

Department for Communities and Local Government



## Periodic Review Report:

# Architects Regulation and the Architects Registration Board

Presented to Parliament by the Secretary of State for Communities and Local Government by  
Command of Her Majesty

March 2017



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# Introduction

The following report from the DCLG Review of Architect Regulation and the Architects Registration Board is being published in full. It is split into two parts.

The first part of the Review assessed whether there is a continuing need for the regulation of architects, and if so what form of regulation this should take. This concluded in November 2014 that there remained a case for continued light-touch regulation based on protection of title to support existing consumer protection legislation and deliver EU obligations under the Mutual Recognition of Professional Qualifications Directive.

Part two of the Review then worked with all parts of the profession to deliver clarity on the role and form of the Regulator. This included work to identify opportunities to simplify its operation and reduce cost for the architects and schools of architecture whilst avoiding overlap with the role of professional bodies. The work-programme considered the ARB functions arising from their role as a Competent Authority under the Mutual Recognition of Professional Qualifications Directive under the overall theme of accreditation of qualifications. However it also explored wider issues concerned with organizational governance and accountability, complaints handling and consumer protection.

On 23 June the EU referendum took place and the people of the United Kingdom voted to leave the European Union. Until exit negotiations are concluded, the UK remains a full member of the European Union and all the rights and obligations of EU membership remain in force. During this period the Government will continue to negotiate, implement and apply EU legislation. The outcome of these negotiations will determine what arrangements apply in relation to EU legislation in future once the UK has left the EU. This means that all the requirements of the Mutual Recognition of Professional Qualifications Directive remain in force. As a result ARBs' role as the UK Competent Authority under the Directive will need to continue to be fulfilled but this will be kept under review in the light of any arrangements made as the UK leaves the European Union.

Alongside the Review conclusions there are a number of recommendations. Some of them propose action on issues related to the Directive and the process and requirements for accreditation but others are designed to modernize existing structures, improve processes, reduce costs and increase transparency. Those related to the Directive will not be taken forward until we know what arrangements will apply to this legislation once the UK has left the EU. Changes relating to governance and structure should be taken forward to ensure that existing regulation and its administration remains cost effective, light-touch and proportionate. The specific position with each recommendation is set out in Annex I.

# Executive Summary

On 31 March 2014, the Department for Communities and Local Government announced through a written Ministerial Statement that it intended to carry out a Review of the Architects Registration Board (ARB). The Review had two aims:

- to determine whether there is a continuing need for the regulation of architects, and if so what form of regulation this should take; and
- if it is then decided to continue to regulate architects, to Review the delivery model in more detail to ensure it complies with the principles of good corporate governance.

The Review was split into two phases.

## Stage 1: Evaluating the case for continued regulation

Stage 1 was launched by issuing a call for evidence in order to gather views on the current model of architectural regulation. This was followed by a wide range of engagement with interested parties including professional bodies representing architects interests, architects, consumers of architectural services and members of the public with a specific interest in the future of architect regulation.

On the basis of this engagement, Government agreed the Review's recommendations and decided that

- there is a sound overall case to continue regulation of architects in the United Kingdom.
- regulation should continue to be delivered by a body that is independent of the architectural profession.
- this independent body should also act as the UK's competent authority in compliance with the requirements of Directive 2005/36 on the Mutual Recognition of Professional Qualifications.

## Stage 2: Evaluating the nature of the regulatory body

The aim of this second stage was to deliver clarity on the role and form of the Regulator and identify opportunities to simplify its operation and reduce cost for the architect profession and academic institutions.

Work consisted of an extended period of engagement with bilateral meetings and wide-ranging discussions with interested parties on specific themes, namely:

- (a) Organizational Governance and Accountability
- (b) Consumer Protection and Complaints Handling
- (c) Accreditation of Qualifications

On the basis of this engagement, the Review concludes that the Architects Registration Board should be retained as a Public Corporation with its role primarily to act as a registration body charged with maintaining the register of suitably qualified architects, including the necessary functions to ensure UK compliance with European Law whilst the UK remains a member of the EU.

The review further recommends that

- the governance of the Regulator should be updated in line with the outlined role to reflect more closely Government's preferred relationship with arms' length bodies by
  - (a) amending the Architects Act 1997 to enable limited powers of Direction for the Secretary of State, subject to a suitable legislative vehicle being identified.
  - (b) all Board members becoming Secretary of State Appointments split 50-50 between architect professionals and lay members with an independent separately appointed chair.
  - (c) reducing the size of the Board membership from 15 to 11 or 9 members including the chair.
- the Board appointments process should be reviewed to ensure that it delivers a suitably geographically diverse membership with the right skills to support the Regulator in undertaking its duties.

To improve the effectiveness of the protection of title and complaints handling procedures whilst maintaining suitable proportionate consumer protection the Review recommends:

- a review of the level of fines available to the Regulator for prosecuting cases of abuse of title to consider whether an increased level might act as more of a deterrent;
- exploration of the case for bringing the Regulator under the auspices of the Parliamentary and Health Services Ombudsman;
- amendment of the Architects Act 1997 so that minor issues can be addressed without referral to the Professional Conduct Committee (PCC) and.
- engagement with the Regulator to review and update the PCC referral threshold and the composition of the PCC to ensure it is fit for purpose.

The Review also recommends that the Regulator should

- update their process for dealing with spent cases when sanctions have been served and completed.
- consider the use of an in-house lawyer for day to day legal advice to reduce the current cost of independent legal opinion which equates to over a quarter of the total annual budget.
- work with the sector to review disciplinary and complaints handling procedures to ensure they are proportionate and in the public interest.

In order to ensure requirements for accreditation of academic courses and admission to the register are appropriate the Regulator should use its planned routes to registration review to:

- explore opportunities to streamline the accreditation of architectural education;
- consider a reduced frequency of re-accreditation and annual monitoring inspections where courses are not changed and to provide ARB with the power to levy a charge to schools for architecture for any more regular monitoring that is not part of the standard required process; and
- consider whether greater flexibility in length and structure of educational courses could benefit the architectural profession students whilst maintaining standards.

Once the routes to registration review is complete, the Regulator should work with the Department to pursue any legislative changes required and then the Department should undertake work to re-evaluate possible benefits of outsourcing the accreditation process.

**Note:** all the recommendations on accreditation of qualifications and the registration process and system will not be taken forward until we know what arrangements will apply in relation to the Mutual Recognition of Professional Qualifications Directive once the UK has left the EU.



In order to improve cost effectiveness going forward the Regulator should

- work with the profession to minimise the cost of emerging European Directive requirements, for example on continuing professional development for as long as the UK remains in the EU and subject to the provisions of the Directive.
- minimise the costs of business by exploring opportunities to co-locate in other government accommodation and/or operate outside London as lease obligations permit. The next break is 2019 which will enable decisions on the long-term accommodation for the ARB to be taken alongside the position becoming clearer on their long-term role.
- continuously explore opportunities for appropriate collaboration with consumer, academic and professional institutions for example in promoting awareness of the register to ensure that continuous improvement with robust but light touch processes agreed in partnership with sector stakeholders where possible remains a central focus for the regulator.

## **Next Steps**

The next steps for implementing the review are for:

- the Department for Communities and Local Government to identify a suitable legislative vehicle to amend the Architects Act 1997.
- the Department supported by the ARB board and executive and other government departments as required to agree plans to implement the other recommendations not related to the result of the EU Referendum.

Professional bodies, academic institutions and the profession as a whole are asked to support the Architects Registration Board in taking forward this work to ensure that the outcomes of this Review serve architects, schools of architecture and consumers of architect's services well in the future.

# Review Context

## The Government Approach to Regulation

The Better Regulation Framework Manual July 2013<sup>1</sup> sets out the 'Principles of Regulation' that the Government has adopted to ensure regulation is effective and proportionate. Regulation should only be used

- having demonstrated that satisfactory outcomes cannot be achieved by alternative, self-regulatory, or non-regulatory approaches.
- where analysis of the costs and benefits demonstrates that the regulatory approach is superior by a clear margin to alternative, self-regulatory or non-regulatory approaches.
- where the regulation and the enforcement framework can be implemented in a fashion which is demonstrably proportionate; accountable; consistent; transparent and targeted.

There is a general presumption that regulation should not impose costs and obligations on business, social enterprises, individuals and community groups unless a robust and compelling case has been made. The government has adopted a One-In, Three-Out approach to regulation and set a target of £10billion savings to business by 2020 (the Business Impact Target).

In addition to considering the evidence provided to this Review, the following principles provide the 'test' against which continued regulation must be considered:

(a) does the Act deliver effective regulation and adhere to the government's Principles of Regulation?

and

(b) to what extent are the reasons for regulation recognized by, and achieved through, the role set out for the ARB in the Act?

## Review of Non Departmental Public Bodies and Public Corporations

In April 2011, the Cabinet Office announced that all Non Departmental Public Bodies (NDPBs) still in existence following the reforms brought about by the Public Bodies Act 2011 would undergo a substantive Review at least once every three years. These reviews have two purposes:

(a) to provide a robust challenge of the continuing need for individual Arms Length Bodies – both their function and their form, employing the 'three tests' discipline; and

(b) to review the control and governance arrangements in place to ensure that the public body is complying with recognised principles of good corporate governance (where it is agreed that a particular body should remain).

The 'three tests' discipline is that a body should only exist at arm's length from government if it meets one or more of the following tests:

- it performs a technical function which needs external expertise to be delivered – for example a function that could not be delivered in a department by civil servants, and where it would not be appropriate to recruit staff with the necessary skills to the department to undertake the function;
- its activities need to be, and be seen to be, delivered with absolute political impartiality – for example where political involvement, or perceived involvement, could adversely affect commercial considerations, growth, or the financial markets, or could lead to criticism of partiality;

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<sup>1</sup> <https://www.gov.uk/government/publications/better-regulation-framework-manual>

- it needs to act independently of Ministers to establish facts and/or figures with integrity – for example in the compilation of National Statistics.

Although as a Public Corporation the Architect Registrations Board was not covered by the Cabinet Office Reform Programme, they should still be subject to review at reasonable intervals as determined by the Sponsoring Government Department.

In carrying out this periodic review the Department has based it on good practice as defined by Cabinet Office guidance on reviews of NDPBs which states that they should be:

**Proportionate:** Reviews must not be overly bureaucratic and should be appropriate for the size and the nature of the Non-Departmental Public Body in question;

**Timely:** Reviews should be completed quickly to minimise disruption to the Non-Departmental Public Bodies business and reduce uncertainty about its future;

**Challenging:** Reviews should be robust and rigorous. They should evidence the continuing need for individual functions and examine and evaluate as wide a range as possible of delivery options;

**Inclusive:** Reviews should be open and inclusive. Individual Non-Departmental Public Bodies or Public Corporations must be engaged in reviews. Key users and stakeholders should have the opportunity to contribute to reviews. Parliament must be informed about the commencement and conclusions of reviews.

