

Open session

Board meeting: 28 March 2023

Agenda item: 4

Subject: Registration Appeals Fee/Exceptional Waiving of the UK Adaptation Fee

Action: For Decision

Purpose

To agree the fee for registration appeals.

To agree, on an exceptional basis, to waive the UK Adaptation Assessment fee for those individuals who volunteer to take part in the pilot of the assessment process.

Recommendations

It is recommended that the Board:

- i. Agrees that the fee for registration appeals should be £2090, and that the fee should then be reviewed on an annual basis each Autumn from this point forward, in line with all other fees and as part of the annual budget setting process.
- ii. Agrees, exceptionally, that the full UK Adaptation Assessment fee for the four volunteer candidates who undertake the UK Adaptation Assessment as part of the pilot of the process, and who subsequently undertake the formal assessment as part of new international route to registration, should be waived.

Annexes

N/A

Author/Key Contact

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1. Open Session

2. Background and Key points

Registration Appeals Fee

- 2.1. Further to recent changes to the Architects Act 1997, which were brought about by the Building Safety Act 2022, the Board is required to establish an Appeals Committee which is intended to provide a non-judicial route of appeal to aggrieved individuals. The Appeals Committee can consider appeals against:
 - A decision to refuse an individual's application for registration; or
 - A decision to remove or not re-enter someone onto the Register because the Board is not satisfied that they have gained sufficient recent practical experience or undertaken sufficient training.
- 2.2. At its meeting of 15 February 2023, the Board considered consultation responses relating to the proposed Appeals Committee Rules, Procedures and Membership and after discussion approved these, subject to minor textual changes requested by the Board, as well as the proposed changes to the General Rules.
- 2.3. At its meeting in February 2023, the Board noted that an appeal would not be considered until the relevant fee had been paid, and as a result, the operationalisation of the appeals process needed to be delayed until the relevant fee had been set. The Executive agreed to bring a paper back to the Board regarding the setting of the fee at the earliest opportunity.
- 2.4. As noted in February 2023, ARB Staff will act as the Appeals Secretary and will work on screening and administering appeals. The Committee will require members and a chair to hear and make decisions on appeals. The Board has agreed, following consultation with the Secretary of State, that the Committee will consist of the chairs and members of ARB's Professional Conduct Committee.
- 2.5. We have taken the approach that the appeals process should operate on a cost recovery basis, and a fee will be payable upon application to appeal. Some or all of that fee will be refunded in the event that the appeal is successful.
- 2.6. Taking into account the requirements set out in the Procedures and in relation to the constitution of the Committee, the calculation of the fee has been based on the following:

- 1 x day Staff Administration costs (£200)
- 1 x day Professional Conduct Committee Chair's time (£940)
- 2 x day Professional Conduct Committee members (1 day each for 2 Committee members) (£950)

2.7. The appeal fee should therefore be set at £2090.

2.8. In order to streamline the process, the Professional Standards Team will handle any appeals, as well as support the Appeals Committee. Typically cases will be dealt with electronically, using email and Zoom.

2.9. In-person cases are only likely where an applicant has requested a reasonable adjustment; in such cases we would not make an additional charge for this and the fee would remain the same. This means that ARB would be absorbing any additional costs incurred for in-person cases.


2.10. We proposed that the appeal fee should be reviewed on an annual basis each Autumn from this point forward, in line with all other fees and as part of the annual budget setting process.

Exceptional Waiving of UK Adaptation Assessment Fee

2.11. The UK Adaptation Assessment forms a key part of the new international route to registration and those who are eligible to benefit from the recognition of their qualifications via a mutual recognition agreement will need to successfully pass the UK Adaptation Assessment before they can join the UK Register. The Board approved the UK Adaptation Assessment Procedures and associated fee for the UK Adaptation Assessment process during the Autumn 2022. The fee for the UK Adaptation Assessment, which must be set by the Board, has been set at £2950 for 2023.

