



Disciplinary Rules

March 2025

Introduction

All members of the RIBA are obliged to abide by the Principles and Duties set out in the Code of Professional Conduct (for individual members of RIBA) and the Code of Professional Practice (for RIBA Chartered Practices).

The RIBA has a rigorous and impartial procedure for the consideration of allegations of professional misconduct against individual members and Chartered Practices. The operation of this procedure is the responsibility of the Standards Committee, a standing committee of the RIBA.

A complaint must be made on the form available from the Professional Standards Department, identifying the Member concerned and the Principles and/or Duties of the code of conduct/practice alleged to have been breached.

When a complaint is received in the required format, the Professional Standards Department will send it to the Member concerned, for a response on a separate form. The Member's response will be disclosed to the Complainant.

In most cases*, the complaint undergoes consideration by an Appraisal Team, following which a decision is provided to both the Member and the Complainant.

The Appraisal Team, after considering the papers provided to it, may decide to:

1. Dismiss the case
2. Issue a private caution by consent order
3. Refer the matter for investigation and determination by a Hearing Panel

*Where a complaint is received in respect of a criminal conviction, and/or an Architect Registration Board (ARB) finding of Unprofessional Conduct (UPC) and/or Serious Professional Incompetence (SPI), and/or another adverse finding, the matter is referred directly to a Hearing Panel.

The Hearing Panel may, in addition to the outcomes available to the Appraisal Team, may decide to:

1. issue a Public Reprimand
2. issue a Training Order
3. Suspend the Member
4. Expel the Member

It is important to note that the RIBA has no power to award compensation, or legal or other costs - either from its own funds or by an order to a Member- for any loss suffered.

Further Information

Professional Standards Department staff can give further information on this procedure but may not give legal advice or provide advice on the merits of complaints.

For further information contact the Professional Standards Department.

Email: professionalstandards@riba.org

Table of Contents

	Page number
Byelaw 5 Conduct	4
1.0 Oversight of Procedures	5
2.0 Making a complaint	5
Complaints in respect of criminal convictions, ARB findings of UPC and/or SPI, and other adverse findings	6
No entitlement to resign/endorsement on membership record	6
3.0 Response to a Complaint	7
4.0 Postponement of a Complaint	7
5.0 Assessment of a Complaint	8
Appraisal Team Constitution	8
Appraisal team Procedure	8
Appraisal Team Powers	8
Appraisal Team Decision	9
6.0 Answer to Allegations	11
7.0 Independent review of Appraisal Team decision	11
8.0 The Hearing	12
Hearing Panel Constitution	12
Hearing Panel Powers	12
Hearing Panel Procedure	13
Hearing Panel Finding of Facts	14
Hearing Panel Decision	15
Hearing Panel Decision on Sanction	15
9.0 Appeals against sanctions of the Hearing Panel	16
Schedule 1: Incidental Provisions	17
1.0 Variation to the Procedures	17
2.0 Failure to co-operate and/or non-compliance	17
3.0 Duties of the parties, decision makers and advisers	18
4.0 Confidentiality	19
Schedule 2: Recording and publication of Sanctions	20
Appendix 1: Definitions	22

Byelaw 5 Conduct

- 5.1 Any member of the RIBA who:
- 5.1.1 does not satisfy or ceases to satisfy the professional competency and any other criteria prescribed under Byelaw 2.2.2(a);
 - 5.1.2 does not satisfy or ceases to satisfy the requirement to be a fit and proper person in accordance with Byelaw 2.2.2(b);
 - 5.1.3 does not comply with any lifelong learning requirements that apply to their category or sub-category of membership in accordance with the Regulations;
 - 5.1.4 contravenes the Constitution or the Code of Professional Conduct or the Code of Practice;
 - 5.1.5 fails to exercise the powers that they have in their capacity as a member in a way that would be most likely to further the objects of the RIBA;
 - 5.1.6 fails to pay any subscription or other sum payable by him or her within 30 Clear Days of the date on which it has become due and the Board resolves that he or she should be liable for disciplinary action for this reason; and/or
 - 5.1.7 has behaved in the opinion of the Board in a manner which is likely to bring the reputation of the RIBA into disrepute shall be liable to disciplinary action in accordance with the Regulations which may result in such sanctions as shall be provided for in the Regulations including but not limited to suspension or removal from membership.
- 5.2 Members against whom a charge has been made under Byelaw 5.1 have the right to be heard either in person or through a representative.

