

Open session

Board meeting: 20 July 2022

Agenda item: 7

Subject: Development of International Routes to Registration – Draft UK Adaptation Assessment Procedures for Consultation

Action: For decision

Purpose

To consider and agree to issue the draft UK Adaptation Assessment Procedures, which will be required as part of the new international route to registration, for consultation.

Recommendations

It is recommended that the Board:

- i. Agrees the draft UK Adaptation Assessment Procedures as set out at Annex A, and to publish the Procedures on ARB's website for a period of six weeks to allow any interested parties the opportunity of providing any representations they wish to make in relation to the document; and
- ii. Notes that the details of any representations will be provided to the Board at its meeting in October 2022, when the Board will be asked to approve a final version of the Procedures. The new Procedures will then become effective once the revised legislation becomes effective and once the new international routes are opened.

Annexes

Annex A – draft UK Adaptation Assessment Procedures

Author/Key Contact

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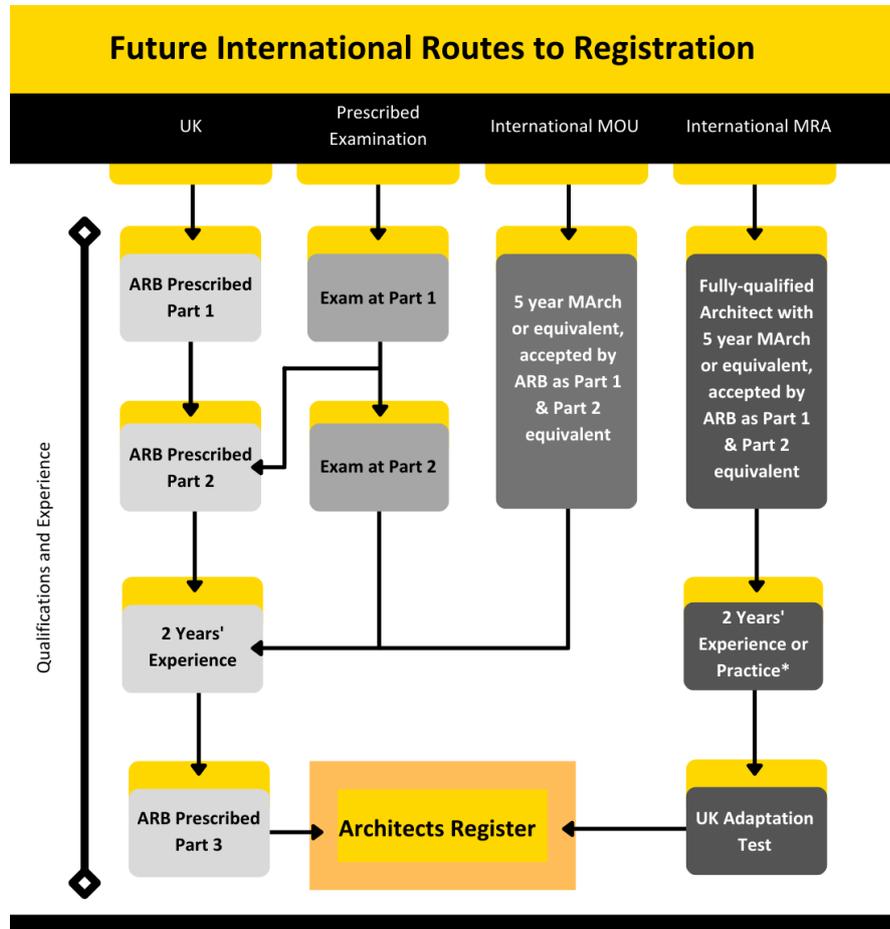
1. Open Session

This item will be taken in open session.

2. Background and Key points

- 2.1. In October 2021, the Board issued a consultation about the new approach it wished to take in relation to the registration of internationally qualified architects. The consultation outlined the proposed new international route, which included the proposal that ARB should recognise international qualifications through setting up Mutual Recognition Agreements (MRAs) and Memoranda of Understanding (MOUs) with international counterpart organisations.
- 2.2. After taking consultation feedback into account, the Board agreed the framework for the new route at its meeting in March 2022.

2.3. The new framework for the new international route will be as follows:



A process for reviewing a counterpart organisation's registration and accreditation requirements and determining whether they are equivalent to ARB's has been established and continues to evolve. MRAs/MOUs will primarily operate at two levels initially, one involving the recognition of equivalent qualifications so that individuals who are seeking to register as architects then complete the final stages of their training and registration in the partner country; the other involving the recognition of qualifications required for registration, so that individuals who are registered in a partner country can then register in the other. The new route also includes a requirement for all internationally trained architects to undertake a UK Adaptation Assessment before they enter the UK Register.

