

# RIBA Response

## Ministry of Housing, Communities and Local Government - Consultation on Proposed Amendments to the Architects Act

**The Royal Institute of British Architects champions better buildings, stronger communities and higher environmental standards through the practice of architecture and our 40,000 members. We provide the standards, training, support and recognition that put our members – in the UK and overseas – at the peak of their profession. With government and our partners, we work to improve the design quality of public buildings, new homes and new communities.**

In January 2021, the Ministry of Housing, Communities and Local Government consulted on amendments to the Architects Act 1997 to promote and maintain standards of competence amongst architects registered in the UK in relation to Building Safety. It builds on provisions in the draft Building Safety Bill.

The consultation also sought views on a new system for the recognition of international architecture qualifications. As the UK has formally left the European Union, the government is reviewing and amending its regulatory systems in relation to the recognition of international qualifications for the purposes of registration as an architect in the UK.

- This consultation is therefore split into two thematic sections:
- Part A: Building safety
- Part B: The recognition of international architects

The RIBA's response to this consultation builds on the findings of a survey of membership that ran between December 2020 and January 2021. The RIBA's response is below.

For further information on the RIBA's work on building safety, the Building Safety Bill, and Brexit on [www.architecture.com](http://www.architecture.com)

# 1. Competence & appeals

**Q. 1. Do you believe that setting and assessing competence requirements would promote best practice among architects?**

- a. This would have a sizeable impact on promoting best practice
- b. This would have a moderate impact on promoting best practice
- c. This would have a minimal impact on promoting best practice
- d. This would have no impact on promoting best practice

**Q. 2. Please briefly explain your answer to Q.1. (max. 100 words)**

The RIBA promotes the highest standards within UK architecture for the profession and public. We support a reformed ARB that can ensure that architects have the education, skills and behaviours to make a positive impact on the built environment - 85% respondents to the RIBA's survey stated that mandatory competency requirements were either 'very' or 'somewhat important'. The system must be robust, without unduly increasing costs or administrative burdens, and integrate the learning and competence monitoring of professional bodies. Success will not be delivered by regulatory requirements alone and depends on addressing the practical realities faced by architects within construction.

**Q. 3. Do you agree that monitoring or testing of competence would be beneficial to architects?**

- a. This would have a sizeable benefit
- b. This would have a moderate benefit
- c. This would have a minimal benefit
- d. This would have no benefit

**Q. 4. Please briefly explain your answer to Q.3.**

The RIBA monitors the competence through measures as mandatory CPD, Codes of Conduct and Practice because it is of significant value to the public and profession. We understand that this consultation is aimed at architects that are not further monitored outside of professional bodies, including the RIBA. However, RIBA members are concerned that burdensome requirements within a system that only secures protection of title may incentivise construction activity to be undertaken by those outside of the ARB framework. To raise standards, competence must come with reserved functions for architects in planning and building regulations, including life safety and sustainability.

**Q. 5. How confident are you that effective criteria can be established which would improve an architect's competence?**

- a. Very confident
- b. Moderately confident
- c. Not very confident
- d. Not at all confident

**Q. 6. Please briefly explain your answer to Q.5.**

Architects and stakeholders must be fully engage in order to develop effective criteria, which should be matched with an understanding of the role of architects in supporting standards in construction. It is important to recognise that there are different contexts in the nations of the UK in areas including planning and development control, building regulations/standards, and health and safety regulation. UK-wide criteria needs to be flexible to accommodate this, and the needs of a sector with a diverse output. Submissions from RIAS, RSAW and RSUA will need to be carefully considered.

**Q. 7. If you answered c. or d. to Q.5, would any changes to the current regulatory landscape increase your confidence of the establishment of effective criteria?**

N/A

**Q. 8. Do you agree with the proposal that the Architects Registration Board (ARB) should monitor and assess an architect's professional competence?**

a. Yes

b. No

**Q. 9. Which skills, knowledge, experience or behaviours should be overseen and assessed by the ARB?**

We agree that the ARB should have a role in monitoring and assessing professional competence. However, in-depth assessments must be overseen by the providers of that training. RIBA Mandatory Competencies are based on knowledge schedules on subjects core to upholding standards within the profession including; Health and Life Safety, Climate Literacy, and Ethical Practice. The RIBA's survey showed that the inclusion of such competencies were supported by respondents. The ARB should benchmark how this is achieved in other regulated professions and how the roles of the regulator and the professional bodies are balanced and integrated.

