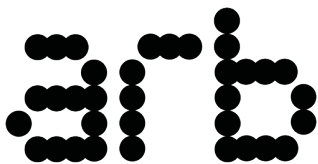


Guidance & Information

Hearings guidance for Architects



Architects
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Attending a hearing of the Professional Conduct Committee

Introduction

This guidance has been written to assist your understanding of the Professional Conduct Committee (PCC) process and what to expect at a PCC hearing. It is an informative guide and does not constitute legal advice. The information in this guidance document is based on the Professional Conduct Committee Rules.

What is the Professional Conduct Committee (PCC)?

The PCC is the final stage of the ARB disciplinary process. Each PCC Panel is made up of three people - an experienced lawyer who will act as Chairperson, an architect, and a lay person (someone who is not on the Register of Architects).

The PCC is impartial and independent of ARB. It decides whether an architect has acted in a way which amounts to unacceptable professional conduct and/or serious professional incompetence. In criminal conviction cases, it will decide whether the conviction is relevant to your fitness to practise as an architect.

The three panel members are solely responsible for making the decision in the case.

The Chair of the Panel is responsible for the proceedings, and will provide directions to both parties as to how they expect the hearing to progress. The Chair is there to ensure that proceedings are run in line with the law and the Rules. If you are unrepresented, the Chair will use their discretion in allowing you to present your case as you see fit. Above all, however, they have a responsibility to ensure that the case is run in the interests of justice. The Chair will be able to assist you with any questions you have about procedure; however, they will not be able to advise you on how best to present your case.

What to do before a PCC hearing

You will be given at least 49 days' notice of the hearing date and location, and you will be provided with a copy of the Case Presenter's Report. The Case Presenter is ARB's solicitor and they will be responsible for presenting ARB's case to the Panel.

The majority of ARB hearings take place remotely via an online video conferencing facility. For hearings that take place in person, they are usually held in London, Glasgow or Edinburgh. There may be circumstances where the hearing will be held elsewhere and you will be notified if this is the case.

After you receive the notice of the hearing, you have 21 days to tell ARB if you plan to

attend the hearing, whether you will be legally represented (and if so, by who), and brief details of your defence.

Then 21 days before the start of the hearing you must send ARB:

- the full details of your defence;
- details of any witnesses you intend to call;
- any witness statements or documents that you wish to rely on as evidence during the hearing.

The documentation you submit should be paginated and, when referring to a particular document, it is easier for all parties if you quote the page number in question. Following these rules will facilitate the smooth running of the hearing and avoid undue delays. You should note that the PCC may decide that any documents submitted later than the timeframes outlined above, are not admissible.

If you require any reasonable adjustments or have any special requirements which will assist you in presenting and managing your case, please contact ARB's Hearings Officer who will discuss this with you.

Attending the hearing and legal representation

It is always recommended that architects attend their PCC hearing and most architects do so. Your attendance at the hearing enables you to put your case and evidence to the PCC. You can attend the hearing alone or if you are legally represented, with your solicitor or barrister. Alternatively, you may bring someone to assist you – we call this a McKenzie friend.

You may choose not to attend the hearing however you should note that the Panel may, if satisfied that you have had ample opportunity to attend, hear the case in your absence. You should be aware that even in your absence, the Panel has the power to impose any of the sanctions set out in the Architects Act 1997, including suspension or erasure from the Register.

Adjournment application

If you wish to apply for an adjournment of your hearing you should contact ARB as soon as possible. We can provide further written guidance on seeking an adjournment.

Adjournments are granted at the discretion of the PCC.

The Hearing procedure

The Panel will first introduce itself and it will ask you to confirm your name and ARB registration number. Then the Hearings Officer will read out the allegation and ask if you admit or deny the facts of the allegation.

