

Version

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

BOARD MEETING: MINUTES

Minutes of Board Meeting held on 6 December 2023

Location: ARB Office, 8 Weymouth Street, London, W1W 5BU

Present

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

In attendance

Hugh Simpson (CEO & Registrar)
Emma Matthews
Simon Howard
Brian James
Rebecca Roberts-Hughes
Marc Stoner
Alice Pun (Governance)
Mandy Kaur (Minutes)
Jodie James (Observer, Item 7)
Rosie Fairfax (Observer, Item 8)
Stephanie Griffiths (DLUHC, Observer)

Private Meeting of the Board

The meeting started with a confidential meeting between the Board members and the Chief Executive and Registrar. No staff members were present during this session.

ARB staff members joined the meeting.

Open Session

1. Apologies for absence

There were no apologies.

Mark Bottomley and the Director of Registration & Accreditation, Brian James joined the meeting online via Zoom.

Stephanie Griffiths from the Department of Levelling Up, Housing and Communities (DLUHC), was welcomed to the meeting. Ms Griffiths observed the whole of the Open Session.

Jolyon Daw, (DLUHC) had provided his apologies for the meeting, as a result of a change in his role. The Chair asked Ms Griffiths to thank Mr Daw for his valuable advice during Board meetings over recent years and to convey the Board's best wishes to him for his new role.

Other members of staff joined the meeting for relevant agenda items.

This would be the final meeting for the 2023 Boardroom Apprentice, Shamoan Hussain having been with ARB since January 2023. Mr Hussain had been invited to feed back on his experience at the end of the meeting.

2. Members' Interests

All Board members had been asked to declare any conflicts of interest in any of the agenda items prior to the meeting. The Register of Interests was noted.

Architect Members of the Board declared an interest in Item 8 which related to the continuing professional development scheme.

All Board Members declared an interest in item 11 of the agenda which related to Board and Committee members' annual performance and development review.

It was agreed that all members could remain in the room for both items.

Additionally, Will Freeman declared a separate interest in Item 8; it was agreed that Mr. Freeman could remain in the room for this item and speak last.

STANDING ITEMS

3. Update from the Chair

The Chair reported that the RIBA President, Muyiwa Oki, had accepted an invitation to join for part of the Board Workshop in January 2024; he would be accompanied by the Chair of the RIBA Board, Jack Pringle, on this occasion. Mr. Oki would be invited to inform the Board about his vision for RIBA during his presidency and there would be an opportunity for the Board to ask questions.

The Chair had also met with the newly appointed Chair of the Professional Practical Experience (PPE) Commission.

4. Minutes

The Board unanimously approved the open session minutes of the meeting held on 18 October 2023.

5. Report on Actions following the Previous Meeting

Board Members noted a report on actions from the previous meeting.

6. Updates since the board papers were issued

The Chief Executive & Registrar reported that a positive response had been received from the Department of Levelling Up, Housing & Communities' (DLUHC) with regard to the business case that ARB had submitted setting out why the organisation should remain based in London.

MATTERS FOR DECISION

7. Business Plan 2024

The Chief Executive & Registrar provided a brief overview of the plan.

Significant progress had been made in relation to the transformation of the IT infrastructure and the modernisation of the initial education and training requirements for architects.

The Chief Executive & Registrar explained that the risks relating to the IT transformation programme were set out in the risk register. Some of the risks were related to finance; there would need to be a level of agility and flexibility to respond to these.

There was discussion about possible risks which could impact the Business Plan 2024. Investigations could arise as a result of the Grenfell Inquiry; there would be a need to ensure that there were senior staff in place and solicitors on board to ensure that ARB was prepared. The wider challenge for ARB was that there was no awareness as to what was included within the Grenfell Inquiry report, and it was likely that the report would be very wide ranging. This could involve little direct impact on ARB's legislation or policy, or at the other end of the scale, significant legislative reform.

