



Board Meeting 19 December  
2018  
Agenda Item 5

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

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### 1. Summary

To approve 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 the membership of the Committee for early 2019.

### 2. Recommendations

It is recommended that the Board:

- i) Notes the details of the representations received;
- ii) Agrees the changes to the Terms of Reference and that they should become effective from 7 January 2019;  
Agrees the membership of the Committee, as set out in key point XX below; and that the revised membership should become effective from 7 January 2019 until 30 April 2019 (or until the Board agrees the revised membership, whichever takes place first).

### 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.

At its meeting on 29 November 2018 the Board considered that the membership and quorum elements of the Terms of Reference should be adjusted to allow existing Committee/Board members to continue on/join the Committee. At that time it agreed that the proposed changes it was intending to make should be published on ARB's website for a period of 14 days to allow any interested parties the opportunity of providing representations in relation to the proposed changes to the Terms of Reference.

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.

- ii. One response was received for an architect which queried the following:

If the Chair, and the ten board members are all non-executive ....who is making the decisions?

This query appears to relate to the constitution of the Board rather than the Prescription Committee's role and Terms of Reference. A response has been provided to the individual who raised the query, explaining that whilst all Board members will be appointed, there will be five appointed architects and five appointed lay members, as well as an appointed independent Chair, who will constitute the Board and continue to make decisions.

It is therefore recommended that the Board approves the changes as outlined above in Section 2 of this paper.

- iii. Subject to final approval of the changes to the Terms of Reference, it is suggested that the membership of the Committee from 7 January 2019 is as follows until 30 April 2019 (or until the Board agrees the revised membership, whichever takes place first):

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)

With the exception of James Grierson, all of the above listed individuals are current and experienced members of the Prescription Committee. It is proposed that Mr Grierson replaces Caroline Corby who is unable to continue her work as a member of the Committee due to other commitments. This membership will allow for continuity and the smooth running of the prescription process during the transition to the new Board.

## 6. Resource implications

The Committee regularly holds a minimum of eight to 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 and prepare the necessary information for the new Board to consider in due course. Ensuring that there is continuity in terms of the membership of the Committee during this period of change and until 30 April 2019 will allow the new Board to make decisions in terms of the future membership at one of its first meetings.

**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**

Should the Board decide to make the changes set out in Annexes A and B to the Prescription Committee's Terms of Reference, and approve the recommended membership for the period between 7 January 2019 and 30 April 2019 (or until the Board agrees the revised membership, whichever takes place first), the Terms of Reference will be updated, circulated to the appointed Committee members and published on ARB's website. An induction session will be offered to the new member of the Committee/any remaining Committee members who wish to undertake a refresher.

## 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.

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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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