

Version

- Internal Draft for Approval
- Chair's Draft for Approval
- Chair's Approved Draft
- Confirmed

BOARD MEETING: MINUTES

Minutes of Board Meeting held on 6 September 2023

Location: Hallam Conference Centre

Present

Alan Kershaw (Chair)
Mark Bottomley
Professor Elena Marco
Dr Teri Okoro
Will Freeman
Liz Male
Stephen McCusker
Cindy Leslie
Tom McDermott
Shamoon Hussain (Boardroom
Apprentice)

In attendance

Hugh Simpson (CEO & Registrar)
Emma Matthews
Simon Howard
Brian James
Rebecca Roberts-Hughes
Marc Stoner
Alice Pun (Governance)
Mandy Kaur (Minutes)
Grant Dyble (Item 7d)
Sarah Holt (Item 7d)
Richard Beet (Item 7)
James Farrar (Item 7)
Gillian Huang (Item 7)
Alexei Allie (Item 11)
Harriet Swanston (Item 11)
Phillip Lam (Item 11)
Emma Boothroyd (Item 11)
Stephanie Griffiths (DLUHC, Observer)

Open Session

1. Apologies for absence

Apologies had been received from Tony Crook who had provided comments in advance of the meeting. Samantha Peters would not be present for the first part of the meeting and would be joining the meeting via video conference from 12pm. Liz Male also joined the meeting via video conference.

The Chair welcomed everyone and introduced Emma Boothroyd, Chair of the Professional Conduct Committee (PCC) who had joined the meeting via video conference to present the PCC report. Staff members would join the meeting for the relevant agenda items.

Stephanie Griffiths from the Department of Levelling Up, Housing and Communities (DLUHC), was welcomed to the meeting as an observer during the open session of the Board meeting.

2. Members' Interests

The Chair confirmed that all Board members had been asked to declare any interests in relation to any of the agenda items prior to the meeting. The Register of Interests was noted. No further declarations had been made in relation to the Open Session items.

STANDING ITEMS

3. Update from the Chair

The Chief Executive & Registrar and Chair had met with RIBA President, Simon Alford, the Chair of the RIBA Board, Jack Pringle, and RIBA Director of Education, Jenny Russell, on what was Mr. Alford's final day as President of the RIBA. The Director of Professional Standards had also joined the meeting. There had been a positive discussion about ARB's education reforms. ARB reiterated that our proposals were not seeking to abolish Parts 1, 2 and 3 and that the proposed risk-based accreditation methodology served a purpose different from RIBA validation. The Director of Standards had also shared a mapping document which showed how RIBA's 'Themes and Values' education framework mapped onto ARB's draft Competency Outcomes.

The Chair had also met with the new President of the RIBA, Muyiwa Oki, on his first day in the role. Mr. Oki was encouraging of the reforms being undertaken by ARB, and expressed

the hope that an accelerated route to registration could be developed. An invitation had been extended for Mr. Oki to address the ARB Board at a future meeting.

4. Minutes

The Board unanimously approved the open session minutes of the meeting held on 19 July 2023.

5. Matters Arising Report

There were no matters arising.

A Board Member raised a query about the purpose of the 'matters arising' and whether action logs would be provided in future to track and audit relevant action points arising from meetings. The Director of Governance & International confirmed that the Governance Team was looking at this; action logs would be used to log and track the progress of any actions that arose from the Board's meetings in future. Matters Arising items would be used to report on anything that arose between the meeting papers being issued and the relevant meeting taking place.

6. Report on Actions following Previous Meeting

There was no report on the action points which had arisen from the open session of the previous meeting; a report would however be provided to the Board at its next meeting

Item 11 was taken at this point to accommodate the Chair of the Professional Conduct Committee's availability.

MATTERS FOR DECISION

7. Reform of the Initial Education and Training of Architects in the UK

The Chief Executive & Registrar noted that each of the key elements relating to the Initial Education and Training (IET) reforms had been set out separately on the agenda but under a single item as they were a set of reform proposals which worked together as a package.