A query was raised about ARB's capacity or bandwidth to deal with any unanticipated issues and whether there were areas within the Business Plan that could be moved to the following year, if necessary. The Chief Executive & Registrar advised that the transformation programme had stretched the organisation's capacity over the last few months, and there had been a need for increasing agility across teams within the organisation. If the findings from the Grenfell Inquiry required a particular focus, then that could be considered. There had been a discussion at the recent People Committee about the importance of agility and flexibility. In some areas, there was capacity and, in others a plan to build capacity.

Board Members commended the positive work that had been carried out and agreed that it would be important to ensure that the 2024 Business Plan did not over-commit the staff team so that they were too over-stretched. The Chief Executive and Registrar agreed to reflect further about capacity issues and report back to the Board at its next meeting.

The word 'of' was adjusted to 'if' in item 6 (page 11) of the business plan.

It was noted that there had been considerable effort to collect and measure the data and to report it in a user-friendly manner. A request was made to consider sustainability within future Business Plans, in order to remain in line with the new reporting standards. The Board was assured that the points on sustainability were being addressed; ARB was in the process of appointing external experts to support with this. Data on sustainability was collated, but that level of detail was not included in the Business Plan.

Concern was expressed about a lack of understanding about ARB's role amongst stakeholders. A suggestion was made to provide stakeholders with clear information about ARB's vision and how this would be achieved, within the introduction section of the Business Plan, to help address that issue and explain the purpose of ARB. A further suggestion was made to format the introduction to identify how things had progressed from the previous corporate strategy.

Board Members' suggestions and feedback, as above, were noted.

The Board **unanimously agreed** to:

- i. approve the proposed Business Plan for 2024, subject to the points made which would be articulated in the plan subject to discussion with the Senior Leadership Team.
 - ii. delegate to the Chief Executive & Registrar the responsibility for making any necessary changes as a result of feedback from the Board.
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8. Continuing Professional Development Scheme

The Director of Standards advised that helpful feedback had been received from Board Members in advance of the meeting which had been taken on board. There had been considerable engagement, research, collaboration, and consultation on ARB's proposals on the Scheme for Continuing Professional Development. The only substantive change to the scheme previously agreed by the Board was to the reflective piece that architects must carry out. It was recommended (based on engagement and pilot feedback) that the stand-alone reflective statement be replaced with a reflective piece after each CPD activity was carried out. Subject to Board approval and any changes to the scheme, this was still the aim.

There were two additional points to consider:

1. How ARB would operationalise the scheme and deal with architects who will not comply with the continuing professional development (CPD) scheme, was still to be established. The relevant procedures would need to be consulted on and enshrined in rules, which the Board would be asked to approve during 2024. It was noted that in the first year there would be no removals from the Register as a result of non-compliance to the CPD scheme, but information would be gathered and used to refine the scheme before it became a mandatory condition of registration from 2025 onwards.
2. The portal was currently in its development stage and was not yet live. There were small groups of volunteers ready to test the live system so it was likely that the

system would be launched on 2 January 2024, with live testing having taken place beforehand.

Within the portal, there would be clear instructions as to whether the CPD had been completed for mandatory subjects and links would be available to appropriate courses.

A suggestion was made for a summative form of self-assessment. The Director of Standards advised that ARB would continue to seek feedback on the effectiveness of the scheme; if a summative statement at the end of the year were identified as a potential improvement, then the scheme and the portal could be easily adapted to accommodate the change.

In response to a query raised about the percentage for sampling, it was noted that other regulators had used sample sizes of between 2.5% and 4.5% and it was likely that ARB would operate within these parameters. The final criteria for the selection of records, which would include a risk-based analysis, would be carried out in 2025.

A Board Member commented that the CPD scheme struck the balance of being proportionate to public need and professionally practical and the way in which it was being rolled out was pleasing.

There were lots of intelligence gathering exercises that could be undertaken throughout the first year. There was also an opportunity to consider the data at the end of the year to identify reasons as to why an individual might be deferring. There would be a chance to offer some form of adjustment at that point, if there was intelligence to suggest that something had not worked.