A list of definitions is provided in Appendix 1.

1.0 Oversight of procedures

The Governance of these procedures is set out in the RIBA's Byelaws and Regulations.

2.0 Making a Complaint

- 2.1 Any complaint against a Member¹, in relation to the Code of Professional Conduct or in relation to the Code of Practice, or in relation to the general provisions of Byelaw 5 shall be made in writing in the form prescribed by the Director of Professional Standards ("the Complaint Form").
- 2.2 A complaint against a Member shall be received in writing by the RIBA either within 6 years of the date of discovery of the last event(s) alleged to give rise to the Complaint, or within 1 year after the conclusion of any legal or other proceedings relevant to the Complaint, whichever is the later. In exceptional circumstances, the Director of Professional Standards may extend the timeframe for the acceptance of a Complaint.
- 2.3 Only complaints about conduct which potentially offends against Byelaw 5, which are made on the Complaint Form and in accordance with these rules shall be accepted and investigated by the RIBA. The Professional Standards Team will undertake an initial review of the complaint to ensure the minimum criteria for opening a professional conduct investigation against a Member has been met, including:
- a) does the complaint relate to a current RIBA Member?
 - b) does the complaint relate to a matter under Byelaw 5 of the RIBA constitution, including a breach of the Codes?
 - c) if proved, could the facts amount to a breach of Byelaw 5 and/or the Code(s)?
 - d) has the complaint been submitted in the required format?
 - e) is there sufficient evidence to support the investigation of a complaint?

All complaints accepted for investigation shall be registered and given a reference number.

- 2.4 The Complaint Form shall be submitted by the Complainant to the Professional Conduct Manager and shall provide a concise summary of the Complainant's case and state the relevant part of Byelaw 5 and/or the relevant parts of the Code of Conduct or the Code of Practice, with which the Member has allegedly failed to comply. Any documents or other evidence relied on by the Complainant shall be submitted with, and constitute part of, the complaint ("the Complaint").
- 2.5 The details of the conduct complained of shall be limited to 10 single sides of A4 (excluding documentary evidence). An index of all evidence relied upon must be included. Any Complaints received which exceed this limit may be returned to the complainant with a request for resubmission within the prescribed limit. No additional submissions are permitted (at this stage) unless it is specifically requested by the RIBA.
- 2.6 Submissions greater than 10 sides of A4 (excluding documentary evidence) may only be accepted at the discretion of the Director of Professional Standards.
- 2.7 Documentary evidence must be relevant, duplication of evidence (e.g. emails) and/or documentation which is irrelevant or unrelated to the Complaint will not be accepted. The Complainant shall cross reference in the Complaint to the relevant pages of evidence. Any Complaint received which does not comply with these rules may be returned to the Complainant with a request for resubmission. The Director of Professional Standards has discretion to refuse the resubmission of a Complaint.

Guidance Notes

1. For the purposes of these rules 'Member' refers to individual members of RIBA at any grade of membership and RIBA Chartered Practices.

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- 2.8 The RIBA shall be entitled not to accept a Complaint for investigation unless the Complainant agrees in writing to be bound by these disciplinary rules.
- 2.9 In any potentially serious Complaint received by the RIBA that is subsequently withdrawn or discontinued by the Complainant, the RIBA shall, having regard to the general provisions of Byelaw 5 and the evidence before it in the Complaint, be entitled to adopt the Complaint and determine the Complaint as submitted. In such circumstances, the Complaint shall be brought in the name of the RIBA and signed by a member of the Executive Team.
- 2.10 The RIBA, having regard to any matter which RIBA considers to be potentially serious and/or is in the public interest, concerning the conduct of a Member which comes to its attention from any source, may initiate a Complaint against the Member. In such circumstances, the Complaint shall be brought in the name of the RIBA and signed by a member of the Executive Team.

