



Guidance on standard of acceptance for Allegations

Introduction:

The following is to give guidance for Complainants when making a complaint to the Architects Registration Board (ARB).

To ensure that allegations are considered appropriately, this document sets out a modest and proportionate threshold which allegations must normally meet before they will be investigated by the ARB. That threshold is known as the “standard of acceptance”.

In relation to allegations, our primary concern is that architects adhere to the ‘Architects Code’, in the sense that they have the knowledge, skills and character to practise their profession safely and effectively. It is not just about professional performance. It also includes acts by an architect which may have an impact on public’s view of the profession.

Although allegations are only made against a small minority of architects, investigating them properly is a resource-intensive process. Therefore, it is important to ensure that the available resources are used effectively to protect the public and are not diverted into investigating matters which do not raise cause for concern. Importantly, we recognise that architects do make mistakes or have lapses in behaviour and we will not pursue every minor error or lapse. Architects are expected to comply with the standards laid down in the Architects Code of Conduct and Practice, but not every shortcoming or failure to meet the standards in the Code will necessarily give rise to disciplinary proceedings.

The **standard of acceptance** is an important safeguard against the diversion of resources but, as the ARB’s primary concern is public protection, it does not set rigid and unbending rules.

Allegations:

The Architects Act 1997 enables the ARB to deal with complaints about an Architect’s conduct or their ability to do their job, regarding:

- unacceptable professional conduct;
- serious professional incompetence; and
- A conviction for a criminal offence that has a material relevance to their fitness to practice as an architect

Meeting the standard of acceptance:

Before a complaint becomes an allegation and is forwarded to the Architect, it needs to meet the ARB’s Standard of Acceptance, which is:

- The ARB must receive the complaint in writing;
- The information needs to sufficiently identify the Architect against whom the allegation is made;
- The nature of the allegation needs to be sufficient and detail the events and circumstances giving rise to the complaint in order for the Architect to be able to understand the allegation, and;
- The evidence provided must be credible in respect of the allegation as a whole, in that the nature of the facts alleged must suggest that the actions of the Architect fall below the standards of the Code of Conduct and Practice. Credible evidence will vary from case to case, but evidence is more likely to be regarded as credible if it provides a coherent, logical and reasonable explanation of the events in question, particularly if it is supported by other evidence.

The complaint should be made in writing:

The requirement that allegations must be made in writing is intended to assist in obtaining all relevant information from complainants, not to act as an obstacle to the making of allegations.

If a complainant's initial contact with the ARB is by other means, the Complainant should be advised about the standard of acceptance and assisted to submit any allegation in writing. This may be achieved by:

- giving the complainant advice on how to put the allegation in writing;
- sending the complainant a copy of the 'What happens when you complain to the ARB' and a complaint form to complete (which may be partly completed using the information already provided);
- or taking a statement of complaint and sending it to the Complainant for verification and signing.

Sufficiently identify the Architects:

It is important to understand that ARB does not register or regulate architectural practices, but individual architects. The ARB would expect the Complainant to "sufficiently identify" the architect against whom the complaint is being made.

In such cases, if the complainant is able to provide information which is sufficient to enable the ARB by reasonable efforts to trace the architect concerned then this requirement should be regarded as met.

Similarly, where a complaint does not raise concerns about the conduct of an architect but where the Complainant has raised issues which should be investigated by another body (e.g. ombudsman), the Complainant should be provided with appropriate signposting and other advice to assist them to pursue the matter.

The nature of the allegation

It would be unreasonable for the ARB to assume that complainants are familiar with the technical detail of its investigation process. The requirement to set out “the nature of the allegation” is about substance and not form. It is met where a Complainant provides an allegation in sufficient detail for a preliminary decision to be reached as to whether it raises serious concerns about an architect’s conduct or competence, as opposed to being a more general complaint about services or policy.

Credible evidence

The second requirement of the standard of acceptance is that an allegation provides “credible evidence”.

The standard of acceptance is not intended to act as a barrier to the making of allegations, but simply to act as a filter to ensure that resources are not expended on pursuing matters which do not raise a credible cause for concern. The requirement that evidence is “credible” does not require a complainant to prove at the outset that it is true. The test is that the information provided needs to be sufficient to cause a reasonable person to consider that it is worthy of belief.

What constitutes credible evidence will vary from case to case, but evidence is more likely to be regarded as credible if it provides a coherent, logical and reasonable explanation of the events in question, particularly if it is either supported by other evidence (e.g. contemporaneous notes or other documents such as emails) or is consistent with already known facts.

Where the information initially provided by a complainant does not amount to credible evidence, it may be appropriate for the complainant to be asked whether they can supply any further detail before a decision is taken as to whether the standard of acceptance is met. The evidence provided must be credible in respect of the allegation as whole.

If an allegation is not pursued due to a lack of credible evidence, it is important for complainants to understand that this does not mean they have been disbelieved, but simply that the evidence provided was insufficient to enable the allegation to be pursued further.

Drafting formal allegations

If the standard of acceptance is met, the allegations will be drafted by the ARB and sent to the architect concerned with the supporting material which is available at that time. This is because it is ARB’s responsibility to investigate the conduct and competence of an architect – it is not an adjudicator of disputes between architects and complainants. The formal allegations may differ quite significantly in style from the original allegation and will only address those aspects of that allegation which have been found to meet the standard of acceptance.

Complainants should be aware that referrals to the Professional Conduct Committee are made by the Investigations Panel on behalf of the ARB. Cases are brought by the ARB on the basis that there may be evidence of unacceptable professional conduct or serious professional incompetence. A complainant’s status is not one of party to the proceedings, but as a witness of fact.

Case closure

Every allegation received by the ARB must be considered on its merits and, as the ARB's main objective is public protection, there is a presumption in favour of making further inquiries about an allegation unless it clearly does not meet the standard of acceptance.

A decision not to proceed with an allegation on the basis that it does not meet the standard of acceptance should only be taken after consideration of all the available information. At this stage in the process, any doubts should be resolved in favour of public protection, by allowing the allegation to proceed. In marginal cases, such doubts can often be resolved by reviewing the allegation in the light of the additional information provided by the registrant in response to the allegation. If an allegation is found not to meet the standard of acceptance and the case is closed, it is important that clear reasons for the decision are recorded.

Criminal offences

Registrants must inform the ARB if they are convicted of, or accept a caution for a criminal offence. The ARB has a legitimate interest in being informed of all offences and, in particular, those which are likely to have a bearing on an architect's fitness to practice as an architect, such as:

- dishonesty;
- violence;
- those arising out of professional activities;
- those concerning legislation directly affecting architects;
- those that undermine public confidence in the profession.