Architects Registration Board

Board paper

for Open session

Subject:

Outcome of the consultation on changes to ARB's Investigations Rules

Board meeting:

22 July 2026

Agenda item:

7

Action:

- For noting ☐
- For discussion ☐
- For decision ☒

Purpose

To consider the outcome of the public consultation on the draft Investigations Rules and approve the revised Rules for implementation from 1 January 2027.

Recommendations

It is recommended that the Board:

i) approves the revised Investigations Rules and Professional Conduct Committee Rules at **Annexe C and D**

ii) directs that the new Rules to come into effect on **1 January 2027**

Annexes

Annexe A – Summary of consultation responses

Annexe B - Equality impact assessment

Annexe C – Revised draft Investigation Rules

Annexe D – Draft Professional Conduct Committee Rules

Author/Key Contact

Helen Ransome, Director of Professional Standards

1. Open Session

1.1. This item will be taken under the open session.

2. Background and Key points

2.1. Section 14 of the Architects Act 1997 (the Act) provides the statutory basis for the work of Professional Standards. It requires that we investigate allegations of unacceptable professional conduct (UPC) and serious professional incompetence (SPI) made against architects. Where there is a case to answer, we must refer a complaint to the Professional Conduct Committee (PCC) to decide whether the architect is guilty of UPC or SPI. Section 14 also requires that we make rules governing those investigations; these are our 'Investigations and PCC Rules' (the Rules).

2.2. During 2025 we identified several issues affecting our ability to deliver timely and effective investigations under the Rules. Complex cases were subject to increasing delay. We found that key decision-makers, experts, and lawyers acted independently and sometimes in conflict with one another. We therefore set about exploring solutions to these issues, with the aim of developing a more efficient investigations model, with improved synergy and quality of decision making.

2.3. Following detailed research, including benchmarking other regulatory bodies, and feedback from the Board, we devised the New Investigations Model (NIM) which proposed the following changes to our processes:

i. Investigations Officers (IOs) would take a more active, critical approach at the early stage of investigations, seeking expert input and making recommendations on whether cases should proceed to the PCC;

ii. We would streamline the case to answer decision stage, removing preliminary decisions and moving to a case examiner model;

iii. We would enhance the Registrar's powers when concerns were raised about the process leading to a decision of 'no case to answer'(NCTA), or where new and material evidence came to light.

2.4. Points (ii) and (iii) above required changes to the Investigations Rules.

2.5. Our legal advisors at Fieldfisher LLP undertook a review of our proposals and the wider Investigations Rules and advised us on changes to bring the Rules in line with modern regulatory practice. They also suggested minor amendments to the PCC Rules to align them with the revised Investigations Rules.

2.6. In March of this year the Board approved the proposals for consultation which has now closed.

Consultation

2.7. The consultation was open between 2 April and 14 May 2026. It asked respondents whether:

i. they agreed with the changes to the Rules;
ii. there would be any unintended impact because of the changes;
iii. the changes improved the fairness of the investigations processes;
iv. the Rules were clear and accurate;
v. there would be any impact on equality, diversity and inclusion.

2.8. We received 11 responses in total. The respondents included:

i. registered architects;
ii. academics;
iii. a built environment professional;
iv. a lawyer;
v. a professional membership body; and
vi. members of the public.

2.9. Given the small number who responded to the consultation, the characteristics of respondents were not broken down any further. The sample was too small to identify trends in this data.

2.10. While the response rate was low, it was consistent with our prior experience of technical consultations relating to Professional Standards work. To encourage engagement, we sent the consultation directly to interested parties included professional bodies, legal firms working in the field of professional discipline, and associates working in Professional Standards, many of which also work in other regulators. We have provided a full summary of the consultation responses at **Annexe A**.

Consultation feedback

2.11. The consultation scores showed a mix of views, with slightly more agreeing with the proposals than disagreeing. Given the small number of responses, we cannot form general conclusions about wide levels of support, however, the detailed comments provided useful feedback. We have been through these comments and grouped them into the following core themes:

i. That we need robust safeguards and processes to maintain good quality, consistent and impartial decision-making across all stages.

ii. Concerns that the changes could erode fairness and impartiality in the process as there is a concentration of decision-making power within ARB.

iii. Misconceptions and uncertainty expressed about the detailed disciplinary process (both the current and proposed model).

2.12. The Executive has considered these points carefully and sought additional legal advice on several of the issues raised. We have also completed an Equality Impact Assessment (EqIA), considering respondents' comments relating to equality, diversity and inclusion. The EqIA is set out at **Annexe B**.

Changes and actions

2.13. Having considered the consultation responses carefully, we have identified several actions we should take in response. This includes further amendment to the proposed Rules. Subject to implementing these changes, we recommend proceeding with the NIM, as we remain satisfied that it will achieve its intended objectives. The actions we propose taking are set out below.

Further amendments to the Rules

2.14. We propose some additional changes to the draft Investigations Rules to address the feedback received in some areas. The revised Rules are set out at **Annexe C**. No changes have been made to the PCC Rules at **Annexe D**, as the process at this stage is not changing. The changes to the Investigations Rules include:

Clarifying the Case Examiner powers when reconsidering a case (Rule 4.6)

2.14.1. Rule 4.6 allows Case Examiners to reconsider a complaint where it is referred back from the PCC by ARB's solicitor. This provision exists within the current Rules, but the wording has been amended slightly. The rule ensures only the right cases, with the right charges, go before the PCC.

2.14.2. We received feedback in the consultation that the redrafted rule did not make clear the Case Examiners' power to find No Case to Answer (NCTA) when such a reconsideration is requested. Accordingly, we have made a simple drafting change to make clear that the case examiners should decide again whether there remains a Case To Answer.

Amending the Registrar's power to review closed cases (Rules 6 and 7)

2.14.3 Rules 6 and 7 allow the Registrar to review closed cases and refer them back to the Case Examiners in exceptional circumstances (where there has been a procedural flaw or where new evidence comes to light). Respondents expressed concern that these mechanisms give the Registrar too much power and undermined the finality of decisions made by the Case Examiners.

2.14.4 We have considered these concerns carefully and propose removing the Registrar's power to identify a material flaw up to two years after a decision has been made. Instead, the Registrar, the architect and the referrer will each have 28 days to raise a procedural deficiency. After that point the decision will be final.

2.14.5 This approach is fairer, requires ARB to act promptly, and provides architects with greater certainty and finality. In practice this power will rarely be used. Staff and managers are expected to identify procedural issues during the lifecycle of each case.

2.14.6 As a result of this change, after the 28-day period the Registrar will only be able to review and reopen a case where new and relevant information comes to light that would likely change the Case Examiners' decision, and where doing so is in the public interest. The Registrar's power will therefore be narrower and focused solely on protecting the public.

2.14.7 Some respondents commented on the proposed timeframe within which the Registrar could reopen a case in these circumstances. The consultation proposed a two-year limit, except in exceptional circumstances.

2.14.8 Having considered these responses carefully, we propose removing the timeframe from the Rules altogether. The exercise of this power will instead be governed by established legal principles around issues such as fairness/prejudice and the public interest. These principles provide appropriate safeguards against cases being reopened unfairly or unjustifiably and recognise that such circumstances will, by their very nature, be 'exceptional'.

2.14.9 We will publish guidance explaining this review mechanism and the principles that apply. This will help architects and the public understand how the power will be exercised and the matters the Registrar will consider.

2.14.10 Finally, although the Rules will permit the Registrar to reopen a NCTA decision in exceptional circumstances, the accompanying guidance will make clear that independent legal advice can be sought where appropriate before such a decision is made. This reflects our existing practice of obtaining legal advice throughout the disciplinary process where necessary to ensure fairness, consistency and sound decision-making.

Ensuring good-quality, fair decisions

2.15. Consultation feedback highlighted the importance of high-quality, consistent and impartial decision-making. We agree this is essential to sound disciplinary investigations and we are confident this will be maintained.

2.16. Most fundamentally, independent statutory decision-makers will continue to be responsible for case-to-answer decisions. While the Registrar's powers have changed, the Registrar will remain independent of individual investigations and the amended powers are limited to procedural issues which can be exercised in limited circumstances. External legal advice will continue to be sought where needed.

