



## **What is a 'case to answer'?**

### **Introduction**

The role of the Investigations Panel is to decide whether allegations of unacceptable professional conduct and serious professional incompetence:

- (a) Require further investigation or advice or; or
- (b) Should be referred to the Professional Conduct Committee by way of a report by the Board's Solicitor; or
- (c) Require cautionary advice, if appropriate, as to the architect's future conduct and/or competence; or
- (d) Require no further action.

### **Referral to the Professional Conduct Committee**

In deciding whether or not a case should be referred to the PCC, the Investigations Panel will consider whether there is a case to answer, taking into account whether the evidence provides a realistic prospect of a finding of unacceptable professional conduct and/or serious professional incompetence and whether it is in the public interest for the case to proceed and an architect's previous conduct. If there is a case to answer the matter will be referred to the PCC.

### **What does a 'case to answer' mean?**

This means that the evidenced facts alleged against the architect would - if proved - support an appropriate finding of unacceptable professional conduct and/or serious professional incompetence.

### **The Investigation Panel's consideration of the evidence**

The Investigations Panel will consider the evidence available in support of the allegations but will not reach any conclusions on factual issues that ought properly to be considered by the PCC. The Investigations Panel will not, for example, form any view on the likely reliability of witness evidence that may be called before the PCC or seek to resolve conflicting

evidence. The Investigations Panel may give less or no weight to evidence of a tenuous character, for example evidence which is inherently weak, vague or inconsistent with other evidence such as undisputed documents. The Investigation Panel will consider the evidence in support of each individual allegation as a whole including both its strengths and its weaknesses.

### **Professional misconduct and incompetence**

A finding of professional misconduct or incompetence against an architect is a serious matter. The Investigation Panel will assess whether the facts evidenced show misconduct or incompetence which is sufficiently serious properly to constitute unacceptable professional conduct and/or serious professional incompetence. Alleged actions by an architect may fall below best practice but may not be a sufficiently serious lapse to support a finding of either unacceptable professional conduct or serious professional incompetence. In assessing the seriousness of the facts evidenced in support of the allegations the Investigations Panel will take into account all of the circumstances including but not limited to:

- a) whether in respect of each allegation they show matters which are sufficiently serious to afford a realistic prospect of a finding of unacceptable professional conduct and/or serious professional incompetence; and
- b) whether there is a public interest for the case to proceed (by reason for example of a possible future risk to the public or confidence in registered persons generally) ; and
- c) any relevant evidence of the registered person's previous conduct (including for example evidence that allegations may relate to more than one incident).

### **Reasons**

The Investigations Panel is required to provide written reasons on how it reached a decision in every case. Reasons should be clear and intelligible but do not need to be lengthy or identify each individual piece of information taken into account. Reasons will be sufficient if they explain to the parties in broad terms why a particular decision has been reached.