**Q. 10. Do you agree that the competence requirements should take account of the competence standards currently being developed by the British Standard Institution with the built environment industry?**

a. Yes

b. No

**Q. 11. Please briefly explain your answer to Q.10.**

It is important that requirements take into account competence standards developed by the BSI, and in particular those of the Built Environment Competency Standards that apply to designers and principal designers.

**Q. 12. Do you agree with the proposal that the ARB is obligated to review and update the competence standards after a set period?**

a. Yes - Competence standard reviews should occur every year

b. Yes - Competence standard reviews should occur every 3 years

c. Yes - Competence standard reviews should occur every 5 years

d. No - It should be at the discretion of the ARB Board

**Q. 13. How should the ARB develop the new competence requirements? Please select all that apply**

a. Through consultations with other organisations such as the Royal Institute of British Architects

b. Through consultation with universities and Schools of Architecture

c. Through written consultations with the wider sector

d. Through oversight and advice from the Ministry of Housing Communities and Local Government

e. By examining the regulatory standards of other nations

f. By examining the regulatory standards of other professions

g. Other (please explain below)

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**Q. 14. Please briefly explain your answer to Q.13.**

Given the potential impact of regulatory changes, and the potential for new international agreements, there is a need to ensure that the evidence base and consequences for these changes are fully understood and the profession has a voice in this change.

**Q. 15. What form should the assessment of competence take? Please select all that apply**

- a. A mandated number of hours of Continuous Professional Development (CPD)
- b. Regular testing of all architects
- c. Testing of a random sample of architects
- d. An annual declaration
- e. Other (please specify)

The RIBA believes that there should be flexibility in the approach from the ARB to assessment of competence, taking into account such factors as the topic, the requirements of the profession/professional and their area of work. It must also reflect that while the majority of architects are within mainstream practice, some are not. This may include some of the recommendations put forward in this consultation, such as mandated hours of CPD, testing, and declarations and other models such as reflective practice.

**Q. 16 – 20 ask questions directly of respondents that are architects**

**Q. 21. With regards to the appeals process, would your preference be for the appeals hearing body to be:**

- a. An internal independent Committee within the ARB
- b. An external independent body

**Q. 22. Please briefly explain your answer to Q.21.**

Although the RIBA is supportive, we believe that MHCLG should also undertake further research on how the process for appeals for architects compares to other professions within the UK.

**Q. 23. If you selected an internal Committee within the ARB, do you agree that it is reasonable for individuals to pay a fee (determined on a cost-recovery basis) if their case is unsuccessful?**

- a. Yes
- b. No

**Q. 24. If you selected an external independent body, would you support the creation of an independent body if it meant a higher annual retention fee, but no fees relating to appeals?**

N/A

**Q. 25. Do you agree that when a disciplinary order is undergoing an appeal, this should be stated on the architect's register entry?**

- a. Yes – the register should note if a disciplinary order is undergoing appeal
- b. No – the register should not change disciplinary orders until they have been successfully appealed

**Q. 26. Which cases should be within the remit of the appeals body? Please select all that apply**

- a. Appealing decisions relating to the removal of an architect from the register under the competence regime
- b. Appealing decisions relating to the removal of an architect from the register under the existing complaints procedure
- c. A complainant appealing a decision against an architect with whom they are unsatisfied
- d. An applicant appealing an unsuccessful application to join the register
- e. Other (Please state)

The RIBA believes there should be additional consideration around Q.25 – that a disciplinary order should be added to the register until the appeal window has expired, or that an active appeal is complete and dismissed.

## 2. Listing

**Q. 27. Do you agree that the register publicly displaying disciplinary orders against a registered architect would promote public confidence in the profession?**

- a. Yes
- b. No

**Q. 28. Please briefly explain your answer to Q.27.**

The RIBA agrees that transparency on the matter of disciplinary proceedings would promote public confidence in the profession.

**Q. 29. Do you agree that the register publicly displaying disciplinary orders would act as an effective deterrent to acts of unacceptable professional conduct or serious professional incompetence?**

- a. Yes
- b. No

**Q. 30. Do you agree that the ARB Board should determine the rules for the length of time a disciplinary order is visible on the register?**

- a. Yes
- b. No

**Q. 31. If you disagree, what alternative would you propose?**

N/A

**Q. 32. Do you agree that the length of time a disciplinary order is visible on the register should be set depending on the severity of the order?**

- a. Yes
- b. No

**Q. 33. What level of transparency is appropriate when the ARB Board determines the rules setting out the length of time a disciplinary order is listed? Please select all that apply**

- a. ARB Board papers are published on the ARB website and decisions are detailed in those papers
- b. The lengths of time and the rules determining them should be published and accessible on the ARB's website
- c. The ARB should undertake consultation with the sector
- d. The ARB should seek governmental approval

