

Board Meeting

Draft Minutes of Board Meeting held on 20 July 2022

| Location | Present | In Attendance |
|------------------|--|---|
| Video Conference | Alan Kershaw (Chair) Mark Bottomley Emeritus Professor ADH Crook Will Freeman Professor Elena Marco Dr Teri Okoro Cindy Leslie Liz Male | Hugh Simpson (CEO and Registrar) Emma Matthews Simon Howard Brian James Rebecca Roberts-Hughes Marc Stoner Jodie James (Observer) Sarah Oyebanjo (Observer) Racquel Wright (Observer) Rob Wilson (Item 7) Teresa Graham (Items 7, 9) James Farrar (Item 9) Henry Asson (Item 9) |

Chair Approved – 27 July 2022

OPEN SESSION

1. Apologies for Absence

Apologies were received from Stephen McCusker and Derek Bray. Teri Okoro joined the meeting from item 10. The Chair confirmed the Board was quorate.

The Chair welcomed Irene Moisis and Tania Santiapillai from the Department of Levelling Up, Housing and Communities (DLUHC). Ms Moisis would be taking up new duties within the Department and as a result would no longer be working as closely with ARB. On behalf of the Board, the Chair thanked Ms Moisis for her support throughout the time she had worked with ARB. Ms Moisis said she had greatly appreciated being able to work with the Board and had enjoyed observing the productive and collaborative meetings over the last four years. She would be remaining within the Department but working on the Built Environment Strategy. Her replacement was awaiting security clearance and induction. In the interim, Departmental colleagues would be available to provide support. Ms Moisis introduced Ms Santiapillai and explained that Ms Santiapillai had been working on the Departmental Review of ARB.

The Chair introduced new staff members Sarah Oyebanjo, Quality Assurance Manager in the Registration Department and Racquel Wright, International Assessment Officer, who would be helping to deliver the new international routes to registration.

Ms Moisis left the meeting.

2. **Members' Interests**

There were no interests to declare for the open session.

STANDING ITEMS:

3. **Chair's Update**

The Chair reported that he had been undertaking a series of visits to schools of architecture to learn more about what they were doing and what their views on the Initial Education and Training Review were to date. Schools generally appeared to have similar aims to ARB and were awaiting ARB's proposals.

The Chair and the Director of Policy & Communications had undertaken a series of meetings in Cardiff, including with the Royal Society of Architects in Wales, the Welsh School of Architecture at Cardiff University and with Llyr Gruffydd, Member of the Senedd and Chair of the Climate Change, Environment, and Infrastructure Committee at the Senedd. Mr Gruffydd had offered to sponsor an event and ARB's Policy and Public Affairs Manager was preparing a brief to share with him.

Further to his appointment as the permanent Chair for four years, the Chair would be meeting with the Chief Executive & Registrar and the Director of Governance & International to start some forward planning in relation to a series of issues.

This year's round of Board members' annual reviews would be arranged and would be commencing towards the end of the summer.

As part of the ongoing Initial Education and Training Review, an online event had been held recently. It had been a lively discussion and had generated a series of ideas which were under consideration.

The Annual Report had just been laid in Parliament and published. A series of videos would be filmed and published on ARB's website to highlight key areas of the report.

Board members congratulated the Chair on his appointment to the permanent Chair's role.

4. **Minutes**

Emeritus Professor ADH Crook referred to Item 4, Minutes of the meeting held on 9 February 2022, and explained that the first line of the minutes under that section required adjustment. It should have read '... he was not employed at the University but was a **non**-stipendiary member'.

Subject to the amendment, the Board approved the open session minutes of the meeting held on 18 May 2022.

The Board approved the open session minutes of the meeting held on 14 June 2022.

5. **Matters Arising Report**

There were no matters arising.

MATTERS FOR DECISION

6. **Principles underpinning new Declarations and Conflicts of Interest Policy**

The Director of Governance & International explained that the Declarations and Conflicts of Interest Policy had not been reviewed for some time. The intention was to modernise the policy so that a more flexible and pragmatic approach could be taken to declarations and conflicts of interest in the future, whilst retaining the necessary rigour and robustness. Subject to the Board's decision regarding the principles outlined in the paper, the Executive would aim to bring an updated policy back to the Board for approval in October 2022.

One Board member highlighted that declarations in relation to relatives should go beyond financial interests or conflicts and that this should be dealt with in the policy when it was drafted.

Another Board member queried the time period for removing historical interests from the Register of Interests log and suggested that the Executive explore whether this should be reduced to one year from a conflict ceasing. It was acknowledged that care would be needed with the approach to this and this should not open ARB up to question.