Board Members suggested that it may be more worthwhile having a single reflective statement for the whole entry, as this provided a holistic overview about what they had learned. It was noted that this would remain under review. The process would be built around how people worked and improvements would be made based on that, so this would be considered for the future.

A Board Member suggested that registrants be provided with as much information as possible to begin with; for some, CPD was an onerous task and individuals should be encouraged to start their activities earlier in the year. Furthermore, it was important to ensure that auditing was carried out randomly. It was noted that there was guidance in the form of a policy document, with a page which provided a breakdown on the CPD that needed to be carried out and when. There was another document available which provided further detail. With regard to the auditing, there should be no additional burden if the CPD was being carried out and recorded. If there was a low risk profile, an audit would be carried out every 2-3 years.

It was noted that it would take time for the profession to be used to this system, and to remove the resistance, from some, to the whole idea.

Board Members welcomed the changes proposed and shared their appreciation for the progress made in relation to the project, achieving a good balance. It was noted that communications to registrants needed to be clear that CPD did not necessarily require structured learning and formal training; there were many ways to achieve the desired ends. This was particularly important given cost of living pressures.

Board Members thanked the professional standards team on the work carried out.

The Board **unanimously agreed** to:

- i. Approve the proposed continuing professional development (CPD) scheme for monitoring the continuing professional development architects will be required to undertake as a condition of registration.
 - ii. approve to the CPD guidance on mandatory CPD topics for 2024.
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9. Scheme of Delegation

The Scheme of Delegation had been reviewed as a result of legislative changes and changes in the way ARB operated on a day-to-day basis; and so that other relevant areas of the Scheme were brought up to date. The Scheme had also been restructured having looked at how some other regulatory bodies dealt with their Schemes. The Audit and Risk Assurance Committee had considered the revised Scheme at its meeting on 24 October 2023 and provided valuable feedback, which had now been incorporated into the revised Scheme.

Following feedback from a Board Member since the board papers had been released, there was a proposal for an adjustment the wording relating to the '*level of authority*' column in relation to invoice approval, and to the '*narrative*' column, in order to tie in with the Procurement and Tendering Policy.

A Board Member suggested that in relation to *Row 53 - Appointment and removal of Senior Leadership Group (SLG) members*, it was important that there was a balance between the Chief Executive & Registrar and the Board involvement. The appointment / removal of SLG members was currently based entirely on the decision made by the Chief Executive & Registrar. It was suggested that the Chief Executive & Registrar should, as a minimum, consult with the Board Chair and/or the Chair of the People Committee in relation to these decisions, and that members of the Board were ringfenced to deal with any potential appeal matters.

A point was raised that if the Board formed part of the decision-making processes regarding the appointment or removal of SLG members then they would infringe on the Chief Executive & Registrar's role in recruiting and managing the staff team. It was recommended

that systems and processes be put in place to support the Chief Executive & Registrar, but which allowed him to be held accountable in his management of SLG members.

The Director of Resources advised that in 2022, as a result of previous issues, the People Committee had considered the Terms of Reference; at that meeting the Terms of Reference were amended and it had been documented, within the minutes of that meeting, that it was important to give the Chief Executive & Registrar ownership of the management of the SLG but to allow flexibility in the remuneration of SLG.

The Board agreed that this particular point should be considered further at the next meeting of the People Committee.

The Board unanimously agreed to approve the revised Scheme of Delegation and that the revised Scheme becomes effective immediately, subject to the suggested amendments to row 48.

10. Professional Practical Experience Commission – Terms of Reference

In a separate paper at the September meeting, the Board had agreed to establish the Professional Practical Experience Commission. This paper included the budget for the Commission and a short outline of how it would work, through regional visits and with an open call for evidence. Since that decision, an appointment had been made for the position of the Chair for the Commission, who had also viewed and agreed the Terms of Reference. The draft Terms of Reference were shared with the Board in the confidential session of its meeting in July 2023.

