

Minutes of Board Meeting held on 27 January 2020

Location	Present	In Attendance
8 Weymouth Street London W1W 5BU	Alison White (Chair) Mark Bottomley Derek Bray Emeritus Professor ADH Crook Will Freeman Stephen McCusker Liz Male Emeritus Professor Richard Parnaby Elena Marco	Karen Holmes (Registrar) Emma Matthews Simon Howard Rob Jones Marc Stoner Kristen Hewett (Minutes) Rob Wilson (item 6 only)

Note

Action

The agenda items below were taken out of order at the meeting to allow for a Board member's delayed arrival. For good order, the agenda was taken as follows:

Apologies

Members' Interests

Minutes from the Open Session meeting of the 9 December 2019

Matters Arising

Operational Activities Report

Update from the Chair

Consultation on the Prescribed Examination

Consultation on the General Rules

Year-end Report against the Business Plan and Report on Statistics and Trends

2019 Financial Year End

Any Other Business

The minutes below follow the order of the published agenda.

1 Apologies for Absence

Apologies were received from John Beckerleg.

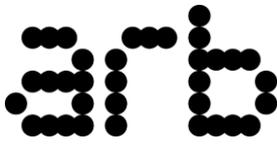
Emeritus Professor Richard Parnaby arrived at the meeting at 10.15.

2 Members' Interests

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

3 Update from the Chair

The Chair welcomed Board members to the January meeting and commented on how busy the start of the year had been both with business as usual and with work on the new business plan.

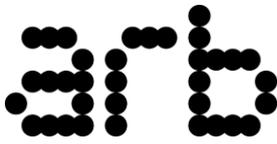


The Chair provided an update on the implementation of new governance arrangements and reported that an induction day had been held for the new Prescription Committee, shortly followed by the Committee's first meeting. The Chair confirmed that the Prescription Committee members had been carefully selected to bring a range of expertise and skills in an effort to create a high-performing team in which the Board could place a high level of confidence. It was confirmed that the recommendations to the Board would remain those of the Executive at all times, but the Board would be assured that there had been independent and thorough scrutiny by the Committee. The Chair highlighted that the Board would always need to be cognisant of its statutory accountabilities and confirmed that the Board had already started to set more rigorous standards for schools of architecture, such as submission deadlines being met.

The Chair provided an update on the recruitment process of the independent members for the Policy Committee, and confirmed that the selection panel would take place on 27 February 2020.

With regards the progress of the industry response to the Hackitt review, it was confirmed that the competence working groups were currently considering the consultation responses to the interim 'Raising the Bar' report. ARB is chairing the working group looking at the competence of designers working on higher-risk residential buildings. The Chair re-iterated that it would remain to be seen whether a new role for the ARB might emerge from the reviews of building regulations and safety currently being carried out by Government.

It was confirmed that the Registrar had written to the Ministry for Housing, Communities and Local Government's Senior Sponsor Lead to reiterate the Board's concerns regarding the possibility of standards being undermined in any trade negotiations with international countries. The letter said that whilst the Board appreciated the complex nature of negotiations, which would of course be much wider than architects' professional recognition, it was alive to the issues surrounding the competence of the profession and the future expectations of increased competence in the areas of fire and life safety. In its response, the Department said that it was engaged in cross-Government discussions regarding the future relationship with the EU and future trade with third countries, including the recognition of architects, and that its position was to avoid any approach that might lower the standards of architect registration as part of trade negotiations. In addition, the Department said that in response to the recommendations of the Hackitt review, it was exploring the possibility of providing ARB with the power to set criteria for, and monitor the competence of, all UK architects on the Register. Once again, the



functioning would be determined by the ARB.