2.17. We will be reviewing the quality assurance arrangements that apply at each stage of the process, considering the changes to the process. Our quality controls and assurance mechanisms have supported robust decision-making in the past, contributing to successful outcomes before the PCC and protecting ARB against successful legal challenge. We will assess whether any changes are required to ensure they remain effective.

2.18. We will also continue to commission independent biennial audits of our screening and Case Examiner decisions. These audits are carried out by an independent legal firm experienced in professional regulation. They review a sample of case decisions and report on the quality, consistency and robustness of those decisions and make recommendations to improve our approach and processes.

2.19. We will also report regularly on our core quality assurance measures to the Executive and the Board, including through the Professional Standards Annual Report, beginning next year. This will strengthen transparency and accountability for our decision-making and the operation of the disciplinary process.

Improved guidance across all stages

2.20. The Rules are designed to provide a framework for our disciplinary process. A lot of the feedback in the consultation relates to the more granular procedures flowing from that framework. This includes the considerations and approach taken to each of the decision stages under the Rules (including the thresholds, tests and relevant caselaw to be applied.) We think these concerns are better addressed through clear, public guidance.

2.21. We have already begun a complete review and update to the guidance given to architects and referrers throughout the Professional Standards process. We have gone back to basics, considering what our stakeholders need to know, in what format, and when. The Professional Standards 'stakeholder experience' is to be explored by the department at our team away-day in July.

2.22. We are also undertaking a complete review and update of guidance about decision stages and for decision-makers. This will include the tests and thresholds being applied, how issues such as the public interest are to be approached, and making clear that the Registrar can seek independent legal advice to assist in decisions, as required.

2.23. We are confident that updating our wider suite of guidance is the best way to deal with the misconceptions and questions raised around process. Writing these granular points into the Rules risks making them unclear, inflexible and subject to constant change when caselaw evolves. We think guidance changes will also address concerns that the Registrar will make inconsistent, biased or unreasonable decisions and will make transparent the way in which the Registrar will approach their powers under each rule.

Next steps

2.24. We are confident that we can address the concerns raised in the consultation through the actions identified above. We remain of the view that the proposed changes will improve and streamline the disciplinary process, which will be a benefit to those involved in what can be a lengthy and stressful process.

2.25. If the Board agrees that we should proceed with NIM, subject to the changes and work detailed above, then we propose the new Rules come into effect on **1 January 2027**. The start of the year will provide a clear transitional date for staff and stakeholders, and it will allow us to budget effectively for the new financial year. It will also ensure there is sufficient time to undertake the training and work still needed to support the changes and should enable CRM development to take place later this year, the design of which will incorporate the new process.

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3. Resource Implications

3.1. As part of the wider NIM we anticipate seeking early architectural advice in up to 40% of cases. We anticipate this costing up to £18k each year**.** We have budget set aside this year and will forecast again for next year to make sure the work is within budget.

3.2. The change to a Case Examiner model will save money in operational costs. We will use two panel members rather than three, meaning we will immediately save a third in associate costs. The streamlined process will also save on the hours claimed making decisions.

3.3. We anticipate a small saving of around £3k from the changes to the Registrar's review powers as we will no longer requite external legal services in every case requiring review.

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4. Risk Implications

4.1. Regulatory investigations are a high-risk area of ARB's business, and procedural fairness and legal robustness are essential to maintaining confidence and withstanding legal challenge.

4.2. The consultation has raised perceived risks around independence, fairness, and the concentration of decision-making within the executive. We remain of the view that these risks are manageable and proportionate. Independent statutory decision makers remain responsible for case to answer decisions.

4.3. The revised review mechanism limits the Registrar's powers to procedural issues in limited circumstances and external legal advice will still be sought where appropriate. The Registrar will remain independent of original investigations.

4.4. The proposed model reflects practice across comparable regulators and is intended to improve the quality, consistency, and timeliness of decision making without diminishing safeguards.

4.5. There are implementation risks associated with introducing new processes and KPIs. The shift to a more analytical role for Investigation Officers represents a significant change in practice and professional culture. There are risks of inconsistency, confirmation bias, or over-reliance on staff recommendations during early implementation. Such risks will be mitigated through training, piloting of revised operational measures, and ongoing monitoring.

<u>Risk of inaction</u>

4.6. Failing to address the issues identified in the current model carries its own risks, including continued delay, inefficient use of resources, and technical weaknesses being identified late in the process. Over time, this could undermine confidence in ARB's ability to discharge its statutory functions effectively.

4.7. Overall, the proposed changes are considered proportionate and consistent with regulatory good practice. While some implementation risks are unavoidable, they are manageable and outweighed by the anticipated improvements in the quality, consistency and timeliness of investigations.

5. Communication

5.1 Through the consultation we communicated the proposed changes to key stakeholders inviting views on the overall fairness and accessibility of the revised Rules and testing whether there were any unintended impacts of the proposed changes. We promoted the consultation to key interested parties to ensure we got feedback from those affected and people experienced in the field.

5.2 Our subsequent proposals include updating our guidance documents to assist stakeholders' understanding of our processes and enabling them to engage effectively in the disciplinary process. We will work with colleagues in the Communications Team to ensure the updated information and guidance is accessible and in the most helpful format.

6. Equality and Diversity implications

6.1. Changes to disciplinary processes can impact on both complainants and registrants, particularly in relation to accessibility, understanding of procedures, and confidence in regulatory decision making. While we did not anticipate adverse equality impacts arising from the proposed changes, we tested that assumption through the consultation process and have considered the individual comments provided.

6.2. We have carried out an Equality Impact Assessment**.** Our final decision is that the NIM should proceed and that we could not identify any barriers which would disadvantage or discriminate against stakeholders.

7. Recommendations

7.1. That the Board:

i) approves the revised Investigations Rules and Professional Conduct Committee Rules at **Annexe C and D**

ii) directs that the new Rules to come into effect on **1 January 2027**

Annexe A

Consultation on new Investigations Rules
April – May 2026

Analysis of responses

1. The consultation was open between 2 April and 14 May 2026. During that time we received 11 responses from:
   - Four registered architects
   - Two academics who were already registered architects
   - One other built environment professional
   - One lawyer and one professional membership body
   - Two were members of the public, with one saying they were an advocate for an individual who had been involved in a previous PCC case

2. We have not analysed the other characteristics of respondents (for example, gender, ethnicity or location) because the number of respondents is too small for us to be able to identify any trends.

3. We asked seven questions about the proposals. These questions were a mixture of formats: in some, respondents were asked the extent to which they agreed or disagreed, and in some they were able to provide optional free text.

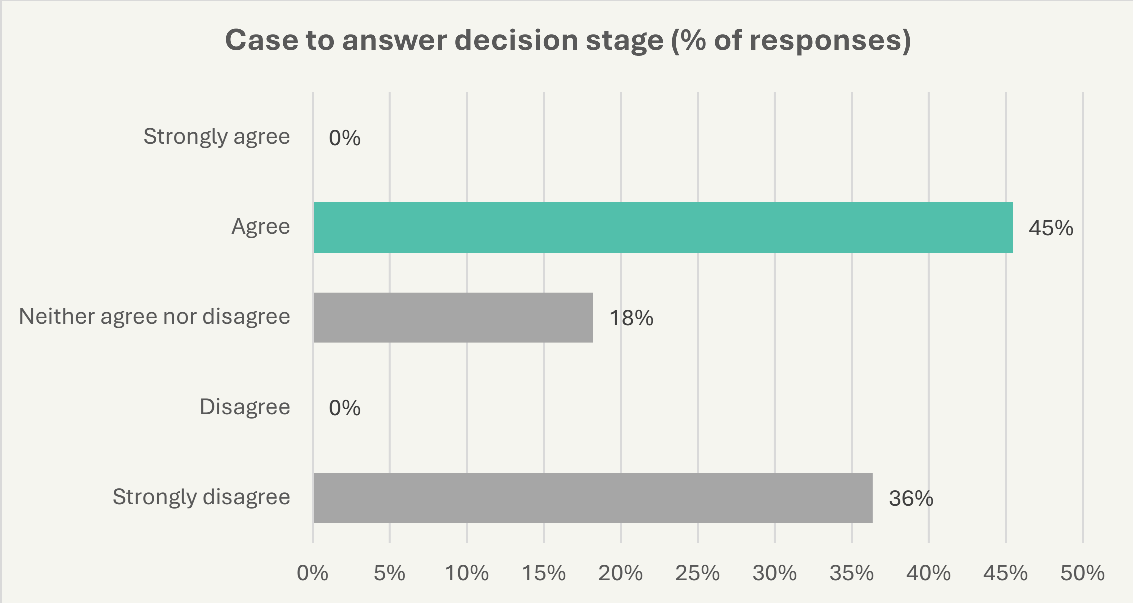
4. Every response was read and analysed. The questions and a summary of the responses to each is below.

