

Professional Conduct Review Recommendations

	Status	Purpose	Reviewer's Recommendation	Executive Response
1	Guidance	Improvement	Change of language: change 'complaint' to concern, and 'complainant' to 'referrer'	Agree in principle. Would take some time to weave this through all the literature, avoiding any live cases that could lead to confusion
2	Rules	Improvement	Change of language: 'respondent' and 'registered person' is used interchangeably within the Rules	Agree. Will require a rules review
3	Rules	Correction	Rule 15d refers to upc/spi being 'proven', when it is a matter for the PCCs 'judgement'	Agree. Will require a rules review
4	Rules	Improvement	Rules would benefit from the addition of an overriding objective to act in the public interest	Agree. Will require a rules review
5	Procedure	Improvement	Replacing Investigations Panels (2xlay, 1xarchitect) with individual case-examiners would streamline the process	Disagree. Would have concerns that robustness of decisions would be sacrificed for speed. Important to have both lay and architect input on whether there is a case to answer
6	Procedure	Improvement	Formalise the ability of the PCC to hold 'virtual' PCC decisions	Agree. While we are confident that the current rules allow for 'virtual' hearings, if the intention is to continue with them in a post-pandemic world, then they should be formalised in the Rules and guidance
7	Procedure	Improvement	Provide for 'Standard Directions' within the rules for every case	Agree. Will require a rules review

8	Guidance	Improvement	Give guidance to PCC to provide advice to an architect even where they have been found not guilty of UPC/SPI	Agree, but think the guidance could go further to extend the advice to all architects
9	Guidance	Improvement	Update key guidance documents for clarity	Agree, and can be done without delay
10	Guidance	Improvement	Update Sanctions Guidance to reflect best practice and latest case law	Agree. Will require legal input and Board/PCC/committee approval
11	Procedure	Correction	Consent Order guidance should be clearer and allow for the views of the complainant to be considered in respect of the proposed sanction	Agree, but further consideration will need to be undertaken to consider whether a rule change would need to be effected, or this change could be dealt with by guidance
12	Guidance	Improvement	Guidance for PCC Chairs could be improved with the addition of a checklist, to mitigate the risk of omissions	Agree
13	Procedure	Improvement	Introduce a Quality Management and Assurance Framework to provide greater assurance to the Board around the activities of the professional standards department	Significant QA procedures are already in place, but agree that they should be collected into an overarching framework for the purposes of transparency. Will plan in for 2021.
14	Procedure	Improvement	Introduce a staff populated Decisions Review Group to monitor the professional conduct decision making process	Agree that this would serve a useful purpose, but there would be an even greater benefit in re-establishing the Investigations Oversight Committee to review all aspects of the professional conduct function, including the approval of new and updated professional standards guidance