2.12. The Board will recall that the Executive will be piloting the UK Adaptation Assessment process before it is formally launched later this Spring. We have put plans in place to pilot the process with four assessment panels, and the pilot will take place in April 2023.

2.13. We wish to make the pilot as true to life as possible so that we can iron out any procedural issues and make relevant adjustments to our guidance and forms before we go live with the process. We have therefore found four individuals who are willing to undertake the UK Adaptation Assessment as part of the pilot process. Whilst the individuals are keen to support the work that we are doing, and will benefit from any feedback they receive regarding their pilot application, we feel that it would be inappropriate to charge them to sit an assessment that they had



already completed as part of a pilot in order to provide feedback to ARB. We have explored several options including waiving the need for them to repeat the Assessment once the new international route opens; the Chief Executive and Registrar waiving or varying the existing fee; or paying them a daily attendance allowance. These options have a series of issues attached to them and would be difficult to realise, not least because the international route to registration will not have become fully operational until after the pilot has taken place, nor does the Chief Executive and Registrar have the power to waive or vary the fee that has been set by the Board. As a result, we would like to propose, on an exceptional basis that the UK Adaptation Assessment fee is waived when these four individuals choose to formally undertake the Assessment process.


- 2.14. If the Board agrees to waive the UK Adaptation Assessment fees for these individuals this would amount to a cost of £11,800 for the year ending 31 December 2023. It is proposed that the cost is covered from within ARBs operational reserves although the Executive will continue to seek efficiencies where it is able.
- 2.15. Without the support of volunteers in the pilot we would expect to incur additional costs in relation to external evaluation.

3. Resource Implications

- 3.1. Our expectations regarding the resourcing of the appeals process and committee have not changed since the Rules, Procedures and membership of the Committee were approved by the Board in February 2023.
- 3.2. We currently receive a very low number of appeals each year. This may increase as we establish a new formal route for individuals to appeal.
- 3.3. We have sought to streamline the process and keep costs to a minimum by ensuring that typical appeals can be dealt with electronically and online; we will use chairs and members from the Professional Conduct Committee to reduce recruitment and onboarding costs; and staff will be familiar with making arrangements for similar types of activities.
- 3.4. As noted above, the costs of waiving the UK Adaptation Assessment for four volunteer candidates will be covered by the Boards operational reserves although the Executive will continue to seek efficiencies where it is able.

4. Risk implications

- 4.1. No new risks have emerged since the Board considered the Rules, Procedures and membership of the Appeals Committee in February 2023.

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- 4.2. We will undertake identity checks to ensure that those participating as volunteers within the pilot of the UK Adaptation Assessment are provided with the correct fee waiver when they formally apply to undertake the assessment. This will mitigate the risks around ensuring that the correct individuals benefit from the waiver.
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5. Communication

- 5.1. We will operationalise the appeals process with immediate effect following the Board's decision regarding the appeal fee.
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6. Equality and Diversity implications

- 6.1. The appeals process must be accessible to those who wish to make an appeal. We have made provision within the procedures so that reasonable adjustments can be accommodated.
- 6.2. We will need to keep membership of the Appeals Committee under review to ensure diversity. This is linked to wider work in relation to recruitment of panel members and ARB associates.
- 6.3. The development of new routes to registration, particularly through Mutual Recognition Agreements and the associated UK Adaptation Assessment, will reduce time and costs for applications to the Register.
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7. Recommendations

- 7.1. It is recommended that the Board:
- i. Agrees that the fee for registration appeals should be £2090, and that the fee should then be reviewed on an annual basis each Autumn from this point forward, in line with all other fees and as part of the annual budget setting process.
 - ii. Agrees, exceptionally, that the full UK Adaptation Assessment fee for the four volunteer candidates who undertake the UK Adaptation Assessment as part of the pilot of the process, and who subsequently undertake the formal assessment as part of new international route to registration, should be waived.
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