



Minutes of Board Meeting held on 17 December 2020

Location	Present	In Attendance
By video conference	Alan Kershaw (Chair) John Beckerleg Mark Bottomley Stephen Brookhouse Emeritus Professor T Crook Will Freeman Elena Marco Stephen McCusker Liz Male Derek Bray	Marc Stoner (Acting CEO and Registrar) Simon Howard Brian James Emma Matthews Hugh Simpson Irene Moisis (MHCLG) Damien Dacey (MHCLG) Alexandra MacKenzie (CSP/Observer) Emma Boothroyd (PCC)

Note

Action

19 Apologies for Absence

No apologies received.

20 Members' Interests

There were no declarations relevant to the open session agenda items.

21 Update from the Chair

The Chair extended a formal open session welcome to Hugh Simpson as Chief Executive Officer (CEO)-Designate and expressed how ARB and the Board was looking forward to benefiting from his experience in regulation and management.

In return the CEO-Designate thanked the Chair and Board members involved in the interview process and to everyone for being so welcoming.

The Chair updated the Board on his recent meetings with the Royal Institute of British Architects (RIBA), the Royal Incorporation of Architects in Scotland (RIAS), the Royal Institute of Architects of Ireland (RIAI), the Royal Society of Architects in Wales (RSAW), and the Royal Society of Ulster Architects (RSUA). There had been a similar agenda for each meeting, which was primarily concerned with updates on EU exit as well as the guidance on sustainability and fire and life safety. The intention was for each professional body to provide a supportive statement to accompany the guidance and that each would assist with the implementation. The Chair looked forward to maintaining these fruitful relationships in the new year.

The Director of Regulation confirmed that each of the listed professional bodies had been provided with the guidance and that RIBA and RIAS had both been involved in the drafting.

22 Minutes

The Board unanimously approved the open session minutes of the meeting held on 20 November 2020.

23 Matters Arising Report

On 20 November the Board had been asked to consider whether there might be potential to work with the RIBA on a communications piece for architects around how to avoid complaints. The Chair updated the Board to confirm that this would be added to the agenda for a forthcoming ARB/RIBA liaison meeting.

24 Business Plan 2021

The Acting CEO confirmed that the changes agreed on 7 September had now been implemented and as such needed to be published by the end of year.

It was commented that both this paper and the paper on Key Performance Questions (KQs) were good, concise pieces of work; but there needed to be an alignment between the Business Plan (BP) and what was measured as part of the KQs. The Director of Registration confirmed that discussion on this would form part of the Board development day. Ultimately the intention was to link the BP and the KQs.

It was reiterated that the KQs needed to be refined and informed with clarity of mission; what ARB wants to achieve and how. It was noted that the organisation was at the start of a very critical process.

The Chair confirmed that the Board would meet in person when it was possible, but for now clarified that alternative arrangements were being made for the meeting of 15 January. The Chair then invited any specific questions on the BP.

A query was raised regarding the degree of finality surrounding the competencies following the review. The Director of Regulation confirmed that the competencies would be decided on in 2021 and tracking the criteria in 2022.

An amendment was suggested in reference to corporate governance, to ensure “ARB’s committees continue to be populated...”, which was agreed.

Irene Moisis of MHCLG provided feedback on areas of the Business Plan which referred to the Department. In conjunction with Ms Moisis, the Board agreed revised wording where appropriate. In response to a question regarding the phrase “*working with government...to influence and support opportunities for legislative change*”, Ms Moisis confirmed that she was satisfied with this phrasing as it referenced ARB continuing to keep MHCLG accountable for what was in legislation.

Finally, a minor point was raised regarding the formatting of the document and current lack of page numbers, which the Acting CEO confirmed would be included upon publication.

As a general point, the Chair expressed his preference for the use of continuous paragraph numbers in these papers that can be used for reference purposes for the Board, and then removed, where appropriate, upon publication.

The Board unanimously agreed the wording for the 2021 Business Plan for publication, pending the above amendments.

Items for Note

25 Professional Conduct Committee Annual Report

To accommodate the PCC Chair’s attendance, this item was taken out of order, and was considered part way through agenda item 6.

The Board thanked the Chair of the Professional Conduct Committee (PCC) for the useful summary of PCC activity in what had been a challenging year.

The Chair of the PCC reported that it had been business as usual for the Committee with no slip in the delivery of the Committee’s function. This had been achieved with the Executive’s full support in what had been a difficult year owing to the pandemic. The majority of hearings had been held remotely, some of which had proved difficult, particularly in terms of hearing witness

evidence, although it was noted that the majority of remote hearings had run smoothly, and other regulators had sat in some hearings to see how the process was being run.

