

# Updated General Rules and Registration Rules

for Open session

Subject:

Outcome of the public consultation on updated General Rules and Registration Rules.

Board meeting:

9 October 2024

Agenda item:

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Action:

- For noting
- For discussion
- For decision

## Purpose

The Board is being asked to approve the implementation of the updated rules following public consultation.

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## Recommendations

The Board is asked to approve the updated General Rules and Registration Rules. The approved Rules will take effect immediately and the outgoing Rules will be replaced.

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## Annexes

- Annex 1 – Consultation analysis
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# 1. Open Session

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## 2. Background and Key points

- 2.1. At its meeting in July 2024, the Board approved a public consultation on updated General Rules and Registration Rules. The proposals included changes to the General Rules in the form of adjustments to improve clarity and consistency, and the separation of policies and processes relating to registration matters into a separate document, the Registration Rules.
- 2.2. The purpose of the Registration Rules is to explain how people can become registered for the first time, how architects can maintain their registration, and how former architects can be reinstated to the Register.
- 2.3. Most of these matters were previously contained within the General Rules, but we highlighted that there are some new items contained with the Registration Rules:
  - They formally set out for the first time the requirements for architects to carry out Continuing Professional Development (CPD) as a condition of registration, following an amendment Parliament made to the Architects Act 1997 when it approved the Building Safety Act 2022. The Rules give effect to and articulate how ARB will carry out the policies within the Scheme for CPD, including, for example, how and when architects would be removed from the Register for failing to comply.
  - They propose that architects must now pay fees electronically through the MyARB portal. This change will improve the efficiency of ARB's processes and the security of personal and financial data.
  - They include a requirement that architects must declare any criminal convictions they have and confirm that they have read and understood and continue to act in accordance with the Architects Code, before registration can be renewed.
  - They propose further clarity on the responsibility for architects to provide and maintain contact details where they can be reached at home, relating to their professional registration, and their business (if different), which will be used on the public register. They also propose that architects can now restrict some of their publicly available contact details.
  - They propose that in future, ARB will send out the retention fee notice by email only. This would be a more environmentally sustainable and cost-effective approach than printing and posting notices to every registrant and is expected to save more than £60,000 a year.

- They propose that ARB should have the power to remove an architect from the Register when they have only been registered because of fraud or error.
- 2.4. We received seven responses to the consultation. This is in line with our usual response levels for Rule consultations, which are a statutory requirement, but are of less interest to stakeholders as they set out the technical details as to how ARB will carry out its duties. Policies implemented in the Rules, including, for example, those related to CPD, will have been subject to earlier public consultation before the Board decided to implement them.
- 2.5. Respondents agreed overall with each of our statements and there were no substantive concerns that lead to the need for any further amendments the Rules following the consultation. Topics raised by respondents have already been considered by ARB in our earlier work as part of the development of the proposed Rules.
- 2.6. To give one example: one respondent was concerned that their employer can no longer pay their retention fee on their behalf, resulting in increased administration for any individual wishing to reclaim the cost from their employer. ARB was aware of this concern, but we have retained our decision because the alternative would entail increased administration costs to ARB, and because we require individual architects to validate their CPD and other regulatory commitments at the time of paying their retention fee.
- 2.7. In addition to the responses to our consultation survey, we also received written communications from one individual who does not agree with the terms of ARB's CPD Scheme. We have considered this individual's feedback alongside the consultation analysis and do not propose to make any amendments as a result. As reported to the Board previously the individual's views include a particular legal interpretation that we do not share and which we have sought and received assurance from our solicitors about. The Board has seen this private correspondence separately.
- 2.8. Our full analysis of the consultation is set out in Annex 1.
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### 3. Resource Implications

- 3.1. Resource implications remain the same as when the proposals were first considered by the Board:
- External legal advice has been sought in relation to the proposed revision of existing rules and the creation of new rules; provision for this review is covered by the Governance Department's 2024 budget.

