

Mr A Szilva

By email: [request-172616-4bb3f685@whatdotheyknow.com](mailto:request-172616-4bb3f685@whatdotheyknow.com)

Date: 23/8/2013  
Ref: EC/SzilvaFOI

Dear Mr Szilva

**Request under the Freedom of Information Act 2000**

Thank you for your recent emails received from '[www.whatdotheyknow.com](http://www.whatdotheyknow.com)'. I am responding to your request for information in line with the Freedom of Information Act 2000 (FOIA).

Dealing with your requests in turn:

1. 1 August 2013 8.52am

*'On 20 July 2012 you removed Board Members from the Investigations Committee. Why?'*

This question is not a request for information held by ARB that therefore does not fall under the provisions of FOIA. Nevertheless, I enclose a copy of the Board paper that sets out the reasons behind the formation of the Investigations Pool (appendix A).

2. 1 August 2013 9.07am

*Why does the Chairman of the IOC have to be a non-elected member of the Board?*

This is not a request for information that falls under the provisions of FOIA. The Terms of Reference which specify that the IOC Chair must be a lay member of the Board were agreed by the Board at its meeting of 20 September 2012 (see Appendix B).

*How can the Committee work effectively with a quorum of 2?*

This is not a request for information that falls under the provisions of FOIA. The Board is of the view that the IOC can work effectively as established in its Terms of Reference (see Appendix B).

*Why does the IOC not have an equal balance of elected and appointed Board Members and why can the Committee not elect or appoint its own Chairman?*

Please see the previous answer.

3. 1 August 2013 9.32am

*'Will the IOC's annual report and minutes be placed in the public domain and if so, where and how soon after their preparation?'*

The IOC's annual report will be provided to the Board at its September 2014 meeting. Minutes of IOC meetings will be provided to the Board at the next available Board meeting. The information will be made publically available soon after the relevant Board meetings.

4. 1 August 2013 9.50am

*'Your proposal for an Investigations Oversight Committee was sent out as a consultation from February 2012. Who was consulted, what were they presented with in terms of information, and what were their responses?'*

Please find enclosed the relevant information in relation to the consultation (appendices C and D). The consultation was publically available on the ARB website, and sent to:

- Age UK
- APSAA
- Archaos
- Architecture and Design Scotland
- Association for Disabled Professionals
- Association of Building Engineers
- Association of Chartered Certified Accountants
- Association of Consultant Approved Inspectors
- Association of Consultant Architects
- Association of Cost Engineers
- Association of Lipspeakers
- Asthma UK (Neil Churchill CE)
- Black & Ethnic Minority Community Organisation Network
- Board of Deputies of British Jews
- Breakthrough Breast Cancer
- Bristowe Project

Building Centre  
Capability Scotland  
Central Scotland Racial Equality Council  
Centre for Accessible Environments  
Centre for Education in the Built Environment  
Centre LGS  
Change the Face of Construction  
Chartered Institute of Architectural Technologists  
Chartered Institute of Building  
Chartered Institute of Building Services Engineers  
Chartered Institute of Plumbing and Heating Engineers  
Citizens Advice  
Citizens Advice Scotland  
Construction Industry Council  
Consumer Focus  
Deafblind UK  
Disability Wales  
Downs Syndrome Association  
Engender  
Engineering Council UK  
Epilepsy Action  
Equalities National Council of Disabled People  
Equality and Diversity Forum  
Gay and Lesbian Humanist Association  
Gender identity Research and Education Society  
General Chiropractic Council  
General Dental Council  
General Optical Council  
General Osteopathic Council  
Government Equalities Office  
Guild of Architectural Ironmongers  
Health & Safety Executive  
Health Professions Council  
Home Builders Federation  
Institute of Acoustics  
Institute of Construction Management  
Institute of Engineering and Technology  
Institute of Mechanical Engineers  
Institute of Structural Engineers  
Institution of Civil Engineers  
Joint Council for the Welfare of Immigrants

LABC  
Landscape Institute  
Law Society (Northern Ireland)  
Law Society (Scotland)  
Rhys Evans, Consumer Focus Wales  
MIND  
Multiple Sclerosis Society (Simon Gillespie CE)  
Muslim Womens Network UK  
National Centre for Independent Living  
Network for Black Professionals  
Network of Buddhist Organisations  
NHBC  
Policy Research Institute on Ageing and Ethnicity  
Quality Assurance Agency  
Race on the Agenda  
Remploy  
RIBA  
RICS  
RNIB  
Royal College of Veterinary Surgeons  
Royal Pharmaceutical Society of Great Britain  
Royal Society of Architects in Wales  
Royal Society of Ulster Architects  
Royal Town Planning Association  
Sandra Manley - University of the West of England  
SCHOSA  
Scope  
Scottish Council for Voluntary Organisations  
Scottish Council of Jewish Communities  
Society of Environmental Engineers  
Solicitors Regulation Authority  
Steel Construction Institute  
Terrence Higgins Trust  
The Access Association  
The Bar Council  
The Ethnic Minority Foundation  
The Law Society - Lawyers with Disabilities Division  
The Stephen Lawrence Charitable Trust  
Wales Council for Voluntary Action  
Which?  
Women and Manual Trades

Women in Architecture  
Women's Resource Centre  
Worshipful Company of Architects

*'If the responses did not reach a consensus on the benefit of the IOC, why was it established?'*

This is not a request for information that falls under the provisions of FOIA.

