



Subject Publication of PCC disciplinary sanctions
Purpose For Decision
From Simon Howard, Director of Standards

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1. Summary

To consider the period for which disciplinary orders issued by the Professional Conduct Committee (PCC) should be marked against an architect's entry on the Register of Architects.

2. Recommendations

It is recommended that the Board consults on the following rule being included in the ARB General Rules:

14.3 For the purposes of Section 3(2)(a) of the Architects Act 1997, the Register shall show disciplinary orders made in relation to a registered person for the following periods:

i) Where a Reprimand has been imposed, the disciplinary order will be published for one year from the date of the decision of the Professional Conduct Committee

ii) Where a Penalty Order has been imposed, the disciplinary order will be published for two years from the date of decision of the Professional Conduct Committee

iii) Where a Suspension Order has been imposed, the disciplinary order will be published for two years following the end of the period of suspension

iv) Where an Erasure Order has been imposed and the registered person is reinstated to the Register, the disciplinary order will be published until five years has passed from the date of the decision of the Professional Conduct Committee

3. Open/Confidential Session

Open session

4. Contribution to the Board's Purpose and Objectives

Through the delivery of effective disciplinary sanctions, we maintain confidence in the Register and provide valuable information in the public interest, to help ensure the users of architects' services, and the buildings they design, are safe and can live well. The proposals to amend the Register to reflect disciplinary sanctions made against architects improves the transparency of information provided. The limitations on continued publication acknowledges an architect's right to return to unblemished practice after an appropriate time.

5. Key Points

The Building Safety Act 2022

5.1 Royal Assent for the Building Safety Act (BSA) was granted on 28 April 2022.

5.2 Section 156 of the BSA amends the provisions of section 3 of the Architects Act 1997 to read:

"The Register shall show disciplinary orders made in relation to a registered person for such a period as may be prescribed"

That statutory requirement will come into force two months from the date of Royal Assent – 28 June 2022.

5.3 The purpose of this legislative change is to improve the quality of publicly available information on the Register of Architects. Historically the Register has only been able to show the name, address, registration number and dates of registration. This means it has not been possible to see whether an architect has been found guilty of unacceptable professional conduct or serious professional incompetence by looking at the Register. This change will bring the Register of Architects in line with comparable professional statutory registers.

Period of publication

5.4 Section 15(4) Architects Act gives the PCC the power to publish disciplinary orders it makes against architects as it considers appropriate. The PCC has considered it appropriate for its decisions to be displayed on the ARB website, but that it would be against the principles of natural justice for this information to be published in perpetuity. It has therefore adopted a policy where findings and sanctions resulting from PCC hearings are subject to a publications 'tariff', depending on seriousness. The more serious the sanction, the longer it will remain published. While information about PCC decisions will always remain in the public domain, it is fair that the architects involved do not have their name attached to a disciplinary finding longer than is necessary for the protection of the public.

- 5.5 It is recommended that the tariff used to now annotate the Register is consistent with the approach that has been long adopted by the PCC. That tariff will be prescribed into the ARB General Rules; it is set out in the Recommendations section of this paper.

Implementation

- 5.6 The Register of Architects, available at www.architects-register.org.uk has a separate entry for each registered architect. The relevant entries will be annotated with a statement detailing the finding of unacceptable professional conduct and/or serious professional incompetence, the date of the decision, and a link to the finding of the PCC.
- 5.7 While it is not a statutory requirement, ARB will continue to publish PCC decisions separately on its website. This is so that information relating to those architects who have been erased or suspended from the Register will be public – those individuals will not be captured by this legislative change, as they will have no entry on the Register of Architects.

6. Resource Implications

To be delivered within the existing budget. Development work will need to be carried out to the online Register at www.architects-register.org.uk so that the new information is published as required, for the relevant period. This work will be carried out alongside other essential maintenance of the Register to improve its security, stability and accessibility, and is estimated to be in the region of £10,000.

7. Risk Implications

This is a statutory obligation, and so to comply with the Act ARB must take steps to publish the information as required. ARB must, however, properly consider and consult on what is an appropriate amount of time for PCC decisions to be published, weighing up the public interest against the rights of the architects involved to rehabilitation.

8. Communication

There is a statutory requirement for ARB to consult on any changes to its Rules and we propose taking a proportionate approach to consultation.

This is a simple procedural change, the necessity of which has already been established through the change in legislation and approved by Parliament. The period for which we propose a sanction will be listed on the Register is also identical to the current approach of publishing PCC decisions on our website. For these reasons, and to reflect the pace at which we are expected to implement the legislative changes, we will consult for the minimum period of five weeks. The Department for Levelling Up, Housing and Communities has indicated agreement with this approach.

To make sure relevant stakeholders are aware of the consultation we will email Registrants directly, and draw up a targeted list of stakeholder organisations using the Policy and Communications Strategy and stakeholder map. This will include representative bodies, legal contacts, and consumer groups. We will also communicate it through our social media channels.

9. Equality and Diversity Implications

No adverse or positive EDI implications have been identified.

10. Further Actions

The results of the consultation will be reported to the Board at its July meeting, and the Board will be asked to decide on the proposed change to the General Rules. The online Register will be amended accordingly to reflect the new information that must be published.