- The review of the General Rules, drafting of the Registration Rules and CPD Rules has required staff time. Staff across the organisation have worked with external advisers to review and draft the rules, and to stress test the rules before they reached the Board for consideration.
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## 4. Risk Implications

- 4.1. We set out an account of risks to the Board when it approved consultation on the Rules changes, [available online](#). The consultation has not identified any additional risks.
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## 5. Communication

- 5.1. The final and approved Rules will be published on ARB's website. The consultation outcome will also be published on our online consultation platform, and in ARB Insight.
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## 6. Equality and Diversity implications

- 6.1. The overarching rules would apply to everyone equally.
- 6.2. In the consultation we asked: "Is there anything within the draft General Rules or draft Registration Rules that could have an impact on ARB's commitment to equality, diversity and inclusion or have a positive or negative impact on anyone with particular protected characteristics?"

One respondent expressed concern that a digital-only method of administering the retention fee will exclude a certain group of people, including the older. Our view is that this is already covered under ARB's approach to reasonable adjustments.

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## 7. Recommendations

- 7.1. The Board is asked to approve the updated General Rules and Registration Rules. The approved Rules will take effect immediately and the outgoing Rules will be replaced.

## Annex 1 – Consultation analysis

### Responses we received

1. The consultation was open between 26 July and 6 September 2024 and received seven responses.
2. All seven respondents were architects, including one who is also an academic. Respondents were spread across different levels of experience: three qualified between 6 and 10 years ago, two qualified between 11 and 20 years ago, and two qualified 21 or more years ago.

### Summary of responses

3. The consultation was comprised of nine questions. Six were ‘closed’ multiple choice questions only, and three were free-text written response only.
4. The free-text written questions allowed respondents to further comment about their thoughts on the proposed changes, including one question asking their thoughts about potential impact on protected characters due to the proposed changes. Every response was read and analysed.

**14. The draft Registration Rules comprise a new document. Much of this previously existed in the General Rules but they have been separated to improve clarity and accessibility.**

**To what extent do you agree that this approach achieves that aim?**

5. Overall, 71% of respondents either agreed or strongly agreed with this statement: two strongly agreed and three agreed. Two neither agreed nor disagreed. No one disagreed.

**15. The Rules give effect to and articulate how ARB will carry out the policies within the new scheme for continuing professional development.**

**[Information on the scheme and accompanying guidance can be found here.](#)**

**We have already developed and published the scheme.**

**To what extent do you agree that the Rules accurately implement it?**

6. Overall, 86% of respondents either agreed or strongly agreed: one respondent strongly agreed and five agreed. One respondent disagreed.
7. The respondent who disagreed used the later free-text question to comment on the topic related to CPD, saying that the CPD format will be difficult for registered architects who live overseas to follow, because it is designed for UK residents. The

respondent said that British Regulations might not apply abroad, and thus the CPD scheme, which is mainly based on British Standards, is not useful for UK registered architects who live abroad.

8. The approach of the CPD scheme was not within the scope of this consultation, as two earlier statutory consultations led to its creation. Rather, this consultation was concerned with whether the Rules properly give effect to the scheme.
9. That said, we believe this response to be a misunderstanding about the scheme. First, the scheme can be tailored towards an architect's own practice and second, if we mandate specific topics, it will be because it is important for all registered architects to carry out CPD on those areas. UK registration standards apply to everyone on the register, whatever country they reside in.

**16. The draft Registration Rules propose that all architects must register, update their contact details and pay their retention fee via the MyARB portal.**

**This would create additional efficiencies and increase the security of architects' personal and financial information.**

**To what extent do you agree with this approach?**

10. Overall, 57% of respondents either agreed or strongly agreed: one strongly agreed and three agreed. In addition, two respondents strongly disagreed, and one neither agreed nor disagreed.
11. Two respondents used the later free-text questions to share their thoughts on the payment system. One respondent shared frustration with a previous payment experience and expressed a preference for their employers to be able to pay on their behalf. This respondent also asked for more transparency around the costs to operate individual accounting as opposed to the previous method. Another also criticised the portal and asked for the option to pay by phone.
12. ARB was aware of this concern when developing the payment portal, but we have retained our decision to require individuals to submit their own retention fee payments. This is due to the increased administration costs to ARB of tracking payments by other parties on behalf of architects, coupled with the need for individual architects to validate their CPD and other regulatory commitments at the time of paying their retention fee. In addition, we have remained our decision to require architects to conduct payment via MyARB portal, as through this payment process, architects' details are protected and are safe from fraud. Moreover, in this way, architects will have instant confirmation of their updated fee and therefore registration. This method also reduces ARB's cost to administer the process.