ARB's Case Presenter will then present their case, and will call on any witnesses or experts. You will have the opportunity to ask the witnesses questions. This is your chance to raise any matters the witness has given evidence on that will conflict with your own version of events. It is important you ask questions for the witness to answer, rather than to give your own evidence at this stage.

After having the chance to cross-examine, you (or your representative) will then have the opportunity to present your defence and call any witnesses. You should decide in advance whether you wish to make a statement or give evidence under oath. More weight is attached to evidence given under oath as it allows the Panel to ask questions and ARB's Case Presenter to cross examine you. If you decide to give evidence, the Hearings Officer will ask you to take a religious oath on a holy book of your choosing, or to make a non-religious affirmation.

After hearing all of the evidence, the Panel will retire to consider the case – it will first decide whether you did the things you are alleged to have done. It will then decide whether any matters found proved are serious enough as to amount to unacceptable professional conduct and/or serious professional incompetence. If your case is about a criminal conviction, it will retire to consider whether your conviction is relevant to your fitness to practise as an architect.

If the Panel finds there has been unacceptable professional conduct and/or serious professional incompetence, or that a criminal conviction is relevant to your fitness to practise, you (or your representative) will then have the opportunity to address the panel in mitigation before it makes any disciplinary order.

The disciplinary orders available to the Committee are: no sanction; reprimand; penalty order (a fine); suspension; and erasure. For further information on sanctions, please see the PCC's Sanctions Guidance <http://www.arb.org.uk/complaints/arbs-complaint-process/professional-conduct-committee/pcc-guidance/sanctions-guidance/>.

The hearing is held in public and may be attended by members of the public or press. All or part of a hearing can be held in private in exceptional circumstances.

The proceedings are also recorded and kept on file in line with the appeals period of three months. A copy or transcript of the recording can be provided upon written request and on receipt of costs.

Evidence and burden of proof

The burden of proof lies with the ARB's Case Presenter, meaning ARB is required to prove the case against you; you are not required to prove anything.

The PCC will make a finding on the civil standard of proof (the balance of probabilities). This means the Panel will be considering whether it is more likely than not that the events took place as alleged.

Witnesses

If you intend to rely on the evidence of others, you should submit a summary of what they are expected to say 21 days before the hearing. They may need to attend the hearing to give evidence, unless you have received assurances from ARB prior to the hearing that they are not required. If they do not attend the hearing the Panel may decide to attach little weight to their evidence.

Witnesses appearing before the Panel will not be allowed into the hearing before they are called to give evidence, and are not allowed to consult with anyone during their testimony – even if there is a break in the proceedings.