The journey towards the reform of IET had started four years ago. The over-arching view from the sector during that time had been that reforms were overdue. The proposals within each key element under item 7 had been designed to deliver the Board's vision and aims set out in 2021.

Each of the core areas had been informed by detailed research, discussed as part of widespread engagement with the sector and stress tested under statutory consultation. There was more work to be carried out throughout the transition; and areas for further improvement would be considered, particularly in relation to operational implementation.

7a. Initial Education and Training of Architects: Consultation Report

The Director of Policy & Communications explained that the consultation report provided a recap on the Board's vision and aims published in 2021 and the proposals published in May 2023. The report explained ARB's intention to adopt new competencies and make important modifications to the regulatory framework. With regard to professional practical experience (PPE), it was accepted that further work was required, based on the feedback. ARB would establish an independent Commission to examine the issue in detail and report to the Board. The feedback received from Board Members had been included within the report.

A Board Member commended the clarity and conciseness of the report. In particular it set out key concerns raised, including access to training as an architect, especially access to student loans. It was noted that this was a complicated area and not one that ARB had any control over. The Board noted the considerable amount of due diligence undertaken across each of the UK countries to receive assurance that ARB proposals did not have negative implications for students' access to funding.

A Board Member asked when and how the proposal to remove the need for accreditation for Level 6 undergraduate degrees would be communicated to stakeholders. It was noted that following the Board's approval, the Consultation Report would be published online on Thursday 7 September 2023. A briefing session for stakeholders would be held on the afternoon of the same day and communications would go out within news releases. The final and designed version of the competencies and standards would be available at the end of the month. There would be multiple opportunities for people to hear from ARB and this time would be made available.

A Board Member stated that it was disappointing that some people had opposed the proposals without having participated in the consultation, as this was a missed opportunity. The Chief Executive noted that informal feedback, both positive and critical had been received outside the consultation. However, it was noted that the quantum of feedback included within the three-year engagement captured a full range of ideas and views. From a research perspective, it was unlikely that any further responses would provide a significantly broader view or new insights.

A Board Member stated that there were issues with the access to student funding, and it was important to acknowledge this and support those people. The Director of Policy and Communications advised that, although the Consultation Report did not expand in detail, ARB would consider how access to education and training could be improved (including funding issues), through the work of the proposed PPE Commission.

Board Members were content with the Consultation Report and commended the work undertaken by the Communications team.

The Board **unanimously approved** the publication of the report on the consultation ARB carried out on its proposals to reform the initial education and training of architects (from 8 February to 10 May 2023), including the results and key findings, the Board's conclusions, and next steps.

7b. Competency outcomes for the initial education and training of architects

The Director of Standards advised that overall consultation responses regarding the competency outcomes had been positive.

There had been some challenge from academia that the outcomes weakened the existing competence requirements on sustainability and fire and life safety design, although this seemed to reflect a misreading of the outcomes and the fact that ARB's detailed supplementary guidance on those subjects would remain in place.

There were a range of suggestions and a strong evidence base. Where appropriate, changes had been made.

Some drafting suggestions had been made by Board Members and these had been amended as follows:

- CK4 – to add words 'as relevant to design and construction' to that paragraph.
- M7 – to amend the verb 'demonstrate' to 'apply'.

- PE1 – to add the word ‘always’ to the paragraph.
- PE7 – to add ‘to reinstate the requirement for architects to adopt a reflective approach to the work identifying learning needs’.

A Board Member suggested adding that future architects should be required to understand the nature of planning policy and procedures. Adding ‘ventilation’ and ‘air quality’ into competence outcome D5 was also suggested. The Director of Standards expressed a view from the executive that including additional requirements in respect of planning policy would provide a level of prescription which was out of step with the outcomes-based approach of the competencies. The risk of including specific requirements on planning would mean that a whole range of regulatory requirements (for example building regulations, CDM etc.) would also then need to be included. The Executive would ensure these issues are picked up in the Handbook and guidance documents to support accreditation processes. Support was received for this position.