The Board agreed the overall direction and principles that would underpin the development of an updated policy as set out in the paper.

7. UK Adaptation Assessment Procedures

The Director of Governance & International explained that the UK Adaptation Assessment would form a key part of the new international routes to registration. Individuals holding qualifications within the scope of an MRA and who were registered in another partner country would need to pass the Assessment before being eligible for registration. The Assessment was intended to provide assurance that internationally qualified architects were competent to join the Register but also to be a supportive tool to help international architects to prepare for practice in a UK context. Given that the Procedures would become rules of the Board, consultation would be necessary.

The International Manager explained that the approach to the Adaptation Assessment was based on existing processes for the prescribed examination. A pilot of the process would be undertaken in the autumn and guidance was being developed to support applicants as well as those operating the process.

Drafting feedback on the document had been provided to the Executive in advance of the meeting which would be reviewed and incorporated where appropriate. It was proposed that the Board could delegate authority to the Chief Executive & Registrar to sign off any adjustments before the document was finalised for consultation.

A Board member queried whether the Procedures were sufficiently clear about the English language requirements and additionally how reasonable adjustments would be dealt with so that no applicant would be disadvantaged. Another Board member noted that the references to applicants being obviously bi-lingual required further clarification. The Executive confirmed that legal advice had been taken in relation to language requirements, but it was further noted that the wording in relation to the language requirements would be reviewed again to ensure that it was sufficiently clear. Both ARB's language requirements and approach to reasonable adjustments would be covered by the guidance. Any requests for reasonable adjustments would be supported and dealt with in line with ARB's existing policy.

In response to a question, it was confirmed that the process would be run entirely online.

The Assessment would focus on UK-specific requirements rather than on general skills. Board members noted that it would be important to ensure that the process was rigorous and balanced.

Subject to the Chief Executive & Registrar signing off the adjustments referred to above, the Board agreed the draft UK Adaptation Assessment Procedures as set out at Annex A of the briefing paper. The Board further agreed to publish the Procedures on ARB's website for a period of six weeks to allow any interested parties the opportunity of providing representations in relation to the document.

The Board additionally noted that the details of any representations would be provided to the Board at its meeting in October 2022, when it would be asked to approve a final version of the Procedures. The new Procedures would then become effective once the revised legislation came into force and once the new international routes were opened.

8. Consultation on Changes to Rules regarding Publication of Professional Conduct Committee Disciplinary Sanctions

The Director of Standards explained that the paper related to some straightforward rule changes which needed to be made so that ARB would be compliant with new legislation which had entered into force on 28 June 2022. Given that rule changes were involved, a consultation had been undertaken.

Since the Board papers had been issued, one Board member had proposed a minor adjustment to Rule 4 of the new rules relating to the publication of Professional Conduct Committee (PCC) disciplinary sanctions, so that the revised Rule would read:

'iv) Where an Erasure Order has been imposed and the registered person is reinstated to the Register, the disciplinary order will be published until five years has passed from the date of that disciplinary order.'

One Board member queried whether the proposed changes would have an impact on publicising disciplinary findings in the media. It was confirmed that existing practices would continue in this area. It would be important to ensure that Search Engine Optimisation was utilised as effectively as possible to support public protection. It was noted that whilst ARB would remove disciplinary orders as set out in the proposed rules, the media had no tariffs for removing such information and the details would likely be available online beyond their removal from ARB's website.

The Board agreed that the ARB General Rules should be amended with the following inclusion:

14.3 For the purposes of Section 3(2)(a) of the Architects Act 1997, the Register shall show disciplinary orders made in relation to a registered person for the following periods:

i) Where a Reprimand has been imposed, the disciplinary order will be published for one year from the date of the decision of the Professional Conduct Committee.

ii) Where a Penalty Order has been imposed, the disciplinary order will be published for two years from the date of decision of the Professional Conduct Committee.

iii) Where a Suspension Order has been imposed, the disciplinary order will be published for two years following the end of the period of suspension.

iv) Where an Erasure Order has been imposed and the registered person is reinstated to the Register, the disciplinary order will be published until five years has passed from the date of that disciplinary order.

9. Establishment of an Appeals Committee

The Director of Governance & International provided an overview of the legislative changes and the decisions which would fall within the scope of the new appeals process. The Policy & Public Affairs Manager explained the proposed approach in more detail and highlighted the key features of the Appeals Committee and process that the Executive intended to take forward. The relevant Rules to underpin the Committee and process would need to be drafted before the consultation was issued. In line with the legislation, the Secretary of State would be written to in parallel to the consultation being undertaken.

