to a review of the Board's most recent skills audit, the Chair of the Prescription Committee and the Chair of the Board agreed that James Grierson should be approached to join the Committee in Ms Corby's place. Mr Grierson has confirmed that he is willing to join the Committee.

- ii. The Committee considered the adjustments to the Terms of Reference at its meeting of 11 October 2018, and further to its discussions recommends that the Board should be minded to adjust the Terms of Reference as outlined in Annexes A and B. The Committee additionally recommends that the Board should issue the details of the adjustments for 14 days to provide any interested parties with the opportunity to submit representations. Any representations should be brought back to the Board at its meeting in December so that they can be considered. Should the Board agree to the changes following the consultation, the Terms of Reference should then become effective from 7 January 2019.

6. Resource implications

The Committee regularly holds a minimum of eight-nine meetings in any given year in order to process many aspects of the Board's prescription process. The Committee meetings are budgeted for on an annual basis and are supported by the Qualifications Department. The transitional arrangements will have very little impact on the resources needed to support the Committee's work.

7. Risk Implications

Failure to have an operational Committee in place to support the processing of its prescription-related work will have a significant impact on ARB's ability to meet its statutory obligations in this area. Failure to populate the Prescription Committee with individuals, including a Chair, who have the relevant skills and experience poses a significant risk to the Board; this could result in the Board failing to appropriately discharge its duties in this area. The reputation and status of the prescription process could also be called into question by stakeholders if appropriately skilled individuals are not appointed to the Committee. The Committee has been dealing with some increasingly complex and technical business in the last year; it will be important to ensure that the Committee has the relevant expertise so that it can continue to deal with these issues, which are arising on a more frequent basis. Adjusting the terms of reference to adapt the Committee membership requirements and to re-appoint the current Committee/Board members for a transitional period of time until the new Board decides on next steps will assist in mitigating these risks.

8. Communication

Reviewing and updating the Prescription Committee's Terms of Reference will ensure that the Committee can continue to operate effectively during a period of change.

If the Board is minded to make the adjustments to the Terms of Reference as recommended, and given that the current membership requirements are set out in the Procedures for the Prescription of Qualifications which are rules of the Board. The Board is asked to note that when it is establishing or updating its Rules, the Architects Act 1997 requires that a revised draft of the relevant rules is published to provide the opportunity for representations to be made. The Act does not specify the method of publication nor the length of time any proposed updates should remain available when published. The Board may therefore determine this.

On the basis that the proposed amendments to Terms of Reference are minor in nature and are required in exceptional circumstances, i.e., the transition to a new Board constitution, it is recommended that the Board agrees to make the draft of the revised Terms of Reference available on its website for a period of 14 days. The details of any representations received will then be brought back to the Board for consideration at its meeting of 19 December.

9. Equality and Diversity Implications

We have reviewed this area and no equality and diversity matters have been identified in relation to the changes to the Terms of Reference. Equality and diversity implications were taken into account as part of the considerations that were undertaken to find a replacement Committee member.

10. Further Actions

If the Board agrees the recommendations, a short consultation will be undertaken and the details published on the ARB website for a period of 14 days, with any representations being brought back to the Board at its meeting on 19 December 2018 so that it can then make its final decision.

Annex A

Terms of Reference and Membership of the ARB Prescription Committee

Effective from ~~12 May 2017~~ January 2019

The membership should consist of the following:

- At least four ~~members drawn from the ARB Board~~ members; plus
- A further ~~appointed member drawn from the ARB Board~~ member to act as Chair; plus
- A member of the Committee's Pool of Independent Advisers (who will be an ex-officio member of the Committee)
- The Board may appoint an external individual to act as Chair of the Committee for a period of up to one year where the Board does not have the necessary skills base

The Chair of the Board will not be a member of the Committee.

The Chair of the Committee has the ability to reserve the right to add further Independent Advisers to the membership as and when the Committee's workload requires it or where the quorum cannot be achieved for any given item at one of the Committee's meetings. This should be at the discretion of the Chair of the Committee but notified to the Board for information through the Committee's Minutes.

Quorum

The quorum of the Prescription Committee should not be less than half the number of members of the Committee*, one of whom must be a lay member of the Committee and one of whom must be an ~~elected member~~ architect member of the Committee.

Where the Chair of the Committee has co-opted one of the Committee's Independent Advisers on to the Committee for the relevant meeting and for the purposes of considering applications for prescription, that co-opted individual shall be considered as a full member of the Committee for the relevant item/s.

*In the event where the Committee might consist of an odd number of members, the quorum should be rounded up to be more than half, i.e., if there are seven members, the quorum would need to be four members etc.

Frequency of Meetings

The Committee will meet at least eight times per year. Additional meetings can be called by the Committee Chair at any time, giving 14 days' notice.

Terms of Reference

To oversee the implementation of the Procedures for Prescription and, in so far as provided in them, to perform any functions given to it, and, on behalf of the Board, to take any decision or to make any agreement required in relation to the Prescription Process up to and including

paragraph 2.9 for new applications; and paragraph 6.2 up to and including 8.5 for applications to renew prescription. To oversee matters relating to the ARB's Prescribed Examinations and the Competency Standards Group.

Regulation on Authority (agreed by the ARB Board on 22 November 2012)

1. The Prescription Committee is authorised to exercise any of the functions of the Board set out in the Prescription Procedures up to and including paragraph 2.9 for new applications; and paragraph 6.2 up to and including 8.5 for applications to renew prescription.
2. The Chair of the Prescription Committee is authorised to act on behalf of that Committee in respect of any of its functions (whether under paragraph 1 above or otherwise) if in their opinion it is necessary to do so before the next meeting of the Committee and it is not practicable to obtain the views of members of the Committee.
3. Any action taken under paragraph 2 above shall be reported as soon as practicable to members of the Committee.

Annex B

Terms of Reference and Membership of the ARB Prescription Committee

Effective from 7 January 2019

The membership should consist of the following:

- At least four members; plus
- A further member to act as Chair; plus
- A member of the Committee's Pool of Independent Advisers (who will be an ex-officio member of the Committee)
- The Board may appoint an external individual to act as Chair of the Committee for a period of up to one year where the Board does not have the necessary skills base

The Chair of the Board will not be a member of the Committee.

The Chair of the Committee has the ability to reserve the right to add further Independent Advisers to the membership as and when the Committee's workload requires it or where the quorum cannot be achieved for any given item at one of the Committee's meetings. This should be at the discretion of the Chair of the Committee but notified to the Board for information through the Committee's Minutes.

Quorum

The quorum of the Prescription Committee should not be less than half the number of members of the Committee*, one of whom must be a lay member of the Committee and one of whom must be an architect member of the Committee.

Where the Chair of the Committee has co-opted one of the Committee's Independent Advisers on to the Committee for the relevant meeting and for the purposes of considering applications for prescription, that co-opted individual shall be considered as a full member of the Committee for the relevant item/s.

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4. The Prescription Committee is authorised to exercise any of the functions of the Board set out in the Prescription Procedures up to and including paragraph 2.9 for new applications; and paragraph 6.2 up to and including 8.5 for applications to renew prescription.
5. The Chair of the Prescription Committee is authorised to act on behalf of that Committee in respect of any of its functions (whether under paragraph 1 above or otherwise) if in their opinion it is necessary to do so before the next meeting of the Committee and it is not practicable to obtain the views of members of the Committee.
6. Any action taken under paragraph 2 above shall be reported as soon as practicable to members of the Committee.