A further Board Member advised that the simplification of language was positive, but Guidance would need to be provided to education providers in order to prevent any misinterpretation of the outcomes, particularly given the less prescription nature of the outcomes than the Criteria.

The Board **unanimously approved** the competence outcomes that an individual must meet in order to be eligible to register as an architect, as set out in Annex A and subject to the minor amendments set out and discussed at the meeting.

The Board **unanimously agreed** that from 6 September 2023 new qualifications prescribed section 4(1)(a) Architects Act 1997 must meet the competence outcomes at level 7 master’s (or equivalent) or diploma (or equivalent) following a period of practical experience.

[Samantha Peters joined the meeting via video conference]

7c. Standards for learning providers

The Director of Standards advised that the proposed set of Standards for learning providers had been consulted on alongside the competency outcomes during the Spring 2023. There was a more limited number of responses on the Standards, although the general response from educational providers was positive. There were no objections or suggestions for changes to the proposals, however there had been some drafting suggestions in terms of how the Standards could be improved. As a result, minor amendments had been made to provide more clarity, reflect good practice within higher education and remove some duplication.

Following the Board’s approval, the Standards would be published, supported by an

Accreditation Handbook which would provide more detail for education providers on how to demonstrate compliance with the Standards.

Some drafting changes were proposed following analysis of feedback from respondents and the Board as follows:

- 4.3 – removal of the word ‘appraise’.
- 6.3 – amend the words ‘professional practical experience’ to ‘work-based learning’.

A Board member referred to point 6.1 and advised that most institutions had, and it was now important to have, wellbeing policies in place as well as pastoral care policies. It was therefore suggested that the term ‘wellbeing support’ could be added to the Standard. The Director of Registration & Accreditation noted that the points in 6.1 all came under the umbrella of wellbeing. There was capacity through guidance to be able to invite institutions to advise about their approach to wellbeing. It was noted that these standards were ‘musts’, and individuals should not be excluded for not using the exact same terms. The proposal was clear, and visitors would be briefed on the kinds of evidence they should seek to determine whether this Standard was being met through induction and guidance. The Chief Executive & Registrar noted that the outcomes-based model should drive good practice and ARB should monitor what was being done to drive good EDI practice.

The Board **unanimously approved** that from 1 January 2024 a learning provider must meet the Standards for learning providers at **Annexe A** in order to have qualifications prescribed under section 4(1)(a) Architects Act 1997.

7d. Accreditation of Architecture Qualifications in the UK

The Director of Registration & Accreditation advised that the new approach to accreditation was designed to ensure that the Board had robust quality assurance mechanisms in place in terms of accrediting qualifications.

The approach had been developed with the experiences of the Prescription Committee in mind, drawing on feedback from stakeholders and considering good practice elsewhere and the previous decisions made by the Board.

Accreditation decisions would be informed by planned visits to institutions, incorporating the Standards as agreed by the Board and with the construction of an appropriate visitor panel.

In response to a Board Member’s query regarding the appeals process, the Director of Registration & Accreditation explained that ARB was not proposing to change the current approach to appeals; there would be early engagement with institutions and feedback would be provided at an earlier point if the provider had not met the Standards.

In response to a query regarding the costing model, it was noted that currently providers were

not charged for the prescription process. However, the proposal included three elements to the costing model:

- i.* A core accreditation cost, potentially at a sliding percentage rate to cover the standard assessment.
- ii.* A 'per qualification' continual monitoring cost;
- iii.* An ongoing monitoring cost.

A Board Member suggested flexibility on some of the costs due to the time spent by the Accreditation team on accrediting the courses. It was agreed that this would be considered.

A Board Member asked if all relevant legislative changes were in place to support the new accreditation process, and it was confirmed that this was the case.