2.4. The UK Adaptation Assessment has been developed based on our learning from international counterparts and with assistance and input from independent expert advisers. We have also used our experience of running the Prescribed Examinations to develop the process. Whilst our intention is that the process will provide assurance that internationally trained individuals are competent to join the UK



Register, we are also seeking to develop a process that is proportionate, supportive and focusses only on the UK-specific requirements that an architect practicing in the UK will need to be aware of and understand. All other competencies will be determined through the due diligence we undertake to establish the MRA/MOU.

- 2.5. Applicants will initially need to apply to our counterpart organisation with whom we have signed an agreement. The counterpart organisation will then issue certification directly to ARB to confirm the qualifications the applicant has secured and that they fall into the scope of the relevant mutual recognition agreement. ARB will then contact the applicant to confirm that an application under the new international route may be made, and invite them to submit an application.
- 2.6. The application will be made through ARB's online portal, and will consist of an application form seeking information in line with that requested in other application routes, a 'reflective career summary' which integrates information equivalent to that of a c.v. together with narrative describing work undertaken and mapping this against the assessment criteria.
- 2.7. Having received this information, applicants will be issued with a series of scenario-based questions, which are designed to provide the basis for a discussion with two assessors, who will use the responses to guide a conversation with the applicant to determine whether the UK Adaptation Assessment Criteria have been met. The ARB will develop and maintain a bank of question for this purpose with the assistance of the assessors and independent assessors who will devise and quality assure the question bank (this will be refreshed from time to time). The applicant will be asked to return their draft responses back to ARB, who will then issue them to two assessors and an independent assessor, who is tasked with overseeing the process. Assessors and independent assessors will be provided with the reflective career summary and draft responses at least two weeks before they will meet with the applicant.
- 2.8. On the scheduled assessment day, which will take place in zoom, assessors will have up to 30 minutes to discuss the submission and to determine what questions they will need to ask based on the applicant's responses to the scenario based questions. The applicant will then join the assessors for a professional interview of up to 60 minutes to discuss their responses to the scenario based questions. The applicant's responses will then determine whether or not the assessors can be confident that the UK Adaptation Assessment Criteria have been met. The outcome will be reported in writing on a form provided by ARB. The process will be overseen by an independent assessor who will report on whether the ARB's procedures have been followed correctly.
- 2.9. The UK Adaptation Assessment Procedures will have the status of rules of the Board, and are attached at Annex A.

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- 2.10. Following the receipt of advice, we do not need any changes to be made the ARB General Rules to underpin the UK Adaptation Assessment process. [Rule 16 \(Prescribed Examination\)](#) is sufficiently broad in scope to mean that the new route can operate within the existing governance framework and no changes to the General Rules are necessary.
- 2.11. The Professional Qualifications Act 2022 was published in late April 2022. In the Act, new powers have been provided for regulators throughout the UK to enter into regulator to regulator recognition agreements with international counterpart organisations. These agreements are to be founded on standards equivalent to those necessary in the UK and may be based on qualifications, experience or a combination of the two. Not all powers in the Act were made operational at the time Royal Assent was granted; we still await the power for ARB to enter into such agreements, as this is to be provided through secondary legislation. It is our intent to make clear through our governance processes that we will be using Section 4(1)(b) of the Architects Act 1997 to deem international qualifications equivalent to prescribed UK qualifications. Whilst an alternative has been provided for under the Professional Qualifications Act, this would involve a process of prescribing relevant international qualifications, which would have significant cost, time, consultation and other regulatory implications (particularly in the event an agreement might cease). The due diligence in mapping international requirements to our own prescription requirements is being undertaken when developing international agreements, and we do not believe it is proportionate to duplicate these by using additional powers provided to prescribe international qualifications.
- 2.12. Based on progress of legislation to date, and the additional secondary legislation that will be necessary to allow ARB to sign agreements with international counterpart organisations, we expect that our new powers will be in place before the end of the year, unless there are any unforeseen delays. Arrangements will then subsequently need to be made for agreements to be signed before the new routes will be operable.

