

# Board Paper

for Open session

Subject: Board and Committee Members'  
Complaints Policy

Board meeting:

12 May 2026

Agenda item:

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Action:

- For noting
- For discussion
- For decision

## Purpose

To discuss and approve the revised Board and Committee Members' Complaints Policy.

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## Recommendations

The Board is asked to approve the revised Board and Committee Members' Complaints Policy.

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## Annexes

Annex A – Board Complaints Policy (current version)

Annex B – Board and Committee Members Complaints Policy 2026

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# 1. Open Session

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## 2. Background and Key points

- 2.1. The Board Complaints Policy has not been reviewed for a significant period of time and is therefore due for a comprehensive update to ensure it remains current and is reflective of good practice. We have additionally aimed to remove unnecessary complexity, and to improve transparency and effectiveness within the process.
- 2.2. This policy applies solely to complaints relating to the conduct of Board and Committee members and does not extend to matters arising from disagreement with decisions made by the Board and Committee when carrying out their duties. The revised draft Board Complaints Policy 2026 deals with the procedure for handling complaints by and/or about Board and Committee members appointed by the ARB Board. A separate grievance policy is in place should ARB employees wish to initially make a complaint against a Board or Committee member.
- 2.3. A benchmarking exercise has been conducted to explore how others approach this area, as well as to ensure that ARB stays aligned with best practice approaches. We looked at other professional regulatory bodies' processes, including the General Medical Council, the Nursing and Midwifery Council, the General Dental Council and General Pharmaceutical Council. Our review has been informed by the findings from our benchmarking exercise.
- 2.4. The proposed policy has been reviewed by our legal advisers to ensure that the proposed processes are legally robust and compliant with relevant legislation requirements where appropriate.
- 2.5. The policy includes key areas such as the investigation process, the option for informal resolution, a formal review procedure if the matter cannot be resolved informally, details on further investigation where this may be needed. The policy also sets out the procedures to be followed in the event that a complaint is made against the Chair of the Board.
- 2.6. Provision has been made for the involvement of the Senior Independent Board Member, recognising their role in supporting the process; they will act impartially, facilitate discussions, and help ensure that proceedings are conducted fairly. The updated policy also includes provision for the appointment of an independent external reviewer where this may be needed. The independent external reviewer may be engaged at various stages of the complaints process to ensure impartiality and procedural integrity.

- 2.7. We have also incorporated a new provision within the revised process, based on discussions with our legal advisers. This relates to the provisional suspension of Board or Committee member from their role in that capacity pending a decision regarding a complaint.
  - 2.8. We have been advised that the Board has the power to “make rules governing its meetings and procedure”, and that section 23(1) further enables the Board to “make rules generally for carrying out or facilitating the purposes of the Act”.
  - 2.9. The Board could therefore make corresponding changes to its General Rules to provide expressly for suspension in such circumstances.
  - 2.10. We have provisionally included this option under paragraph 4.4 of the policy, but may wish provision for this to be covered earlier in the process, particularly if the complaint is of a serious nature and/or involves any criminal allegations.
  - 2.11. Subject to the views of the Board, we could then propose corresponding amendments to the General Rules at the next appropriate opportunity when the Rules are opened for review. A public consultation would need to be undertaken prior to any changes being approved by the Board, and the timing will be aligned with the most pragmatic opportunity to do so.
  - 2.12. The draft policy was reviewed by the People Committee at its meeting on 28 April 2026. The Committee supported the proposed policy, but has asked the Executive to check and ensure that ARB's Directors and Officers' insurance policy (we in fact have Management Liability Insurance which is similar) will not be adversely impacted by the introduction of the policy. We are in the process of doing this and will provide a verbal update if we have received feedback on this prior to the Board meeting on 12 May 2026. If not, we will follow this up as a matter of priority and confirm the outcome back to the Board.
  - 2.13. The existing version of the Board Complaints policy is provided at **Annex A** for comparison purposes; the updated version of the draft Board Complaints policy is provided in **Annex B**. We have not tracked any changes due to the scale of the overhaul of the policy.
  - 2.14. Once approved by the Board, and subject to any concerns arising from discussion with our brokers about the Management Liability Policy, the revised policy will be appended to the Board’s Handbook. All Board and Committee members will also be informed of the updated policy. We propose that the new policy should become effective immediately following the completion of the relevant checks.
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### 3. Resource Implications