13. If a reasonable adjustment is required by an architect, supported by evidence, and this adjustment is accepted, they would be able to pay through other means. However, alternative payment mechanisms do not protect personal data, or guarantee continued registration, whereas MyARB does. Alternatives could be that someone else such as partner, friend, employer, or employee to conduct payment of their behalf using MyARB.

**17. Draft Registration Rule 8 proposes that architects who are renewing their registration (paying their retention fee for continued registration) must complete an annual declaration.**

**This declaration would confirm that they have:**

- **read, understood and that they continue to act in accordance with ARB's Code of Conduct and Practice and**
- **complied with the CPD scheme and**
- **confirmed their contact details are correct.**

**To what extent do you agree with this approach?**

14. Overall, 57% of respondents either agreed or strongly agreed with this approach: two respondents strongly agreed and two agreed. There was one respondent who strongly disagreed, and another disagreed. One respondent neither agreed nor disagreed.

**18. Draft Registration Rule 8 proposes that in future, ARB will send out the retention fee notice by email only.**

**This would be a more environmentally sustainable and cost effective approach than printing and posting notices to every registrant (currently approximately 43,000) and is expected to save more than £60,000 a year.**

**To what extent do you agree with this approach?**

15. Overall, 57% of respondents either agreed or strongly agreed: two respondents strongly agreed and two agreed. One respondent strongly disagreed, and the other two neither agreed nor disagreed.

16. The respondent who strongly disagreed used the later free-text question in relation to equality, diversity, and inclusion, to express opinions on digital-only method of administering the fee. The respondent said that this is not inclusive as this will exclude individuals without access to secure IT systems, those with unreliable connections, and those in more remote areas of the country. The respondent further explained that it will disadvantage individuals who are older, and less tech enabled.

Our view is that it is reasonable to expect any practising architect to be able to access and use simple IT systems. If an architect's difficulty with accessing the system is because of a disability, then reasonable adjustments must be made, regardless of what is in the rules.

**19. Draft Registration Rule 11 proposes that ARB should have the power to remove an architect from the Register when they have only been registered because of fraud or error.**

**To what extent do you agree with this approach?**

17. All respondents agreed with this approach, with five strongly agreed and two agreed.

**20. Is there anything within the draft General Rules or draft Registration Rules that could have an impact on ARB's commitment to equality, diversity and inclusion or have a positive or negative impact on anyone with particular protected characteristics?**

**A list of protected characteristics can be found here:**

<https://www.equalityhumanrights.com/equality/equality-act-2010/protected-characteristics>

**Please feel free to explain your response:**

18. Two respondents responded to this question. One respondent said the proposals are not inclusive when it comes to digital-only method of administering the fee. This response has been summarised into paragraph 16.

**21. Is there any further feedback you would like to provide on the draft General Rules?**

**Please feel free to explain your response:**

19. Two respondents responded to this question. One of these responses is summarised into paragraph 11. Another respondent queried whether registrants can view ARB's Board meetings, with a consideration to using Zoom or Teams, or providing a recording. The respondent explained that the facility to submit questions would be useful and can potentially increase participation of registrants in the open sessions.

20. Members of the public are welcome to attend the open sessions of ARB's Board meetings. Instruction on how to join the sessions are [available online](#), and open papers are also available via the meeting date and agenda pages.

**22. Is there any further feedback you would like to provide on the draft Registration Rules?**

**Please feel free to explain your response:**



21. We received three responses to this question. Two of these responses have been summarised into the matching topic above. These are summarised in paragraphs 7 and 11.
22. One respondent said that instead of using 'remove,' terms like 'struck-off' might be more familiar. Our view is that the existing language is sufficiently clear to both the profession and public, and that 'struck-off' has connotations with the disciplinary process which is not relevant to these rules. This respondent also queried whether ARB has considered wider media publicity, instead of only in trade press or magazines. They suggested that with the launching of new rules, it might be a good timing to remind the public about the architecture profession, what they should expect from the profession, and the importance of the term 'ARB' when checking.