The Case to Answer Decision Stage

5. We shared information on case to answer decisions and respondents were asked the extent to which they agreed with the proposed changes:

> *Under the proposed model, each case will be decided by two Case Examiners (CEs): one lay and one architect. The administrative inefficiencies will be reduced as CEs will work more quickly and collaboratively towards a final decision. While they will seek additional representations and evidence if needed, they will not issue preliminary decisions. This approach, used by several other regulators, will shorten decision times and better manage stakeholder expectations.*
>
> *We expect CEs will typically reach unanimous decisions. Where this is not possible, our new Rules permit the appointment of a third CE to enable a majority decision. The default position is that the third member will be lay, but the Rules allow flexibility.*

6. Responses were mixed but with more respondents agreed (5, 45%) than disagreed (4, 36%):



7. Respondents could provide further text explaining their answers. Comments we received included:

- Streamlining, reducing delays and improving clarity should not come at the expense of fairness, transparency and confidence in decisions. The respondent gave examples that the removal of preliminary decisions and the reduction in the number of decision makers may reduce chances for reflection and balance.
- The proposals could be clearer about how someone being investigated can represent themselves.
- Concern about weakening public interest checks at this stage of the process, adding that there should be explicit parameters set out for a case to be stopped at any stage if it is found to be no longer in the public interest to pursue it.
- The removal of a preliminary decision stage shouldn't lead to this ending up elsewhere in the process. The respondent thought the revised process should include clear controls on extensions and defined timeframes to prevent this.
- Worries about bias if decision makers are appointed after the nature of the case and individuals involved are already known.
- The changes would 'cheapskate' the process.
- Criticism that the proposals do not include paragraph 14d of the current Rules, covering Panel decisions as to whether the case requires cautionary advice.
- Concern that the model puts significant responsibility on a small number of people at early stages of the process, and whether its effectiveness and fairness will then depend heavily on them. The respondent added that the changes also remove an opportunity to identify factual inaccuracies or misunderstandings. They thought both these things made it important to be clear on the expectations, training, competence and consistency of Case Examiners.

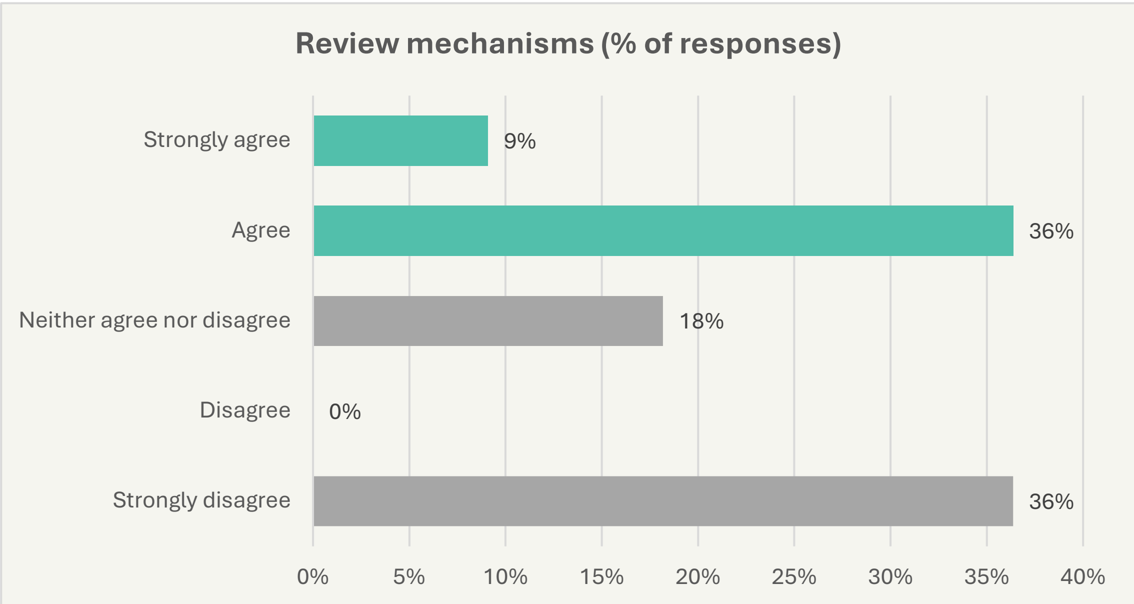
- A request that any third Case Examiner under the proposals should be appointed based on expertise relevant to the specific case.

Review mechanisms

8. We shared information on the use of reviews within the investigations process and respondents were asked the extent to which they agreed with the proposed changes:

> *The review process would now be conducted internally by the Registrar (or those under the Scheme of Delegation).*
>
> *The Registrar will retain the power to refer a case back to the Case Examiners where a procedural issue is identified and they may seek legal advice if needed.*
>
> *The new model also introduces a secondary review mechanism enabling cases to be reopened because of new evidence or information and where it is in the public interest to do so. A two-year time limit has been imposed on this rule (save in exceptional circumstances) to ensure fairness to registrants and finality in disciplinary investigations.*
>
> *These changes align with practice at other regulators. They aim to speed up the review process, improve the management of stakeholder expectations, and enhance our powers to protect the public.*

9. Responses were again mixed, with more respondents agreeing (5, 45%) than disagreeing (4, 36%):



10. Respondents could provide further text explaining their answers. Views we received included:

- The person being investigated should have the opportunity to represent themselves.

- Four respondents commented on the way in which decisions would be made more internally by ARB:
    i. One thought the change could reduce the perceived independence of the system and wanted us to consider routine independent audits or external oversight to help maintain confidence.
    ii. One wanted more explanation for how independence would be maintained, how decisions would be consistent and what safeguards would be in place to reduce perceptions of bias.
    iii. One thought the profession or public would not have confidence in decisions if ARB is internally reviewing the adequacy of them. They wanted there to be an independent review, a reasoned written determination or transparency for why the outcome has been reached.
    iv. Another respondent also questioned the effectiveness and trust of the process if carried out internally, adding that they thought it was 'another saving money strategy'.
- Reducing costs and delays does not justify the removal of independent oversight, and that instead there could be clearer gateway criteria, better communication on the purpose of reviews and more filtering earlier in the process.
- The principle of finality is important, where both parties should be able to rely on the outcome, but that potentially reopening cases for up to two years adds uncertainty or weakens confidence in investigations. The respondent suggested areas where the Rules could include clearer definitions to help with this.
- Reviews should be by the Chair of the PCC and not someone unqualified in the relevant law.
- In cases where the Registrar reaches a decision on a review that is not supported by the Case Examiners, a respondent thought it could be useful to refer the disagreement to a formal arbitration process.
- It would be beneficial to strengthen the safeguards around the proposed internal reviews, with more transparency, guidance and clear reasons at each decision point. Another thought it would be helpful to have more guidance and information on:
    i. How public interest would be interpreted, by whom and the factors they would consider.
    ii. The two year limit for reopening cases – what circumstances would be considered exceptional, how thresholds for this would be assessed and how decisions would be balanced against public protection.
    iii. Evidential expectations, procedural thresholds and the difference between being dissatisfied with an outcome and there being a genuine flaw in the process.