- 3.1. Legal advice has been covered from within the Governance Team's 2026 budget.
  - 3.2. Governance team will review the policy again after a period of 5 years as set out in the ARB Board's Policy Log. The Governance team will primarily be responsible for record-keeping of the complaints process should it be required.
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### 4. Risk Implications

- 4.1. Failure to review and update the policy could result in outdated practices that are not in line with sector wide best practice. We have ensured that benchmarking exercise has been conducted so that ARB meets the best practice approaches for its complaints process across the sector.
  - 4.2. Reputational risk may arise if complaints are not managed in a transparent, fair and timely manner. The proposed processes and timelines incorporated in the updated draft Board Complaints Policy ensures that these aspects are covered. Indicative timescales are set out in the policy. Legal advice was also sought to confirm that the process is compliant and robust.
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### 5. Equality and Diversity implications

- 5.1. The updated policy aims to ensure that the complaints processes are fair, accessible, and inclusive. Improved transparency and clarity of the updated policy is intended to support a consistent and fair decision-making process. Any individual making a complaint under this procedure shall not be subject to any less favourable treatment as a result of making such a complaint.
  - 5.2. We have also taken care to ensure that policy is in line with ARB's wider organisational EDI standards.
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### 6. Recommendations

- 6.1 The Board is asked to approve the revised Board and Committee Members Complaints Policy.

## Board Members' Complaints Procedure

The procedure forms part of the Board's Code of Practice and lays out the steps that would need to be taken in the event of a complaint.

Version Number:	1
Creation date:	February 2008
Review date:	2019

## 1. Introduction

- 1.1 This procedure is not intended to replace the normal process of Board discussion and decisions and is without prejudice to the provisions in the Act and the Rules.
- 1.2 The procedure applies to complaints about the conduct of any Board member or member of staff by:
  - a Board member; or
  - by staff, but only about a Board member.

It does not apply to external complaints or complaints by staff about staff. In respect of Board members, the complaint may relate to a breach of the Code and/or one of the matters listed in Rule 7. The procedure is designed to deal with those situations where disputes arise which cannot otherwise be dealt with and resolved in the normal course of the Board's business. The purpose is to settle any complaint fairly, simply and quickly.

- 1.3 The Board shall appoint a Board Complaints Committee, comprising at least five Board members, and appoint a Chair. In the event that a complaint is raised by a member of staff, the Registrar or Deputy Registrar should also be appointed to the Committee. If a complaint arises where there is a conflict of interest, or the Committee member is unlikely to be available to consider a complaint, he or she should stand down temporarily and request the Board's Chair to appoint a temporary replacement from the Board or staff. The Committee will endeavour to reach all of its decisions by consensus, but where such a consensus is not possible it will be by majority. The Committee Chair has an additional casting vote, in accordance with the provisions of the Architects Act.

## 2. Informal resolution

- 2.1 If a Board member or member of staff has a complaint against a Board member, the person complaining ("the complainant"), should first discuss it with the person involved ("the respondent"), and seek to resolve matters promptly and amicably.
- 2.2 If a Board member has a complaint against a member of staff they should first discuss it with the person involved and seek to resolve matters in an amicable manner with due regard to the protections afforded the employee under legislation and common law. In particular, the complainant should not act in a manner likely or calculated to destroy the relationship of trust and confidence between the member of staff and ARB as the employer. Nor should the complainant use this procedure for capability issues or for conduct issues which are not against the complainant personally.

