



Guidance for those appearing before ARB's Professional Conduct Committee

This guidance is to be read in conjunction with the Board's Investigation and Professional Conduct Committee Rules.

Before the Hearing

You will be given at least 42 days notice of the Hearing date and location, and be provided with a copy of the Board's Solicitors Report. In accordance with the Board's Rules, you then have 14 days to give notice of whether you intend to attend the Hearing and/or contest the charges. You will also be required to inform the Board whether you will be legally represented, details of any witnesses you intend to call and a brief outline of your defence.

You do not have to be legally represented but it may assist you to be so. You may be eligible to receive free services provided by the Bar Pro Bono Unit (0207 092 3960) or LawWorks (020 7092 3940).

You shall provide all documents you intend to rely on no later than two weeks before the Hearing date. This is to facilitate the smooth running of the Committee and avoid undue delays at the Hearing. The Committee may decide that any documents submitted later than this are not admissible.

If you choose not to attend the Hearing then the Committee may, if satisfied that you have had ample opportunity to be present, hear the case in your absence. You should be aware that the Committee has the power to suspend or erase your name from the Register of Architects, even if you do not attend the Hearing.

Adjournments

Adjournments will only be granted at the discretion of the Clerk to the Committee. If you wish to apply for an adjournment you should contact the ARB as soon as possible. Further information on adjournments is available on request.

The Hearing

The Professional Conduct Committee will consist of one lay member, one architect member and a legally qualified Chairperson, who is nominated by the Law Society. Also present will be a Clerk to the Committee, who will be on hand to provide the Committee with advice on points of law. A member of the ARB staff will also be present to assist with any queries you might have.

After the Committee introduces itself, the Clerk will put to you the charges and ask if you admit or deny them. The Board's Solicitor will then present his case, calling on any witnesses or experts he sees fit. After having the chance to cross-examine if appropriate, you (or your representative) will then have the opportunity to present your defence to the charges and call any witnesses.

After having heard all of the evidence, the Committee will retire to consider the case and normally announce its decision on the day. They may request the presence of the Clerk if legal or procedural advice is required.

If you lodge a guilty plea, or the Committee finds you guilty of any of the charges brought against you, you (or your representative) will then have the opportunity to present mitigation before the Committee makes any disciplinary order. The disciplinary orders available to the Committee are: No Order; Reprimand; Penalty Order (fine); Suspension; Erasure.

The Hearing is held in public and may be attended by any member of the public or press. All or part of a hearing can be held in private in exceptional circumstances. Further information on holding hearings in private is available on request.

The proceedings are also recorded and a transcript of the Committee's decision is made.

Evidence

The burden of proof lies with the Board's solicitor, and the PCC will make a finding on the civil standard of proof (the balance of probabilities). If you intend to rely on the evidence of others it is important to understand that less weight will be placed on their statement if they are not able to attend the hearing. Please be aware that there are rules regarding the calling of witnesses and you should contact the ARB if you have any queries in this regard.

After the Hearing

Once a transcript of the Committee's decision is available it will be provided to you, along with information on any rights to an appeal you may have. The transcript of the full Hearing is also available at a cost.

Should the Committee come to a finding of unacceptable professional conduct or serious professional incompetence then a copy of the decision will be posted onto the Board's website and a Press Release issued.