Once approved by the Board, the Terms of Reference would be published on ARB's website for transparency. An announcement would also be made about the appointment of the Chair of the Commission and other commissioners as they were appointed, in the new year.

A recommendation was made to ensure that there was a fully diverse representation across Commissioners and membership of the expert reference group, a stakeholder group that would meet the Commissioners. It was noted that this had been considered and there was a target to consider professional diversity as well as gender, ethnicity and geographical diversity. The membership of the expert reference group was also intended to be diverse, but certain organisations needed representation and ARB would have little control where an organisation chose their own nominations.

Minor changes were requested to the wording of the Terms of Reference to improve the clarity of the deliverables regarding recommendations, and to widen the audiences of the Commission, to include early career professionals as well as students.

The Board unanimously agreed to approve the Terms of Reference for the Professional Practical Experience Commission.

ITEMS FOR NOTE

11. Revised Board Member, Committee Member and Associates Annual Performance and Development Review Process

A wider review of the Annual Performance and Development Review process was due to commence in early 2024. The People Committee was responsible for approving the new process; but it was important to ensure that the Board and Committee members, as well as Associates, were kept up to date regarding developments and had opportunity to input to the review. The board paper set out the plans and timetable for the review and indicated where engagement with Board/Committee members and ARB's Associates would take place.

The Board noted the plans to review the annual performance and development review processes as agreed by the People Committee.

12. Performance Monitoring Review Process for Q3

The Board paper provided an overview of the operational performance of ARB for Q3 of 2023. Members were notified that the paper should refer to '15' rather than '115' UK adaptation assessments, of which 13 had passed and 2 had failed. The feedback from assessors on the failures was that those individuals were not appropriately prepared and did not have an appropriate understanding of the UK context.

There had been a downturn in applications compared to previous years, as detailed within the registration and accreditation UK performance update. A query was raised about the increased processing time. It was noted that, since releasing these figures, the registration and accreditation figures had increased, but within the period of this analysis there had been a move to the new CRM system and there were increased examples of schools of architecture who had not supplied the full details of the pass list which, in turn, required additional time to obtain further information. These issues related to defects in the names/dates of the prescribed exam and, where the details did not match the information submitted by the applicant, it could not be processed and the information would need to be chased.

There would be definitive KPIs for accreditation and these would be discussed at a Board

Workshop in early 2024, to consider how ARB might measure some areas of accreditation to ensure that the prescription process was effective.

The checking of pass lists was currently a manual process, and phase 2 of the CRM work would consider how institutions could provide more systematic and timely data through a portal.

A query was raised about any implications that might arise following the publication of the Grenfell Inquiry Report regarding the misuse of title. It was noted that the number of misuse of title cases had increased and there was potential for this to continue to rise. There had been some broad discussions about the legislation around protection of title, and there was about a question whether the deterrent was serious enough.

The Board noted the operational performance of ARB and the management accounts as set out in the papers.

13. Chief Executive's Report

The Board noted a report from the Chief Executive & Registrar on matters relating to the running of the Board's business, including a summary of recent Workshop discussions.

Transformation Programme

The organisation had been under considerable pressure due to a large number of problems with the implementation of the new CRM system. Not only had this caused significant pressure on the IT programme team, but it had led to very high volumes of emails (over 30,000) and phone calls. People were joining the register and renewing successfully, but the immediate increase in the team's workload had proved a significant challenge.

At the time of writing, there were 43,366 architects on the Register. There were a number of new and re-join applications received and being processed, so this number would increase by the end of the year. This baseline number would then reduce once the formal resignations and non-payment removals were applied in January. The budgeted assumption was these removals would account for circa 2,500 architects from this baseline. There was assurance that the system worked, and engagement had been positive although there had been a series of problems. There had been some software changes over recent days which was expected to make the process better. There was a 6% decrease in the number of people who had paid the annual retention fee compared to this time last year.

14. Any Other Business

There was no other business.

15. Dates of Future Board Meetings

The next meeting would take place online on Wednesday, 28 February 2024.