### 3. Formal procedure

- 3.1 If the matter cannot be resolved informally, then in the case of a complaint about a Board member, the complainant should refer the matter promptly to the Committee.
- 3.2 In the case of a complaint about a staff member, the complainant should make a formal complaint in the terms set out in 3.3 below, to the staff member's line manager. The complaint will then be dealt with through the employee disciplinary procedure.
- 3.3 The complaint should state:
- the name of the respondent
  - the nature of the conduct/problem
  - dates and times when conduct/problem occurred
  - names of witnesses to any incidents
  - any action already taken by the complainant to stop the conduct/problem
- 3.4 The Committee Chair will:
- write to the complainant, where reasonably practicable within 10 working days of receiving the written complaint, acknowledging receipt
  - write to the respondent, where reasonably practicable within 10 working days of receiving the written complaint, notifying them that a complaint has been made against them, and inviting their response.
- 3.5 Upon receipt of the response the Committee may decide:
- that there is no case to answer, or
  - if the response is satisfactory, that no further action is necessary, or
  - to write to the complainant for further information, or to request an apology or recommend some other remedial action, and/or
  - to appoint an independent investigator, or
  - to recommend to the complainant and respondent that the matter be resolved by mediation, or
  - to require the respondent and complainant to appear before the Committee for a hearing, or
  - to refer the matter to the Board

In all cases, the Committee must inform the complainant and respondent of the action to be taken.

### 4. Investigation

- 4.1 If an investigator is appointed, they should conduct the investigation promptly (where practicable within 21 days of the response) and report back to the Committee. The investigator will usually:
- gather information

- interview the complainant and the respondent and take statements
- interview any witnesses and take witness statements.

## 5 Mediation

- 5.1 The complainant and the Committee and, if appropriate, the respondent, will attempt to settle the dispute by mediation in accordance with the Centre for Effective Dispute Resolution's Model Mediation Procedure. Unless otherwise agreed between the parties, the mediator will be nominated by the Centre for Effective Dispute Resolution. The result of the mediation will be reported to the Committee, which will decide whether further action is necessary.

## 6. Committee Hearing

- 6.1 Where the matter complained of appears to be very serious in nature, the Committee may hear the complaint.
- 6.2 The Committee Chair will write to both the complainant and the respondent inviting them to a meeting giving the time, date and place for a hearing of the complaint and identifying the members of the Committee. In view of the need not to cause undue delay in the implementation of this procedure, all reasonable steps should be taken to attend at the time given. If either party is unable to attend, they must provide the Committee with dates of their availability, and a new time will be notified.
- 6.3 Both the complainant and/or the respondent may choose to provide written statements or to rely on the work of any investigator appointed instead of attending the hearing. If they so decide, they must notify the Committee immediately.
- 6.4 If either the complainant or the respondent fails to attend the hearing, and in the opinion of the Committee Chair this is without good reason, the hearing will proceed without them.
- 6.5 Copies of statements made by witnesses relied on (or redacted versions where in the opinion of the investigator it is necessary to preserve the anonymity of the witness or to withhold confidential information), will be made available to both the complainant and to the respondent in reasonable time and, where practicable, at least three working days in advance of the hearing. If any party does not accept any statement, they may make written representations to that effect. All representations must be received by the Committee Chair not less than 48 hours prior to the hearing.
- 6.6 At the hearing, the complainant will be able to explain their complaint and the respondent may give evidence. The Committee will decide whether the evidence of the parties will be given separately.
- 6.7 Following the hearing, the Committee Chair will notify, in writing, both the complainant and the respondent of its decision, stating whether or not the complaint has been upheld. The Committee may also report its findings and make recommendations to the Board. Recommendations to the Board may include, but are not limited to, suggestions for best practice or for a Board member to be removed from the Board in accordance with General Rule 7. Recommendations to the complainant and/or respondent may include the giving of an apology or retraction, or that a Board member be removed from the Board in accordance with General Rule 7.

## 7. Confidentiality

All parties must keep matters relating to any complaint under this procedure confidential. However, the identity of the complainant cannot normally be kept confidential as it inhibits an effective investigation into the complaint. Anonymous complaints will only be accepted at the entire discretion of the Committee Chair taking into account the credibility of the complaint, the seriousness of the issues raised and the possibility of having the complaint confirmed by an alternative source.