**Transparent:** All reviews should be announced and all reports of reviews should be published; and

**Value for Money:** Reviews should be conducted in a way that represents value for money for the taxpayer.

This “Periodic Review” of the functions and form of the ARB and its establishing legislation the Architects Act 1997 (as amended) has been carried out in accordance with these guidelines with the first stage of the Review exploring whether regulation of architects should continue and, if so, what form it should take.

# Current Regulation of Architects in the UK and the Architects Registration Board

Statutory protection of the title 'architect' was first introduced in 1931 and over the intervening period has been maintained and developed by Government in consultation with the architectural profession.

The current legislation – the Architects Act 1997 (“the Act”) - was introduced following a major review of the Architects Registration Council United Kingdom (ARCUK) which was the predecessor body to the ARB, fulfilling a very similar role. The Review findings were published in the Warne Report of 1993-94.

Statutory protection in its current form consists of protecting the title 'architect'. This means that it is a criminal offence to use the title and operate as an 'architect' unless the person doing so is registered with the Architects Registration Board.

The Architects Registration Board itself is established under the Act. The role of the Architects Registration Board is set out in the Act as being to:

- maintain a United Kingdom Register of suitably qualified architects;
- prescribe qualifications and experience required for inclusion on the register;
- issue a code of standards of conduct and practice;
- investigate and deal with complaints against architects relating to their professional competence;
- protect the use of the title 'architect' against unregistered persons describing themselves as 'architects' or those no longer fit to practice;
- and act as the United Kingdom's Competent Authority for the Mutual Recognition of Qualifications Directive (2005/36/EC) arising from the status of architects as a sectoral profession.

The Architects Registration Board is defined as a Public Corporation and is an Arms Length Body sponsored by the Department for Communities and Local Government (DCLG) which has responsibility for maintaining the establishing legislation (the Architects Act) as well as being accountable to Parliament for its actions.

Greater detail of respective responsibilities and the relationship between the Architects Registration Board and DCLG are set out in a framework agreement.

The Architects Registration Board has a governance board appointed in accordance with the Architects Act. The board consists of eight Lay (non-architect) members appointed by the Secretary Of State of the sponsor Department and seven Architect members elected by architects on the register. The board elects its own chair from amongst its membership on an annual basis.

The purpose of the board is to oversee the delivery of the statutory functions with their powers derived from the Act to:

- provide leadership and direction to the ARB;
- agree its strategy and setting cost-effective plans to implement that strategy;
- ensure that the ARB has appropriate delegation and reporting procedures
- review its own performance and effectiveness;
- account for its actions as required by law and good practice; and
- challenge the executive and hold them to account.

The Architects Registration Board employs 22 staff. Revenue is raised primarily from registration and annual retention fees paid by architects, with a small sum derived from fees charged for examinations. The Board runs a balanced budget and is not permitted to borrow money – typically the Board maintains suitable reserves to ensure it has the capacity to manage its finances in circumstances where unbudgeted cost could arise. Overall running costs since 2010 are set out in Table 1.

**Table 1: ARB Expenditure 2010 to 2015**

Item	2010	2011	2012	2013	2014	2015	% Change 10-15
Employee Salaries and Benefits <sup>1</sup>	1,251,760	1,175,946	1,222,840	1,257,008	1,269,057	1,223,276	-3
Office Costs <sup>2</sup>	380,732	384,899	408,990	438,492	441,645	474,943	+20
Printing and Records <sup>1</sup>	120,012	81,790	49,482	55,202	52,686	52,860	-56
IT Charges <sup>1</sup>	373,795	306,748	258,264	277,852	282,519	309,734	-18
Board Allowances and Expenses <sup>1</sup>	69,103	57,512	54,271	55,310	61,960	53,853	-23
Legal and Other Professional Charges <sup>3</sup>	657,338	688,040	853,648	938,557	922,194	953,549	+32
Other Administrative Charges <sup>1</sup>	284,491	302,139	314,940	257,562	261,998	304,182	+7
<b>Total Operating Expenditure</b>	<b>£3,137,231</b>	<b>£2,997,074</b>	<b>£3,162,455</b>	<b>3,279,983</b>	<b>3,292,059</b>	<b>3,372,397</b>	<b>+7</b>

## Explanatory Notes

- (1) Those areas of cost where ARB has more direct control have mostly seen economies in the period between 2010 and 2015. The expenditure on other administrative charges is the exception. The increase in those costs between 2014 and 2015 were caused by a significant increase in the size of the register over that period and efforts to enable more of the prescription and registration processes to be carried out online.
- (2) Assessment of the ARB lease terms which have driven the increase in office costs indicates that this is good value for money taking into account comparative market conditions, but there is a recommendation in this review for ARB to consider collocation elsewhere in the DCLG estate and the case for operating outside central London as lease opportunities permit.
- (3) The area of most significant growth in expenditure has been in legal charges which are partly driven by statutory responsibilities (and the resultant costs of legal proceedings) in relation to prosecution of misuse of title, disciplinary hearings or Judicial Review. There are a number of recommendations in this Review to improve complaints handling and on greater use of an in-house legal advisor which should reduce legal costs.

# Stage One: Evaluating the case for continued regulation

The Review process began with a call for evidence which ran between Easter and 30 June 2014. It consisted of an online survey supported by a review-specific mailbox, a series of 1-2-1 interviews and a stakeholder workshop. Approximately 1200 individuals and groups representing all parts of the profession submitted evidence.

Of those who could be identified as belonging to a particular group or organisation approximately two-thirds were registered architects. The Standing Conference of the Heads of Schools of Architecture, as the main representative body for the Schools of Architecture provided detailed input alongside a number of professional bodies including: the Royal Institute of British Architects (RIBA); the Royal Society of Architects in Wales (RSAW); the Royal Incorporation of Architects in Scotland (RIAS); the Royal Society of Ulster Architects (RSUA); the Association of Professional Study Advisors in Architecture (APSAA) the Chartered Institute of Architectural Technologists (CIAT), the Association of Consultant Architects (ACA); and the Society for Construction and Architecture in Local Authorities (SCALA).

A significant number of responses were also received from students of architecture, architecture-related areas such as architectural designers or technicians or Chartered Architectural Technologists, European Union (EU) or international qualified architects and members of the public.

## The case for and against continuing to regulate the Architect profession

Of the responses submitted to the Review there was a very clear majority supporting ongoing statutory regulation with the remainder either opposing continued regulation or preferring alternative approaches to it. These views were explored further during the subsequent workshop sessions and discussions.

The following main arguments were made in favour of continued regulation:

- **that regulation of architects is in the public interest and supports consumer protection because regulation provides assurance that a certain level of qualification has been obtained;**

This was viewed as particularly helpful for the many clients (organisations as well as individuals) that only engage with an architect once in what is a complex purchase.

The independence and comprehensiveness of the register were highlighted in responses to the call for evidence as delivering significant benefits by enabling consumers to make an informed choice and by providing an element of consumer protection because individuals that illegally hold themselves out to be architects without being registered may be pursued by the Regulator.

The Act cannot, however, be completely effective given that the distinction between the title 'architect' and similar titles such as 'architectural-drawer' (which are not regulated) may not be understood by clients. It is also increasingly difficult to police use of title with the increasing use of the internet and social media.

- **that regulation is necessary to maintain high professional standards (by requiring students to obtain qualifications) and hold architects to account for failure to adhere to them;**

Regulation is seen as helping uphold the United Kingdom's international reputation supporting export of services and overseas take-up of United Kingdom courses and qualifications (see Annex A for details of the value of architecture to the UK economy).

Annex A also provides data on the size and structure of the sector. Particularly among small firms (businesses with between 1 and 10 architects), continued regulation was seen as a means of distinguishing those who have invested in qualifications from those who have not.

Opponents to regulation in its current form argue that it is for professional bodies with their long-standing and more detailed knowledge of the requirements of the profession to set and maintain high standards for UK architects.

- **and that regulation is required by the Mutual Recognition of Professional Qualifications Directive which defines architects as a 'sectoral' profession and sets out specific minimum harmonized qualification requirements enabling architects with these qualifications to operate in any Member State.**

Whilst the UK remains a member of the EU, the obligations of EU law remain. Therefore the Government needs to ensure that there are arrangements in place which ensure compliance with the requirements of the Directive.

The Directive requires each Member State to have a competent authority to notify qualifications to the European Commission and provide confidence that these meet the requirements of the Directive and demonstrate how individuals have met the minimum training requirements set out in the Directive.

More detail on the requirements of the Directive and the Competent Authority Role are provided at Annex E.

The Review considered the merits of existing and possible alternative approaches to delivering statutory regulation.

### **Statutory regulation through an independent regulator**

There was considerable support in the response to the call for evidence for delivery of statutory regulation by an independent body to ensure separation of duties between the profession, schools of architecture, the professional membership bodies and the Regulator. This independence was seen as fundamental to the investigation of breaches in professional conduct and complaints as well as the maintenance of agreed standards.

There was also widespread support for the view that the Regulator needs to be light-touch in approach and focused on delivering core agreed functions to avoid unnecessarily intervening in the activities of schools of architecture, regulators in the education sector and professional bodies.

### **Statutory regulation delivered by professional bodies.**

Statutory regulation by professional bodies was also widely supported in the call for evidence. It would though require those bodies to apply standards in line with the Directive in order to be entered on the Architects Register (professional bodies' membership requirements currently go beyond the minimum requirement set out in the Directive). Professional bodies would also need to enable anyone wishing to become a registered architect to do so whether or not they wished to become a member of the professional body. They would also need to ensure suitable distinction between the list of registered architects and those in their other membership categories assessed by different criteria. If there weren't appropriate levels of separation this could lead to confusion for clients and other Member States. Professional bodies would be required to take on a disciplinary process in relation to registered architects, separate from their membership processes. There could also be further complexity from more than one professional body undertaking this regulatory role.

Concerns were also expressed in response to the call for evidence about ensuring regulatory processes would be independent and without conflicts of interest under this approach. Over recent years, other UK regulated professions such as pharmacists and the legal professions have moved away from statutory regulation by professional bodies in order to reassure consumers that the regulatory function is undertaken in a suitably independent manner i.e. that the body is acting impartially and not in the interest of the profession itself.