Complaints in respect of criminal convictions, ARB findings of UPC and/or SPI, and other adverse findings

- 2.11 In the case of a criminal conviction of a Member by a court (other than one which falls within Byelaw 2.3.2b, in which case the Member shall be automatically expelled from membership), which comes to the attention of the RIBA, a Complaint may be raised whereby the conviction of itself forms the allegation of a breach of Byelaw 5.1
- 2.12 In the case of a decision by the ARB of Unacceptable Professional Conduct (UPC) and/or Serious Professional Incompetence (SPI), a Complaint shall be raised whereby the finding of UPC and/or SPI forms the allegation of a breach of Byelaw 5.1.
- 2.13 In the case of an adverse decision against a Member by a court or similar tribunal, which comes to the attention of the RIBA, a Complaint may be raised by the RIBA whereby the adverse decision of itself forms the allegation of a breach of Byelaw 5.1
- 2.14 In the case of Complaints raised in accordance with rules 2.11, 2.12 and 2.13 above, the Complaint shall be brought in the name of the RIBA and signed by the Director of Professional Standards.
- 2.15 The Member shall be required to provide a Response in accordance with rule 3.1, whereby in the case of Complaints raised in accordance with rules 2.11 and/or 2.12 and/or 2.13, such Response shall form the Member's plea in mitigation. The existence of a conviction or adverse finding shall be deemed sufficient evidence that the offence was committed. A Member shall not go behind the conviction or adverse finding to seek to persuade the RIBA of their innocence.
- 2.16 In accordance with Byelaw 5.2, in relation to matters under 2.14, the Complaint and the Response shall be provided directly to a Hearing Panel for determination.

No entitlement to resign/endorsement on membership record

- 2.17 On receipt by the RIBA of a Complaint (or, if earlier, any written notification of an intended Complaint) against a Member, the Member shall not be entitled to resign from the RIBA. Any purported resignation shall have no effect and the Member shall be deemed to remain in membership and be bound by the Laws of the RIBA until after the conclusion of the disciplinary process.
- 2.18 On receipt by the RIBA of a Complaint (or, if earlier, any written notification of an intended Complaint) against a Member, an endorsement shall be placed on the Member's confidential record.
- 2.19 Such endorsement shall remain on a Member's record until the conclusion of the disciplinary process or until 3 months from the date of written confirmation of an intended Complaint if a Complaint is not received.

3.0 Response to Complaint

- 3.1 Within 14 days of the acceptance of a Complaint for investigation, the Professional Standards Manager shall send a copy of the Complaint to the Member, inviting their written Response to the allegations raised ("the Response"). The Member's Response shall be made in writing in the form prescribed by the Director of Professional Standards ("the Response Form"). The Member shall have 28 days from the date of receipt of the Complaint to reply, which may be extended at the discretion of the Director of Professional Standards. Any documents or other evidence relied on by the Member shall be submitted with, and constitute part of, the Response.
- 3.2 The Response shall be limited to 10 single sides of A4 (excluding documentary evidence). An index of all evidence relied upon must be included. Any Responses received which exceed this limit may be returned to the Member with a request for resubmission within the prescribed limit. . No additional submissions are permitted (at this stage) unless it is specifically requested by the RIBA and/or at the discretion of the Director of Professional Standards.
- 3.3 The Director of Professional Standards shall have discretion to limit the Response to the first 10 pages (excluding documentary evidence). Submissions greater than 10 sides of A4 may only be accepted at the discretion of the Director of Professional Standards.
- 3.4 Documentary evidence must be relevant, duplication of evidence (e.g. emails) and/or documentation which is irrelevant or unrelated to the Complaint will not be accepted. The Response shall cross reference in the Response Form to the relevant pages of evidence. Any Response received which does not comply with these rules may be returned to the Member with a request for resubmission.
- 3.5 Within 14 days of receipt of the Response, the Professional Standards Manager will send a copy of the Response to the Complainant for information only. The Complainant has no further right of reply except where new matters have been raised by the Member. The Complainant's right of reply shall be at the discretion of the Director of Professional Standards.
- 3.6 If the Member fails to provide a Response to the allegations within the specified period, and/or in the prescribed format, the matter may be referred to an Appraisal Team, or in accordance with rule 2.16 directly to the Hearing Panel, without the Member's Response.
- 3.7 The Member or Complainant shall not contact, or attempt to contact, any person directly involved in the operation of any part of the disciplinary procedure, including but not limited to members of the Appraisal Team and/or Hearing Panel, other than the Professional Standards Department, to which all comments or queries should be addressed.