## **ARB Board and Committee Members Complaints Policy**

### **1. Introduction**

- 1.1 This document sets out the procedure to follow when dealing with complaints about the conduct of Board and Committee members appointed by the ARB Board. A Board or Committee member about whom a complaint has been made is referred to in this policy as "a relevant Member". Complaints about decisions made in good faith by Board members or decisions by Committee members in their capacity as independent decision makers will not be considered as complaints under this policy.
- 1.2 The policy aims to ensure that complaints are resolved fairly, proportionately, and within reasonable timescales. Indicative timescales are set out in the policy. These may be varied where necessary, for example, because of the nature or complexity of a complaint.
- 1.3 Any individual making a complaint under this procedure shall not be subject to any less favourable treatment as a result of making such a complaint.
- 1.4 There is a separate staff grievance policy that should be used by ARB staff in the event a member of staff wishes to raise a complaint against a Board or Committee member.

### **2. Investigation Procedure for Complaints in relation to Board or Committee Members**

- 2.1 Any individual wishing to raise a complaint concerning a Board or Committee Member shall do so in writing to the Chair of the Board. A member of the Senior Leadership Group and/or the Head of People should be informed of the complaint. The Executive shall provide appropriate administrative and procedural support to the complaints process, including record-keeping and coordination of communications.
- 2.2 Upon receipt of a complaint made by or about a Board or Committee Member, the complaint shall be acknowledged by the Chair, and the details should be logged with the Executive. An Assessing Officer will be appointed once the complaint has been acknowledged and logged. The Assessing Officer will either be the Chair of the Board or the Senior Independent Board Member, or in the event they are conflicted or unavailable, the Chair of the People Committee. The Assessing Officer shall conduct a preliminary assessment of the complaint to determine its nature, scope, and seriousness. This assessment shall include consideration of whether the complaint is:

- **A minor or low-level concern**, capable of informal resolution; or
- **A serious allegation**, including but not limited to potential misconduct, breach of the Board/Committee Members Code of Conduct and Practice or other matters which may warrant formal investigation.

2.3 Following the initial assessment, the routes for handling the complaint will include:

- Taking no further action – where the complaint is not sufficiently serious to warrant further action or there is insufficient evidence to support further consideration of the complaint.
- Informal resolution - where the matter is considered minor and capable of being resolved without formal procedures. The relevant Member will be informed of the complaint and may be invited to provide comments. Where the complaint is resolved informally between the individuals concerned, the matter shall be treated as concluded and no further action shall be taken under the formal procedures. A record of the complaint, including the details of the informal resolution reached, shall be retained in all the relevant Board or Committee member's file.
- Formal process - where the matter is assessed as sufficiently serious to require escalation under the formal procedure (point 4) of this policy.

2.4 Where a case has been referred for informal resolution, it may still be referred under the formal procedure where it has not been possible to resolve the complaint informally.

2.5 Where they are not the Assessing Officer, the Senior Independent Board member may support the informal resolution of a complaint by facilitating dialogue between the parties, with a view to achieving an early resolution. The Senior Independent Board Member shall act impartially, and their role shall not extend to determining the outcome of the complaint.

### **3. Formal Procedure**

3.1 Following receipt of the complaint, the Assessing Officer must inform the relevant Member in writing of the details of the issue which has been raised and invite them to submit written comments within 14 days, or such other period as may be specified.

3.2 Following consideration of the Board or Committee Member's written representations, and if the Assessor is satisfied on the basis of all the information and evidence that the complaint is not supported by sufficient evidence, no

further action will be taken. The Assessor must inform the Board or Committee Member, and any person who made a relevant allegation, of their decision.

3.3 If the Assessor is satisfied on the basis of the information available to them, that the issue raised requires further investigation, they must notify the relevant Member :

- stating that the issue will be investigated;
- enclosing a copy of this procedure;
- setting a date for the individual to meet the Assessor\* (ideally within 14 days from receipt of the notification);

#### **4. Meeting with the Assessor**

4.1 The Assessor will meet with the relevant Member to discuss the complaint.

4.2 The Assessor may seek further information or clarification from the complainant as considered necessary. The Assessor may also direct that further enquiries be undertaken, including instructing the Senior Independent Board Member, a member of the Executive, or another suitably independent external person, to gather information during the complaint process.

