



# What happens when I complain to ARB?

## Contents

<b>1</b>	<b>Introduction</b>	<b>3</b>
<b>2</b>	<b>What sort of complaint can ARB investigate?</b>	<b>3</b>
<b>3</b>	<b>Aspects of complaints beyond ARB's powers</b>	<b>4</b>
<b>4</b>	<b>Other solutions to help resolve a dispute</b>	<b>4</b>
	Arbitration or mediation	4
	Court action	4
<b>5</b>	<b>Raising a complaint with the architect</b>	<b>5</b>
<b>6</b>	<b>How do I make a complaint to ARB?</b>	<b>5</b>
<b>7</b>	<b>Information we need</b>	<b>5</b>
<b>8</b>	<b>How we deal with complaints</b>	<b>6</b>
	Screening complaints and initial investigation	6
	The Investigations Panel	6
	The Professional Conduct Committee	6
<b>9</b>	<b>How long does the process take?</b>	<b>7</b>
<b>10</b>	<b>Is the process confidential?</b>	<b>7</b>
<b>11</b>	<b>What can I do if I'm not happy with your service?</b>	<b>8</b>

## 1. Introduction

1.1 The Architects Registration Board (ARB) was set up by Parliament to regulate architects in the UK. Our powers are governed by the Architects Act 1997 (the Act).

1.2 One of our duties is dealing with complaints about the conduct of architects and their ability to do their job – their competence. This guidance describes how we handle complaints about architects.

## 2. What sort of complaint can ARB investigate?

2.1 When you contact us to raise concerns about someone on our Register we refer to this as a complaint. As part of our screening process, we must determine whether the complaint is sufficiently serious that it falls within our regulatory remit. The Act enables us to investigate only two types of allegations: unacceptable professional conduct and serious professional incompetence. These are both serious disciplinary matters and go beyond accusations of mere mistakes or minor lapses in behaviour or conduct. [Here is our detailed guidance on what constitutes unacceptable professional conduct and serious professional incompetence.](#)

2.2 As part of our screening assessment we will consider the [Architects Code of Conduct](#). The Architects Code of Conduct is not a set of rules that architects must follow, but guidance for architects in their professional lives. We wouldn't automatically take disciplinary action against an architect if they fell below the standards, but we would look to see how serious the alleged failings were.

2.3 If it is clear at the screening stage that your complaint is not sufficiently serious that it could amount to an allegation as recognised under the Act, then it does not fall within our remit and we will close the case. If we are unable to investigate your complaint we will try to advise and signpost you to other organisations that may be able to help.

If we consider the complaint may be sufficiently serious then it becomes an 'allegation' of either unacceptable professional conduct and/or serious professional incompetence

You will find more information on our screening process in our guidance: Screening new complaints, [ARB's acceptance criteria](#).

### 3. Aspects of complaints beyond ARB's powers

3.1 Because we have to work in line with the Act, there are some aspects of complaints that we are unable to deal with – though we will always try to give you helpful advice. For example, we can't:

- Order your architect to put right something which has gone wrong, or award compensation for poor service. Only the courts can award compensation.
- Become involved in disputes about a contract or fee levels, or decide whether your architect may have been negligent. These are legal issues and must be dealt with through the courts.
- Deal with complaints about matters that are covered by general law (for example, employment, criminal activity or copyright disputes).
- Investigate complaints that are more than six years old, unless there are special circumstances.
- Intervene in a planning dispute.
- Give you legal advice about your complaint, or ask a solicitor to act for you.

### 4. Other solutions to help resolve a dispute

4.1 If we are unable to investigate your complaint, you may want to consider whether there are alternative methods for resolving your dispute. For example:

#### 4.1.1 Arbitration or mediation

4.1.2 Many of the organisations that represent architects in different parts of the UK offer local arbitration or mediation services: this is where a knowledgeable, independent person acts as a go-between for you and the architect and helps you both find a solution.

#### 4.1.3 Court action

4.1.4 In a serious dispute where you and your architect have been unable to reach an agreement, you may consider taking legal action. If this is the case, you might want to take legal advice to find out what your options are, or your local Citizens Advice may be able to help. Only courts can award compensation.

4.2 See the Consumer Organisations section of our [Useful Websites](#) page for details of other organisations that may be able to help you.

## 5. Raising a complaint with the architect

5.1 Under our Code of Conduct, architects should have their own process for dealing with complaints. Raising a complaint with the architect is often the quickest and best way to deal with a problem when it arises.

