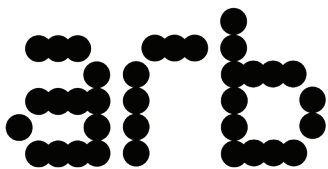


Guidance & Information

Witness Information



Architects
Registration
Board

Attending a hearing of the Professional Conduct Committee

General Information

What is the Professional Conduct Committee (PCC)?

The PCC is a committee made up of architects, lawyers and lay people. They are impartial and independent of the ARB. PCC members decide whether architects are guilty of the disciplinary offences of unacceptable professional conduct and serious professional incompetence.

What is a PCC hearing?

The PCC hearing is the final stage of the ARB disciplinary process. It is a public event where the ARB presents its case and its evidence against the architect to the PCC. The architect is invited to attend to put their case and evidence to the PCC as well. The architect is not required to attend the hearing, but most choose to do so. Some also choose to be legally represented, often by a solicitor or barrister.

In each hearing there will be three PCC panel members present: an experienced lawyer who will act as chairperson, an architect, and a lay person. The Chair is responsible for the running of the hearing. The three committee members are solely responsible for making the decision in the case.

What is my role as a witness?

As a witness, your role in the hearing is very important. You will help the PCC build up a picture of what happened and your evidence will help it come to a decision. Giving evidence in person allows the panel to ask you questions and allows the opposing side, if present, to ask you questions and test your evidence. This is vital to ensure a fair and thorough hearing.

Occasionally certain witnesses may not have to attend a hearing, for example, if the architect admits the allegations against them. We will let you know as soon as possible if you are required to attend.

Attending a hearing of the Professional Conduct Committee

Preparing for a hearing

When and where will the hearing be?

The majority of ARB hearings take place 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.

We will write to you to let you know when the hearing will take place, giving you as much notice as possible. The Hearings Officer will confirm with you the days you are required to attend. There are many people involved in the hearing so changing dates causes problems and inconvenience. For this reason, please ensure you are available to attend the hearing once the dates have been agreed.

What should I bring?

You should bring your witness statement with you to the hearing. You will be given time to read it before you are called to give evidence. If you use reading glasses please bring these with you as well.

You might want to bring a book or magazine with you, or some work to do, as you may have to wait before you are called to give evidence.

You can bring someone with you for support and they can come into the hearing room while you give your evidence. Please be advised, however, that we do not pay expenses for anyone accompanying you to the hearing.

What should I do if I need an adjustment?

Please let the Hearings Officer know if you need an adjustment or have any special requirements in order to give your evidence or to facilitate your attendance. We will do our best to make the necessary arrangements.

Attending a hearing of the Professional Conduct Committee

Preparing for a hearing

Will you pay my expenses?

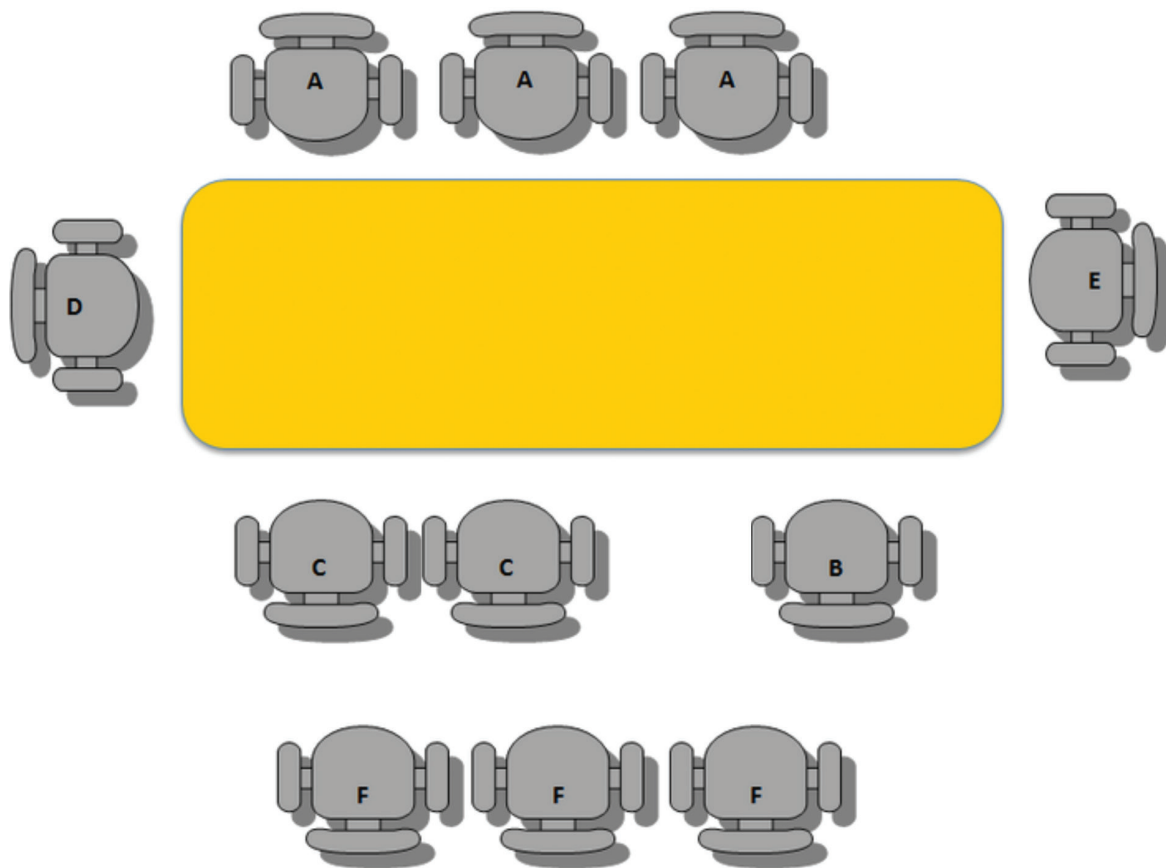
ARB will cover the cost of your travel, food and accommodation on the days you are required to attend the hearing. The Hearings Officer will provide you with full details including spending limits and the process for payment.