Reference was made to previous technology issues that had previously inhibited work in this area, and asked if the issues were resolved. It was confirmed that the Accreditation Committee would not be impacted by these issues; Phase 2 of the CRM project would also assist in supporting accreditation work.

A Board Member asked if there were plans to seek advice from any international experts to raise the standards of accreditation. The Director of Accreditation & Registration advised that the costs involved in bringing in specialist advisors would need to be considered. There were ongoing discussions about all aspects of quality assurance with international MRA partner organisations and so this could be picked up with them if needed.

The Board noted the paper on the process for the implementation of risk-based accreditation for qualifications that lead to UK registration.

7e. Establishment of Education Transition Reference Group

The Director of Registration & Accreditation advised that there was further work to do in terms of testing and refining the guidance on the accreditation process. An Education Transition Reference Group would support ARB in providing feedback to the Executive on the implementation of reforms to the initial education and training of architects.

The Education Transition Reference Group would cease once the need for feedback had diminished.

Board Members agreed that this was a positive initiative.

A Board Member noted that certain areas of work would be more relevant to some members of the group than to others; there was a need for different perspectives in order for the changes to remain innovative. It was explained that the list of group members would

not be exhaustive, and the group would evolve, and other people would be invited to join at various points; there would not be a quorum.

A Board Member reminded the Board that there was a need to include practices for employers and trainees given the nature of the competency outcomes.

The Board noted the proposal and **unanimously agreed** that the focus and operation of the Education Transition Reference Group would support the transition process to the new framework and outcomes proposed in the strategy.

8. Update to ARB's General Rules

The Director of Governance & International reminded the Board that, at the meeting on 7 December 2022, they had considered proposed changes to ARB's General Rules, in order to embed the new Accreditation Committee and provide a framework for the accreditation process. The proposed adjustments to the General Rules had been consulted on alongside the IET training consultation. An analysis of the consultation responses had determined that there were no specific comments or feedback on the proposed adjustments to the General Rules.

There were also a series of additional housekeeping adjustments to the Rules which were necessary to reflect ARB's current practices.

During the work carried out on the General Rules, ARB had identified that Rule 14.3c (relating to the appointment of Committee Chairs) would benefit from further clarity in language. Board Members had received the tabled amendments to rule 14.3c; legal advice had been sought in relation to the changes and the wording of this rule.

A review of the General Rules document would be undertaken in 2024; this was with a view to separating out the rules for the separate business areas of ARB, e.g., Registration Rules, Accreditation Rules etc.

The Board **unanimously approved** the proposed changes to the General Rules as set out in Annexes A and B of the paper.

The Board **unanimously approved** the additional adjustment to Rule 14.3c as set out within the tabled document.

The Board **unanimously agreed** that the revised Rules should become effective immediately.

9. Establishment of Commission to look at Professional Practical Experience in architecture

The Director of Policy & Communications advised that, as part of the education reforms, there had been a proposal to remove the requirement for a minimum two-year practical professional experience before registration when attaining the Part 3 qualification. This change had been proposed as part of the move to a more outcomes focused approach.

60% of respondents had disagreed with this as they felt this would not improve access to the profession or the experience that was required for registration.

The Executive had presented a concept outline for a Commission, including draft workplan, at a recent Board Workshop. The paper was now presented, building on this discussion and setting out resourcing requirements and a budget based on the work that it would undertake.

A Board Member expressed strong support for the Commission. Its Terms of Reference must be clearly defined and focus on the areas of work that were within ARB's remit.

Another Board Member noted that the scope of legislation in relation to professional practical experience was limited. This provided a potential opportunity to seek legislative changes to break into new territory and bring in new ideas.

A Board Member queried the costs of the proposed Commission and was advised the budget was speculative at the moment. The Executive would seek to keep the costs as low as possible, but securing a credible and effective Chair for the Commission was critical.

A Board Member stated that there was a need for diversity within the Commission's panel.