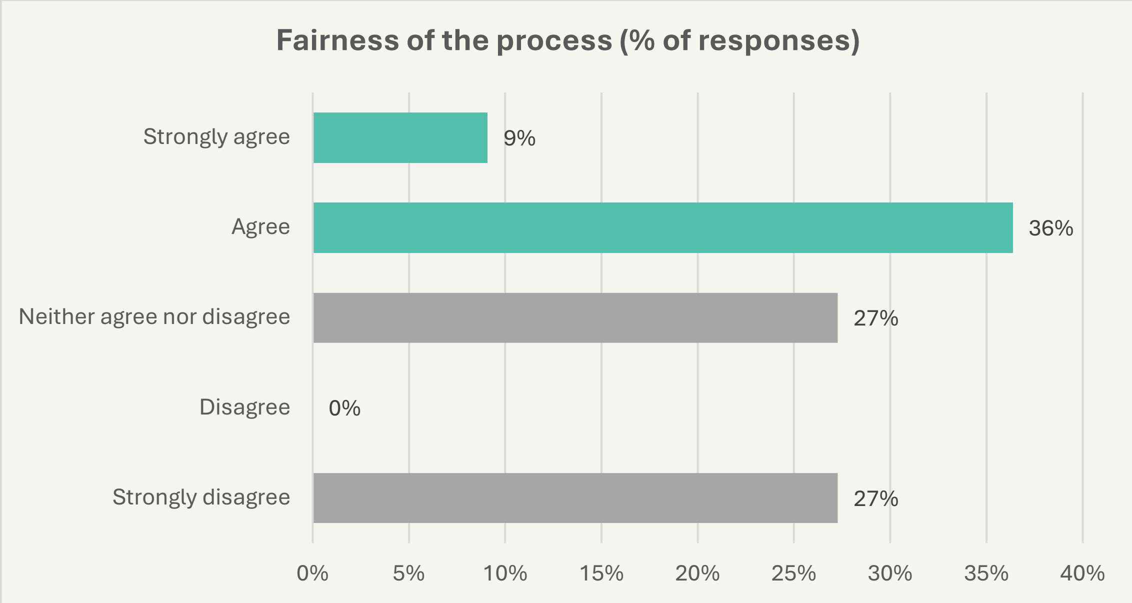
Unintended impacts of the changes

11. We asked respondents if there are any unintended impacts of the proposed changes that they thought we should be aware of. Comments included:

- The process could be open to legal challenge unless fairness is maintained.
- While they make the process faster and cheaper, their cumulative effect is to move the balance towards ARB and away from protection for registrants.
- Questioning whether the changes are in accordance with article 6 of the Human Rights Act 1998 and rights in the absence of expensive legal representation.
- An increase procedural and evidential burden on both complainants and registrants early in the process, and that the changes assume a level of understanding that they may not possess. The respondent thought there is therefore a risk that, for example, concerns aren't properly raised or that parties misunderstand evidence thresholds.
- The changes rely on the judgement and consistent of case examiners.
- Increasing formality in the process or a perception that it's inaccessible might discourage engagement by complainants.
- Issuing guidance where no formal case proceeds could unintentionally create a perception of implied fault despite no adverse finding being made. The respondent thought clarity on the status of the guidance would help.
- A general concern that without transparency or more guidance, confidence in the process could be compromised.

Fairness of the process

12. We asked respondents the extent to which they agree the changes improve the fairness of our investigations processes. More agreed (5, 45%) than disagreed (3, 27%):



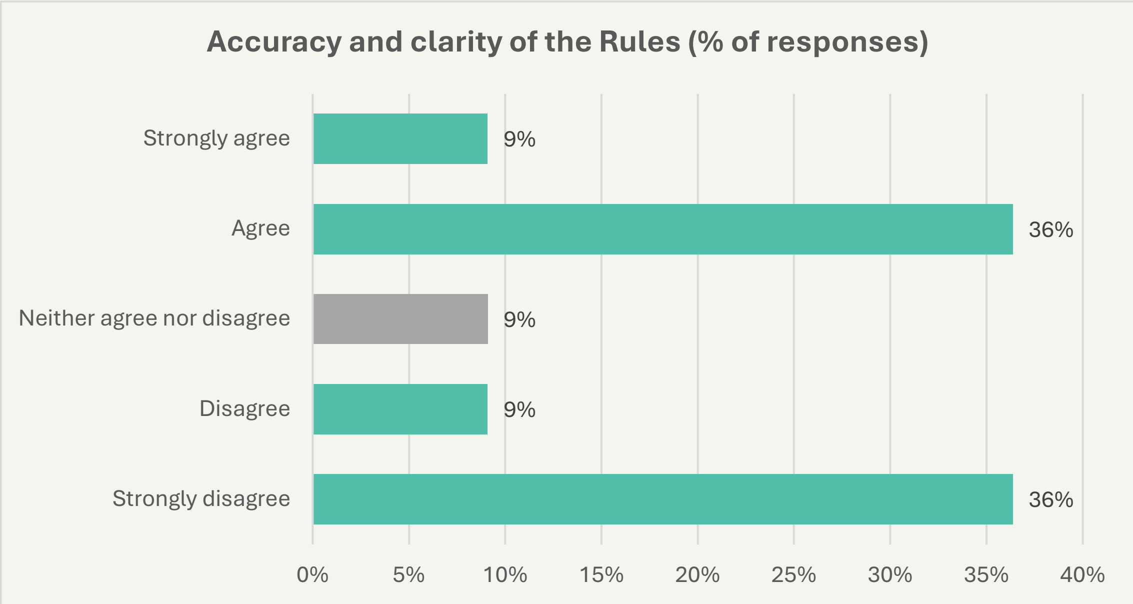
13. Respondents could provide further information to explain their answer. Comments they shared included:

- Introduction of a clearer 'realistic prospect' test is a significant improvement
- The ability for Case Examiners to request further investigation under Rule 4.3 also supports fairer outcomes by reducing the risk of premature referrals or incomplete assessments.
- While the review changes have the potential to improve fairness by reducing delays, costs and confusion, this depends on how the new process is applied. They added an example that the threshold for internal review might be too restrictive and exclude some concerns about the process. They thought more clarity on what constitutes a "deficiency in the process" would help.
- Concern about concentrating decisions with the Registrar, and that it would be helpful to have explicit requirements for written reasons at all decision points and by published guidance on how these review powers will be exercised.
- There should be clearer thresholds for review, greater transparency around the Registrar's decision-making, and more detailed guidance on how the new tests will be applied in practice.
- Emphasising that fairness is not just about speed or simplification, and that the fairness of the changes will depend on Case Examiners, clarity of procedural guidance, transparency of decisions and accessibility of the process.
- Fairness could be reduced if ARB did not invite comments from parties as part of the case to answer changes.

Clarity and accuracy of the Rules

14. We explained that the proposals are set out in updated Investigations Rules and provided a draft version of the updated Rules. We also said we had made minor amendments to our Professional Conduct Committee Rules to align them with the changes to the Investigations Rules, and shared a draft copy of these too.

15. We asked respondents the extent to which they agree the updated Investigations Rules are clear and accurately implement the proposals. Equal numbers agreed and disagreed (5, 45%) but with those who disagreed being more likely to do so strongly:



16. Respondents shared suggestions for where they thought the Rules could be improved:

- The Rules do not state that any third Case Examiner appointed in the event of disagreement would ordinarily be lay, and that if this is intended then it should be within the Rules.
- Rule 7.1 is broad in permitting reopening of cases and should be more clearly defined on thresholds for reopening, what is considered a flawed decision, how proportionality would be asses, and the circumstances in which reopening would be considered in the public interest.
- The threshold for Internal Review in Rule 6.3, which requires deficiencies that may reasonably lead to a different outcome, may be interpreted narrowly and more guidance or examples would help.
- For Rule 7 and public interest, more explicit requirements for written reasons would help with transparency and confidence.
- More clarity on how public interest is defined
- More defined limits on inspection powers
- More qualifying language, with an example given of “reasonable”
- Clearer defined thresholds and criteria within the Rules for decision making

17. Some respondents also used this section to talk about how understanding or interpretation of the Rules could be improved. This included:

- More guidance or explanatory information on the Rules, such as how different provisions will operate in practice.
- Some examples were shared where the respondent thought we had introduced important provisions after the powers or stages had already been introduced, with their view being that this made the process difficult to follow.

