



Minutes of Board Meeting held on 9 September 2021

Location	Present	In Attendance
Hallam Conference Centre	Alan Kershaw (Chair) Mark Bottomley Emeritus Professor ADH Crook Will Freeman Professor Elena Marco Derek Bray Dr Teri Okoro Cindy Leslie Liz Male (via VC)	Hugh Simpson (CEO and Registrar) Emma Matthews (via VC) Simon Howard Brian James Rebecca Roberts-Hughes Marc Stoner Helen Ransome Kristen Hewett (Minutes) Hayley Tucker (Minutes) Irene Moisis (MHCLG observer) Cameron Mcintosh (MHCLG observer) Karin Taylor (Observer)

Note

1. Apologies for Absence

Apologies were received from Derek Bray.

The Chair thanked everyone for attending and noted that Liz Male had been unexpectedly delayed, but would be joining via video conference in due course, at which stage the Board would be quorate to take decisions.

The Chair welcomed Karin Taylor who had been working with him under a Cabinet Office initiative relating to public appointments. Karin had also attended and observed the Board Workshop held on the previous day. He also welcomed Irene Moisis and Cameron Mcintosh from the Ministry of Housing, Communities & Local Government.

The Chair asked Board members to consider carefully before being absent from Board meetings and to make every effort to attend the meetings to which they were already committed. Absences frequently posed problems because of the restrictive quorum rules which were set in primary legislation. The Chair thanked Cindy Leslie for changing her commitments during the day to ensure the Board was quorate to take decisions at the meeting.

The dates of Board members in 2022 would be fixed shortly, taking account of members' preferences. The Chair urged all members to make every effort to attend meetings.

2. **Members' Interests**

Emeritus Professor ADH Crook reported that he was currently engaged with the Ministry of Housing, Communities & Local Government¹ to assist with the Planning Reform Bill. It was agreed that he could remain in the room for all items on the agenda.

The Chair noted that if a Board member declared an interest, it did not necessarily imply a conflict. It was not necessary for Board members to leave the room automatically on items where they had declared an interest. A range of options were available, including asking a member to refrain from participating in discussion of specific items.

3. **Update from the Chair**

The Chair reported that since the last meeting, ARB had published its initial thinking on continuing professional development (CPD) and guidance on Fire and Life Safety had been issued to institutions. The MHCLG Departmental Review of ARB had been announced. The Chair noted that, wherever possible, it would be important to encourage key stakeholders to get involved and articulate their views.

Since the last Board meeting in July, staff had worked hard on the five-year Strategy and all the consequential pieces of work. The Chair paid tribute to staff for all they had achieved.

The Chair and the Chief Executive & Registrar (CEO) had met with the Ministry of Housing, Communities & Local Government (MHCLG) earlier in the week to update them on ARB's programme of work. It had been a positive meeting with clear support for the work that ARB was undertaking.

4. **Minutes**

The Board unanimously approved the open session minutes of the meeting held on 21 July 2021.

5. **Matters Arising Report**

The Board noted the matters arising.

¹ Now the Department for Levelling Up, Housing and Communities

Matters for Decision

6. Professional Conduct Committee Rules & Guidance Consultation

The Head of Regulation presented a paper. The Quality Assurance Framework had been viewed by the Policy Committee before being submitted to the Board for approval to issue drafts of new Investigations and Professional Conduct Committee Rules for public consultation.

The Board also considered drafts of two key guidance documents which supported the application of those rules – the Acceptance Criteria document and the Sanctions Guidance and discussed how to develop the Regulation Quality Assurance Framework.

A Board member questioned the provision in the Acceptance Criteria for not accepting complaints older than six years unless in exceptional circumstances. The six-year time bar was in accordance with timelines on contractual liability claims and also reflected the period of time ARB required architects to maintain project records. The issue would feature in the draft put out to consultation.

A question was raised about the definition of ‘exceptional circumstances’ in relation to the six-year rule. The executive explained that there was always a public interest test which could amount to an exceptional circumstance and that the six years could be disregarded, particularly if new evidence had come to light. It was suggested that some discretion be built into the criteria and clear principles drafted against which such a decision could be made. This would be essential to answer any challenge to ARB’s decision.

The statutory consultation would run for twelve weeks. The documents would be housed on the new consultation platform and the key audience would be architects and those representing architects, although it would also be important to check that anyone impacted by the guidance had an opportunity to respond, including other stakeholders such as members of the Professional Conduct Committee.

It was suggested that the investigations process and acceptance criteria could be demonstrated as a process map to make it more accessible. The Head of Regulation suggested the flow chart embedded in the guidance could be modernised. This stage was about consulting on the content of the Rules and guidance and then further ideas could be developed for sharing that content in accessible ways.

One member referred to paragraph 9 of the ARB Acceptance Criteria, around ARB not being able to investigate further; and suggested that this paragraph could include signposting to specific alternative organisations. The Board was assured that other organisations would be signposted if a complaint did not meet the Criteria, but the guidance should not specify the particular signposting that would be appropriate. This was case dependent.