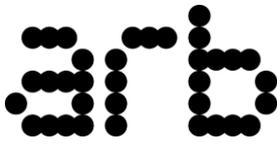
The Chair confirmed that two ARB working groups had been commissioned to consider whether changes needed to be made to the Criteria and/or guidance in respect of two urgent issues: fire and life safety design, and the climate change emergency. Those groups met for the first time in January. They were working in accordance with terms of reference set by the Board and a deadline of the end of March 2020 had been set for their work to be completed.

The Chair provided an update on the meeting held with the RIBA in December 2019, and the conversation about starting to define the 'global architect' of the 21st Century. The Chair reported that since the meeting, the President of the RIBA had established a fact-finding mission entitled 'The High Road to 2034'. The Chair confirmed that ARB had also started its own process of fact finding and had organised some round table discussions, and would be looking to timetable meetings with the representative bodies in Wales and Scotland, having already met with the Royal Society of Ulster Architects.

The Chair updated the Board on a response ARB had received from the Standing Conference of Heads of Schools of Architecture (SCHOSA) following the meeting she had held with them on 2 December 2019. The response confirmed SCHOSA's strong commitment to a more strategic relationship, and further meetings between ARB and SCHOSA were being arranged to take this forward. In the meantime, ARB was carrying out some data collection to build a fuller picture of the educational landscape.

The Board's attention was drawn to the developing issue of professional indemnity insurance (PII) for architects in that, according to ARB's Architects Code of Conduct, architects are expected to have adequate and appropriate professional indemnity insurance cover for themselves, their practice and their employees. The Chair outlined that difficulties were being faced across the PII market and across professions, with increasing premiums being aggravated by the growing use of restrictions and exclusions by insurers. The Chair confirmed that this subject had been discussed with the RIBA and it had subsequently become clear that we would need to consult directly with the industry PII providers, in order that we can consider what further action needs to be taken.

The Chair highlighted that as this was the first meeting of 2020, the Board would be presented with a report on performance for 2019. The Chair commended the depth of the achievements of the organisation, especially in a year that was so highly affected by the challenges of the uncertainties caused by the EU Exit, and the absence of a governance structure during the first three months of the year. The Chair



expressed thanks to the staff team on behalf of the Board for its hard work, professionalism and commitment during this period.

The Chair reported that following an interview process, an Investment Broker was appointed via Board write-around on 23 December 2019, and a workshop took place on 16 January 2020 to develop the Board's investment policy and its future way of working.

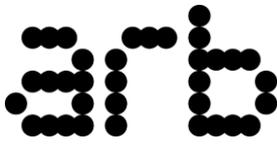
It was confirmed that the current and upcoming Board vacancies had not yet been advertised, so a decision needed to be taken by the Board as to whether it should use the new rules for temporary appointments to fill those vacancies on an interim basis, initially for a four-month appointment period. It was confirmed that the Department was supportive of this approach. The Board would therefore be asked for its approval to proceed on that basis, and to appoint Alison White, Emeritus Professor ADH Crook and Emeritus Professor Richard Parnaby as panel members.

The Chair highlighted that Board members were approaching their first anniversary, so consideration would need to be given to implementation of an annual review process, and that proposals on how this would be achieved would be brought back to the Board.

The Chair concluded her report by thanking the Head of Registration who would shortly be leaving the organisation.

The following points were made by Board members:

- A Board member commented on the Prescription Committee induction and subsequent meeting, and assured the Board that as a member of the Prescription Committee, he was already beginning to see changes as to how the revised Prescription processes were operating.
- A question was asked around fire life safety and competence, and whether it was envisaged that this would be the monitoring of CPD for those already on the Register, or checking competence at the point of registration. The Chair responded that first, ARB had decided that a short-term review of ARB's criteria and guidance in fire life safety should be carried out. Second, the cross-industry responses in the Hackitt review would need to be brought together. Third, ARB would need to consider what it wished to do in respect of any post registration competency framework. A discussion would need to take place around how any ARB scheme would fit with what the professional body currently do. The Board would be fully apprised of the pieces of work being



carried out, and how they fit into the bigger picture.