Equality, diversity and inclusion

18. We asked respondents if they have any feedback about EDI, whether positive or negative. Comments included:

- Suggesting more accessible support for people with communication or language barriers
- ARB should evaluate the impact of the changes on different demographics
- Concern about removal of the word ‘reasonable’ from Rule 5.2, where a respondent thought doing this meant creating an obligation to comply without qualification, and that this might disproportionately affect registrants with protected characteristics:
    i. architects with disabilities, including mental ill-health, where the stress of an investigation may itself impair ability to respond;
    ii. architects on maternity leave or with substantial caring responsibilities, which disproportionately affect women;
    iii. and architects observing significant religious or cultural obligations which may affect availability or timescales
    iv. Instead the respondent thought we should identify factors relevant to reasonableness, specify proportionate timeframes for requests and quickly allow extensions where it was justified.
- Requesting more confidentiality protection within the Rules, with suggestions including clarity before PCC stage, the anonymity of complainants, how data would be retained and for how long, and who would access it.
- More clarity around inspection powers and what constitutes a place of work, because of the impact this could disproportionately have for groups more likely to work from home (women with caring responsibilities, architects with disabilities or others)
- The procedural complexity may make the process inaccessible for those with communication barriers or without financial means to seek professional support. The respondent thought we could mitigate this by publishing more guidance, information in plain English and accessible templates.

Other comments

19. A final question gave respondents the chance to tell us anything further in relation to the consultation. Many of these comments are covered in the areas above. Others included:

- A respondent thought gaps within the previous Rules had not been addressed within these proposals. They wanted the process to be faster, more evidence led from the start and with more opportunity for challenge during the process
- Clearer timeframes within the process, with the respondent suggesting examples of triage (4–6 weeks) and investigation phase (3–4 months).
- There should be a way for parties to raise concerns about the process of the investigation during it
- An early stage filter could be added, where there is a requirement for complaints to reach a clearer set threshold to prevent wasting resources
- ARB should pause or close investigations at any stage if continuing is not justified
- Querying whether inspection contradicts architects' responsibilities under the Code covering client confidentiality and sensitive information
- The respondent who responded in reference to a specific PCC case said the changes must wait for anticipated decisions of the courts.
- One respondent shared their opinion on the package of changes and their reflections on the compatibility with ARB's role.

Annexe B Equality Impact Assessment

Policy/Process:	New Investigations Model
Owner:	Helen Ransome
Date completed:	30/06/2026
Review date:	Two years after implementation of new model. (2029)

Summary of aims and objectives of the policy or process

The new investigations model (NIM) project is to reform ARB's investigation process under section 14 of the Architects Act 1997, and develop a quicker, more cost-effective model with improved quality of decision making.

The aims of the project are to:

- Improve synergy between ARB staff, lawyers, architectural advisers and decision makers
- Reduce number of case-to-answer decisions that require subsequent re-investigation
- Streamline workflows to reduce duplication, minimise delays, and optimise handovers between stages
- Reduce the time to reach case-to-answer decisions
- Improve the transparency and cost-effectiveness of the investigatory process by decreasing ARB's reliance on external legal firms.
- Strengthen the quality of the regulatory process and decision-making
- Empower the Investigation Officers, utilising their competence and experience to inform case recommendations
- Bring our processes in line with modern regulatory practice

Summary of stakeholder involvement and consultation completed

- Series of Workshops with Professional Standards staff
- Concept discussions with the Investigations Panel
- Six-week public consultation: defence and prosecution solicitors, members of the Investigation Panel and members of the Professional Conduct Committee specifically invited to respond in addition to general communication channels to raise awareness of the consultation
- Legal advice from Fieldfisher LLP

Who is affected by the policy or process?

Architects

Complainants (members of the public)

What are the arrangements for monitoring and reviewing the impact of the policy or process?
Carry out a full review two years after implementation (2029). Process and quality monitoring will be ongoing throughout with KPIs, quality assurance checks and ongoing feedback from stakeholders.

Protected Characteristic Group	
Disability	
Impact	Positive
Explanation & examples of any evidence or data used	Process will be streamlined and shorten the process which may have a positive impact because it can reduce the possible stress levels involved in the process. There is good evidence across UK regulators of the detrimental impact regulatory proceedings can have on mental health.
Action to address negative impact, if applicable	
Gender reassignment	
Impact	Neutral
Explanation & examples of any evidence or data used	
Action to address negative impact, if applicable	
Marriage or civil partnership	
Impact	Neutral
Explanation & examples of any evidence or data used	

Action to address negative impact, if applicable	
Pregnancy and maternity	
Impact	Neutral
Explanation & examples of any evidence or data used	
Action to address negative impact, if applicable	A respondent to the consultation raised that removal of the word ‘reasonable’ from Rule 5.2, where the respondent thought this might create an obligation to comply without qualification, and that this might disproportionately affect architects on maternity leave or with substantial caring responsibilities, which disproportionately affect women. Legal advice regarding this was sought which concluded that there should be no adverse impact. While the word has been removed to simplify the Rules, the principle still applies. As a matter of law, we are required to act fairly and reasonably when carrying out investigations, regardless of whether this is expressly stated in the Rules. It would not be appropriate to make unreasonable requests of registrants, and any such action would be open to legal challenge. We have always considered the needs of stakeholders and reasonable adjustments and we would continue to do so. As with any request for reasonable adjustments, we look at cases involving stakeholders who are pregnant and/or on statutory family leave on a case-by-case basis to ensure adjustments to timescales and process as appropriate. As this is part of the organisation’s wider reasonable adjustments policy, these are not new actions but a continuation of current action. Therefore, the impact remains neutral on this characteristic group.
Race	
Impact	Neutral
Explanation & examples of any evidence or data used	
Action to address negative	A respondent to the consultation raised that more accessible support was needed for those with communication or language barriers.

impact, if applicable	This concern has been carefully considered alongside our policies including that we make it clear that reasonable adjustments will be made for people within our guidance documents and correspondence templates. For example, our Acceptance Criteria guidance already deals with the support we can provide to someone unable to put their complaint in writing. As part of our upcoming guidance review, we will be considering the most accessible format for providing information to stakeholders. In practice, we have always taken account of individual circumstances, including the need to make reasonable adjustments where appropriate, and this approach will continue under the new investigation model. We therefore conclude that this change does not give rise to a negative impact on this characteristic group.
Religion or belief	
Impact	Neutral
Explanation & examples of any evidence or data used	
Action to address negative impact, if applicable	A respondent to the consultation raised that removal of the word ‘reasonable’ from Rule 5.2, where the respondent thought this might create an obligation to comply without qualification, and that this might disproportionately affect architects observing significant religious or cultural obligations which may affect availability or timescales. The same principle applies as identified under ‘pregnancy and maternity’ above. Therefore, the impact remains neutral on this characteristic group.
Sexual orientation	
Impact	Neutral
Explanation & examples of any evidence or data used	
Action to address negative impact, if applicable	
Gender	

Impact	Neutral
Explanation & examples of any evidence or data used	
Action to address negative impact, if applicable	
Age	
Impact	Neutral
Explanation & examples of any evidence or data used	
Action to address negative impact, if applicable	
Other (e.g. caring responsibilities)	
Impact	Neutral
Explanation & examples of any evidence or data used	
Action to address negative impact, if applicable	A respondent to the consultation raised a concern that the removal of the word *'reasonable'* from Rule 5.2 could be interpreted as creating an unqualified obligation to comply with requests made during an investigation. The respondent considered that this may disproportionately affect registrants with protected characteristics. The same principle applies as identified under 'pregnancy and maternity' and 'religion and belief' above. We therefore conclude that this change does not give rise to a negative or disproportionate impact on any protected characteristic group, and the Equality Impact Assessment remains neutral in respect of all protected characteristics.