**Q. 34. When a disciplinary action is displayed against an architect, what information should be accessible?**

- a. The register should detail the reasons for the disciplinary order, including the date of the offence and length of the disciplinary action
- b. The register should only state the disciplinary order which has been placed on an architect, with more information available on the Professional Conduct Committee page on the ARB's website
- c. Other (Please state)

**Q. 35. Do you agree that the proposals set out to amend the powers of the Architects Registration Board to charge fees are proportionate and would minimise the impact on the annual retention fee?**

- a. Yes
- b. No

**Q. 36. Which of the following do you think is the most appropriate way to determine which services the ARB can charge for?**

- a. Chargeable services should be listed in secondary legislation
- b. The ARB Board should determine the services for which it can charge

**Q. 37. If b, what level of transparency should be required when the ARB Board wish to amend chargeable services or fee amounts? Please select all that apply**

N/A

**Q. 38. Are there other services or types of services that should be included in the list set out in paragraph 3.5?**

N/A

**Q. 39. Do you agree that UK schools of architecture should pay a fee for their qualifications to be prescribed by the ARB?**

- a. Yes
- b. No

**Q. 40. Do you agree that international schools of architecture should pay a fee for their qualifications to be prescribed by the ARB?**

- a. Yes
- b. No

**Q. 41. Do you agree that architects' initial registration fees should vary based on the route of their recognition, on a cost-recovery basis?**

- a. Yes
- b. No

**Q. 42. For which services or types of services would it be reasonable for the ARB to charge a fee? Please select all that apply**

- a. International registration - provision of evidence for UK qualified individuals wishing to register abroad
- b. International registration - individuals holding international qualifications wishing to register in the UK
- c. Prescription of qualifications provided by domestic Schools of Architecture
- d. Prescription of qualifications provided by international Schools of Architecture
- e. Other (please specify)

**Q. 43. What level of transparency should be required when the Board is determining which types of individuals or institutions are liable for the payment of fees? Please select all that apply**

- a. ARB Board papers are published on the ARB website and decisions are stated in those papers
- b. The process for payment should be published and accessible on the ARB's website
- c. The ARB should undertake consultation with the sector
- d. The ARB should seek governmental approval
- e. Other (Please state)

**Q. 44. To what extent do you agree that Option 1 would be beneficial to UK architectural practices wishing to recruit international architects?**

- a. Strongly agree
- b. Agree
- c. Neither agree nor disagree
- d. Disagree
- e. Strongly disagree

**Q. 45. Please briefly explain your answer to Q.44.**

The RIBA has twice surveyed the profession on post-Brexit priorities, and conducted extensive engagement through our regional and national structures. 86% of architects who responded to our 2018 Brexit survey stated that access to international talent is important to the future success of the sector. This was because international talent supports a diversity of skills and experiences, to fill skills gaps, and provide skills such as language or international market knowledge. The new immigration system includes reforms that should make it easier for practices to recruit international talent. This must be understood in tandem with changes to the competency framework.

**Q. 46. To what extent do you agree Option 1 would encourage international architects to practise in the UK? Select one:**

- a. Significantly encourage international architects to practice in the UK
- b. Moderately encourage international architects to practice in the UK
- c. Neither encourage nor discourage
- d. Moderately discourage international architects to practice in the UK
- e. Significantly discourage international architects to practice in the UK

**Q. 47. To what extent do you agree that Option 1 would facilitate trade of architectural services?**

- a. Strongly agree
- b. Agree
- c. Neither agree nor disagree
- d. Disagree
- e. Strongly disagree

**Q. 48. Please briefly explain your answer to Q.47.**

There are direct benefits to trade of recognition agreements by allowing UK qualified architects to deliver services, and supporting UK practices to employ international architects, to boost international knowledge and skills. UK universities continue to be a significant export – this is made more attractive if UK qualifications are recognised in the home territory of international students. However, this is all contingent on reciprocity and the scale and scope of these agreements. It is important that any negotiated agreements are based on true equivalence of educational and professional standards, and compensation measures and additional requirements may be needed.