- A Board member reiterated the point about being more rigorous with Schools of Architecture, and made particular reference to the late submission of annual reports; it was suggested that ARB should communicate with the Senior Staff at institutions as well as Heads of Schools so that ARB's position was understood. The Chair of the Board agreed that as the Board strived toward a more rigorous approach, the schools should be educated in terms of any new requirements, although there might be a process of transition. The message that should be given was that there would be more Board rigour going forward.

To conclude this item, the Board agreed:

- **To use the new General Rules for temporary appointments to fill the current and Board vacancies for a lay and an architect member on an interim basis, initially for a four-month appointment period; and**
- **To appoint Alison White, Emeritus Professor ADH Crook and Emeritus Professor Richard Parnaby as panel members**

The decision was unanimous.

4 Minutes

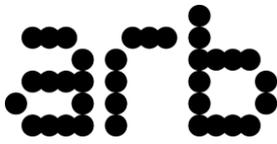
- To approve the open session minutes of the meeting held on 9 December 2019**

Subject to a slight amendment to page 9 of the draft minutes of the 9 December 2019 (the addition of a space between 'noted' and 'the' in the last paragraph of item 10), the draft minutes were agreed.

Pending the amendment outlined above, the Board approved the minutes of the meeting held on 9 December 2019.

The decision was unanimous.

5 Matters Arising Report



The report was presented by the Registrar and Chief Executive.

The Head of Qualifications and Governance confirmed that an update on the Quality Assurance Agency (QAA) consultation was provided in the Operational Activities Report at item 8 of the Board meeting agenda; but that, in accordance with the Board's decision made at its December 2019 meeting, ARB had responded to the consultation, and had written formally to the QAA to express its concerns.

The report was noted by the Board.

6 Consultation on the Prescribed Exam

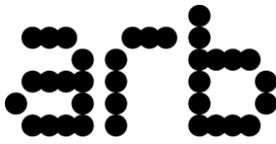
The Head of Registration presented the paper and outlined that, following the Board's consideration of the matter at its December 2019 meeting, the proposed amendments to the examination procedures had been consulted on for a four-week period. It was confirmed that the consultation was advertised on the ARB website and had also been specifically sent to those who had responded to a previous consultation on the exam procedures.

It was highlighted that one small change had been made as a result of a consultation response; this was to amend the wording in respect of 'referral to lead examiner' process for near-miss applications as contained at section A.1.2.2.A.

The Chair suggested that it might be helpful to further explore the issues raised by SCHOSA as part of this consultation, as they seemed to raise issues that were wider than the examination procedures, and that it was important we did not lose sight of those points.

It was also requested that when future consultation papers were presented to the Board, the Executive's reply should be presented alongside each consultation response on a point by point basis, as well as the responses being summarised in the cover paper. It was agreed that this would be adopted as standard going forward.

A query was raised over a point made by SCHOSA in its consultation response around a perception that non-prescribed course programme specifications were being re-written in such a way to ensure eligibility for the Prescribed Examinations. The Registrar and Chief Executive noted that we would need to ask for evidence of this before we could consider the issues presented.



The Board approved the changes to the Examination Procedures as set out at Annex B of the paper; effective as of the date of approval (29 January 2020).

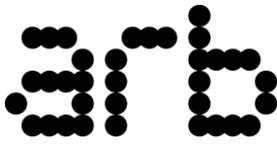
The decision was unanimous.

7 Consultation on the General Rules (Temporary Appointment of Chair/ General Updates/EU Exit)

This item was introduced by the Head of Qualifications and Governance who highlighted to the Board that although it had been hoped that this would be the last set of amendments to the Board's General Rules for some time; it was now likely that further changes to the General Rules would be needed as the Act would need to be amended to cover the UK/EU implementation period.