Another Board Member noted that all the decisions made at the meeting would have an impact on fees setting in October; it was concerning that ARB could be depleting their resources; it may be necessary to consider where some areas of work could be scaled back. The Chair advised that the cost of the Commission and the cost of the research would be covered by Reserves as one-off-costs and would not have an effect on the fees. The overall costs were substantial compared to the level of fee increase.

The Board **unanimously agreed** that ARB establish an independent Commission to develop recommendations to ARB on how to improve fair and consistent access to quality practical experience, and on new minimum requirements for relevant experience.

The Board **unanimously agreed** to delegate the appointment of the Commission Chair to the Chair of the Board, with the contract being signed by the Chief Executive on behalf of ARB.

10. Evaluation of the impact of ARB reforms to the initial education and training of architects in the UK

The Director of Policy & Communications reported that the many barriers to access into the profession were complex, and the profession did not currently reflect the composition of society. ARB had considered their framework and regulatory approach and commissioned independent research into the competencies architects needed and the routes through which they gained these. ARB considered ways in which to remove some barriers and increase access points.

In order to understand whether ARB's education proposals had the desired impact on access to the profession, ARB felt it was important to commission an initial research project to consider how best to evaluate the impact of the reforms.

The Board **unanimously agreed** to the establishment of a research project which would evaluate the impact of ARB's education reforms and in particular access to the profession from groups traditionally underrepresented within the profession.

ITEMS FOR NOTE

11. Professional Conduct Committee Report

Emma Boothroyd, Chair of the Professional Conduct Committee (PCC), introduced her report on the activities undertaken by the Committee.

The PCC continued to be very well supported by the staff at ARB and there were no concerns with the smooth running of the Committee. There had been challenges in undertaking the work during the last year, however, as detailed within the Board paper.

The Board Chair enquired whether the PCC were content with the balance between in person and online PCC hearings. Members' views were divided; however, the PCC hearings were not held for the convenience of the committee. If a hearing was due to be held online and this was not considered to be the correct format, the Chair could make the decision to carry out the hearing in person. The PCC were happy with the balance of in person and online meetings.

It was reported that the ability to command the room could be more challenging when online, particularly when waiting for the people to re-join a meeting following break, and unnecessary disruptions occurring when people were based at home or in their offices. There were also difficulties where people needed to provide evidence, however an additional day was allocated for online PCC hearings to accommodate these matters.

The Board Chair asked if the PCC were satisfied with the balance of consent orders and active hearings. The PCC Chair explained that there were no concerns relating to consent orders as these were appropriately identified at an early enough stage and fell within the remit of PCC work.

A Board Member suggested that there were some common themes emerging from some cases and it may be beneficial for ARB to consider the lessons learnt from the outcomes and issue further guidance to architects based on these.

Another Board Member suggested using the new CPD system as a means of encouraging architects to take any recurring issues and themes into account.

Board Members suggested reminding architects about any key issues that had arisen at PCC hearings annually, using illustrated examples and perhaps using the trade press to highlight these with advice on good practice.

The basics of good business practice were an area that could be highlighted.

The Board agreed that there were concerns and ARB should find a way to help support architects.

The Chair thanked Mrs. Boothroyd for her report and for her time as Chair of the Professional Conduct Committee, as she had entered the final year of her eight-year contract. The hard work and support that she had provided to ARB was recognised and appreciated by the Board.

[Emma Boothroyd and Alexei Allie withdrew from the meeting]

12. Chief Executive's Report

The Board noted a report from the Chief Executive & Registrar on matters relating to the running of the Board's business.

The Chief Executive & Registrar provided a verbal update on the recent development of the People Committee. An early draft version of an updated People Strategy, 'version 2.0' had been considered at the recent meeting, and there had been both positive feedback and constructive challenge from the committee.

Significant progress had been made in 2023; there had been the implementation of a new set of values and behaviours which would be carried over to the People Strategy 2.0; a new staff survey; new management training; and a considerable amount of work on EDI both internally in relation to understanding the external data of the profession, and work to increase EDI in the workplace. There was an ambition for ARB to become an employer of choice, and this needed to be considered further. A more specific and detailed proposal of the People Strategy

2.0 would be presented at the next meeting of the Committee, including outcomes, objectives and business plan activities.