A Board member queried the likely volume of appeals. One appeal had been received by the Registrar in the last 18 months, and as a result it was unlikely that high numbers of would be received in the future. It was, however, difficult to predict future numbers as once decisions relating to the continuing professional development scheme fell within scope, an increased number of appeals may be received.

Another Board member queried the proposal to retain an appellant on the Register pending the outcome of an appeal when they were appealing against a decision not to retain or re-enter them on the Register under the new competence scheme. This could mean that individuals who did not appeal were removed from the Register whilst others who did appeal

could remain on the Register for longer. This could be seen as individuals being treated differently. A similar approach was however taken with PCC cases, in that individuals remained on the Register until their case had been concluded. Appeals would also be dealt with swiftly and concluded within three months, so the time that an individual remained on the Register would be minimal. It was suggested that further thought be given to this area. If appropriate, feedback could be sought on this area through a question within the consultation.

One Board member expressed some concern that ARB would be charging a fee for appeals and questioned whether the process could be funded through the retention fee. It was explained that, without a fee, there would be no barrier to speculative appeals which had no grounds. It was also confirmed that some benchmarking had been undertaken. Some other regulatory bodies charged fees for their appeals processes and ARB's proposed approach would be consistent with the sector. Successful applicants would be refunded fees if they won their appeals.

The need to ensure that the new appeals committee was as diverse as possible was raised, as was the need to specify the skills and experience that the Chair of the committee should have.

The Board approved the draft policy as to how an individual could appeal to the Committee and the draft procedure for the Committee, as well as its composition, for consultation. The Board noted that draft rule changes would additionally be required to underpin the establishment of the Committee, as well as the appeals policy and procedure; and agreed that the proposed draft rule changes should be approved by the Chair before they were issued for consultation.

MATTERS FOR NOTE

10. Business Plan Delivery Update

Teri Okoro joined the meeting.

The Chief Executive & Registrar explained that a series of steps had been taken by the Executive to track progress against the Business Plan, including the appointment of a dedicated resource to support this. The report provided a high-level update on progress to date during 2022.

Board members welcomed the report and congratulated the Chief Executive & Registrar and the team on the progress made to date.

A Board member asked what had been the most challenging element to deliver to date. The Chief Executive & Registrar cited a number of challenges which included: developing an evidence based approach to policy development, which meant more engagement and which had impacted on all areas of the business; understanding the costs and resources needed to support effective business planning; having to grapple with upskilling the workforce and being more agile when staff were already stretched; getting to grips with being more ambitious; and fully understanding the impact that this had on the Finance and Human Resources teams.

In response to a query about the existing IT framework which was in place to support the Prescription Committee, it was confirmed that this was being looked at as part of the transformation project; IT in every area of the business required an overhaul. Every area of the business was also interconnected so finding solutions was complex. For example, before updating the IT framework for the Prescription Committee, work needed to be done in relation to the servers. Legal issues also needed to be resolved. Notwithstanding this, progress was being made and staff were starting to see benefits. The Board was reminded that the IT transformation work was going to be a three-to-five-year programme.

A Board member suggested that future reports should include additional columns so that progress could be tracked from one quarter to the next.

11. Chief Executive's Report

The Chief Executive & Registrar highlighted that a new Board template had been introduced to make papers easier to read and more accessible. A meeting of the Transformation Assurance Group had recently taken place, at which Professor Marco and Dr Okoro had been provided with more detailed updates in relation to the transformation programme. Work was being carried out using agile project management methodology to provide as much information as possible to the Board about updated likely IT transformation costs for 2023 and 2024.

Dr Okoro confirmed that she had raised a series of questions at the Transformation Assurance Group meeting and been satisfied with the responses. Risks had also been appropriately managed. Professor Marco confirmed that the team had experienced challenges in unpacking everything in order to then put in place what was needed for the future; but that good progress was being made.

12. Management Accounts

The Director of Resources reported that the roll-over of the remaining £60k from the Departmental grant to support ARB's post EU Exit work into the 2022-2023 financial year had still not been formally approved, but ARB had been asked to submit invoices, which was a positive sign.

The Board noted the management accounts.

13. Any Other Business

There was no further business.

14. Dates of Future Board Meetings

The Chair asked members to check the future dates to ensure they were in their diaries, and thanked Board members again for making the time to meet for an additional day in September. The next meeting was the Prescription Matters meeting on 27 July 2022.

27 July 2022 - Prescription Matters Meeting
20 September 2022 - Additional Board Workshop
21 September 2022 - Board Workshop
19 October 2022 - Board Meeting
24 October 2022 - Prescription Matters Meeting
23 November 2022 - Board Workshop
7 December 2022 - Board Meeting
15 December 2022 - Prescription Matters Meeting