Whilst some interest has been expressed by professional bodies in prescription of qualifications, no such interest has been expressed in the wider roles of the Regulator, for example:

- responsibility for delivering the UK's legal obligations under European Directives whilst the UK remains in the EU.
- providing a register for visiting architects
- taking legal action against those who appear to be unlawfully promoting themselves as architects.

### **Alternatives to statutory regulation**

The Review considered the following main arguments expressed for the removal of regulation or for the adoption of alternative models such as self-regulation:

- **that there are other means of delivering consumer protection and maintaining standards without the need for statutory regulation;**

Under the Act, the Regulator's role is limited to investigating complaints on professional standards/competence and conduct with redress limited to imposing costs and a fine; censure and/or removal from the register.

Other regimes suggested as providing alternative protection for consumers include:

- the planning systems in England, Scotland, Northern Ireland and Wales;
- the various different Building Regulations systems in England, Scotland, Northern Ireland and Wales;
- general consumer protection legislation such as the Fraud Act 2006 and Defective Premises Act 1972.

Annex B provides more details on these regimes.

Wider regimes such as the planning system and building regulations regulate matters such as the location, design and construction standards of a building but do not provide a basis for preventing an individual acting as an architect. This is provided through the Architects Act.

Remedies enabling consumers to recover money, or claim damages incurred as a result of poor performance, incompetence or breach of contract by an architect lie in general law. These include provision for the ability to use the small claims court; to sue because of a breach of contract, and the ability to take someone to court because of professional negligence but it is only the Architect Act that includes the provision to prevent an individual from continuing to practice as an architect if found guilty of an offence.

The Fraud Act 2006 could be used as a basis for launching criminal action against someone holding themselves out to be an architect when they are not entitled to do so especially if the losses incurred are substantial. However guilt or innocence is much easier to prove with protection of title via the Architect Act 1997 because it defines those entitled to hold themselves out as architects leaving the court to decide whether the individual intended to make a gain.



Education institutions are subject to 'The UK Quality Code for Higher Education' (the Quality Code), a quality assurance regime which is overseen by the Quality Assurance Agency for Higher Education (QAA). This regime assesses the quality of the delivery of education rather than whether the requirements of the Directive are met. Nor do education institutions hold a register of qualified architects or police it. Doing so would create costs and lead to a complex system for clients and other Member States seeking to identify registered architects.

In summary, the Review concluded that these regulatory regimes either do not address the same issues as the Act or in the case of criminal action it provides a supporting role to the effective application of other legislation.

- **In line with other construction professions, the sector should not be subject to statutory regulation (self regulation).**

Other professions – such as structural engineers and surveyors – are not regulated and rely primarily on Chartered Status to differentiate members meeting specified standards of competence

In a self-regulatory model professional bodies would set professional standards, accredit qualifications enabling students to meet those standards and provide enhanced consumer protection and complaints procedures. Architects would be self-regulated through monitoring and inspection by the professional body. Whilst EU obligations remain in place, these systems would need to meet the requirements of the Directive and professional bodies would need to hold a register for clients and Member States to check the status of individuals.

Under this approach anyone could use the title of architect but only Chartered Architects would be able to enter the register (which each professional body would need to hold) and to operate in other EU states under the terms of the Directive. Consumers might however find it difficult to understand this distinction.

Self-regulation was the least popular option among respondents to the call for evidence with the main concern raised about possible credibility issues with its use and concerns as to the impact on existing professional bodies of this significant change in status. A number of individual architects also strongly opposed this approach as it would require them to join a professional body which would increase their costs (membership fees for Chartered Institutes are typically significantly higher than the current registration fee).

## **Protection of title or protection of function**

Having considered the different models for regulation, the Review also considered what type of protection might be most appropriate.

The Act protects the use of the title 'architect' by limiting its use to those individuals possessing certain accredited qualifications. There are many similar titles such as architectural designer which are not regulated and so potential clients need to be aware of the distinction between a registered architect and others offering similar services but not entitled to the title.

The Regulator, individual architects and professional bodies address this by communicating the existence and purpose of the register but they cannot ensure all potential clients are fully informed particularly with increased use of the internet and social media to identify architects. Nonetheless, responses to the call for evidence overwhelmingly supported continued use of protection of title as being the most practical form of protection.

The majority of EU Member States regulate the profession of architect, most commonly by protection of title and reserved activities (or functions). The United Kingdom along with a small number of other EU member states solely regulate through protection of the title 'Architect'.

Respondents to the online survey were highly supportive of extending the regulatory protection to include protection of function as well as a more effective protection. This would make it mandatory for an architect to undertake specific functions such as signing-off planning applications, providing confirmation that building regulations have been met or by setting a competency threshold based on complexity of particular types of work (similar to other regulated professions such as medicine, law and accounting).

Despite a high level of support for protection of function there was similarly widespread recognition of how difficult this would be to define and implement in practice since many individual aspects of the role are shared with other professions – architects may also undertake many aspects of the roles of (for instance) surveyors or interior designers.

Protection of function would also extend the scope of regulation into areas already addressed by other regulatory regimes (including planning, building regulations and health and safety regulations, for instance) and no evidence was provided of market failure suggesting the need to make the employment of an architect mandatory.

## Conclusions of stage one

There was a high-level of support for continued regulation in the response to the call for evidence although the arguments put forward in support of this are only partially delivered by the current form of regulation. In particular, protection of the title architect provides a specific but limited form of consumer protection predicated on architects being suitably qualified and made accountable through registration, whilst other professions or individuals continue to be able to offer competing building design services. In this model it is the credibility of the register of architects which provides consumers with protection, rather than registration being an adjunct of a wider consumer protection role.

It would, however, be very difficult to demonstrate compliance with the Directive whilst the UK remains a member of the EU without regulation in some form due to the nature of the legal system in the United Kingdom.

**The Review therefore concluded that there continues to be a case for statutory regulation of architects in the UK, but this should clearly focus on the core activities of a registration body of suitably qualified persons including policing the register.**

Although views were fairly evenly divided on the type of statutory regulation between using an independent regulator and designating suitable professional bodies, significant concerns have been raised that it would be very challenging for the latter to demonstrate full independence and separation of duties between their regulatory functions for the whole sector and those looking to progress their organizational-level interests. In addition no professional bodies expressed interest in taking on the full range of duties required of the regulator. Splitting the current roles of the regulator between an independent body and a number of professional bodies could also lead to added complexity and confusion for architects and clients as well as additional regulatory costs.

**Stage one of the Review concluded that the need for independence met the requirements of ‘the three tests’ and that statutory regulation should continue to be delivered by an independent professional registration body. The Architects Registration Board will therefore be retained as a Public Corporation but opportunities should be taken to streamline the role and deliver savings to the sector whilst maintaining confidence in UK standards.**

# The Review: Stage Two – Evaluating the Form of the Regulatory Body

Stage two of the Review considered five specific areas:

- a. Governance and Accountability
- b. Policing the register
- c. Complaints Handling
- d. The Minimum threshold for registration as an architect
- e. Accreditation (prescription) of Qualifications

## a) Governance and accountability

The Review considered the current arrangements against the key requirements of good corporate governance set out in the Cabinet Office Triennial Review Guidance of 2011, recent reviews of ARB governance and issues raised in the call for evidence.

The current arrangements are set out in Annex C. Although the review found that ARB were adhering to the principles of good corporate governance as shown by consistently strong performance on financial management for example, responses to the call for evidence sought increased formal accountability to the Department on the role of the Regulator both to ensure that activities remain focused on its agreed role and to provide a means for the sector to raise any concerns about their activities.

**The Review recommends that:**

- (1) powers of direction should be available to the Secretary of State to provide assurance and a clearer escalation route in a few specific circumstances. This should apply only to the following areas where they are not already subject to alternative methods of judicial scrutiny:**
  - (a) gross misconduct or financial irregularity**
  - (b) organizational stability such that the regulators ability to fund itself from the registrant fee or to effectively carry out its statutory functions risks being compromised**
  - (c) acting outside its statutory role**

Note: any additional powers of direction agreed and taken forward via this recommendation should not extend to day-to-day intervention in the delivery of the statutory functions as defined in the Act as the Regulator needs to be able to operate independently to deliver these effectively.

## Governance and the ARB Board

The ARB board has a vital role to ensure that ARB delivers its duties and obligations efficiently and effectively.

The membership of the ARB board is 15 split between:

- eight lay members appointed by the Privy Council,
- seven elected architect members elected on a four-yearly basis by registered architects according to an election scheme agreed by the ARB board and signed off by the Privy Council

Non architect (“lay”) members are currently appointed through a selection process run by the Department of Communities and Local Government as the ARB’s sponsor department and then formally appointed by the Privy Council. The ARB voluntarily applies the code of practice issued by the Office of the Commissioner for Public Appointments (OCPA<sup>2</sup>) for board appointments. All board members are subject to the same terms of office. All members are eligible for two terms of four years subject to a continued willingness to serve for a second term, effective performance appraisal and either reappointment by the Privy Council or via re-election.

The election process means that nearly half of the board changes once every four years (although some members may be re-elected) presenting a significant challenge to Board effectiveness.

A significant number of respondents considered that board cohesiveness was hindered by the split between architect and non-architect members, with elected architect members potentially seeking to address two sets of obligations, one to the board and the other to the electorate who voted for them.

Board members are expected to act as individuals independent of other interests, capable of bringing experience and expertise to bear on the Regulator’s work and governance in an impartial and constructive manner. This is a fundamental principle of good governance practice.

Other Regulators including the General Osteopathic Medical and Dental Councils have recently moved away from a split board to a fully appointed board (whilst still retaining an equal number of appointed practitioners and lay members). Their experience echoed the difficulties outlined above and both bodies reported improved board functionality as a result of moving to fully appointed rather than partially elected appointments.

Some responses to the call for evidence suggested that the pattern of membership did not fully reflect the role of the regulator, in particular, to achieve a balance across consumer, academic and architect sectors; to recognise the range of architects in the profession (sole-traders, employees, specialists etc); and the United Kingdom coverage of the regulatory role. The use of appointments might more easily achieve this balance.

A number of respondents to the call for evidence also suggested that the board should be reduced from 15 members to 9 or 11 members to aid efficiency in decision-making (whilst recognising the need to achieve coverage outlined above). This would be in line with recent trends in other regulators such as the General Medical Council and the Solicitors Regulatory Authority.

