

A photograph of a modern building with a glass facade, reflecting the sky and the building itself. The image is used as a background for the top half of the cover.

Witness information

Architects Registration Board

2024

arb Architects
Registration
Board

General Witness Information

What is ARB?

ARB is an independent professional regulator, established by Parliament as a statutory body, through the Architects Act, in 1997. We are accountable to government. The law gives us a number of core functions:

- To ensure only those who are suitably competent are allowed to practise as architects. We do this by approving the architecture qualifications required to join the Register of architects.
- We maintain a publicly available Register of architects so anyone using the services of an architect can be confident that they are suitably qualified and are fit to practise.
- We set the standards of conduct and practice the profession must meet and take action when any architect falls below the required standards of conduct or competence.
- We protect the legally restricted title 'architect'.

Who is this guide for?

This guide is for people who are asked to act as witnesses in complaints against architects. This guide provides information on your role and what to expect.

Why have you been asked to be a witness?

You will have been asked to be a witness in our case, on a voluntary basis, as you have important information about the conduct or competence of an architect. As a witness, you play a vital role in helping us to protect the public.

Your involvement

You will be asked to provide a witness statement and to provide supporting correspondence or document evidence, and in most cases, you will be asked to attend a hearing against the architect. This hearing may be held online or in-person.

To make sure that we can contact you, it is important that you let us know if your contact details change at any stage.

What if I do not wish to act as a witness?

We cannot compel anyone to act as a witness to support our case against an architect, but this guide may help to address any questions or concerns you may have. If this guide does not address your concerns about participating in the process, please contact us or our solicitors.

Witness evidence is important, and if you don't want to give evidence, we may be unable to continue with our case.

Information Gathering Stage

Submitting a witness statement

As part of the investigation, our solicitors will contact you to find out more information about the allegations the architect faces.

Our solicitors will call you to arrange a convenient time for an interview with you as quickly as possible. This will typically be in weeks rather than months.

In some investigations we work with more than one complainant (for example, where the architect was instructed jointly by partners or family members.) If you are part of such an investigation, you can decide who the lead contact will be for our enquiries. It is best if this person has the most first-hand experience of the events under investigation.

If your complaint is referred to the Professional Conduct Committee, our solicitor will review the case and decide who should act as a witness for the hearing. In most cases we do not need more than one witness to support our case.

You will need to attend your witness interview alone. You will not be able to consult with or discuss your evidence with the other complainants. This is to ensure the integrity and independence of your evidence. If you are concerned about being a witness, or about who should act as a witness in your case, then please let our solicitor know when they contact you.

Before your witness interview, you should review the documentation you have that is relevant to the case, including correspondence with the architect, and be prepared to speak about it at the interview with our solicitors. If you have any additional material that you think is relevant (such as submitted building plans, the Terms of Engagement with the architect, or letters of complaints you submitted to the architect), pass this onto our solicitors as soon as possible so that it can be reviewed in advance of your witness interview.

The information you provide will be drafted into a formal witness statement, attaching any documents you have provided. Our solicitors will ask you to review and amend your draft witness statement before you return a signed copy to them, and this final formal statement will be relied upon should the case proceed to a hearing.

The witness statement is an important document, and for a case to progress swiftly, we ask that you send your signed witness statement back to our solicitors without delay.

Your witness statement and any documents that you provide to us or our solicitors during the investigation will be shared with the architect (or their representative if they have one) and with the Professional Conduct Committee (PCC) panel, should the case progress to that stage.

Once signed, your witness statement cannot be changed. If you do need to change or add something later, you can make a further statement, but it is important that you make every effort to ensure your first statement is complete and correct.

It's important that you do not discuss or share your statement or any other confidential information of the case with anyone else, including family members or anyone else who may have been involved with the case.

Logistics and Planning

Will you contact me to see if I am available to attend a hearing?

We will contact you by telephone or email to ask you for any dates that we should avoid if you are unavailable.

When and where will the hearing be?

Most of our hearings take place remotely via Zoom. However, if the architect requests an in-person hearing, then it will most likely take place in London. If the case is against an architect who lives in Scotland, then the hearing would be in Glasgow or Edinburgh. There may be circumstances where the hearing will be held elsewhere, and we will tell you if this is the case.

When a case is ready to be scheduled, we will contact you again to confirm your availability for the hearing, and we will then write to you with details of the hearing. We will also let you know the dates you are required to attend. Please ensure that you take note of the dates you are required to be available. There are many people involved in the hearing, so changing dates causes problems and inconvenience. If you do not attend the hearing, there is a chance that the case will not proceed, as your evidence might not be taken into consideration.

Once a hearing date is confirmed, we will let you know of the likely date you will need to be at the hearing. While witnesses can be called on any day of the hearing, you are most likely going to be called on the first or second day (the facts stage of the hearing).

Will you pay my expenses?

We will pay the cost of your travel, food and accommodation on any days you are required to attend a hearing in person, in line with our expenses policy.

Our Hearings Officer will provide you with full details including spending limits and the process for payment. No expenses are paid for attending remote hearings. You must obtain, keep and submit to ARB receipts of travel, food and accommodation expenses within 30 days of the expenditure.

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

What should I do if I need an adjustment?

If you require any reasonable adjustments to facilitate you giving your evidence, tell us at the earliest opportunity and ideally before the hearing is confirmed.

The Hearing

What is a hearing?

The PCC hearing is the final stage of our disciplinary process. It is a public hearing where our solicitors present the case and evidence against the architect.