It was discussed whether the situation of some cases might lend themselves to hearing by video conference in future, and whether any thought had been given to the principles governing which future hearings might be suitable for to be heard by video rather than face to face. The Chair of the PCC suggested that there should be no rigid criteria for this determination: this would need to be considered on a case by case basis via a collaborative process; but how technology might be used could potentially form part of standard case management discussions for all cases post pandemic.

A Board member referenced the case summaries attached to the paper, and suggested that practitioners might find a similar summary helpful as guidance, particularly if ARB could identify emerging patterns to help inform new guidance to assist in informing the profession.

A Board member referenced the 'zero harm' ethos within the construction industry, which promoted the view that there were too many accident and injury cases; and whether the zero harm philosophy should be linked to ARB's Business Plan with a suggestion that the number of PCC cases should reduce over time.

The Chair of the PCC suggested that an exercise to minimise case numbers might suggest that the bar was presently too low. While in some cases disciplinary issues arose from architects not knowing or not realising that their actions were wrong, which would be an education point, a number of cases highlighted that respondents were taking deliberate actions and should be brought to task.

The Board thanked Ms Boothroyd for the report, and requested that the Executive keep the Board informed if there was any future build-up of PCC cases. It was difficult for any architect to go through the disciplinary process and was an important area of work to keep up to date.

26 **Key Performance Indicators/Questions**

The Director of Registration explained that the purpose of the paper was to build on the deliberations at the August Board meeting. This paper incorporated the research undertaken and discussions with Liz Male, Mark Bottomley and John Beckerleg, and combined these into a narrative that not only made sense for stakeholders, but for how the Board was working.

The plan was for the Board to agree on the six KPQ areas and how to populate the data/dashboard underlying this. The detail would be discussed more at the January development day, but the Board was asked to provide a steer so that the January meeting could be adequately planned for and any immediate questions or concerns addressed.

It was highlighted that there was an opportunity with the KPQs to link to structures within the organisation so that teams could take ownership for particular 'strands' of the KPQs. The Director of Registration welcomed this suggestion and proposed a meeting with those in agreement before the development day so that the suggestion could be discussed further.

It was agreed that the dashboard had the potential to be a clear way of delivering information on a particular facet and be portrayed in a digestible format, which could be shared with stakeholders through the annual report.

The CEO-Designate expressed his approval of the KPQs and the opportunity to relate it back to the organisational purpose. It would also help for the Executive to understand where it could celebrate success and where it was struggling to deliver and report this accurately to the Board.

This would be a living document which would generate continuous discussion as the organisational strategy changed. How the KPQs related to the BP and how the BP related to strategy must also be considered. The CEO-Designate expressed his concern that the Board and ARB needed a shared understanding of 'quality' so that they could work to the same goal.

It was noted that KPIs had a tendency to look backwards, and so it was important that KPQs looked forwards. The Board was pleased to see there would be a section on quality as this was potentially the most important section to deliver.

The staff team would be involved in deciding what the KPQs would be and each manager would be given one KPQ where they must achieve what was required.

Concerns were raised around a potential KPQ risk regarding prescription and the importance of ensuring that the KPQs being measured were ones which ARB could control, as opposed to reliance being placed on others responding in a timely fashion.

The Director of Registration confirmed that he was content to move forward with this feedback but asked the Board to give an indication as to whether the number of KPQs and general areas were as expected.

The Board confirmed that it would give more thought and respond in advance of the January development day.

27 Chief Executive's Report

The Director of Registration reported that over 31,000 retention fee payments had been taken to date. This was over 70% of the current Register and an increase on the 61% collected at this point in 2019. This was considered to be the result of more targeted communications such as emails with quick links, more work with large practices, offering different payment options, and clearer information on the website.

ARB was now also more intuitive in the way it used the data of how architects engaged with communications, such as the prime timing window for emails to be opened. ARB would be able to use this data to its advantage going forward.

The Board expressed how pleased it was to see ARB using this data and how it would dramatically impact the perception of ARB amongst stakeholders.

28 Any Other Business

No other business was raised.

29 Dates of Future Board Meetings:

- 15 January 2021 Development Day
- 4 February 2021
- 31 March 2021 – Development Day
- 19 May 2021
- 13 July 2021 – Development Day
- 14 July 2021
- 8 September 2021
- 27 October 2021
- 1 December 2021

The Chair asked the Board to keep these dates in the diary and concluded the meeting by wishing everyone a good Christmas break.