This led to discussion around the regulation of individual architects rather than practices and how ARB might address situations where individual architects could not be identified. Under the Architects Code of Conduct, an architect at the practice should be identified to the client if the practice was using the title. Irene Moisis reported that regulation of practices was one of the elements being looked at in the Departmental Review of ARB.

One Board member suggested using fewer acronyms in the document to increase accessibility as there were terms that might be understood by lawyers, but not necessarily by architects. All agreed that, if a member of the public wanted to complain, the process and language needed to be clear. The starting point was to simplify the documents and there would then be a separate conversation about further steps to improve the accessibility of ARB's procedures.

The Chair asked if there were consumer-representative organisations who could be contacted about the consultation. RIBA and others represented architect views and more work could be done to secure views from consumers. Board and Executive members provided examples of groups that could be approached such as the Consumers Association, Citizens Advice Bureau and Trading Standards.

Liz Male joined the meeting via video conference at this point.

The Chair invited the Board to make a decision.

The Board unanimously agreed to:

- **Issue the new Investigations and Professional Conduct Committee Rules for consultation;**
- **Issue the Acceptance Criteria and Sanctions Guidance for consultation; and**
- **Note the introduction of the Regulation Quality Assurance Framework.**

7. Policy Development & Board Assurance

The Director of Professional Education (DPE) set out ARB's plans to maximise the effectiveness of Board time from 2022 onwards.

It was proposed there should be a mixture of workshops; formal Board meetings, at which the Board would deal with decision items and assurance matters; and meetings dedicated to prescription matters.

The Chair noted that although the formal Board meetings would be online, there would need to be a degree of flexibility around holding additional meetings in person if required. If this was the case, Board members would be given maximum notice.

One of the Board's key functions was to approve ARB strategy and policy, and holding regular Board-wide workshops to deal with their development would enable all Board members to fulfil their responsibilities. It would also remove the need for a specific Policy Committee which, the paper proposed, would hold its final meeting in October 2021.

It was noted that some of the larger projects, such as the review of Initial Education and Training (IET) and Strategic Transformation, might benefit from more detailed Board member involvement through more flexible and agile assurance of task and finish groups. There would need to be clarity about the roles and responsibilities of Board members on such groups, and membership would need to be kept under review in the light of the skills, expertise and time commitments for Board members.

Discussion on time commitment led to a brief discussion on Board member remuneration, recognising the current complexity and administrative burden associated with timesheets. Alternative approaches, such as setting a fixed annual amount paid in equal instalments, would be brought back to the Board for discussion at its next meeting.

The following points were made:

- One member preferred the current arrangement although understood that the administration was difficult and time consuming as there were approximately 120 consultants on the payroll who were not staff.
- A suggestion was made to explore the market for a payroll system that could help link consultants' timesheets to a more salary structured system. The Director of Finance and Resources (DFR) expressed the view that the likely investment was good value for money at this stage.
- Some members preferred to move to a monthly payment as they found the administration of filling out timesheets time-consuming, resulting in less time spent on important Board matters.

- It was felt that moving to a monthly payment might help to promote equality, diversity and inclusion (EDI) as those in financial hardship may consider applying for Board roles if there was regular financial security, and if ARB could ensure no initial personal outlay for travel to meetings.

The Board unanimously agreed to:

- **Support the revised approach to the cycle of Board and workshop meetings from 1 January 2022;**
- **Remove the Policy Committee from its committee structure once the Committee has completed its meeting on 12 October 2021; and**
- **Small assurance/task and finish groups be used as an additional means of monitoring the progress of the organisation's key strategic priority areas.**

8. 5 Year Corporate Strategy: 2022-2026

The Chair informed the Board that this session was to approve the Corporate Strategy 2022-26, subject to any minor drafting suggestions which could be delegated by the Board to the Chair for final approval.

The CEO paid tribute to the staff who had been heavily involved in the development of the draft Strategy, and he hoped that the draft reflected the discussions at the Board's two-day Workshop in July.

The CEO said the Strategy document should be clear about the purpose, vision, outcomes and priorities of the organisation. The Board had expressed a commitment to make a difference to the lives of the public and ensure regulation had an impact on the role of architects and it was hoped the document reflected that ambition.

The following points were made by Board members:

- As the document was public facing, it would be helpful to clarify the wording around the role of universities in initial education, as there might be a perception of blame toward universities in respect of the modernisation of initial education and training of architects. The CEO agreed that the Strategy should clearly acknowledge that ARB needed to do more in relation to education and work with institutions; if the document did not read in this way, the drafting should be amended.
- It would also be helpful to say more about other built environment professions around climate change and biodiversity.
- The vision for 2026 was good but it would be useful to set out clear, progressive steps as to how the vision would be met.