The architect is invited to attend to put their case and evidence as well. The architect does not have to attend the hearing, but most choose to do so. Some also choose to be legally represented, often by a solicitor or barrister.

We will ask you to attend a hearing if we need you to give your evidence to support our case. You will only be asked to attend a hearing if it is necessary.

The evidence that you provide will help the PCC panel make a decision and also help us to fulfil our duty to protect the public.

Who sits on the PCC panel?

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

Before The Hearing

Key things to remember before the hearing

Please check the following before the date of the hearing:

- If you are attending an in-person hearing, make sure you know exactly where the venue is, and the start time (aim to arrive early).
- If you are attending an online hearing and have concerns about your technology, please let us know and we can test it with you in advance. If you are having any technical difficulties on the day, please let us know immediately, so that we can try and resolve the issue.
- Read your witness statement before the hearing to refresh your memory and have it with you so you can review it while you are waiting to give your evidence.
- Do not discuss the case with anyone before you give evidence.
- Please remember to bring anything you need for the hearing with you.

PCC hearings are recorded by ARB, and it is an offence for anyone else to record the proceedings of the hearing. Please do not record the hearing.

If you have any concerns or questions about the hearing, please raise them with the Hearings Officer.

What should I bring?

You should have your final signed witness statement with you at the hearing. It is important that you review your witness statement before giving evidence and you can refer to your witness statement while giving evidence. You should only use the final signed witness statement which you provided to our solicitors and any supplementary witness statements if made.

For in-person hearings, 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 may be at the hearing all day, so bring along any medication you may need to take and a phone charger if you need one. You can also bring someone with you for support and they

can come into the hearing room while you give your evidence, unless any part of a hearing is private. Please note that we are unable to cover expenses for anyone accompanying you to the hearing.

At The Hearing

What is the running order of a hearing?

The running orders of an in-person and a virtual hearing are the same. The PCC hearing process consists of three separate stages.

The first stage is the facts stage. At this stage, the PCC panel is building up a picture of what happened using all the evidence put before it. This includes any documentary evidence along with evidence given on the day under oath or affirmation of witnesses. The PCC panel will then decide if the allegations are proved. If the PCC panel does not find the allegations to be proved, the hearing will conclude there.

If the PCC panel finds the architect did some or all of the things alleged, the PCC panel will make its second decision: whether the facts proved amount to either unacceptable professional conduct, serious professional incompetence, or both. If the PCC panel finds there has been unacceptable professional conduct and/or serious professional incompetence, it will go on to consider whether any sanction should be imposed.

You can read more about the sanctions available on our website [here](#).

When will I be called to give evidence?

If you are participating in an in-person hearing, you will have to wait outside the main hearing room until called upon by the Hearings Officer to give evidence in the main hearing room. When you are called into the hearing room, ensure that you turn your mobile phone off.

If you are participating in an online hearing, the Hearings Officer will call you.

A separate guide will be sent to you depending on whether the hearing is online or in-person.

We do all we can to minimise delays during hearings, but the nature of disciplinary hearings is that delays may occur from time to time. We will inform you as soon as possible if delays occur.

How will I give my evidence?

Our Case Presenter or Hearings Officer will discuss things like the format of the hearing process with you, but they are unable to discuss any questions that may be posed to you at the hearing.

At an in-person hearing, when you are called to give evidence, you will be given the option 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, the Chair will introduce themselves and everyone else present.

For virtual hearings, you will take an affirmation.

The first person to ask you questions will be our Case Presenter. They will ask you questions about what happened. The questions will be based on the content of your witness statement. You might be referred to some documents and be asked to comment on them. We will make sure that you have the documents which are relevant to your evidence before the hearing.

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 PCC 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. Depending on the length of your evidence, regular breaks will be provided and if you need an additional 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.

How long will it take me to give my evidence?

The time taken for witness evidence varies from case to case. In most cases, witnesses provide evidence for a few hours.

When you have finished giving your evidence, the Chair will release you from your oath or affirmation. At this stage you are free to go, or you can choose to stay and watch the rest of the hearing. You are however not permitted to speak during the rest of the hearing. These rules apply for both in-person and online hearings.

Are there any tips for giving evidence and answering questions during the hearing?

When answering questions:

- Take your time.
- Speak clearly and slowly so everyone can hear your evidence and so that your voice can be heard clearly on the recording.
- Ask for a break if you need one.
- Listen carefully to the questions and make sure you understand them before giving your answer.
- If you don't understand the question, say "I don't understand. Can you ask me that again in a different way?" If you still don't understand, it is okay to say "I am sorry, but I still don't understand."
- If someone asks you two or three questions together, you can ask them to repeat the questions one at a time.
- Don't try to answer a question if you don't know the answer or you cannot remember.
- If you're asked the same question again, this does not mean your first answer was wrong. Just answer the question again.
- Nobody will raise their voice at you while you are giving evidence, but some questions may come across as challenging.

After The Hearing

Will I be notified of the outcome of a hearing?

If you were the referrer (the person who made us aware of the case), then we will write to you within five days of the hearing finishing to tell you the outcome.

For other types of witnesses, that is, if you are not the referrer but still a witness in the case, we aim to inform you of the outcome within a reasonable period of time.

Can the outcome of the hearing be appealed?

The only person that can appeal the outcome of the hearing is the person against whom the disciplinary decision was made, and they must do so within three months of the decision. Witnesses are not expected to attend an appeal hearing, as the appeal process takes place through a review of the papers.

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