The Director of Resources had presented a plan to the committee, related to flexible bank holidays and festivals in order to represent something more meaningful for individuals to include cultural awareness aspects as well as religious days.

The approach to flexible bank holidays would be piloted until April 2024 and would be for a limited number of bank holidays.

Additionally, ARB had secured the Disability Confidence award. This would need to be updated with an Agreement Policy.

13. Any Other Business

There was no other business.

14. Dates of Future Board Meetings

The Board was reminded that the next meeting would take place online on 18 October 2023.

Open Session

18 October 2023

Item 4b

Board Resolution

The Framework Agreement is drawn up jointly by the Sponsoring Government Department, which is currently the Department for Levelling Up, Housing and Communities (DLUHC) and the Architects Registration Board (ARB). It sets out the broad framework within which ARB and the Department intends to operate as well as defining the Department's expectations and support of the ARB.

Following the agreement of the document, it is signed by both parties, is placed in the libraries of both Houses of Parliament and is made available to the public via both ARB and the Department's website.

The document does not create a legally binding contract. It does not convey any legal powers or responsibilities or have legal effect or consequences, nor does it fetter the ARB's discretion in relation to specific decisions.

The Framework Agreement was last reviewed and updated in 2018. Framework Agreements are reviewed periodically (and normally a minimum of once every Parliament). However there have been a series of delays to concluding the latest review, including governance changes to the ARB Board. In addition, a series of further changes, including significant legislative changes, have taken place since then. Discussions to update the Agreement have been taking place between the Executive and the Department since last year.

The Board was asked to indicate approval 'in principle' to a previous draft in October 2022. This was in advance of discussions on the reserves policy requirements of the DLUHC and in particular a section headed 'Arrangements in the event that ARB were to be wound up' and a specific requirement in the current Framework Agreement in previous drafts that, 'The Board is responsible for maintaining its assets at a level sufficient to cover its liabilities if the ARB were to be wound up.'

Key revisions

The Board was asked to note that the maintenance of a sufficient level of assets had been replaced by a new section, 'Arrangement for ARB to hold reserves'. Paragraphs 8.4 to 8.8 of the Annexe set out various requirements including the need for ARB to hold a minimum of three months reserves and for ARB to notify DLUHC of its reserves policy. There is no longer a requirement for ARB to hold funds to cover costs of any future 'winding up' of the organisation.

Most of the other revisions to previous drafts are consequential changes required by HM Treasury and DLUHC to new protocols and template documents for Framework Agreements across Government. There are new templates for different types of ALBs.

ARB has been designated a Public Corporation by ONS classifications team and we were required to use the 'Public Corporations' template. This has created some drafting challenges and multiple iterations with approval for changes needed from HMT, generally as a result of generic text not being appropriate for ARB. For example, there were multiple references to shareholders and corporate governance requirements only suitable for companies, not statutory bodies. These have all now been corrected.

Previous versions of the Framework Agreement have been signed by the Chair on behalf of ARB, but from a governance perspective, the Executive recommended that the Board provided its consent to the Chief Executive Officer & Registrar to sign. In part because the Framework Agreement is the document which defines operational working between ARB and the Sponsor Department; but also because the Chief Executive Officer & Registrar has been designated as ARB's Accounting Officer by the Department with specific reporting duties.

On 19 September 2023, the Board was therefore asked, via write round, to consider the following recommendations:

- i. Approve the draft Framework Agreement attached in Annexe A and delegate responsibility for signing the Agreement to the Chief Executive Officer & Registrar; and
- ii. Agree to delegate to the Chief Executive Officer & Registrar authority to make any minor adjustments to the Agreement identified by the Board or DLUHC.

On 25 September 2023, all eleven Board members eligible to vote, unanimously agreed the recommendations noted above.