**The Review recommends that:**

- (2) the ARB board should comprise an equal number of architects and lay members but they should all be appointed by the Secretary of State with a separately appointed independent Chair**

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<sup>2</sup> [http://publicappointmentscommissioner.independent.gov.uk/United Kingdom/wp-content/uploads/2012/02/Code-of-Practice-20121.pdf](http://publicappointmentscommissioner.independent.gov.uk/United%20Kingdom/wp-content/uploads/2012/02/Code-of-Practice-20121.pdf)

- (3) appointments should ensure the board has access to:
- experience and expertise from all relevant sectors including academic, consumer protection and regulation, finance, risk and governance
  - experience and expertise across different types of architect practice/roles
  - experience and expertise across the United Kingdom.
- (4) following discussion between ARB and DCLG, the Department should determine which option is most appropriate, and the legislation should be changed to reduce the total board size down to either 11 or 9 members whilst addressing the points above where some board members are likely to be able to cover more than one.

The shift to the new appointment process would need to be managed both to secure ongoing effectiveness of the board and manageable succession planning for the future.

The Department will be responsible for the appointments. These will be taken forward via an agreed scheme after consultation with relevant individuals and organizations to ensure that it reflects the required coverage and that it's delivered at a reduced cost to the sector compared with the £40,000 required to run the current elections. The appointments process would need to conform to the principles of the Code for Public Appointments<sup>3</sup> including an independent person who would oversee and ensure a robust appointment process.

Amendment to the Act would be needed as this currently sets out provisions about the board including matters such as the number of members, changes to the make-up of them and terms of office.

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<sup>3</sup> [http://publicappointmentscommissioner.independent.gov.uk/United\\_Kingdom/wp-content/uploads/2012/02/Code-of-Practice-20121.pdf](http://publicappointmentscommissioner.independent.gov.uk/United_Kingdom/wp-content/uploads/2012/02/Code-of-Practice-20121.pdf)

## b) Policing the register

The ARB investigates possible cases where the title architect has been misused through for example, the use of misleading business cards or stationery or advertising. The number of title investigations by year is set out below.

**Table 2: Trend Analysis for Protection of Title Investigations**

Year	Total No	Resolved by Agreed Remedy	Prosecutions
2010	144	141	3
2011	196	195	1
2012	363	358	5
2013	381	376	5
2014	331	329	2
2015	239	230	9
Totals	1654	1629	25

Identifying and pursuing individuals who practice and carry on in business using the title 'architect' without being registered is difficult and the Act limits the penalty for the criminal offence to a maximum of £2500 which limits the deterrent effect.

Over the last six years ARB has undertaken 1654 investigations into misuse of the title architect. All have been successfully concluded, either by way of agreement or prosecution. Often as a result of the investigation and correspondence the relevant individuals cease to misuse the title, avoiding the need for prosecution. There have been 25 cases successfully prosecuted in the Magistrates' Courts over the last 6 years with 81 since ARB's inception in 1997. There have been no unsuccessful prosecutions.

In many cases the sector supports the Regulator through architects notifying the ARB of suspected offenders and by themselves highlighting to consumers the benefits of using a registered architect. Consumers and professional bodies similarly notify the Regulator of breaches of the Act. A proportionate approach has to be taken to investigations and prosecution, balancing legal costs (ultimately borne by the profession) against the importance of retaining a public deterrent to those considering misusing the title 'architect'. With the low level of fine, the ARB tends to focus on engaging with individuals to stop the misuse of title although much of the sector would welcome a greater number of prosecutions as a deterrent.

The ARB also seeks to encourage clients to check the online register, rather than leaving themselves vulnerable to those who misrepresent themselves as architects, particularly on the internet. The ARB:

- encourages architects to link their own websites to the online register to raise its profile on search engines;
- uses social-network tools to promote the existence of the register;
- attends relevant consumer events to highlight the significance of the register;
- and encourages other organisations to raise awareness of the register through sign-posting and no-cost advertising.

It is important that this promotion clearly links to the role of the register and is not misunderstood as promoting wider standards which is the role of professional bodies.

**The Review recommends that:**

- (5) the levels of fines available to be investigated in partnership with the Ministry of Justice at the earliest opportunity in response to concerns that they may be too low to act as an effective deterrent for avoiding abuses of protection of title.**

## c) Complaints handling

Both the ARB and respondents to the call for evidence were keen to improve the complaints handling procedures so they are streamlined, timely and proportionate to the severity of the complaint. The current processes are set out at Annex D.

Key concerns highlighted in the response to the call for evidence were around a perceived:

- high and increasing cost and burden to the Regulator and complainants;
- quasi-judicial nature of the current complaints system;
- mismatch between complainant expectations and the Regulator's remit/redress options; and
- lack of transparency and accountability.

These issues were explored in detail through workshops and written submissions from organisations and individuals looking at: typical complaint journeys; effective signposting to appropriate complaints routes; proportional routes for complaints and redress reflecting different types and severity of complaint; approaches used by other organizations. It also considered the implications of the implementation of the Directive on Alternative Dispute Resolution (2013/11/EU the ADR Directive)<sup>4</sup> that will remain applicable as long as the UK remains a member of the EU.

This engagement highlighted opportunities to streamline and limit the scope of the complaints procedure by

- providing further guidance on the web site on the role of the Regulator, the ARB's complaints procedures and the complaint routes for other types of complaint.
- improving the timeliness and effectiveness of complaints processing by revising the ARB's guidance to make clear the obligations of complainants and those subject to complaint, the timetable and information required from complainants as well as possible options for redress so that the complainant can make an informed choice about how to proceed. The revision should also identify opportunities to improve transparency to demonstrate the fairness of the processes.
- the continued use of a triage approach to sift out complaints that need to be referred to the architect's own complaints procedures in the first place or which do not fall within the Regulator's remit.
- updating the complaints guidance and processes to align with the Alternative Disputes Resolution (ADR) Directive where applicable.
- revising the statutory test for referral in the Act to provide the Regulator with discretion based on (i) consideration of whether a case should be pursued given the relative strength of the evidence in support or defence of the allegation; and (ii) the proportionality of the case in relation to the public interest. A more modern formulation of the test (for example a "sufficient prospects of success" test) would enable inappropriate complaints to be dropped quickly.
- ensuring that minor issues are decided quickly without the need to take the complaint to the Professional Conduct Committee (PCC currently required for all complaints where there is some form of case to answer) with an appropriate sanction if necessary. This could include guidance on best practice or a regulator issued reprimand to avoid a recurrence. This would enable complaints where there is a case to answer but the architect concerned recognizes this and has taken appropriate corrective steps or where the issue has not seriously impacted on clients or the public to be dealt with more quickly with a more proportionate sanction and without the need or cost of a PCC hearing.

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<sup>4</sup> <http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:165:0063:0079:EN:PDF>



**The Review recommends that**

- (6) the Regulator work with the sector to review, refresh and update all aspects of the guidance for potential complainants.**
- (7) the statutory test for complaints referral in the Act be updated to provide discretion to the Regulator based on an assessment of the strength of evidence submitted and a public interest test.**
- (8) the Architect Act be amended to provide the Regulator with the power to issue sanctions such as a reprimand or guidance letter to reduce the number of complaints that need to be referred to the PCC.**

The above approach

- should reduce the number of complaints dealt with by the Regulator,
- addresses the current mismatch between consumer expectations and the scope of the Regulator's remit and redress options.
- should reduce the length of time taken to process complaints by making the deadlines clear and enabling complaints to be dropped where evidence is not supplied.
- should lead to a more investigative approach to understanding the issues and deciding a complaint - legal advice should not be needed by the Regulator or the architect except in the most serious cases.
- should reduce the costs of the disciplinary process delivering estimated annual savings to the Regulator of more than £100,000.

It would also bring the approach into line with other Regulators such as the Solicitors Regulatory Authority and the Bar Standards Board which have a limited power to impose internal sanctions without the need to refer to the Solicitors Disciplinary Tribunal and the Disciplinary Tribunal of the Council of the Inns of Court.

**The Review recommends that:**

- (9) in light of the reduced and less adversarial approach to, complaints, the Regulator should consider use of an in-house lawyer for legal casework wherever possible in addressing disciplinary cases.**

This could further reduce legal costs for the ARB from the current position where these at times account for over one quarter of the ARB's total operating expenditure.

**The Review recommends that:**

- (10) to review the composition and practice of the PCC in line with the principles developed through the call for evidence to ensure it balances sector professional expertise with consumer interests.**

The outcomes of all PCC hearings are shown on the Regulator's website. Full details are published for the time periods specified in any ruling with an anonymised version remaining on the website. There were some concerns during the Review that this might disadvantage architects even after a sanction had expired.

**The Review recommends that:**

- (11) all details of hearing results should be removed from the website and any other communication channels following the stipulated time-period.**

There was support for the Regulator to more pro-actively disseminate learning from complaints to ensure the sector as a whole addresses any weaknesses identified and shares best practice. The ARB already addresses this through articles on regulation in its yearly bulletins and annual report but further consultation with architects and professional bodies as to how this can be more effectively disseminated would be beneficial.

The call for evidence raised concerns about routes to appeal for architects unhappy with the Regulator's actions and the Review considers that there may be a case for bringing ARB under the remit of the Parliamentary and Health Services ombudsman to provide a non judicial route of recourse.

**The Review recommends that:**

- (12) consideration be given to the use of the Parliamentary and Health Services ombudsman as an escalation route and final decision-maker for complaints in relation to decisions made by the Regulator.**

This would align with the principles of effective regulation to require organizations to be able to demonstrate that their complaint investigations and decisions are fair and proportionate with clear escalation routes. It would also provide another mechanism to help address the concerns raised in the Review around the mismatch between complainant expectations and what the complaints procedure can deliver. In offering an additional stage in the escalation route for complaints on how ARB have carried out their statutory functions, this would also seek to address the current situation where the next stage once a complaints has gone through the ARB procedures is to seek a judicial review.

Some of these changes may require legislation. Section 14 of the Act sets out the general framework under which the PCC will operate and any changes to that would require primary legislation. Agreed changes to the rules of the PCC can be made at any time without legislation. If a change is needed to the constitution of the PCC itself then this can be done through secondary legislation.

## d) The minimum threshold for registration as an architect

The Review tested current accreditation of qualification processes against the principles of better regulation to ensure its light-touch and represents value for money through a number of stakeholder workshops involving representatives from schools of architecture, professional bodies, consumer representatives, other Regulators, the ARB, insurers and individual architects. Events were held in Scotland, Wales and Northern Ireland.