Evaluation:

Assessment conclusion on where the proposed policy or process could discriminate or unfairly disadvantage people: **Explanation/justification**
The public consultation raised possible potential impacts on protected characteristics which we carefully assessed and sought legal advice. This has led to the conclusion that the NIM alongside our current policies, in particular the Reasonable Adjustments Policy, will prevent discrimination or unfair disadvantage to any stakeholder.

Final Decision
Proceed: No barries identified
Explanation/Justification: Stakeholder engagements, legal counsel and a public consultation have led to the conclusion that the NIM will not discriminate or unfairly disadvantage any stakeholder. For the protected characteristic disability group, the new investigation model may have a positive impact because it will streamline the process and make it shorter and lessening any stress which can have a detrimental impact on mental health.

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Annexe C

Investigation Rules (Revised draft)

Contents

1. Commencement

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5. Request for information from a Registered Person

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9. Reports to the Professional Conduct Committee

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1. Commencement

1.1 These rules shall be known as the 'Architects Registration Board Investigation Rules' and are made under sections 14 and 23 and Part III of Schedule 1 to the Architects Act 1997.

1.2 They came into force on [DATE] and, subject to rule 10, replace the Investigations Rules made by the Board on 9 February 2022.

2. Interpretation

2.1 In these Rules the words and phrases below shall, except where the contrary intention appears, have the following meanings:

"the Act" means the Architects Act 1997;

"ARB" means the Architects Registration Board;

"the Board" means persons designated under Part I of Schedule 1 of the Act;

"Case Examiner" means a Lay or Registrant Case Examiner appointed by the Registrar for the purpose of exercising functions under section 14(1) and (2) of the Act and "Case Examiners" means the Lay and Registrant Case Examiners to whom a matter is referred under rule 3.3(b) and includes any replacement or additional Case Examiner appointed by the Registrar;

"the Case Presenter" is a person appointed by the Registrar to present a Charge to the Professional Conduct Committee on behalf of ARB;

"Charge" is a charge to be heard before the Professional Conduct Committee of unacceptable professional conduct or serious unprofessional incompetence or that the Registered Person has been convicted of a relevant criminal offence;

"the former Investigations Rules" means the Investigations Rules made by the Board on 9 February 2022;

"Lay" means a person other than a Registered Person or a person who has ever been a Registered Person;

"Register" means the Register of Architects established under section 3 the Act;

"Registered Person" is a person whose name is on the Register;

"the Registrar" is the person appointed by the Board as the Registrar of Architects;

"relevant criminal offence" means a criminal offence which has a material relevance to the fitness of a Registered Person to practise as an architect;

"referrer" is a person who refers a matter to the Registrar for the purposes of section 14(1) of the Act;

2.2 The Interpretation Act 1978 shall apply to these Rules as if they were an Act of Parliament.

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3. Preliminary Investigation

3.1 Where matters are brought to the attention of the Registrar that there may be an allegation of unacceptable professional conduct or serious professional incompetence of a Registered Person, the Registrar may:

(a) carry out such preliminary investigations as are appropriate for the purposes of section 14(1) of the Act; or

(b) obtain such advice as they see fit.

3.2 Unless the Registrar decides to take no further action upon receipt of matters brought to their attention under rule 3.1, they shall inform the Registered Person of the matters brought to their attention and offer them an opportunity to make written representations.

3.3 Following the opportunity to provide representations under rule 3.2, the Registrar may:

(a) take no further action; or

(b) refer the matter to the Case Examiners.

4. Consideration by Case Examiners

4.1 Where the Registrar has referred a matter to the Case Examiners under rule 3.3(b):

(a) it shall be considered by one Lay Case Examiner and one Registrant Case Examiner; and

(b) the Case Examiners shall decide whether there is a case to answer.

4.2 In determining whether there is a case to answer, the Case Examiners shall consider whether there is a realistic prospect of:

(a) such facts as are material being proven on the balance of probabilities; and

(b) a finding of unacceptable professional conduct or serious professional incompetence being made by the Professional Conduct Committee.

4.3 If the Case Examiners consider that investigation or advice additional to that obtained under rule 3.1 is required, they shall give a direction to that effect to the Registrar.

4.4 Before determining whether there is a case to answer, the Case Examiners may invite written representations from:

(a) the Registered Person;

(b) the referrer; or

(c) the Registrar.

4.5 Where the Case Examiners are minded to decide there is a case to answer and to refer the matter to the Professional Conduct Committee they shall:

(a) direct the Registrar to instruct a Case Presenter to prepare a draft report to the Professional Conduct Committee; and

(b) subject to rule 4.6 and any amendments they wish to make to the draft report, refer the matter to the Professional Conduct Committee.

4.6 Where a Case Presenter forms the view that the matter should be considered further by the Case Examiners, whether on account of new evidence or for any other reason, they shall write to the Case Examiners, copying the Registered Person who shall have an opportunity to comment before the Case Examiners consider the matter further under rule 4.1.

4.7 A copy of the final report to the Professional Conduct Committee shall be provided to the Registered Person.

4.8 Where the Case Examiners are minded to decide there is no case to answer they:

(a) may propose to give advice as to the Registered Person's future conduct or performance; and

(b) shall notify the Registered Person and the referrer, if any, including any proposed advice.

4.9 Where there is no request for an Internal Review under rule 6, the Case Examiners shall finalise their decision under rule 4.8 and notify:

(a) the Registered Person; and

(b) the referrer.

4.10 If the Case Examiners fail to agree on a decision under this rule, the Registrar shall appoint a third Case Examiner and the decision shall be taken by majority.

5. Request for information from a Registered Person

5.1 The Case Examiners or the Registrar may make a request for a Registered Person to supply any information or document which appears relevant, including facilitating inspection of such at the Registered Person's business premises.

5.2 The Registered Person shall, subject to rule 5.3, comply with a request under rule 5.1.

5.3 Rule 5.2 shall not apply to any information to which the Registered Person is entitled to legal professional privilege or the disclosure of which would be unlawful.

6. Internal Review

6.1 Where a referrer or Registered Person receive notice under rule 4.8(b), and they consider there have been deficiencies in the process leading to that notice, they may request an Internal Review of the process leading to the notice.

6.2 Such a request must be made in writing to the Registrar within 28 days of the date of the notice under rule 4.8(b) and upon receipt the Registrar shall consider whether to commence an Internal Review.

6.3 The Registrar shall commence an Internal Review where:

(a) the request clearly identifies the alleged deficiencies in the process; and

(b) they consider those alleged deficiencies may, if upheld, reasonably lead the Case Examiners to decide to refer the matter to the Professional Conduct Committee.

6.4 Where, within 28 days of the date of the notice under rule 4.8(b), the Registrar considers:

(a) there may have been deficiencies in the process leading to that notice; and

(b) such deficiencies may, if upheld, reasonably lead the Case Examiners to decide to refer the matter to the Professional Conduct Committee,

they may commence an Internal Review of their own volition.

6.5 Where an internal review is commenced under rule 6.3 or 6.4 and upheld, the Registrar shall notify the Case Examiners of the outcome of the Internal Review.

6.6 Where upon notification under rule 6.5, the Case Examiners are:

(a) minded to decide that there is case to answer, they shall direct the Registrar to instruct a Case Presenter to draft a report under rule 4.5(a); or

(b) of the view that there is no case to answer, they shall finalise their decision in accordance with rule 4.9.

7. Further Review

7.1 Following the finalisation of a decision under rule 4.9, all or part of that decision may be reviewed by the Registrar where they:

(a) have reason to believe there is new information which may have led, wholly or partly, to a different decision; and

(b) consider such a review is necessary in the public interest.

7.2 Where the Registrar decides to conduct a review under rule 7.1, they shall:

(a) notify the Registered Person and referrer of the decision to review and the reasons for that decision;

(b) notify the Registered Person and referrer of any new information and, where appropriate, provide them with that information; and

(c) invite representations from the Registered Person and referrer.

7.3 Where the Registrar concludes that all or part of the decision being reviewed under rule 7.1 was materially flawed or that there is new information which could have led to a different decision, they may refer the matter for reconsideration by the Case Examiners under rule 4.