The Board:

- i) noted that no consultation responses were received and approved the additions to the General Rules as set out in Annex A;**
- ii) approved the addition of sections 11.4 to 11.9 of Annex A which set out the proposed new rules in relation to the appointment of a temporary Board Chair, and agreed that these should become effective immediately, i.e., on 27 January 2020; and**
- iii) approved the changes and additions to sections 1, 3.3, 6.2, 17.5 and the section that related to Schedule 1 of Annex A which set out general updates to the Rules, and agreed that these should become effective immediately, i.e., on 27 January 2020.**
- iv) In the event that the UK left the EU without a deal and the revised 'no deal' version of the Architects Act 1997 came into effect on 1 February 2020, the Board approved the adjustments and additions set out in sections 2.1, 2.2, 9.1 and 21.1 of Annex A which would need to be made in order to ensure that Rules continued to align with the revised Act, and agreed that these should become effective with effect from 1 February 2020; or**
- v) In the event that the UK left the EU and moved into the implementation period, the Board approved the adjustments set out in section 9.1 of Annex A which would need to be made in order to enable ARB to continue to operate effectively after 31 January 2020, and agreed that these should become effective with effect from 1 February 2020. [Note: if the UK moved into the implementation period, the adjustments set out in sections 2.1, 2.2, and 21.1, would not be required.]**
- v) The Board agreed that the Executive should prepare and publish an updated**



version of the General Rules in accordance with the Board's decisions as soon as possible after 31 January 2020.

8 Operational Activities Report

The report was introduced by the Registrar and Chief Executive. The following points were highlighted:

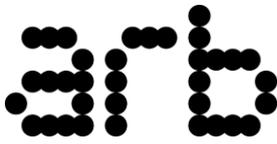
The Head of Professional Standards provided an update in respect of the Architects Climate Action Network (ACAN). It was confirmed that the Registrar and Chief Executive and the Head of Professional Standards had met with representatives from ACAN in December 2019, but that ACAN had since written to ARB to request that ARB make a statement to declare a climate emergency. It was agreed that any such declaration would need to be given proper consideration by the Board, particularly in regard to any action ARB might take if it were to make such a declaration.

The Registrar and Chief Executive highlighted that there were two aspects to the climate change emergency point: first ARB's role as an industry regulator and the standards we should be setting for architects, and secondly how ARB as an organisation was run in terms of sustainability.

The Chair of the Board requested that this matter be brought back to the Board at its March 2020 meeting when it could be given proper consideration.

The Head of Qualifications and Governance then provided an update on the Architects Council of Europe's Regulatory Questions and Issues Working Group (RQI). As set out in the Operational Activities Report, the Head of Qualifications and Governance had attended an RQI meeting, but had nothing of substance to report to the Board as a result of that meeting.

The Head of Qualifications and Governance provided an update on a meeting of the Architecture Trailblazer Group that she had recently attended. It had been the first meeting of the group since 2018. Members of the Group had confirmed that the Architect Apprenticeship, which included Part 2 and Part 3 level qualifications, was proving successful with a number of institutions offering prescribed qualifications within this apprenticeship scheme. Concerns had been raised by practices about the Architectural Assistant Apprenticeship and it was noted that whilst there was plenty



of demand for apprenticeships at this level, there was only one institution currently offering a prescribed qualification at Part 1. It was noted that this may be due to the level of funding available for the Architectural Assistant Apprenticeship. It was noted that there were approximately 250 and 300 apprentices undertaking the apprenticeships. The group had agreed to gather evidence regarding the lack of institutions offering Part 1 qualifications within the Architectural Assistant Apprenticeship with a view to requesting that the Institute for Apprenticeships and Technical Education review the funding band for this level of provision. The Group had agreed to meet on a six-monthly basis going forward with a view to the full review of the apprenticeship standards and end point assessments in 2021.

The Registrar and Chief Executive provided an update on the stakeholder research and confirmed that a presentation on the outcomes of the research would be brought to the March 2020 Board meeting. It was noted that there would be considerable data to come out of the stakeholder research, and that as part of the Boards' discussions around the high level findings of the research, it would be helpful if the Board could provide an understanding around which areas it would like to drill down further into.