During the Review, questions were raised as to whether the Regulator's role should be strictly limited to enforcing the minimum thresholds for registration as an architect as set out in the Directive (see Annex E) with professional bodies free to demand greater competencies from their memberships or whether the Regulator should effectively set standards for the sector agreed with professional bodies. The Review concluded that the Regulator should focus on ensuring the UK complies with the Directive and any other relevant national requirements. This is the current position where the Regulator will accredit any course that meets the requirement of the Directive although, in practice, the courses currently coming to the Regulator for accreditation go beyond those requirements.

The Review considered whether institutions should be encouraged to offer courses that meet the minimum threshold for registration as an architect as set out in the Directive by focusing regulation on securing simple adherence to the 11 points required for prescribed qualifications set out in Article 46 of the Directive<sup>5</sup> (see Annex E) or to these points plus practical experience.

The harmonised minimum European requirements set out for mobility and automatic recognition in the newly revised Directive are that individuals must have undertaken:

- at least 5 years of education (the equivalent of the "Part 1" and 'Part 2' degree qualifications in the United Kingdom)
- or 4 years of education plus two years of mandatory professional traineeship.

Under the Directive, Member States can specify additional requirements to suit their national circumstances.

Typically United Kingdom academic institutions offer a model with five years academic education and two years practical experience (the "5+2 model") consisting of:

- an ARB-accredited Part 1 level qualification (typically a three-year undergraduate degree)
- an ARB-accredited Part 2 level qualification (typically a two-year second degree)
- an ARB-accredited Part 3 level qualification (typically a part-time professional qualification which includes 24 months of practical training experience).

Current numbers of UK qualifications and teaching institutions are at Annex F.

The Review considered the merits of the minimum options set out in the Directive.

### **Five years of academic study only**

This approach would enable a student to apply for registration at the end of the fifth year of study of any course principally in architecture that meets the requirements of the Directive. It would provide a level playing field with those EU education institutions operating this system. It could support the attractiveness of UK courses in seeking to attract overseas students by reducing students' costs but it could also impact on the attractiveness of United Kingdom courses to students from outside Europe where the United Kingdom's current standards are seen as providing a career benefit.

It could also give academic institutions more flexibility in how they structure and deliver their courses and reduce the administrative burden and costs for schools of architecture and the Regulator.

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<sup>5</sup> <http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32005L0036&from=EN>

However, up to two-thirds of students in the UK move between education institutions during their training to benefit from different course offerings. Use of this model could make it more difficult for students to do so as the receiving institution would also need to be clear what elements of training had been undertaken so that, by the end of the course, they can demonstrate that the combination of courses has met the requirements of the Directive. Currently this is achieved by accrediting different elements within courses.

Throughout the Review, institutions, professional bodies and individual architects all stated that assessed practical experience was essential in ensuring architects are competent to practice. Graduating students would normally look to gain experience through work within established firms of architects and in practice would be likely to struggle to gain professional indemnity insurance if they sought to set up on their own account without this experience and/or would be likely to face substantially higher premiums and excesses.

The Review concluded that five academic years of study alone did not form a suitable threshold for entry onto the Register and protection of title.

### **Four years of academic study plus 2 years of mandatory professional traineeship**

Wider adoption in the UK of this alternative minimum model would reduce costs for students and schools of architecture by enabling them to qualify after 6 rather than 7 years and could increase the attractiveness of architect courses in the UK.

During the Review, concerns were expressed that a formal examination at the end of the practical experience stage was essential to ensure consistencies in the quality and scope of the practical experience offered (the Part 3 examination serves this purpose at present). Firms offering practical experience might otherwise pursue their own commercial interests in the type and quality of experience they offered rather than providing the variety of experience needed to enable effective preparation for the final exam and portfolio assessment.

More work is needed within the profession to define how the mandatory professional traineeship relates to the current Part 3 examination but this approach would meet the concerns expressed about relying on five years academic study. The Review concluded that this option could provide a suitable threshold for entry onto the register and protection of title.

### **Five years of academic study plus two years practical experience and a final assessment** (current United Kingdom academic and professional body approach)

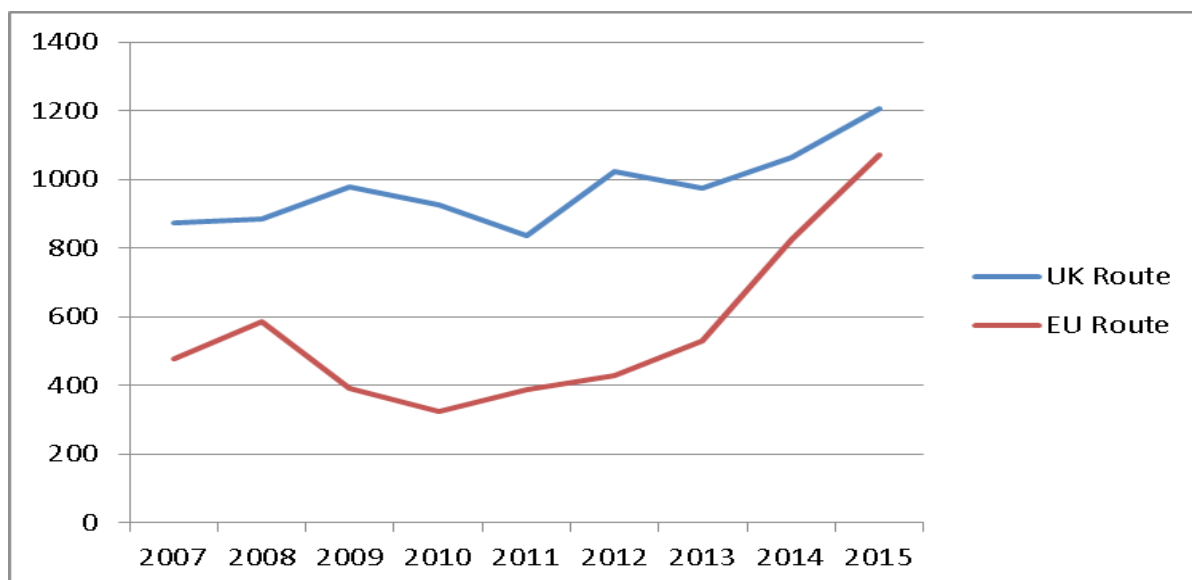
The current UK industry approach is well established and has a high reputation internationally with countries such as Canada, Australia, India and Hong Kong using it to develop or strengthen their own approaches to architect education.

The 5+2 model was supported across much of the sector as providing a robust and structured system for training and preparing high quality architects to work in practice, and is the preferred model of the Royal Institute of British Architects as the largest professional membership body for the sector.

The 5+2 approach came close to being agreed at the last review of minimum harmonized EU qualification standards and, with current trends towards strengthening the minimum thresholds, it could become the future standard.

Whilst noting the broad support for the 5+2 system in large sections of the profession, some concerns were expressed that this approach makes UK education institutions less attractive for UK and overseas students. The increase in the number of architects entering the register with qualifications from elsewhere in the EU in recent years compared to those from the UK was cited in support of this (see graph on following page) but it is not clear whether this is a result of differential entry requirements or better opportunities for architects in the UK.

## Number of entrants onto the UK Register



It is also the case that whilst the specific requirements vary virtually all Member States requires country-specific requirements above the minimum options set out in the Directive which are usually in the form of an additional demonstration of professional expertise after completion of their academic qualification (typically through a compulsory period of practical training and / or a final examination).

According to data collected by the Architects Council of Europe and the European Network of Architect Competent Authorities, the United Kingdom's standards are around the median in terms of Member State-specific requirements (see Annex G), and recent trends are for upward movement and strengthening of standards. There are a handful of states such as the Scandinavian countries or affiliated nations such as Switzerland which do not set additional specific requirements but these too are giving serious consideration to applying additional checks or requirements over and above the 11 points.

### Conclusions on the minimum threshold for Architect Registration

The point of entry to the profession which enjoys protection of title must be set at a level where there can be confidence in the competence of the individual. Inclusion of an element of practical experience has been strongly pressed by the profession, academic institutions and consumer representatives. The Regulator is due to review this and should look at what standard should be set for UK graduates entering the register.

Although the 5 years academic study plus 2 years' experience model is by far the most common in United Kingdom institutions and may become a European standard in the future, there does not currently seem to be any quantified assessment of the benefits for the additional year and institutions are already able to seek accreditation for qualifications under the 4 + 2 model (including demonstrating how they meet the UK's practical experience requirements). The estimated course cost for students under the two models are set out in Table 3.

**Table 3: Estimated Costs for Students of Architecture**

Annual Costs	Possibly Applicable Directive Minima (approximate total cost)	Standard UK course (approximate total cost)
	Four years of academic study plus two years practical experience and Part 3 assessment	5 years of academic study (Parts 1 and 2), at least 2 years practical experience and a final assessment (Part 3)
Parts 1 & 2: £9,000 Part 3: £1,200	£41,700 <sup>1</sup>	£46,200

**Explanatory Note**

(1) Recent guidance from the European Commission is that under the 4 + 2 model, one year of practical experience would need to be supervised by the education institution. For the purposes of this report, it is estimated that this oversight would be around 50% of the £9,000 cost of an academic year of study.

The Review therefore concludes that entry to the register should be permitted for students successfully completing prescribed courses using the EU minimum standard plus practical training experience though this does not affect the Regulator’s obligation to register architects from other member states with accredited qualifications under the 5 + 0 approach. The Review encourages the Regulator and the sector to explore whether the 4+2 model could be more widely utilised within the UK system to reduce costs for students and narrow the scope of the Regulator’s prescription activities whilst ensuring that competent UK architects are produced and our high reputation in architecture is maintained.

The proposed ARB routes to registration review would provide a suitable means of taking this forward.

**The Review recommends that:**

- (13) the Regulator should work with the profession through the routes to registration review to assess whether the current practice of accrediting courses at multiple stages is necessary or whether alternatives might be possible that maintain standards and enable students to move between courses whilst reducing accreditation costs.**

## e) Accreditation of qualifications

The Review explored three possible areas for reducing costs:

- (a) **streamlining the accreditation process** to tackle perceived duplication and overlap between the Regulator's processes, the course validation processes for schools seeking RIBA accreditation and the Quality Code that governs the quality of course delivery by all academic institutions
- (b) **reducing the number of prescription activities** carried out by the Regulator
- (c) **contracting out accreditation activities.**

### (a) Streamlining the accreditation process

Much of the feedback during the Review highlighted that the small ARB team deliver the accreditation processes to a consistently high, and objective, standard. The Regulators accreditation process has previously been held up as an exemplar of good practice by the Higher Education Regulation Review Group for being robust yet light-touch and for encouraging institutions to make use of existing documentation where possible, thus reducing the additional requirements placed on schools of architecture.