5.2 If you are thinking about raising a complaint with your architect you may find it helpful to:

- Check what was said in writing about roles and responsibilities at the beginning of your project. Check the terms and conditions of the contract or agreement that your architect drew up – this may help to settle a dispute
- Put your complaint in writing so that both you and your architect have a record of your concerns. You may find our [template letter](#) helpful when writing to your architect.
- Set out the details of your complaint as clearly as you can
- If you have more than one complaint, list them and give them numbers
- Ask who will deal with your complaint, and how long it is likely to take
- Make notes of any meetings that you have, and keep copies of any letters you send to your architect
- Tell your architect what you would like them to do to settle your complaint (but please understand that your architect might not be able to do what you ask)

## 6. How do I make a complaint to ARB?

6.1 Please send us details of your complaint in writing – by email or post – or fill in our [online complaints form](#). See below for the information we need.

6.2 If you find writing difficult, because of a disability for example, you can phone us and we can take a statement: we would then send it to you to check and sign.

## 7. Information we need

7.1 When writing to us about a complaint, please provide:

- your name, address and contact details;
- the name and address of the individual architect you are complaining about;
- your relationship with the architect (for example client, contractor or employee);
- the specific allegations you are making against the architect;
- the documents or other evidence you have to support your complaint

(for example, any contract or agreement you had with the architect, relevant correspondence, copies of relevant designs, expert reports etc.)

## **8. How we deal with complaints**

### **8.1 Screening complaints and initial investigation**

8.1.1 When we receive a complaint, we will first assess the concerns raised to determine whether it is a matter which we can investigate. In many cases the concerns do not fall within our remit as a regulator and we will tell you, advising and signposting you wherever possible.

8.1.2 If the complaint falls within our remit we will raise an allegation of unacceptable professional conduct and/or serious professional incompetence and we will invite the architect to comment. If necessary thereafter we may invite further comment from you and from the architect, before referring the matter to our Investigations Panel (IP).

### **8.2 The Investigations Panel**

8.2.1 The IP is made up of three people – one is an architect and the other two are lay people (meaning they are not on the Register of Architects). The IP looks at the allegation we have raised, along with the information provided by you and the architect. It will decide whether the architect has a case to answer at the Professional Conduct Committee (PCC). This means it decides whether there is sufficient evidence to suggest the architect did what is alleged, and if so, whether such a failing might be so serious that it could amount to unacceptable professional conduct or serious professional incompetence.

8.2.2 When the panel has enough information to make a decision, it can:

- dismiss the allegation;
- give the architect advice about their future conduct or practice; or
- refer the allegation to the PCC.

8.2.3 The IP will provide reasons for its findings.

### **8.3 The Professional Conduct Committee**

8.3.1 When an allegation is referred to the PCC, our Case Presenter (a solicitor) will prepare a report and a public hearing is held. It is likely the Case Presenter will take a

witness statement from you and require you to attend the hearing to give live evidence under oath.

8.3.2 The case will be considered by three people – one architect, one lay person and a legally qualified Chair.

8.3.3 After hearing the evidence, the PCC will decide whether the architect did what is alleged, and if so, whether they acted in a way that amounts to unacceptable professional conduct, serious professional incompetence, or both. The PCC can dismiss the case if it believes there is not enough evidence to support it or that any failings are not serious enough to warrant a disciplinary finding. If it does find the architect acted in a way which amounts to unacceptable professional conduct and/or serious professional incompetence, it will impose a sanction according to how serious the case is.

8.3.4 The possible sanctions that can be imposed by the PCC are:

- a reprimand (a formal warning);
- a fine – currently up to a maximum of £5000 (payable to HM Treasury);
- suspension from the Register of Architects for up to two years; or
- permanent erasure from the Register

8.3.5 Where the PCC makes a finding of unacceptable professional conduct and/or serious professional incompetence, ARB will publish the decision and a press release may be issued.

## 9. How long does the process take?

9.1 It can take many months to investigate a complaint, especially if it is complicated or technical. We will let you know how long each stage is likely to take, and keep you updated of any changes to those timescales.

## 10. Is the process confidential?

10.1 When we investigate concerns about someone on our Register we are committed to protecting the confidentiality and reputation of both sides. We make a complaint public only if it reaches a PCC hearing. We ask that both you and the architect have the same respect for confidentiality.

## 11. What can I do if I'm not happy with your service?

11.1 We are committed to providing a high-quality, professional service to everyone who contacts us. If something goes wrong, please tell us and we will do everything we can to sort out your concerns.

If you need information on this document in a different format such as an audio recording or braille, you can:

- email [info@arb.org.uk](mailto:info@arb.org.uk)
- call 020 7580 5861
- write to us at ARB, 8 Weymouth Street. London W1W 5BU

We'll consider your request and get back to you within 14 days.





For more information please contact  
the Architects Registration Board  
8 Weymouth Street, London W1W 5BU  
Web: [www.arb.org.uk](http://www.arb.org.uk)  
Email: [info@arb.org.uk](mailto:info@arb.org.uk)  
Telephone: +44 (0) 20 7580 5861