4.0 Postponement

- 4.1 The investigation of a Complaint may be postponed or suspended where:
 - a) the same or a related Complaint has been made to another professional body or regulator which has a more direct or parallel interest in the matter complained of; and/or
 - b) there is a related dispute resolution process or litigation or employment tribunal proceedings underway; and until such time that other procedures have been concluded, whereupon the outcome may be taken into account in determining any relevant decision or sanction (if any) under these disciplinary procedures.

5.0 Assessment

- 5.1 If there is no reason to suspend the investigation of a Complaint in accordance with rule 4.1 and except where a Complaint and Response may be referred directly to a Hearing Panel in accordance with rule 2.16, the Complaint and the Response shall be sent to an Appraisal Team for assessment. The Appraisal Team shall meet in private and make a decision on the papers provided.

Appraisal Team Constitution

- 5.2 An Appraisal Team shall comprise two RIBA Chartered Members and one lay person, selected by the Director of Professional Standards from a panel of persons established for this purpose and approved by the Standards Committee. The Appraisal Team may seek independent legal and/or other expert advice.
- 5.3 The Appraisal Team shall have the power to:
- a) assess the conduct of any Member against whom a Complaint has been made;
 - b) request further information or evidence from the Member or the Complainant;
 - c) request information or evidence from the RIBA, including expert evidence;
 - d) add to or amend a Complaint, subject to the Member having the right to make submissions in respect of any additions and/or amendments.

Appraisal Team Procedure

- 5.4 The Appraisal Team shall decide whether there is:
- a) a real prospect of the member being found in breach of Byelaw 5.1 if the Complaint was to be found proved by the Hearing Panel; and
 - b) that the matter is sufficiently serious or complex to warrant consideration by the Hearing Panel .
- 5.5 At any time during the appraisal of the Complaint, a member of the Appraisal Team may request further information or evidence from the Member and/or the Complainant and/or the RIBA. Such information to be provided within 14 days of receipt of the request, unless otherwise agreed with the Director of Professional Standards.
- 5.6 Within 7 days of receipt of any further information , the Professional Standards Manager shall send a copy of such information to all parties for information only. No party shall have a further right of reply unless such reply is expressly requested by the Appraisal Team or the Appraisal Team considers that it is in the interests of fairness to receive such reply.

Appraisal Team Powers

- 5.7 Following assessment of the Complaint, the Appraisal Team will confer and shall have the power to:
- a) dismiss a Complaint; or
 - b) issue a private caution by consent order; or
 - c) in collaboration with the Director of Professional Standards, formulate in writing such allegations as it thinks fit for determination by a hearing panel before referring the matter to a hearing; or

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- d) suspend the investigation of a Complaint in accordance with rule 4.1 and/or
 - (i) refer a Complaint or formal information to the Registrar of the ARB for investigation and/or;
 - (ii) refer a Complaint or formal information to the council or governing body of a relevant professional body or regulator, or relevant police force or prosecution authority for investigation;

5.8 The Appraisal Team shall provide its written reasoned decision to the Professional Standards Manager within 28 days of receipt of copies of the Complaint and Response or within 28 days of receipt of any further information requested by the Appraisal Team, whichever is the later, unless otherwise agreed with the Director of Professional Standards.

5.9 Within 14 days of receipt of the Appraisal Team's written reasoned decision, the Professional Standards Manager shall send a copy to the Member and to the Complainant.

Appraisal Team Decision

5.10 The Appraisal Team shall make its decision on the balance of probabilities, by a simple majority vote. No Member of the Appraisal Team shall be entitled to abstain.

5.11 Dismissal of Complaint

5.11.1 If the Appraisal Team decides there has been no failure by the Member to comply with the general provisions of ByeLaw 5 or that any such failure is not sufficiently serious to warrant further action, the Complaint shall be dismissed and the Complainant shall be entitled to make an application for Independent Review in accordance with rule 7.

5.12 Private caution

5.12.1 If the Appraisal Team decides that there has been a failure by the Member to comply with the general provisions of ByeLaw 5 but that the misconduct is not sufficiently serious to warrant a hearing, they may offer the Member a private caution by way of consent order and the Complainant shall be entitled to make an application for Independent Review in accordance with rule 7.

5.12.2 Where the Appraisal Team considers a private caution to be appropriate, the Member shall be sent a consent order setting out the details of the private caution, which shall require written consent by way of signing and returning the consent order to the Director of Professional Standards within 14 days of receipt.