Although one of the common issues raised in the call for evidence was that the processes and documentation required by the Regulator were burdensome and duplicative, this was not substantiated by more detailed consideration in the follow-up engagement. It was widely accepted that accreditation checks were different both to the academic sector's own quality assurance checks (the 'Quality Code') and to the course validation system operated by RIBA. Annex H provides more detail on the three sets of standards / quality regimes that can apply to schools of architecture. A minor process improvement was identified involving the Regulator increasing transparency following submission of documentary evidence by providing greater feedback on applications for accreditation.

### (b) Reducing the number of prescription activities

The ARB undertakes: initial accreditation; the renewal of accreditation and annual monitoring. These processes, taken together, are intended to ensure that the obligations of the Directive and UK specific home state requirements are met both at the point a course is first introduced and on an ongoing basis.

Renewal of accreditation usually takes place every four or five years although an institution can seek a shorter or longer renewal period. To date no institution has sought more than a five year accreditation period. Institutions can seek accreditation at any point. Levels of new accreditations, re-accreditations and annual monitoring exercises for the last five years are set out in table 4.

**Table 4: New Accreditations, Re-Accreditation and Annual Monitoring Exercises 2011 to 2015**

Calendar Year	New Accreditations		Re-Accreditations		Annual Monitoring	
	Institutions	Qualifications	Institutions	Qualifications	Institutions	Qualifications
2015	6	6	10	20	46	118
2014	2	2	16	39	36	97
2013	1	1	10	33	38	100
2012	4	5	17	36	37	97
2011			6	12	46	123

The ARB currently has 3.5 full time equivalent (FTE) staff in its qualifications department with 1.7 FTE's specifically working on the accreditation of UK qualifications process. Taking the forecast 2016 staff costs (£1,467,000) this amounts to a staff cost to deliver these services of around £113,400.

These are rough estimates as accreditation staff will also be involved in other activities such as administering the collection of the registration fee, maintaining and updating ARB's website, policy development work, advising students on the routes to registration and administering committees.

The ARB does not have the power to charge academic institutions for accreditation activities. This cost is covered by the annual retention fee that ARB receives from registered architects. Institutions do, however, bear the costs of preparing documentation. The Standing Conference of Heads of Schools of Architecture (SCHOSA) have estimated the total administrative cost of accreditation to an institution offering Part 1, Part 2 and Part 3 courses as set out in Table 5.

**Table 5: Estimated Accreditation Costs for Schools of Architecture**

	Initial Accreditation	Annual Monitoring	Re-Accreditation <sup>1</sup>
Part 1	56,000	8,000	50,000
Part 2	10,000	1,000	4,000
Part 3	47,000	6,000	40,000
Total	113,000	15,000	94,000

### Explanatory Note

(1) Some schools are accredited for four years and some for five years and so an average of four and a half years has been assumed in these estimates.

Estimating the costs to institutions is complex. Some information needed for accreditation will also be used for other purposes, including professional body validation and the institution's own quality assurance processes enabling the costs to be shared. Some institutions offer a range of courses which can enable economies of scale.

Whilst there is a degree of risk-based consideration of the frequency of accreditation activities, the Review concludes that there are opportunities to further limit the frequency of accreditation where the course remains substantially unchanged and no evidence of issues with the standard of delivery has emerged.



**The Review recommends that:**

- (14) the Regulator should work with the profession through the routes to registration review to further explore the current risk-based system for reaccreditation to identify opportunities to reduce the frequency and scope of accreditation activities. This should include consideration of whether some accreditation activities could be more automatic with voluntary activities over and above the required set for accreditation potentially becoming services that the regulator can offer but on a chargeable basis.**

**(c) Contracting out accreditation activities**

The Review considered whether there is scope to reduce costs by contracting out delivery of the administrative activities involved in accrediting qualifications to a professional body or bodies or to a commercial organization. Delivery would be managed according to a service level agreement or contract held by the Regulator with the delivery organization providing a report and recommendation to the Regulator as to whether a qualification should be accredited.

Whilst the UK remains a member of the EU, the Competent Authority role would remain with the Regulator which would continue to make the final decision on whether or not a course meets the requirements of the Directive and to notify that qualification to the European Commission. The Regulator would retain responsibility for holding the register and dealing with complaints in relation to the professional competence and standards of professional architects.

The contracted arrangement would need to be transparent with service levels, process requirements and performance levels being made public.

**(i) Delivery through a professional body or bodies**

A professional body or bodies taking on this role would need to clearly distinguish accreditation activities from its membership processes or activities that body undertakes to recognize academic qualifications for its own purposes in order to maintain the independence of the processes. It would also need to provide the service to any academic institution regardless of whether that institution was seeking validation of its courses by the professional body (five institutions currently have their qualifications accredited by the ARB but not validated by the RIBA). Despite the need for separation of processes there might be opportunities for delivery efficiencies.

Although not part of their current core business, the Royal Institute of British Architects expressed interest in undertaking this role and believe it could be managed within their existing structures and administration arrangements in line with the purposes of their Charter with no charge being made to the Regulator. Costs would be borne by the Institute (which is funded by its members) including provision of an independent quality assurance system such as ISO9001 (likely cost of around £150,000 per year). The Royal Incorporation of Architects in Scotland, while not favouring this model, also expressed interest in undertaking this role for Scottish architects if it is pursued. Multiple delivery organisations would add complexity and administrative costs for the Regulator.

Despite the possible use of an independent quality assurance mechanism such as ISO 9001, concerns were raised through the Review around the need for demonstrable independence and transparency of the process and potential conflicts of interest for professional bodies in undertaking both accreditation and validation processes, particularly when the Regulator engages with these bodies as part of its role in setting accreditation requirements. These issues are successfully managed in other sectors where professional bodies have a Regulatory role. However the Review has not been able to identify any examples of a statutory Regulator contracting administrative services core to its functions to a professional body or a number of professional bodies.

**Table 6: Illustrative Costs for Contracting Out Accreditation to a Professional Body**

	Current cost to Regulator per year	Cost to Regulator if contracted out to Professional Body
New Accreditations Per Year (3) <sup>1</sup> Re-Accreditations (28) <sup>1</sup> Annual Monitoring (107) <sup>1</sup>	£113,400 (1.7 FTE) <sup>2</sup>	SLA cost: £0 <sup>3</sup> – direct costs Management Cost: £74,400 <sup>4</sup>

**Explanatory Notes**

- (1) Average over the last 5 years.
- (2) This figure is a rough estimate of the cost of the accreditation services for the regulator. It uses the 2016 forecast staff costs (£1.467 million), the current headcount of 22 and an estimate of the FTE resource employed mainly on providing these services.
- (3) Although not a direct cost for the Regulator, the professional body would have to absorb these running and staff costs and an independent Quality Assurance System (estimated to be around £150,000 per year).
- (4) Based on the Regulator retaining 1 FTE to manage the relationship with the professional body and scrutinize accreditation recommendations plus an estimate of small additional costs across the functions of the Regulator to handle the day-to-day operation of this delivery model.

As these illustrative figures demonstrate, this model could potentially deliver a small annual saving to the Regulator. It might deliver a small economy of scale for schools of architecture where they are seeking both accreditation and professional body validation of courses but, as set out in the earlier section on streamlining, overlap and unnecessary burdens were not identified in the existing processes.

**(ii) Delivery through a commercial organization**

The Regulator would let a (potentially) five year contract through a competitive tender and would manage the performance of the contractor at a cost roughly estimated below.

**Table 7: Illustrative Costs for Contracting Out Accreditation to a Commercial Organization**

	Current cost to Regulator	Cost to Regulator if contracted to a commercial organization
New Accreditations (3) <sup>1</sup> Re-Accreditations (28) <sup>1</sup> Annual Monitoring (107) <sup>1</sup>	£113,400 <sup>2</sup> 1.7 FTE	£114,400 <sup>3</sup>

**Explanatory Notes**

- (1) Average over the last 5 years.
- (2) This figure is a rough estimate of the cost of the accreditation services for the regulator. It uses the 2016 forecast staff costs (£1.467 million), the current headcount of 22 and an estimate of the FTE resource employed mainly on providing these services.
- (3) Based on the Regulator retaining 1 FTE to manage the relationship with the contractor and scrutinize accreditation recommendations plus an estimate of small additional costs (£40K per annum) across the functions of the Regulator to handle the day-to-day operation of this delivery model.

The potential cost of the contract is difficult to assess. An organisation delivering other accreditation services may be able to achieve some economies of scale on overheads but the service itself is likely to need separate processes covering a very small number of accreditation activities as well as requiring a clear quality assurance system. Unlike the professional body option, all costs incurred would be passed on to the Regulator.

This approach has been used effectively in other sectors, for example the General Osteopathic Council (GOsC) outsources their qualification accreditation process and the Health and Safety Executive (HSE) outsource the running of the domestic gas safety regime to Capita. Feedback from the GOsC indicates that the approach resulted in higher-standards but no reduced costs. With GasSafe, the approach delivered an improvement in value for money compared with the in-house provision where this was underpinned by a detailed set of Key Performance Indicators and Early Warning Indicators to enable proactive performance management and prompt action where standards start to reduce.

As set out in table, 4, the scope and scale of ARB's accreditation activities is much smaller. By contrast the Gas Safe Register has over three times as many registrants as the Architects Register and Capita carry out an average of 40,000 inspections checking installations and the fitness to practice of gas-fitters each year. The contract would therefore provide a very small-scale business opportunity for suppliers with limited opportunities to reduce costs compared with the current position.

Outsourcing accreditation to a commercial organisation would further complicate the regulatory landscape by bringing in an additional standards-related organisation into the sector with which academic institutions would need to engage.

Although the ultimate decision on whether or not to accredit or re-accredit courses would remain with the Regulator in both contracting out options, primary legislation would be needed to implement any changes to the current arrangements because the power to prescribe is currently conferred on ARB through the Act.

### **Recommendations on contracting out accreditation**

Delivery of accreditation processes by a third party would not deliver significant savings to the Regulator or to academic institutions given the efficiency of current processes and the small-scale of the activity. The level of accreditation activity could further reduce in line with other recommendations in this report. Ensuring contracted out processes are independent and objective also drives a quality assurance requirement that further erodes any savings whilst use of a commercial delivery body would further complicate the regulatory landscape.