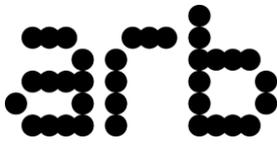
The Head of Registration provided an update on the annual retention fee collection process and confirmed that the the staff team had worked hard to ensure it was a successful retention fee campaign, which resulted in the number of architects who paid the fee on time being as expected.

9 Year-end Report against the Business Plan and Report on Statistics and Trends

The reports were taken as one item and presented by the Head of Professional Standards who highlighted that reporting was an area that was to be reviewed to ensure that we are reporting on the appropriate areas, and at the appropriate level.

The following points were discussed:

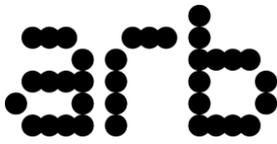
- A Board member queried an increase around the number of professional standards complaints. It was noted that there had been a significant growth in the number of complaints against architects in 2019, but as the numbers overall were low, we would need to monitor the position over a longer period of time to see if this increase was a trend rather than a statistical anomaly.
- Discussion took place about the high number of applications for registration from Italy and Spain, as evidenced by the graph at section 1.3 of the Report on Statistics and Trends, and whether there was any further information



available. The Head of Registration confirmed that this had been the case for a number of years, although he did not believe there was any data as to the reason behind it.

- A Board member queried the increase in views of the 2018 Annual Report, as reported at section 4.4 of the Report on Statistics and Trends, and how an 843% increase in page views had been achieved. The Registrar and Chief Executive confirmed that the design and format of the Annual Report for 2018 had been revised, with it being made more concise and accessible.
- It was noted that three out of the seven Board-approved additional posts to the staff team had been recruited to, as explained at section three of the year-end report against the Business Plan, and a Board member queried how the recruitment was going with the remaining posts. The Registrar and Chief Executive highlighted that there had been some difficulty with recruitment which was attributed to the market being buoyant.
- A Board member queried the increase in the number of title regulation cases, as set out at section 3.7 of the report on statistics and trends, and whether this increase was owing to staff proactively seeking out title misuse cases, or whether it was action based on reported cases. The Head of Professional Standards clarified that it was a combination of both. He explained by way of background, that eighteen months ago the previous Board had agreed to a fixed-term increase in resource in the area of title misuse, which had enabled ARB to be more proactive in seeking misuse of title cases. How the title 'architect' is regulated was something that the Board would need to address later in 2020, so that decisions could be made on the amount of resource that should be committed to this area of work going forward.
- A Board member queried whether there was any update to the situation with the UK's exit from the EU; as referenced at section 7 of the year-end report against the Business Plan. The Registrar and Chief Executive confirmed that she and the Head of Qualifications and Governance had recently attended a meeting with the MHCLG at which it was flagged that there would likely be small changes to the Act during the implementation period, and that the Board would be kept updated once further information was known.

The Chair of the Board concluded this item by confirming that there would be continued discussion around ARB's key performance indicators, and how we measured success. This was to ensure that the Board was in the best position to be



able to scrutinise the data presented to it. In particular, it was noted that reporting should be more focussed on outcomes rather than the level of effort. Board members were encouraged to give this some thought, as this topic would be brought back to the Board for discussion in due course.

11 2019 Financial Year-end

The Head of Finance and Resources provided an oral update and confirmed that ARB's financial year end was 31 December, and that there was nothing of concern to report. It was highlighted that the annual external audit was scheduled to take place in mid-March 2020; and the audited accounts would be brought to the Board at its May 2020 meeting.

14 Any Other Business

No other business was raised.

15 Dates of Future Board Meetings:

5 March 2020

14 May 2020

19 June 2020 (development day)

10 July 2020

2 October 2020

3 December 2020