

**Oversight Committee – Consultation Responses**

<b>3. Do you think the proposal to create an Oversight Committee is appropriate?</b>	
<b>A.</b> No.	<i>Ian Salisbury, Architect</i>
<b>B.</b> Absolutely not	<i>John Agnew, Architect</i>
<b>C.</b> Yes although it is not clear from this documentation how it will be established or what its powers will be.	<i>Nicola Hill, Solicitor and Clerk to the Professional Conduct Committee</i>
<b>D.</b> The creation of an Oversight Committee to monitor the effectiveness of the process would seem sensible and appropriate. However, it is vital that any Oversight Committee has a clear and transparent remit. This could perhaps be achieved through establishing clear terms of reference for the committee that are available to all who wish to see them.  The Oversight Committee should be there to ensure the quality and consistency of the way in which enquiries/complaints are investigated, however, the Oversight Committee should not intervene with the agreed process unless there is a clear and just cause.	<i>Anthony Walters, Policy Manager, Professional Regulation, RICS</i>
<b>E.</b> The separation of powers between an investigations panel and oversight committee seems sensible and appropriate, subject to details.	<i>Jane Duncan, Vice-President of Practice and Profession, RIBA</i>
<b>G.</b>	<p>I sense there is uncertainty in the Board how to make the “Oversight Committee” effective so that the Board retain some control over the new Investigation Panel while not seen to be interfering with the Investigation process. I share that uncertainty.</p> <p>The decision to possibly destroy a professional reputation and livelihood is very serious and is being entrusted in a small group of appointed – not elected – people who in most cases will be dealing with the case fairly and correctly. The problem is if the Panel are clearly prejudiced or not handling the case correctly resulting in the architect concerned being</p>

Appendix B – Consultation Responses

referred to the PCC with a public hearing and all that involves the Oversight powers of intervention are limited to monitoring the effectiveness of the process and the overall quality of decisions.

If for example either the complainant or the architect have justifiable complaints that the Panel are not dealing with the case fairly “or have been got at” there is no provision for them to rectify this”. The Oversight Committee have no powers to intervene.

I accept that the Panel decision to refer the case to the PCC is subject to the ARB solicitor being satisfied that there is a reasonable chance of a PCC guilty verdict being obtained but these safeguards only deal with the righting the injustice after it has happened rather than intervening when it is clear things are going wrong and there is a clear danger of an injustice occurring.

On reflection may I suggest the following?

If either the complainant or the architect consider they have reason to consider that the Panel are not dealing with the case with correct transparency, fairness and impartiality they have the right to draw this to the attention of the Oversight Committee who if they are satisfied there is substance in the complaint refer this to the ARB solicitor who if he considers the complaint is justified has the power to intervene with the Panel or advise the Oversight Committee to stop the present enquiry and appoint a new panel.

I appreciate this creates possibility of unjustified complaints to the Oversight Panel but if it is made clear a complaint will only be considered if there is clear evidence of impropriety and on that basis will be few and far between.

I think it is important that someone – and the Oversight Committee seem to be the logical group – should have the power to intervene if clearly the case investigation is going badly wrong and may finish up with injustice to either party. It is too late for the Committee to review the overall quality of decisions if one has clearly come off the tracks and nobody has had the power to intervene.

*Owen Luder, Architect*