#### **The Review recommends that:**

- (15) the Regulator should continue to deliver accreditation activities but once the ARB routes to registration review is complete and the other report recommendations are implemented, the Department should conduct a further evaluation of the cost and possible benefits of outsourcing accreditation.**

### **Other Recommendations to improve cost-effectiveness**

The Review has identified a number of further opportunities for the ARB to increase its cost-effectiveness going forward.

**The Review recommends that:**

- (16) for as long as the UK remains subject to European obligations under the Mutual Recognition of Professional Qualifications Directive, the Regulator should carry on working with the sector to address emerging requirements such as continuous professional improvement in a way that maximises use of existing processes.**
- (17) costs of business should be minimized by the Regulator exploring opportunities to co-locate or operate outside London as current lease obligations allow (next break 2019)**
- (18) the Regulator continues exploring opportunities for streamlining through appropriate collaboration with consumer, academic and professional institutions for example in promoting awareness of the register.**

### **Next Steps**

The publication of this report concludes the periodic review of the Architects Registration Board. The timeline for implementing those recommendations that will be taken forward at this stage will vary, those recommendations requiring review and updates of guidance or secondary legislation can proceed relatively quickly but those requiring changes to primary legislation will depend on whether a suitable legislative vehicle can be identified.

# Annex A: Size, Structure and Economic Value of UK Architecture

The United Kingdom has an enviable reputation for the excellence of its architects as a profession. United Kingdom professional bodies and schools of architecture are globally recognised and held in high repute. They provide a key entry point for architects wanting to operate in the United Kingdom and wider European Union. The ability for these architects to be recognised within the United Kingdom (and by the European Union) is important to preserving this reputation for excellence.

- The Gross Added value of Architecture to the United Kingdom economy in 2013 was £3.6bn a rise of 2.7% from 2012 (£3.5bn). (*source Creative Industries Economic Estimates January 2015 DCMS*)
- Architecture contributed £373m worth of export value to the UK economy in 2012 up 3 % from 2011 (*source Creative Industries Economic Estimates January 2015 DCMS*) with 20% of UK architectural firms income coming from overseas work (*source RIBA Business Benchmarking Survey 12-13*)
- The UK has a £530m trade surplus in architecture and surveying. (*Source: ONS Pink Book, 2012 quoted in Construction 2025 Government Strategy document*)
- The UK is a world centre of architectural education with nearly 50 schools and 10 in London alone. (*Source: Architects' Journal*)
- There are more people employed in UK architecture jobs than dentists, or librarians/museum staff. (*Sources: DCMS Estimates, General Dental Council*).

## Industry Structure

**Table 8: Size of Architect Practice as a Percentage of the Industry** (Source *RIBA Business Benchmarking Survey 12-13*)

Practice Size (no of architects)	Number of Firms	Percent of Sector
1-5	745	62
6-10	503	18
11-15	165	6
16-20	114	4
21-30	100	4
31-40	46	2
41-49	43	1
50+	80	3
Total	2805	100

Aggregate Figures	Number of Architects	Percent of Sector
Small Firms	1-10 architects	80%
Medium Firms	11-49 architects	17%
Large Firms	50+ architects	3%

The above data on size of architect practices are taken from information provided by RIBA and cover those individuals and organisations within the RIBA's membership. This amounts to approximately two-thirds of the total profession. The ARB register holds the names of individual architects rather than firms so doesn't hold the data to analyse the profession in this way.

The 80/20 split between small practitioners and those operating in medium and large companies is almost exactly reversed in terms of the share of the 2013 Gross Added Value (£3.6 billion) and exports (£373 million) arising from the profession.

## **Professional Bodies**

RIBA is the largest single professional body in the sector. It represents about two-thirds of United Kingdom registered architects. Wales, Scotland and Northern Ireland all have their own professional bodies: the Royal Institute of Architects in Wales; the Royal Incorporation of Architects in Scotland; and the Royal Institute of Ulster Architects. Some members of those bodies will also be members of RIBA but the precise cross-over of memberships is not known. The RIBA has 11 regions in England, plus the Royal Society of Architects in Wales (RSAW). The RIBA has agreements with the Royal Incorporation of Architects in Scotland (RIAS) and the Royal Society of Ulster Architects (RSUA).

Alongside the 4 Royal Institutes there are also a number of other smaller professional bodies covering architects or architecture-related services these include:

- the Association of Professional Study Advisors in Architecture (APSAA)
- the Chartered Institute of Architectural Technologists (CIAT)
- the Association of Consultant Architects (ACA)
- the Society for Construction and Architecture in Local Authorities (SCALA)

There are a number of other professional bodies, such as the Landscape Institute; Chartered Institute of Building etc., which some architects may also choose to join if they are eligible.

There are also a number of other related professional bodies that also recognise qualifications that the ARB prescribes. These include:

- the Royal Town Planning Institute
- the Chartered Institution of Building Services Engineers
- the Institution of Structural Engineers
- the Landscape Institute

# Annex B: Architect regulation and the Wider UK Regulatory Context

In the United Kingdom, architects are one of a number of professions forming part of the wider construction industry. The industry is subject to a range of different regulations.

These Regulatory regimes include;

- Building Regulations – setting out the minimum standards for completed Building Work to ensure reasonable health, safety, welfare, access and conservation of fuel and power. The onus to ensure compliance rests with the person undertaking the work but typically relates only to the quality of the building work itself, not the competency or conduct of the individual
- The Construction Design and Management (CDM) Regulations which seek to ensure that construction work is undertaken in a safe manner and that resultant buildings are safe in use and (ultimately) demolition
- Planning legislation and guidance through the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Planning England) regulations 2012
- Civil and contract law relating to consumer protection
- European Directives and Regulations which impact on the construction sector such as the Construction Products Directive and the Mutual Recognition of Professional Qualifications Directive.

However the objectives and nature of these regulations differs from the objective of architects regulation and offer different types of benefit

# Annex C: DCLG Oversight and Scrutiny of ARB

The ARB's powers and duties are set out in the Act and the Secretary of State is accountable to Parliament for the ARB's actions and performance. A framework agreement governs the relationship between the Department and the ARB. This covers:

- the legal framework setting out the powers and duties of the Architects Registration Board as an organization and the Board itself
- ministerial responsibilities in relation to the ARB
- DCLG and ARB accounting officer responsibilities exercised via the Permanent Secretary and Registrar respectively and those of DCLG Officials in relation to the ARB
- responsibilities and expectations of the ARB Chair and ARB board
- expectations of the ARB in relation to internal audit and transparency specifically through the establishment of an audit committee in accordance with Cabinet Office guidance
- the position of ARB in relation to spending controls, actions and processes
- corporate governance as laid down in Schedule 1 of the Architects Act. The ARB Board is supported by an Audit Committee. A comprehensive Review of ARB's financial management and risk and assurance arrangements in 2014 provided evidence that ARB is an effective and well-governed organisation, specifically noting that

(a) the ARB operates to a clearly defined business plan with three year objectives and priorities underpinned by a full set of key performance indicators to enable the ARB to measure delivery.

(b) regular internal and external audit of ARB's financial management reports consistently demonstrate a strong financial environment with embedded reporting processes at Board level.

(c) the ARB's annual resource accounts have never been qualified.

(d) there is strong management of risk that applied at all levels according to an agreed risk strategy and an industry standard risk register is in place which is subject to regular review and challenge from both internal and external auditors.

(e) the ARB complies with all Departmental and Government transparency and open Government requirements. It is fully compliant with Freedom of Information requirements and publishes its accounts in full.



# Annex D: Existing Complaints Handling Procedures

On receipt of a complaint the current process is for the ARB to assess whether the complaint raises disciplinary issues which fall within its remit. 60% of complaints are rejected at this stage as not being within ARB's responsibility.

Cases which are taken forward are considered by an investigations panel in more detail which decides whether there is a case to answer at the Professional Conduct Committee.

The investigations panel assesses whether there is sufficient evidence to suggest that there is substance to what is alleged and, if so, whether the potential failing is serious enough to amount to either unacceptable professional misconduct or serious professional incompetence.

The investigations panel consists of an architect and two other non-architect members selected from an independent panel appointed via an open recruitment process. Typically these will be people with relevant experience such as with handling complaints or consumer issues or from a legal background. The Investigations Panel has the power to:

- dismiss the complaint
- provide advice about future conduct
- refer the complaint to the Professional Conduct Committee (PCC).

At the investigation panel stage, if the complainant is unhappy with the panel decision they can ask for it to be referred to the ARB's third party Reviewer. The Reviewers acting in this capacity are currently a QC and the Head of Regulation at the Osteopaths' Regulator. Reviewers have the ability to overturn or uphold the decision of the investigations panel.

If the Investigations Panel concludes that the architect has a case to answer that is sufficiently serious to require referral to the PCC, the complainant is no longer involved in the procedure as it becomes a case brought by the Regulator against the individual architect. This means that the complainant has no right of appeal from decisions of the PCC who oversee final stages of assessing the case.

The PCC is the disciplinary tribunal constituted under the Act to hear allegations of unacceptable professional conduct and serious professional incompetence against architects. These are the two "offences" recognized by the Act. Section 15(4) of the Act requires the PCC to publish the name and offence of those architects who have been found guilty of unacceptable professional conduct or serious professional incompetence.

The Committee consists of an architect, 1 lay member and 1 nominated by the law society, all from an agreed pool of nine people, none of whom should be members of the ARB Board. They have the following powers of redress:

- a reprimand – details published for a year on the ARB website
- fine currently up to £5000 – details published for 2 years on the ARB website
- suspension from the register for up to two years – details published for duration of suspension plus 2 years on the ARB website
- permanent erasure from the register – details published for 5 years on the ARB website.

The right of appeal for the architect is limited only to those instances where a penalty is imposed and is via application to the High Court (which must be made within 3 months of the PCC ruling). This is similar to the procedure for other regulators such as the General Medical Council and the General Dental Council.

**Table 9 Complaint numbers 2010 to 2015 and their results**

Year	Total No	Referred to investigation Panel	PCC Hearings	PCC Hearing Outcomes					
				Not Guilty	No Order	Reprimand	Penalty Order	Suspension	Erasure
2010	178	59	16	1	1	8	4	0	2
2011	142	55	16	0	0	5	9	2	0
2012	140	80	23	2	1	6	5	6	3
2013	139	60	27	3	1	10	7	3	3
2014	157	84	31	7	0	8	6	5	5
2015	157	72	24	4	0	7	8	2	3
Totals	913	410	137	17	3	44	39	18	16

# Annex E – Requirements of the Mutual Recognition of Professional Qualifications Directive

The MRPQD defines architects as a ‘sectoral’ profession and sets out specific minimum harmonized qualification requirements that on achievement will enable architects with these qualifications to operate in any Member State.