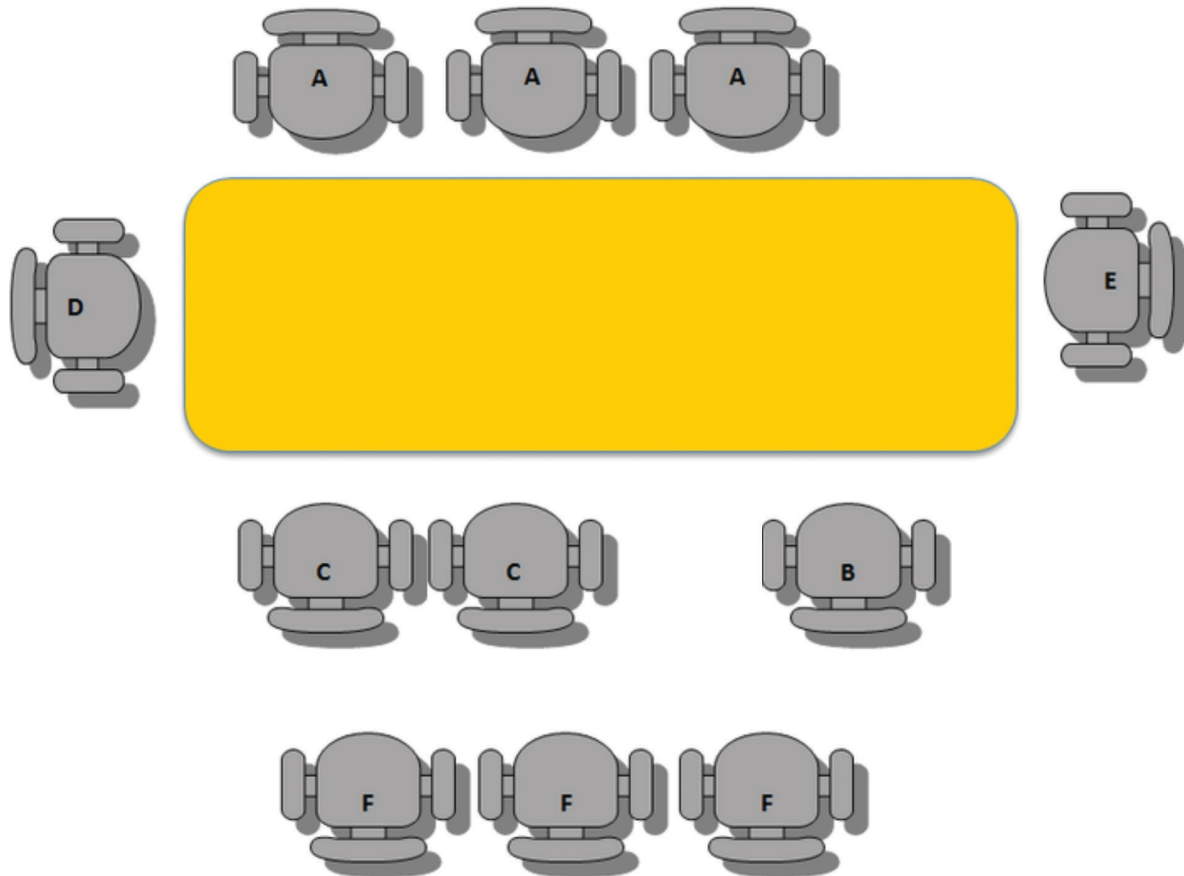
There is the possibility that your witness may be waiting for a considerable time before being called, so you should contact the office prior to the hearing to discuss the likely schedule. Witnesses are free to sit in the public gallery once they have finished giving evidence.

After the hearing

Once the Panel's decision is available it will be provided to you, along with information on your right of appeal. A written 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, a copy of the decision will be posted on ARB's website and a press release may be issued. A decision from the PCC is treated as a public decision, in the same way as court or tribunal decisions would be.

Who will be in the hearing?



The PCC panel will sit together (A) opposite the ARB's Case Presenter (B). The Case Presenter is usually a solicitor or barrister and will act as the prosecutor in the case. If you choose to attend the hearing you will also sit opposite the PCC panel, with your representative if you have one (C).

There will always be an ARB staff member (the Hearings Officer) present in the hearing (D). They help the panel to run the hearing and will be a key contact for you throughout the day. Witnesses giving evidence will sit opposite the ARB staff member (E).

Finally, if the hearing is open to the public, members of the public and the press may choose to observe at the back of the room (F).

A virtual tour of the PCC hearing is available on the ARB website <http://www.arb.org.uk/complaints/arbs-complaint-process/professional-conduct-committee/virtual-tour-pcc/>.

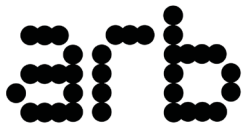
Other organisations that may be able to help you

If you would like independent advice or guidance you may wish to look at our [Useful Websites](#) page for details of other organisations that may be able to help you.

If you need information in this document in a different format such as an audio recording or braille, you can:

- email info@arb.org.uk
- call 020 7580 5861
- write to us at ARB, 5th floor, 70 Gray's Inn Road, London WC1X 8NH

We'll consider your request and get back to you within 14 days.



**Architects
Registration
Board**

For more information please contact
the Architects Registration Board

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