We do not pay other expenses or loss of earnings. We are also unable to cover expenses for anyone coming to support you or for any subsequent days you choose to attend the hearing after giving evidence.

Attending a hearing of the Professional Conduct Committee

At the hearing

Who will be in the hearing?



The PCC panel will sit together (A) opposite the ARB presenter (B). The ARB presenter is usually a solicitor or barrister and will act as the prosecutor in the case. If the architect is present they will also be sitting opposite the PCC panel, with their representative if they 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). This is where you will sit to give your evidence.

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).

Attending a hearing of the Professional Conduct Committee

What happens at a hearing?

The PCC hearing process consists of three, separate stages.

We call the first stage the ‘facts’ stage. At this stage the panel is building up a picture of what happened using all the evidence put before it. This includes any documentary evidence along with the live evidence of witnesses. The panel will then decide if one or more of the allegations are found proved. If the panel does not find the allegations proved, the hearing will conclude there.

If some or all of the allegations are found proved, the panel will then make its second decision: whether the facts proved amount to either unacceptable professional conduct (UPC), serious professional incompetence (SPI), or both. If the panel finds there has been UPC and/or SPI it will go on to consider whether any sanction should be imposed.

The options open to the panel at the sanction stage are:

- Take no action.
- Issue a reprimand. A reprimand marks that the conduct or competence of the architect was unacceptable.
- Issue a penalty order. This means the architect will have to pay an amount up to £2,500 (or £5,000 if both UPC and SPI are proven).
- Make a suspension order. This suspends the architect from the register, preventing them from practising as an architect for a set period of time.
- Erase the architect from the ARB register. This means the architect would not be allowed to work as an architect in the UK again.

If the architect is erased they can apply to be readmitted to the register after a period of time. The panel may decide the length of time before such a request can be made. When a request to reapply is received, the ARB’s Board will decide whether it would be appropriate to allow readmission to the Register.

You can find further information about our sanctions by reading our indicative sanctions guidance: [indicative-sanctions-guidance](#)

When will I be called to give evidence?

Witnesses can be called at any stage of the hearing although you are most likely going to be called on the first or second day of the hearing. The Hearings Officer will come and collect you when it is time for you to give your evidence. Until you give your evidence you will have to wait outside of the hearing room.

Attending a hearing of the Professional Conduct Committee

How will I give my evidence?

When you are called to give evidence you will be shown to the witness table. Before you sit down the Hearings Officer will ask you to take an oath or affirmation. You can take an oath on a holy book of your choosing, or you can give a non-religious 'affirmation' that the evidence you will give will be the truth. Once you have taken the oath or affirmation you will be asked to sit down and the Chair will then introduce themselves and everyone else in the room.

The first person to ask you questions will be the ARB presenter. They will ask you questions about what happened. The questions will be based on the content of your witness statement. If the architect is present, either they, or their representative if they have one, may then ask you questions. The purpose of their questions is to make sure your account is accurate and to test your evidence. Their questions may focus on the parts of your evidence they do not accept. This is called 'cross-examination'. Cross-examination can be challenging for witnesses but please remember it is a routine and necessary part of the process to ensure a fair hearing.

The final set of questions will be put to you by the panel. These are designed to clarify and better understand the evidence that has already been given.

If you do not understand any of the questions that you are asked, please say so or ask for them to be repeated. If you need a break for any reason, you may ask the Chair for one. While you are in the process of giving your evidence, you may not discuss the case with anyone until you have been released.

The time taken for witness evidence varies from case to case. The ARB presenter will give you as much information as possible about what to expect on the day. When you have finishing giving your evidence the Chair will release you from your oath. At this stage you are free to go home, or you can stay and watch the rest of the hearing if you prefer.

How will I find out the outcome of the hearing?

We will write to you to tell you the outcome of the hearing. In most cases the outcome and reasons document will also be published on our website.

Attending a hearing of the Professional Conduct Committee

Can the outcome of the hearing be appealed?

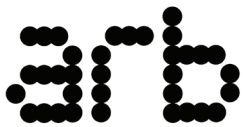
The architect can appeal a sanction imposed on them by the PCC to the High Court or the Court of Session in Scotland (depending on where the hearing took place). The ARB and the witnesses involved in the case do not have any right of appeal.

The architect has three months after the hearing to lodge an appeal. Where there is an appeal there will be an appeal hearing, after which the court will decide whether or not the decision was correct.

Contact us

If you are worried about giving evidence or you have further questions you can speak with the Hearings Officer or the Investigations Officer managing your case.

We recognise the valuable contribution you are making as a witness and we would welcome your feedback on how we can improve the experience of witnesses in the future. You can provide us with feedback on your experience at the hearing by filling out our feedback form at <https://www.surveymonkey.co.uk/r/VVBD6HY> or by emailing the Hearings Officer.



**Architects
Registration
Board**

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