4.3 A member of the Senior Leadership Group or the Head of People will be present at the meeting to take a minute of the meeting for the record.

4.4 After the meeting, the Assessor will (including the outcome of any further investigation they may consider necessary) write a report, in which they may recommend or determine that one or more of the following courses of action be taken:

- Dismiss any allegation or end the consideration of the issue
- Direct further investigation into the allegations, setting out the parameters of that further investigation
- Direct other actions as necessary
- Direct that the Board should consider the Board or Committee Member's removal from the Board or Committee
- Provisionally suspend the Board or Committee member's appointment to the Board or Committee until a decision has reached

4.5 Where the Assessor is the Chair of the Board the report may determine any of the above courses of action, and where the Assessor is the Senior Independent Board Member the report shall be in the form of a recommendation to the Chair.

#### **5. Removal of Board Members & Committee Members**

5.1 In the event that it is recommended that the Board consider removing a Board Member, and in accordance with the **General Rules 14.1 and 14.2**, the Board member may be removed by a majority vote of the Board.

5.2 Any proposal put to a vote will be decided by a simple majority of the members present and voting. The Board Member concerned shall not be entitled to vote on this matter. The Board Chair will declare whether or not a resolution has been carried out. In the event of a tie, the Board Chair will have an additional casting vote.

5.3 In accordance with the **General Rule 14.4**, no decision to remove a Board member shall be made unless:

- A written notice of the intention to propose it, with particulars of the grounds relied upon have been given to the Board member not less than 21 days prior to the relevant meeting of the Board;
- the Board member has been invited by the Registrar to provide written representations for circulation to all members, such representations to be provided within 14 days of the notice referred to in rule 14.4(a) of the General Rules; and
- the Board member has been provided with a reasonable opportunity to make oral representations to the Board.

5.4 In the event it is recommended a Committee Member be removed, the matter shall be considered by the Board.

## **6. Further Investigation**

6.1 If the Assessor directs further investigation, they may appoint an Independent External Reviewer to conduct the additional investigation at any appropriate point during the process. The Independent External Reviewer will be a suitably independent person who has not been involved with any of the parties, the Board or the Committee's business.

6.2 The Independent External Reviewer must prepare a report, and provide their findings to Assessor, as well as to the Board or Committee Member concerned. The Board or Committee Member will be invited to provide their response to the report findings within 14 days, or such other period as may be specified. At the conclusion of the investigation, the Assessor will confirm the appropriate next steps. Those steps may include recommending to the Board no further action be taken or the Board consider removing a relevant Member.

## **7. Notification of Relevant Information to the Sponsoring Government Department**

7.1 The Board may notify its Sponsoring Government Department of any relevant information during the course of considering a complaint under this policy and will notify the Department where a Board Member is removed.

## **8. Temporary Board and Committee Members**

8.1 This policy also applies to temporary Board and Committee members.

## **9. Reconsideration**

9.1 **A relevant Member** (i.e., the Board or Committee member about whom the complaint was made) or **complainant** may write to the Chair requesting a decision under this policy be reconsidered where there is relevant new information, not available at the time of the original decision, or they consider there has been a material flaw in the process.

9.2 Upon receipt of such a request, it shall be considered by the Chair who will determine whether a reconsideration should take place. Before making that decision, the Chair may share that request with the relevant Member or Complainant for comment.

## **10. Complaints relating to the Board Chair**

10.1 This policy shall also apply to complaints regarding the Chair of the Board, subject to the modifications in this section and any others that are necessary to fairly consider the complaint.

10.2 Any allegation or concerns relevant to this procedure and relating to the Chair of the Board should be made to the Chair of the People Committee.

10.3 Any investigation relating to the Chair of the Board will be carried out by the Chair of the People Committee and the procedure outlined above in this policy shall apply with any necessary modifications. The Senior Independent Board Member shall be involved as appropriate and consulted as necessary in the handling of the complaint. The Executive will provide appropriate administrative and procedural support to the complaints process.

## **11. Record Keeping and next steps**

11.1 The governance team will keep a record of all complaints relating to Board and Committee members.

11.2 The Board may take such further steps as it considers necessary at the conclusion of a complaint under this policy.