*'Why does the IOC have a "restricted remit"?''*

This is not a request for information that falls under the provisions of FOIA. Please refer to the enclosed Terms of Reference.

5. 1 August 2013 10.02am

*'Why is it that all Board Committees are chaired by appointed rather than elected members?'*

The constitution and membership of the Board's committees are decided on by the Board. The Chair of the Professional Conduct Committee is elected from amongst and by the membership of the Professional Conduct Committee. The Terms of Reference for the Board's Committees can be found here: <http://www.arb.org.uk/board-committees>

*'What are the qualifications required to be a committee chairman and who makes the selections?'*

Please see the previous answer.

6. 1 August 2013 4.55pm

*'Although the thrust of my question should have been clear enough, I am happy to refine it, so please tell me how many respondents apply for a re-hearing under ARB Rules and Procedures. Please also confirm how many seek judicial review and how many judicial reviews are currently being pursued against a decision by ARB and/or the PCC.'*

In the last three years two respondents have applied for a rehearing under PCC Rule 11d.

There is currently one judicial review being pursued against a decision of the ARB and/or the PCC.

*'You state that ARB has never paid damages to respondents. Does your answer include the reimbursement of costs to respondents?'*

The previous answer of Mr Howard did not include a figure for the reimbursement of costs to respondents. I can confirm that in the past three years ARB has agreed to reimburse a respondent their legal costs in relation to an appeal under s22 Architects Act 1997; however as

the amount of those costs remains subject to settlement I am unable to provide you with a figure.

7. 4 August 2013 5.29pm

*'Given the amount of money that you spent on legal and other professional advice last year, please confirm what measures are taken to ensure that you receive the best value for money.'*

This is not a request for information that falls under the provisions of FOIA.

I can however advise you that ARB undertakes competitive tendering exercises where appropriate and manage contracts as efficiently as possible.

*'Please also explain the tender process for appointing professional advisors and whether these tender on a job-by-job, annual or other basis.'*

I am unable to answer your request from the information provided. Please clarify your definition of 'professional advisers'.

8. 6 August 2013 11.21am

*'Would you please confirm ARB's actual corporate status/personality, i.e. is it a company (limited or otherwise), charity, trust, CIC, CIO etc.'*

ARB is a public corporation established under Statute. Please see <http://www.arb.org.uk/about-us>

9. 11 August 2013 3.03pm

*'In the period 2000 to July 2013, all but two of the PCC's decisions were announced publicly without mentioning the architect's place of business. The two exceptions are Mr Stedman in 2012 and Mr Plumridge in 2013, where you specifically named the towns of Cardiff and Newbury. Why? What was it about their particular cases that warranted a deviation from the conventional practice?'*

This is not a request for information that falls under the provisions of FOIA.

The wording of Professional Conduct Committee decisions is a matter for the panel of the Committee considering the case. A news release will follow those PCC cases where a guilty finding has been reached, and the architect's general location of business is mentioned in those news releases, which are distributed along with the PCC decision.

Previous news releases can be found here: <http://www.arb.org.uk/news-releases>

10. 11 August 2013 3.15pm

*'When the PCC found Mr A of Cheshire guilty of serious professional incompetence and unacceptable professional conduct, they issued him with a penalty order. Why then did the PCC remove Mr P of Newbury for the lesser charge of UPC?'*

This is not a request for information that falls under the provisions of FOIA.

To help clarify, the PCC will issue sanctions based on the seriousness of the offence and any number of mitigating or aggravating circumstances.

The PCC's indicative sanctions guidance can be found here: <http://www.arb.org.uk/Indicative-Sanctions-Guidance>

11. 11 August 2013 3.39pm

*'Your website includes information outlining when you will agree to a stay in an investigation. When was this added to the website and why?'*

The information was added in February 2013. The information was added to provide readers of ARB's website with guidance in relation to applications for a stay.

*'Your information then states: "There may be a case for a regulator to put an investigation on hold voluntarily until the outcome of any civil proceedings is known. The civil litigation might be more likely to arrive at the truth than the regulatory proceedings, because the court has more power to order disclosure or to hear evidence under oath." On what basis do you make this distinction and where is it published?'*

Decisions for adjourning Professional Conduct Committee hearings are made by the Clerk to the PCC and/or the Chair of the PCC.

12. 11 August 2013 5.44pm

*'Before starting an investigation, what steps do you take to check the accuracy of the complaint/accusation and evidence provided? What are your investigation protocols/rules and where are they published?'*

Guidance on ARB's complaints procedures are published here

<http://www.arb.org.uk/Scripts/wysiwyg/ckeditor/ckfinder/userfiles/Images/images/files/Making%20a%20complaint%281%29.pdf>

The Investigations Rules and Professional Conduct Committee Rules can be found here:

<http://www.arb.org.uk/Scripts/wysiwyg/ckeditor/ckfinder/userfiles/Images/images/files/2013%20IP%20Rules.pdf>

*'When you first contact an architect with an accusation do you always advise him of his statutory rights?'*

I am unable to answer your request from the information provided. Please clarify which statutory rights you refer to.

In line with the Board's procedures, if you are not content with my response you may ask for it to be reconsidered by putting your concerns in writing to the Registrar and Chief Executive. By Section 50 of the Freedom of Information Act 2000, you have a further right to apply to the Information Commissioner. I enclose a copy of Section 50 for your information.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Ed Crowe', with a stylized, cursive script.

Ed Crowe  
Professional Standards Officer