**Q 49. Would you support Option 1 if the system was not reciprocal (for example, the ARB recognises qualifications from another jurisdiction, but that jurisdiction does not recognise UK qualifications in the same way)?**

- a. Yes
- b. No

**Q. 50. How confident are you that effective criteria could be established for compensation measures?**

- a. Very confident
- b. Moderately confident
- c. Not very confident
- d. Not at all confident

**Q. 51. If you answered c. or d. to Q.50, would any changes to the current regulatory landscape increase your confidence of the establishment of effective criteria?**

N/A

**Q. 52. What form should compensation measures take? Please select all that apply**

- a. The ARB conducts an interview with the applicant before Registration
- b. The applicant undertakes a written test before Registration
- c. The applicant undertakes some online learning before Registration
- d. Other (Please state)

This would likely require some flexibility in approach, taking into account the new ARB requirements.

**Q. 53. What level of scrutiny would be appropriate when qualifications are added to the list under Option 1? Please select all that apply**

- a. ARB Board papers are published on the ARB website and decisions are stated in those papers
- b. The list of qualifications is published and accessible on the ARB's website
- c. The ARB should undertake consultation with the sector
- d. The ARB should seek governmental approval
- e. Other (Please state)

**Q. 54. How confident are you that Option 1 would ensure competence equivalent to domestically trained architects?**

- a. Very confident
- b. Moderately confident
- c. Not very confident
- d. Not at all confident

**Q. 55. If you answered c. or d. to Q.54, would any changes to the current regulatory landscape increase your confidence of the competence of architects registering through Option 1?**

N/A

**Q. 56. To what extent do you agree that Option 2 would be beneficial to UK architectural practices wishing to recruit international architects?**

- a. Strongly agree
- b. Agree
- c. Neither agree nor disagree
- d. Disagree
- e. Strongly disagree

**Q. 57. Please briefly explain your answer to Q.56.**

It would be more beneficial to have a system in place than no system at all. The scale of difference in cost between the UK/EU/EEA system and the third country system led to some 'third country' architects reporting that they would be unable to complete the pathway to full qualification under ARB. The RIBA's research shows that EU/EEA qualified architects were attracted to work in the UK because of the UK's involvement in the Professional Qualifications Directive. We support a system that would that was attractive to international architects but continues to uphold professional and education standards.

**Q. 58. To what extent do you agree Option 2 would encourage international architects to practise or work in the UK? Select one:**

- a. Strongly agree
- b. Agree
- c. Neither agree nor disagree
- d. Disagree
- e. Strongly disagree



**Q. 59. To what extent do you agree Option 2 would facilitate trade of architectural services?**

- a. Strongly agree
- b. Agree
- c. Neither agree nor disagree
- d. Disagree
- e. Strongly disagree

**Q. 60. Please briefly explain your answer to Q.59.**

Although the barriers are not impossible to overcome, Option 2 provides little in the way of the benefits outlined in under Option 1. Option 2 seems to negate the possibility of reciprocal arrangements, which provides the greatest opportunity to maximise trade benefits.

**Q. 61. What impact do you think requiring all internationally qualified architects to go through the prescribed examination route under Option 2 would have on promoting higher architectural standards amongst architects? Select one:**

- a. Sizeable positive impact on promoting higher architectural standards
- b. Moderate positive impact on promoting higher architectural standards
- c. Minimal or no impact on promoting higher architectural standards
- d. Moderate negative impact on promoting higher architectural standards
- e. Sizeable negative impact on promoting higher architectural standards

**Q. 62. To what extent do you agree that Option 2 would result in fewer internationally qualified architects practising in the UK due to the length of the prescribed examination process?**

- a. Strongly agree
- b. Agree
- c. Neither agree nor disagree
- d. Disagree
- e. Strongly disagree

**Q. 63. Please briefly set out the reasons for your answer to Q.62.**

While there is only protection of title with no reserved function for architects in the UK, we are concerned that, people that are recognised as architects in other countries will simply provide the services of an architect in the UK, but without registering with ARB. Additionally, internationally qualified architects, especially those who have qualified in territories with other MRAs in place, will find it more attractive or easier to practice elsewhere. Both of these possibilities will have a significant impact on the ability of the UK architects to deliver to clients, government, users, society and the wider world.

**Q. 64. Which method do you think is preferable for recognising international architectural qualifications?**

- a. Option 1 – listed qualifications
- b. Option 2 – prescribed examinations

**Q. 65. Please briefly set out the reasons for your answer to Q.64.**

The scale of benefit and risk will depend on whether the UK seeks to strike agreements with individual schools, or on a geographical basis with countries whose educational and professional standards and requirements meet UK equivalence. There is willingness to support such work. For example, the RIBA-USA, which represents our members based in the United States, has undertaken substantial work to map UK/US qualifications and set out a route map to mutual recognition in its own submission to this consultation. Additionally, international agreements will be of particular importance with the end of the Erasmus scheme for England, Scotland and Wales.