7.4 Where the Registrar has reviewed all or part of a decision under rule 7.1, they shall notify the following of the decision under rule 7.3:

(a) the Registered Person; and

(b) the referrer.

8. Action in respect of a criminal conviction

8.1 If it appears to the Registrar that a Registered Person has been convicted of a relevant criminal offence they shall:

(a) where necessary, carry out an investigation into the relevant facts; and

(b) refer the matter to the Professional Conduct Committee by way of a report from a Case Presenter, copied to the Registered Person.

9. Reports to the Professional Conduct Committee

9.1 A report to the Professional Conduct Committee shall contain:

(a) the Charge;

(b) a copy of any evidence that is intended to be adduced against the Registered Person;

(c) the name of any witness whom it is intended to call in person before the Committee; and

(d) where the Charge relates to a relevant criminal offence, a certificate or other evidence of the conviction.

10. Transitional Provision

10.1 Where a relevant criminal offence, allegation of unacceptable professional conduct or allegation of serious professional incompetence has come to the attention of the Registrar before the date on which these rules come into force:

(a) the matters shall be investigated under rule 6 or 23 of the former Investigations Rules as if they had not been revoked;

(b) where the matters have not been referred to an Investigations Panel under rule 6(d) of the former Investigations Rules, they may be referred to the Case Examiners under rule 3.3(b) of these Rules;

(c) where a relevant criminal offence has not been referred by the Registrar under rule 23(b) of the former Investigations Rules, it may be referred to the Professional Conduct Committee under rule 8.1(b) of these Rules.

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Draft Professional Conduct Committee Rules

Professional Conduct Committee Rules

1. These Rules shall be known as the 'Architects Registration Board Professional Conduct Committee Rules' and are made under section 14(6), section 23 and Part II of Schedule 1 to the Architects Act 1997.

2. They came into force on [DATE] and replace the Rules made by the Board on 9 February 2022.

Interpretation

3. In these Rules the words and phrases below shall, except where the contrary intention appears, have the following meanings:

"the Act" means the Architects Act 1997;

"ARB" means the Architects Registration Board;

"the Board" means persons designated under Part I of the First Schedule of the Act;

"Case Examiners" means a Lay or Registrant Case Examiner appointed by the Registrar for the purpose of exercising functions under section 14(1) and (2) of the Act and "Case Examiners" means the Lay and Registrant Case Examiners to whom a matter is referred under rule 3.3(b) of the Investigation Rules and includes any replacement or additional Case Examiner appointed by the Registrar;

"Case Presenter" is a person appointed by the Registrar to present a Charge to the Professional Conduct Committee on behalf of ARB;

"Charge" is a charge to be heard before the Professional Conduct Committee of unacceptable professional conduct or serious unprofessional incompetence or that the Registered Person has been convicted of a relevant criminal offence;

"Consent Order" means a document which sets out terms upon which the Case Presenter proposes that a Charge which is the subject of a report to the Professional Conduct Committee may be settled with the consent of the Registered Person;

"Consent Order Panel" means the three members of the Professional Conduct Committee designated by the Chair under Rule 4(c) to consider the settlement of a Charge with the consent of a Registered Person;

"Disciplinary Order" means a disciplinary order made by the Professional Conduct Committee under section 15(1) of the Act;

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Draft Professional Conduct Committee Rules

"Hearing Panel" means the members of the Professional Conduct Committee designated by the Chair under Rule 4(a) to consider a Charge against a Registered Person at a hearing;

“Investigations Panel” means the panel of Investigations Pool Members designated under Rule 7 of the former Investigations Rules;

"the Investigation Rules" means the Architects Registration Board Investigation Rules made by the Board on [DATE];

“the former Investigations Rules” means the rules made by the Board on 9 February 2022 and in force on 1 April 2022;

"the former Professional Conduct Committee Rules" means the rules made by the Board on 9 February 2022 and in force on 1 April 2022;

“Professional Conduct Committee” means the Committee of that name appointed under Part II of the First Schedule to the Act or, where a Hearing Panel has been designated under Rule 4(a) or 4(c), that Panel;

“referrer” is a person who refers a matter to the Registrar for the purposes of section 14(1) of the Act;

“Register” means the Register of Architects established under the Act;

“Registered Person” is a person whose name is on the Register;

“Registrar” is the person appointed by the Board as the Registrar of Architects;

“relevant criminal office” means a criminal offence which has a material relevance to the fitness of a Registered Person to practise as an architect.

4. The Interpretation Act 1978 shall apply to these Rules as if they were an Act of Parliament.

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Draft Professional Conduct Committee Rules

Action upon receiving a report

5. Upon receiving a report from the Case Examiners under Rule 4.5(b) or the Registrar under Rule 8.1(b) of the Investigation Rules, the Chair of the Professional Conduct Committee shall subject to Rule 6, designate:

a) three members of the Professional Conduct Committee as a Hearing Panel to consider the Charge;

b) a Chair for the purposes of the proceedings before the Hearing Panel (which may be themselves unless unavailable or it is otherwise appropriate for another member of the Committee to act as Chair for these purposes);

c) if needed, three further but different members of the Professional Conduct Committee as a Consent Order Panel to consider any proposed Consent Order in relation to that Charge.

6. No member of the Professional Conduct Committee appointed to a Consent Order Panel to consider a proposed Consent Order shall be designated to a Hearing Panel to consider the same matter at a hearing.

Notice of the hearing

7. Not less than 49 days before the date set for the hearing of a Charge by the Hearing Panel, a written notice of the date, time and venue of the hearing shall be served upon the Registered Person or their legal representative (and for these purposes "venue" may include audio or video conferencing facilities).

8. A shorter period of notice than that specified in Rule 7 may be given where the Registered Person consents or the Chair of the Hearing Panel or Chair of the Professional Conduct Committee (if different) considers it reasonable in the public interest.

9. Such notice shall be accompanied by:

a) the Charge;

b) a copy of the Case Examiners' report as drafted by the Case Presenter to the Professional Conduct Committee;

c) a copy of any written statement or other document or plan that the Case Presenter intends to adduce in evidence at the hearing; and

d) the name of any witness whom the Case Presenter intends to call in person at the hearing, including any expert witness, and a summary of what that witness is expected to say.

Registered Person's response

10. Within 21 days of receipt of the notice referred to in Rule 7 the Registered Person shall give to the Case Presenter written notice:

a) of whether they intend to appear at the hearing;

b) if they are to be legally represented, the name and address of their legal representative; and

c) brief particulars of any defence.

11. If the Registered Person intends to deny the Charge then not less than 21 days before the date set for the hearing they shall serve upon the Case Presenter a notice which contains:

a) particulars of the defence;

b) a copy of any written statement or other document or plan that they intend to adduce in evidence at the hearing; and

c) the name of any witness whom they intend to call in person at the hearing, including any expert witness, and a summary of what that witness is expected to say.

12. Such notice may be given by being sent either by post or electronically, addressed to the Case Presenter at the registered offices of ARB or at any other address given for this purpose in the notice served under Rule 7 of these Rules.

Adjournment

13. The Hearing Panel, the Chair of the Hearing Panel, or Chair of the Professional Conduct Committee (if different) on any day prior to the relevant hearing may adjourn any hearing at any time if they consider that it is appropriate to do so.

14. Written notice of the date, time and venue of the adjourned hearing shall be served upon the Registered Person and if a copy of the notice of the original hearing was sent to a referrer, a copy of the notice of the adjourned hearing shall be sent to that person also.

Case management directions

15. At the request of the Case Presenter or a Registered Person or of their own volition, the Chair of the Hearing Panel or of the Professional Conduct Committee (if different) may

give such directions as are in the interests of justice and as they see fit. These may include directions as to:

a) participation in a case management meeting;

b) any other directions for the conduct of the hearing.

Expert Evidence

16. The Registered Person or the Case Presenter may apply to the Chair of the Hearing Panel for permission to adduce expert evidence, which shall be restricted to that which is reasonably required to resolve the proceedings.

17. The Chair may give directions with regard to the provision of a written report by any expert witness, any evidence in reply and the giving of oral evidence.