3. Resource Implications

- 3.1. The costs of the development of the international route to date have mainly been covered by the grant received from MHCLG/DLUHC for work undertaken pursuant to the UK's exit from the EU. Although this grant expired on 31 March 2022, we are in discussions with the Department to carry over any unclaimed funding (£60k) to the 2022/2023 financial year so that we can continue to utilise it. We have made some provision for the additional work that needs to be carried out to establish the new international routes within our 2022 budget.
- 3.2. We envisage that the UK Adaptation Assessment process will operate on a cost neutral basis once it has been established, which is the basis of our other routes.



This means that all costs associated with the route will be recovered from applicants making use of it. We are still working on final costings but based on our assumptions to date, the fee payable by applicants to apply for a UK Adaptation Assessment will be around £1500.00, and this will need to be set in due course by the Board. Additional registration fees will then apply after the assessment has taken place and where an applicant has been notified of a successful outcome. We have yet to cost the international registration fee. Similarly, outgoing UK applicants who will seek to make use of international agreements will require certification to be issued by ARB to confirm that their qualifications are in scope, if applicable. We have yet to cost this certification, but the fee for other types of certifications currently offered is currently £80.00.

- 3.3. When commencing the operation of the new international routes, we will need to make use of existing administrative resources and technology, which will mean that there is a certain amount of manual logging, recording and tracking of applications required initially. Our objective is that the new route will be integrated into the new systems being put in place as part of the ongoing transformation process. Whilst efficiencies will be made by automating processes after the transformation project is completed, there are likely to be costs associated with integrating the new route into our transformation project. Transformation costs are being considered separately as part of that planned expenditure.

4. Risk implications

- 4.1. It is imperative that the Board's rules and procedures align with the relevant legislation. Any lack of alignment could cause issues in terms of ARB's ability to deliver its statutory functions and lead to poor governance arrangements. Developing clear and transparent procedures and processes will ensure that the organisation and the Board can continue to operate under the Act.
- 4.2. The design and implementation of the new routes to registration are not without risks and whilst the Executive has significant experience of operating the mutual recognition agreement that previously existed between the UK and the EU, as well as other processes for deeming qualifications equivalent, negotiating and establishing new agreements with international counterparts and the running of the new UK Adaptation Assessment has required the team to develop new skills. To mitigate the risk in this area, the Executive has been working with independent expert advisers to ensure all relevant issues are identified and covered before the new international routes become operational. The Executive will also be piloting the UK Adaptation Assessment this Autumn to ensure that any operational issues can be resolved before the new route is introduced. Furthermore, a review of the UK Adaptation Assessment process will commence after the first six months of operation to ensure that it is operating appropriately.

5. Communication

- 5.1. The Board is asked to note that when it is establishing or updating its rules, the Architects Act 1997 requires that the relevant documents are published to provide the opportunity for representations to be made. The Act does not specify the method of publication nor the length of time any proposed updated should remain available when published. The Board may determine this. It is recommended that the Board agrees to make the UK Adaptation Assessment Procedures available on its website for a period of six weeks. We will alert people to the consultation through direct contact with stakeholders, e.g., the RIBA, Schools of Architecture, our social media channels and ARB Insight. The details of any representations will be brought back to the Board at its meeting in October 2022, when the Board will be asked to agree the final version of the Procedures.
- 5.2. We are already working closely with ARB's Policy and Communications Department and our international counterparts in order to prepare for the launch of the new international routes and the signing of the initial MRAs/MOUs, to ensure that all those who may benefit from them are aware that they are in place, and have access to information about the application process.

6. Equality and Diversity implication

- 6.1. As our principals and approach to the development of the new international route have been evolved, we have taken equality, diversity and inclusion issues into account. We hope through our ongoing and constructive engagement with partners in different countries we are taking proportionate and appropriate steps to uphold standards and quality.
- 6.2. We will need to monitor the impact of the introduction of the new UK Adaptation Assessment and ensure that our work in this area supports our ambitious goals around equality and diversity. With this in mind, and as noted above, we plan to commence a review of the UK Adaptation Assessment process after the first six months of its operation to ensure that this is the case.
- 6.3. We will also take into account our planned review of the Prescribed Examination and consider any learning from that process, particularly in relation to the impact on equality, diversity and inclusion.

7. Recommendations

It is recommended that the Board:

- i. Agrees the draft UK Adaptation Assessment Procedures as set out at Annex A, and to publish the Procedures on ARB's website for a period of six weeks to allow any interested parties the opportunity of providing any representations they wish to make in relation to the document; and
 - ii. Notes that the details of any representations will be provided to the Board at its meeting in October 2022, when the Board will be asked to approve a final version of the Procedures. The new Procedures will then become effective once the revised legislation becomes effective and once the new international routes are opened.
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