Article 46 of the Directive sets this out as follows:

1. Training as an architect shall comprise:

- (i) a total of at least five years of full-time study at a university or a comparable teaching institution, leading to successful completion of a university-level examination; or
- (ii) not less than four years of full-time study at a university or a comparable teaching institution leading to successful completion of a university-level examination, accompanied by a certificate attesting to the completion of two years of professional traineeship in accordance with paragraph 4.

2. Architecture must be the principal component of the study referred to in paragraph 1. The study shall maintain a balance between theoretical and practical aspects of architectural training and shall guarantee at least the acquisition of the following knowledge, skills and competences:

- (a) the ability to create architectural designs that satisfy both aesthetic and technical requirements;
- (b) adequate knowledge of the history and theories of architecture and the related arts, technologies and human sciences;
- (c) knowledge of the fine arts as an influence on the quality of architectural design;
- (d) adequate knowledge of urban design, planning and the skills involved in the planning process;
- (e) understanding of the relationship between people and buildings, and between buildings and their environment, and of the need to relate buildings and the spaces between them to human needs and scale;
- (f) understanding of the profession of architect and the role of the architect in society, in particular in preparing briefs that take account of social factors;
- (g) understanding of the methods of investigation and preparation of the brief for a design project;
- (h) understanding of the structural design, and constructional and engineering problems associated with building design;
- (i) adequate knowledge of physical problems and technologies and of the function of buildings so as to provide them with internal conditions of comfort and protection against the climate, in the framework of sustainable development;
- (j) the necessary design skills to meet building users’ requirements within the constraints imposed by cost factors and building regulations;
- (k) adequate knowledge of the industries, organisations, regulations and procedures involved in translating design concepts into buildings and integrating plans into overall planning.

3. The number of years of academic study referred to in paragraphs 1 and 2 may in addition be

expressed with the equivalent ECTS credits.

4. The professional traineeship referred to in point (b) of paragraph 1 shall take place only after completion of the first three years of the study. At least one year of the professional traineeship shall build upon knowledge, skills and competences acquired during the study referred to in paragraph 2. To that end, the professional traineeship shall be carried out under the supervision of a person or body that has been authorised by the competent authority in the home Member State. Such supervised traineeship may take place in any country. The professional traineeship shall be evaluated by the competent authority in the home Member State.

Member States can also specify additional access to market requirements over and above these minimum requirements.

The Directive also requires each Member State to have a Competent Authority.

Their role is:

- to notify qualifications to the European Commission and provide confidence that these meet the requirements of the Directive and demonstrates how individuals have met the minimum training requirements set out in Article 46, and where relevant any additional access to market requirements.
- to engage with the European Commission and other competent authorities to standardize and develop ‘the minimum requirements for the mobility of appropriately qualified individuals’ across the European Union.
- to have mechanisms in place to enable individuals that do not qualify for automatic recognition to practice as architects. The Directive has a “general system” for dealing with European qualifications which are not listed by European competent authorities for automatic recognition but the competent authority is also required to have a mechanism to check the qualifications of applicants with non-EU qualifications. This is currently done via the ARB accredited examinations.
- to enable clients and competent authorities outside the United Kingdom to be able to differentiate between those individuals that have a right to automatic recognition under the Directive (or through other qualifying mechanisms) from those that have not since, in some Member States, only those individuals who are so recognized are able to practice as architects. The ARB delivers this through the Register.

# Annex F: Number of Courses Accredited by ARB

The ARB currently accredits 150 qualifications offered by 52 institutions or organizations. Of these 63 are at Part 1 level; 58 are at Part 2 level and 29 are at Part 3 level. Not all of the 52 institutions/organizations offer qualifications at all three levels. Students are mobile and move between institutions for different Parts and not all students want to become practicing architects. Some institutions offer more than one course-option that will deliver, for example, a Part 1 level qualification.

Of the 63 qualifications accredited at Part 1 level, all of them are either 3 years, or 4 years, full-time. The latter typically include another subject area such as engineering or planning.

Of the 58 qualifications accredited at Part 2 level, all but one requires 2 years, full-time, education to complete. The exception is a full-time 18 month qualification offered by the Centre for Alternative Technology which consists of the same number of credits required by the 2 year, full-time qualifications and meets all the same Part 2 criteria.

Part 3 qualifications are typically part-time and vary widely in terms of their structure and duration. So as well as gaining the requisite practical training experience along the way, students can undertake a year-long, part-time qualification which consists of evening classes twice a week; some of the qualifications involve distance learning and weekend attendance at lectures and seminars four times during the year; some of the qualifications involve three-week long sessions of lectures and seminars and distance learning in between.

The vast majority of students undertake a three-year (or four-year) Part 1, a year out in practice, a two-year Part 2 and then undertake at least one additional year of practical training experience, which is part of a Part 3 qualification. By accrediting each part of the academic requirements to become an architect, students are able to move with confidence between courses prior to starting the practical training experience element and completing the part 3 qualification. Formal data for this is not collected but evidence suggests that up to 2/3 of all architect students will study at more than one academic institution to gain their Part 1 and 2 qualifications.

# Annex G: Minimum Requirements for Recognition as an Architect in European Member States

<b>State</b>	<b>Education and PPE Requirements</b>
Romania Slovakia	8 Years education + 2 Years Practical Experience 6 years education + 3 Years Practical Experience
Austria Slovenia Czech Republic	5 Years Education + 3 Years Practical Experience
Lithuania	6Years Education + 1 Year Practical Experience or 4 Years Education + 3 Years Practical Experience
Bulgaria	5 Years of Education + 2 Years or 4 Years of practical Experience depending on whether the practice is under a fully qualified architect or a freelancer
Malta Belgium Croatia Hungary Ireland Luxembourg The Netherlands Poland	5 Years Education + 2 Years Practical Experience
United Kingdom	5 Years Education + 2 Years Practical Experience though 4 Years Education + 2 Years Practical Experience possible under United Kingdom system
Spain	6 Years Education or 5 Years education + 1 Year Experience
Germany	4 Years Education + 2 Years Practical Experience
Italy Denmark Estonia Finland Greece Sweden Switzerland Portugal	5 Years Education

# Annex H: Standards related requirements on Academic Institutions offering Architect courses

There are three sets of requirements to fulfil for different purposes:-

## (a) Accreditation by the Regulator

This is a document-based process where the Regulator reviews documentation submitted by an institution to ensure it the course meets the minimum requirements of the Directive. The ARB criteria for the accreditation of qualifications at Parts 1 and 2 are based on the 11 points which are set out in Article 46 of the Qualifications Directive. The European Commission has confirmed that it wishes qualifications to be notified for listing under Annex V of the Directive at the earliest possible opportunity, and before the first cohort has graduated from a qualification. The ARB's accreditation process meets this requirement and ensures that qualifications are notified in a timely way. Qualifications accredited by the ARB are subject to annual monitoring. Institutions are required to submit material which is already produced for their own internal annual monitoring purposes. The ARB uses the annual monitoring material to build up a year on year profile of the qualifications it prescribes. This in turn is designed to reduce the burden on institutions the next time they seek to renew accreditation, as the renewal application can be a straightforward update of the material which the ARB already holds. Accreditation is usually renewed every four or five years depending on the level of confidence that the Board has in an institution and its ability to meet the ARB's requirements. Institutions have the opportunity to request longer (or shorted) periods of accreditation. To date no institution has sought to extend accreditation beyond a five year period.

## (b) Compliance with the Quality Code.

This is the definitive reference point for all United Kingdom education providers setting out what they are required to do in delivering high quality courses and qualifications, what they can expect from each other and what students and the general public can expect from them.

## (c) Validation by RIBA

This process is undertaken where an educational institute wants their course accredited by that body. RIBA validation is perceived as providing a competitive advantage in attracting students, especially from overseas. The process looks at course content and involves site visits. It also considers the outputs from the first cohort of students before full validation is made. This process costs £10,000 for initial validation, with re-validation every 5 years.

# Annex I: Complete List of Recommendations

No	Recommendation	Page No	On hold pending outcome of UK negotiations on exiting the EU
01	Powers of direction should be available in the legislation to the Secretary of State to provide assurance and a clearer escalation route in a few specific circumstances.	17	No
02	Board to be fully appointed with a separately appointed independent chair	18	No
03	Appointments should ensure the board has access to experience and expertise of all relevant sectors and is representative of the UK role of the regulator	19	No
04	Following discussion between ARB and the Department to assess whether the reshaped board should be 11 or 9, the legislation to be changed to reflect that.	19	No
05	To review the levels of fines available to the regulator in policing protection of title with Ministry of Justice	21	No
06	For the regulator to work with the sector to review, refresh and update all aspects of the guidance for complaints handling	23	No
07	Statutory test for complaints referral in the Act to be updated and strengthened to reduce numbers referred	23	No
08	Architect Act to be amended to provide regulator with the ability to issue minor sanctions to reduce the numbers referred to the PCC	23	No
09	The Regulator to consider use of an in-house lawyer for all but the most serious complaints and / or specialist advice to reduce costs.	23	No
10	To review the composition and practice of the PCC in line with the principles developed through the call for evidence	23	No
11	For all reference to spent sanctions (suspensions from the register) to be removed once the designated time has elapsed.	24	No
12	For the Department to explore the case for ARB being bought under the remit of the Parliamentary Ombudsman to provide a more defined escalation route and final decision-maker for complaints in relation to decisions made by them.	24	No



13	For the Regulator to use the routes to registration review to assess whether the current requirements for and stage-posts to registration are proportionate and necessary or whether alternatives might be possible that could reduce costs without impacting on either standards or student mobility.	28	Yes
14	For the Regulator to use the routes to registration review to assess whether there could be opportunities to reduce the scope and frequency of accreditation activities and enable ARB to charge for requested activities that are over and above the agreed set.	31	Yes
15	For the Department to revisit potential benefits of outsourcing the accreditation processes once the ARB routes to registration is complete and the other review recommendations have been implemented	33	Yes
16	For as long as the UK remains subject to European obligations under the Mutual Recognition of Professional Qualifications Directive, the Regulator should carry on working with the sector to address emerging requirements such as continuous professional improvement in a way that maximises use of existing processes.	34	No
17	For the Regulator to explore co-location opportunities or the possibility of operating from outside London as lease opportunities permit (next break 2019)	34	No
18	For the Regulator to continue exploring opportunities for streamlining through appropriate collaboration with the consumer, academic and professional institutions, for example in promoting awareness of the register.	34	No



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