Proceeding in the absence of the Registered Person

18. If the Registered Person fails to appear in person at a hearing of a Charge, and a legal representative does not appear on their behalf, the Hearing Panel may, if satisfied that the Registered Person has been served with notice of the hearing or all reasonable efforts have been made to serve the notice of the hearing, hear the case in the Registered Person's absence.

Evidence and proof

19. The Hearing Panel may admit any evidence it considers fair and relevant to the case before it, whether or not such evidence would be admissible in a court of law.

20. Neither the Registered Person or the Case Presenter shall, without the permission of the Hearing Panel, call a witness or adduce evidence that was not referred to in a notice served on the other before the hearing in accordance with these Rules.

21. In determining whether a charge of unacceptable professional conduct or serious professional incompetence has been proved, the Hearing Panel shall take into account any failure by the Registered Person to comply with any provision of the Code of Professional Conduct and Practice issued by the Board under Section 13 of the Act.

22. The burden of proving a relevant fact shall lie upon the Case Presenter.

23. The Hearing Panel shall apply the civil standard of proof to any findings of fact.

Joinder

Annexe B

Draft Professional Conduct Committee Rules

24. Except where it appears to it that it would not be in the interests of justice to do so, the Hearing Panel may hear Charges against two or more Registered Persons at the same time and two or more Charges against a Registered Person at the same time.

Order of proceedings at hearings of the Professional Conduct Committee

25. Subject to Rule 28 the procedure at a substantive hearing is to be as provided for in this rule.

a) The Chair of the Hearing Panel shall:

(i) require the Registered Person's name and registration number to be confirmed by the Registered Person, where the Registered Person is present; or

(ii) require the Case Presenter to confirm the Registered Person's name and registration number, where paragraph (i) does not apply.

b) The Hearing Panel shall hear and consider any preliminary legal arguments.

c) The Chair shall ask for the Charge to be read out and inquire whether the Registered Person wishes to make any admissions.

d) Where facts have been admitted, the Chair of the Hearing Panel shall announce that such facts have been found proved.

e) Where facts remain in dispute, the Case Presenter is to open the case and may adduce evidence and call witnesses in support of it.

f) The Registered Person's case is then to be opened, and the Registered Person may adduce evidence and call witnesses in support of it.

g) Following the conclusion of the evidence, the Case Presenter followed by the Registered Person shall be invited to make closing submissions.

h) The Hearing Panel shall, after consideration of all the evidence and submissions made:

(i) consider and announce its findings of fact and give reasons for that decision;

(ii) after hearing further submissions and evidence if appropriate, the Hearing Panel shall then decide and announce whether it finds the Registered Person guilty of unacceptable professional conduct and/or serious professional incompetence and/or a conviction of a relevant criminal offence.

i) Following the announcement of that decision the Hearing Panel may receive further evidence and hear any further submissions from the Case Presenter and the Registered Person as to the appropriate disciplinary order, if any, to be imposed.

j) The Hearing Panel shall, having considered any further evidence and any further submissions made under Rule 25(i), announce its decision as to the disciplinary order (if any) to be imposed, giving reasons for its decision.

26. Where it appears to the Hearing Panel at any time during the hearing, either upon the application of the Case Presenter or the Registered Person, or of its own volition, that

a) the particulars of the Charge or the grounds upon which it is based and which have been notified under Rule 9, should be amended; and

b) the amendment can be made without injustice,

it may, after hearing from the Case Presenter and Registered Person, and taking legal advice, amend those particulars or those grounds in appropriate terms.

27. At any stage before making its decision as to the imposition of a disciplinary order, the Hearing Panel may adjourn for further information or evidence to assist it in exercising its functions.

Departure from these Rules

28. Provided that the proceedings are fair to the Registered Person and it is in the interests of justice to do so:

a) no objection shall be upheld to any technical fault in the proceedings;

b) the Hearing Panel may depart from any provision of Rule 25 of these Rules.

Witnesses

29. Witnesses shall be required to take an oath, or to affirm, before giving oral evidence at a hearing.

30. Subject to Rule 32, witnesses:

a) shall first be examined by the party calling them;

b) may then be cross-examined by the opposing party;

c) may then be re-examined by the party calling them; and

d) may at any time be questioned by the Hearing Panel.

31. Any further questioning of the witnesses by the parties shall be at the discretion of the Chair of the Hearing Panel.

32. Subject to legal advice, and upon hearing representations from the Case Presenter and the Registered Person, the Hearing Panel may adopt such measures as it considers appropriate to enable it to receive evidence from a witness.

Public hearing

33. Subject to Rules 34 and 35, hearings of the Professional Conduct Committee shall be held in public.

34. The Hearing Panel may determine that the public shall be excluded from the proceedings or any part of the proceedings, where they consider that the circumstances of the case outweigh the public interest in holding the hearing in public.

35. An application that all or part of a hearing should be conducted in private shall be heard in private.

Recording

36. An audio recording shall be made of the proceedings of a Hearing Panel and a copy or transcript of such recording shall be provided to the Registered Person as soon as reasonably practicable, upon his or her written request and on receipt of the costs thereof.

Reasons

37. The Hearing Panel shall provide the Registered Person with written reasons for its decisions as soon as practicable after the hearing.

Consent Orders

38. At any time after a report has been served upon the Registered Person but not less than 42 days before the date fixed for a hearing of the Charge, unless otherwise agreed between the Registered Person and ARB, the Case Presenter may serve on the Registered Person a proposed Consent Order setting out terms upon which it is proposed that the case may be concluded with the consent of the Registered Person.

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Draft Professional Conduct Committee Rules

39. The Registered Person may within 14 days of the date when the proposed Consent Order was sent to them (subject to any extension of time agreed between the Registered Person and ARB), confirm in writing to the Case Presenter that the Registered Person accepts the matters set out in the proposed Consent Order and agrees to the terms of the disciplinary order, if any, therein.

40. Where the Registered Person does not confirm within 14 days their consent to the proposed Consent Order in accordance with Rule 39, the proposed Consent Order will be regarded as withdrawn and the case must proceed to be considered at a hearing.

41. Where the Registered Person has given the consent referred to in Rule 39, the Case Presenter must refer the proposed Consent Order to the Consent Order Panel.

42. The Consent Order Panel must make such arrangements as it considers appropriate to decide whether to approve or reject the proposed Consent Order, provided that:

    a) such arrangements must not involve a hearing in the presence of the parties;

    b) such arrangements need not require the members of the Consent Order Panel to deliberate in each other's presence, unless they consider it necessary to do so;

    c) the Consent Order Panel must consider and reach its decision in relation to the proposed Consent Order within 21 days of receipt.

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Draft Professional Conduct Committee Rules

43. As soon as reasonably practicable after reaching its decision the Consent Order Panel must inform ARB and the Registered Person of its decision in writing.

44. Where a proposed Consent Order is not consented to by the Registered Person or not approved by the Consent Order Panel, the Charge must proceed to be considered by a Hearing Panel at a hearing.

45. Where a proposed Consent Order has not been agreed or approved, the proposed Consent Order, any reasons given by the Consent Order Panel, and any discussions relating to it between the Case Presenter and the Registered Person shall remain confidential and shall not be made known to any Hearing Panel designated to hear the Charge, unless the Registered Person chooses to bring this information to its attention.

Publicity

46. The Professional Conduct Committee shall, in such manner as it considers appropriate:

a) where there has been an adverse finding, instruct that the name of the Registered Person be published with a description of the conduct, incompetence or relevant criminal offence and nature of any disciplinary order or Consent Order;

b) where it does not uphold a Charge of unacceptable professional conduct or serious professional incompetence, and if so asked by the Registered Person, it shall instruct that a statement of fact to this effect, be published.

Transitional provision

47. These Rules shall apply to proceedings after the date on which they come into force, save in respect of which:

(a) a report has been made to the Professional Conduct Committee by the Investigations Panel or Registrar under the former Investigations Rules; or

(b) where the Investigations Panel is already seized of the matter under the former Investigations Rules.

48. Proceedings falling within rule 47 shall be subject to the former Professional Conduct Committee Rules as if they had not been revoked.