



Reporting a criminal conviction to ARB

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1. Introduction

1.1 The Architects Registration Board (ARB) was set up by Parliament to regulate architects in the UK. Our statutory duties and powers are governed by the Architects Act 1997 (the Act). Those duties include taking disciplinary action if someone on our Register is convicted of a criminal offence which is relevant to their fitness to practise as an architect.

1.2 In this guidance we explain how and when architects should disclose criminal convictions to ARB, and the approach we take in our investigations.

2. Why does ARB need to know about my conviction?

2.1 As a professional regulator our overriding duty is to act in the public interest. This includes taking action to protect the public and to uphold the public's confidence in the profession of architects. As regulated professionals, architects are expected to conduct themselves in a manner which maintains that trust the public places in them; this includes acting in a lawful way.

2.2 In order to deliver on this statutory duty, we expect architects, and those looking to register with ARB, to act with candour in reporting criminal convictions to us. While in many cases we will not need to take any disciplinary action, it is important we are able to assess the circumstances of each conviction quickly, so that we can act swiftly when required.

3. When do I need to report a conviction to ARB?

3.1 When registering with ARB

If you are looking to join the Register of Architects, or to rejoin the Register following a break, you will be asked to declare any criminal convictions you have as part of the registration process. Reporting a criminal conviction at this stage will not prevent you from joining the Register. It will, however, allow us to discuss the circumstances of the conviction with you, and to advise whether any disciplinary action may be required upon your completed registration. You can then decide whether you wish to continue with the registration process.

3.2 Within 28 days of conviction

Once you are a registered architect you are subject to the standards outlined in the [Architects Code of Conduct](#). Standard 9 of the Code sets out the type of incident which

should be reported to ARB, including when you have been convicted of a criminal offence. In these circumstances you must report the conviction to ARB within 28 days.

4. What if my conviction is spent?

4.1 The Rehabilitation of Offenders Act (ROA) permits the majority of convictions and cautions to be classed as 'spent' after a specific time frame, which is referred to as the 'rehabilitation period'. If you have a spent conviction, under the ROA, you are **not** required to declare it to ARB.

4.2 If you are unsure as to the status of your conviction and whether it should be disclosed to ARB, you may find the following resources helpful:

- The Disclosure and Barring Service's guidance on [rehabilitation periods](#)
- The UK Government [tool for checking your criminal record](#) in England and Wales
- Northern Ireland government services information on [criminal record checks](#)
- Scottish Government guidance on [spent convictions](#)

4.3 If you remain unsure as to the status of your conviction you should discuss the matter with us. You may also want to seek independent legal advice, or your local Citizens Advice may be able to help you.

5. Failing to disclose a conviction to ARB

5.1 Not telling us about a conviction is a clear breach of the Architects Code of Conduct. If there is evidence an architect concealed a conviction from us at the time of their registration, or failed to report a conviction once registered, we will need to investigate the circumstances and determine whether disciplinary action is required. This is because there is a clear expectation, as set out in the Code, that architects will act with honesty and integrity at all times.

5.2 If we believe there is evidence an architect acted dishonestly or without integrity in their failure to disclose, then we may take disciplinary action even if the conviction itself was not serious.

6. Will my conviction result in an investigation?

6.1 Each conviction is considered carefully on its own merits, taking into account the specific facts and the seriousness of the offending. If the criminal offending was directly

relevant to your professional practice, it's likely this would be serious enough to warrant an investigation to protect the public and maintain public confidence in the profession. For example, offences that involve breaches in Planning or Building Regulations, or those that involve dishonesty or the mishandling of money are likely to require a regulatory intervention.

6.2 If the criminal offending took place in your private life, it is less likely we will need to investigate but we will look at the circumstances carefully and determine whether it may still bring the reputation of the profession into disrepute. Less serious offending, such as minor driving convictions, are unlikely to require investigation. More serious offences, such as those involving violence or result in a custodial sentence, may still be relevant to your fitness to practise, even if the events took place outside of work.

6.3 When making our assessment we will take account of factors such as the severity of sentence you received, whether it is your first offence, and any records made by the Police or relevant remarks made by the Judge when sentencing.

7. Information we need

7.1 When writing to us about a conviction, please provide where possible:

- your name and contact details;
- details of the conviction and the events leading up to your arrest;
- a copy of the certificate or memorandum of conviction, or if you don't have this, the date on which you were sentenced and the court you were sentenced at;
- the Police Summary Report (sometimes known as the MG5)

8. What to expect once you report a conviction

8.1 Screening and initial investigation

8.1.1 When you tell us about a conviction, we will first assess the nature, seriousness, and circumstances of the conviction to determine whether it is a matter which may be relevant to your fitness to practise as an architect. If we do not think it is relevant, we will close the case and notify you that we will not be taking any further action.

8.1.2 We may ask you for additional information or evidence to assist us in reaching a decision. We may also need to contact the police or the sentencing court for further information if you do not have the evidence we require.

8.1.2 If we consider the conviction may be relevant to your fitness to practise as an architect then the case will pass to our Professional Conduct Committee (PCC).

8.2 Professional Conduct Committee

8.2.1 When a conviction is referred to the PCC, our Case Presenter (a solicitor) will prepare a report and a public hearing is held. When preparing their report, the Case Presenter may contact you, the police or court for further evidence.

8.2.2 The case will then be considered by three people at a public hearing – one architect, one member of the public and a legally qualified Chair. The PCC will decide whether the conviction is relevant to your fitness to practise as an architect, and if so, whether a disciplinary sanction should be imposed.

8.2.3 The PCC must accept the Certificate of Conviction as proof that the events in question took place. It has no power to go behind the facts of any conviction; it must only decide if the conviction is relevant to your fitness to practise.

8.2.4 If the PCC finds the conviction is relevant to your fitness to practise, the possible sanctions that can be imposed by the PCC are:

- a reprimand (a formal warning);
- a penalty order (a monetary fine);
- suspension from the Register of Architects for up to two years; or
- permanent erasure from the Register

8.2.5 You can find further information on the PCC's consideration of sanctions in [our Sanctions Guidance](#).

8.2.6 Where the PCC makes a finding that your conviction is relevant to your fitness to practise, ARB will publish the decision and a press release may be issued.

9. How long does the process take?

9.1 It can take many months to investigate, especially if there are delays in obtaining the necessary information from third parties such as the police or the courts. We will let you know how long each stage is likely to take, and keep you updated of any changes to those timescales.

10. Is the process confidential?

10.1 Our investigation into your conviction will only become public if it reaches a PCC hearing. Before this stage we will deal with the matter confidentially and will not disclose the information we receive to any third party.

11. Other organisations that may be able to help you

11.1 See our [Useful Websites](#) page for details of other organisations that may be able to provide you with advice and guidance.

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, 8 Weymouth Street. London W1W 5BU

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



For more information please contact
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