- There was a clear contrast in this Strategy document compared to previous documents with good weighting to the external benefits and very outward looking. The team should be congratulated.
- One area that could be further developed was around equality and diversity implications and better inclusion in ARB's procurement.
- There was a fantastic opportunity to highlight and celebrate the work of the ARB and what could be achieved: this needed to be brought out more sharply.

The CEO thanked Board members for their comments and the Chair noted that the draft grew from the extensive reflection and discussion at the workshop in July. It would be important to get the tone right and he would work with the CEO to ensure all members' comments were considered. The final version would be circulated to members prior to publication.

The Board unanimously:

- **Approved the draft Corporate Strategy 2022-26;**
- **Delegated to the Chair approval of any drafting amendments; and**
- **Noted the intention to commission a designed format of the Strategy once approved.**

9. Updated ARB Whistleblowing Policy

The DFR reported that the Audit and Risk Assurance Committee (ARAC) recently considered ARB's Whistleblowing Policy and suggested some minor amendments, which the Board was asked to approve.

One member referred to section 2.2 of the policy around raising grievances with the DFR rather than the CEO, and how this might be perceived externally. The document had received input from HR professionals, but the DFR would monitor and review if necessary. Another member noted that in their experience, the CEO would not normally be named in such a policy.

In response to a question the DFR confirmed this policy covered everyone including Board members, although the option of a separate policy for Board members was being explored.

A query was raised on 5.2 of the policy about anonymous allegations, and whether, given previous conversations, this should reference the DFR rather than the CEO. This was a different process as it related to an anonymous allegation.

There was also a request for a flow chart or process map. This would be reviewed, although this could be done once the Board had agreed the amended policy.

The Board unanimously agreed the amended Whistleblowing Policy.

Items for note

10. Chief Executive's Report

The CEO invited questions from the Board.

A member referred to item 4 of the report around *reforming* Initial Education and Training (IET) and noted the corporate strategy referred to *modernising* IET. The need to keep the language consistent was emphasised.

A Board member asked for an update from the internal audit recommendation around the drafting of an Accessibility Statement and accountability framework to help demonstrate that the whole organisation was committed to equality and diversity. The Accessibility Statement had been drafted and was awaiting sign off from the Senior Leadership Group. There was some more work to be done around some technical points on the website to make it more accessible.

A member asked about our engagement with RIBA as one of our key stakeholders. The CEO reported that we had established very good working relationships with them led by quarterly ARB Chair and RIBA President liaison meetings. The CEO reported that he met with the RIBA CEO on a monthly basis and that there were regular meetings between ARB and RIBA policy and operational teams.

The Chair informed the Board that he had a meeting scheduled with the new President of RIBA. There were quarterly meetings with RIBA and the other UK national bodies. The next quarterly meeting was set for October and another in December.

ARB was no longer issuing dedicated news releases on disciplinary decisions. This was welcomed. A member asked if a press release would still be released in cases where it felt appropriate given the gravity of a particular case. ARB had the right to release a public statement or speak to journalists, and the Chair of the Professional Conduct Committee (PCC) would have a key role in any decision about whether to issue a news release.

A Board member referred back to the accessibility of the ARB website and the need for a more holistic approach to EDI matters. ARB was recruiting a Policy Officer and was keen to build this into ARB's transformation on EDI matters. The DPC agreed that the Policy Officer role would ensure there was an EDI lens on everything that went on the ARB website. The Policy Officer would also be leading on a full audit and review of the website on EDI but this would take some time.

A member asked after the publication of a paper on modernising Initial Education and Training. The CEO confirmed a draft paper had been prepared and would be circulated for comment once the Assurance Group had reviewed it.

Cindy Leslie left the meeting at this stage.

The Board noted the report.

11. **Management Accounts for 2021**

The Board noted the Management Accounts for the period to 31 July 2021, including the year-end forecast outturn.

In response to a question the DFR explained that the budget allocated for communications was in the Public and Professional Awareness and IT and Digital Spend. For the next financial year, cost centres would be itemised and there would be a specific communications budget.

A member referred to the high spend on legal advice and questioned if this could be brought in-house. The figure was higher due to the timing of invoices, but a year-end overspend was not expected.

Irene Moisis from the MHCLG referred to item 5.4 on Government funding and confirmed that the issues with this had now been resolved.

A member referred to item 5.3 and asked why numbers entering the Register were down. The number of new EU applications was 40% down on last year. In terms of figures, 1,800 new applications had been received in 2021, compared to 2,000 in the same period last year.

The Board noted the paper.

12. **Any other business**

Board members asked for an update on the Senior Independent Board Member role. A Board session with the Senior Independent Member would be scheduled for October. A similar meeting would be scheduled with the staff team in October. A full report on the role would be included on the December 2021 Board agenda.

No other business was raised.

13. Dates of future Board meetings

27 October

1 December

The Chair asked Board members to note future dates very carefully and confirmed these two meetings would be in person.