5.13.3 If the Member signs and returns the consent order within 14 days, the private caution will be formally recorded on the Member's confidential membership record. The Professional Standards Manager will inform the parties that the matter is now closed, subject to any application for Independent Review in accordance with rule 7.

5.14.4 If the Member does not sign or return the consent order within 14 days, the matter will be referred back to the Appraisal Team who may formulate such allegations, in accordance with rule 5.12.3, to be considered by a Hearing Panel.

5.13 Referral to a Hearing Panel/ Formulation of the allegations

5.13.1 Where a majority of the Appraisal Team determines that there is:

- a) a real prospect of the Member being found in breach of Byelaw 5.1 if the Complaint was to be being found proved by a Hearing Panel; and
- b) that the matter is sufficiently serious or complex to warrant consideration by a Hearing Panel, the case will be referred to a Hearing Panel.

5.13.2 A matter may also be referred to a Hearing Panel where:

- c) the Appraisal Team is not satisfied that the Member has complied or is complying with previously imposed

requirements to remedy, discontinue or avoid repetition of misconduct; or

d) A Complaint has been raised by the RIBA and referred to a Hearing Panel in accordance with rule 2.16.

5.13.3 In collaboration with the Director of Professional Standards, the Appraisal Team shall formulate, in writing, allegations for determination by a Hearing Panel.

5.13.4 The allegations will be brought in the name of the RIBA.

5.13.5 Within 14 days of the Appraisal Team's decision to refer the matter to a Hearing Panel, the Professional Standards Manager will provide the Member with a copy of the Decision and the allegations, and shall inform the Member that an answer to the allegations must be submitted in writing by the Member to the Professional Standards Manager within 28 days, and;

- a) that a Hearing Panel shall be convened at a time and date which shall not normally be less than six months after the date of service of the Decision and allegations; and
- b) that the Member is requested to appear in person before the Hearing Panel at the time and date scheduled for the hearing.
- c) that the Complainant may be requested to attend as a witness and is entitled to attend the hearing as an observer.
- d) that the Member is entitled, at their own cost, to be legally (or, at the discretion of the Hearing Panel, be otherwise) represented.
- e) that the Member and the RIBA have a right to call witnesses, the names and summary of testimony to be given to be provided to the Professional Standards Manager and, as the case may be, to the Member not less than 28 days before the hearing date.
- f) that the Member may request in writing an alternative date and time for the hearing, such request to be determined at the discretion of the Director of Professional Standards;

and the Member shall be:

- g) sent a schedule of the written evidence to be presented to the Hearing Panel ;

and the Complainant shall be:

- h) informed of the Decision to refer the matter to the Hearing Panel and of the allegations for determination by the Hearing Panel.

5.13.6 Additional witnesses to those disclosed in accordance with rule 5.12.5(e) shall not be called without the permission of the Hearing Panel.

6.0 Answer to the allegations

- 6.1 The Member's answer to the allegations shall be made in writing in the form prescribed by the Director of Professional Standards ("Answer to Allegations Form").
- 6.2 If the Member intends to deny all or part of the allegations, the details of the defence shall be set out in the Answer to Allegations Form, which shall include an index of all evidence relied upon.
- 6.3 If the Member admits all or part of the allegations, the details of any mitigating factors shall be set out in the Answer to Allegations Form, which shall include an index of all evidence relied upon.
- 6.4 Documentary evidence must be relevant, duplication of evidence (e.g. evidence already submitted to the Appraisal Team) and/or documentation which is irrelevant or unrelated will not be accepted. The Answer to Allegations Form shall cross reference in the form to the relevant pages of evidence.
- 6.5 Any documents or other evidence relied on by the Member shall be submitted with, and constitute part of, the Answer to the Allegations.
- 6.6 When answering the allegations, the Member shall give notice of any intention to be represented by counsel or a solicitor or whether they intend to seek the permission of the Hearing Panel to permit representation by a lay person.

7.0 Independent review of Appraisal Team decision.

- 7.1 In the event that the Appraisal Team dismisses a Complaint or issues a private caution by consent order, the Complainant shall have the right of independent review by an Independent Reviewer appointed from a panel of Independent Reviewers agreed by the Standards Committee.
- 7.2 The Independent Reviewer shall be familiar with the RIBA's disciplinary rules and procedures but shall not be a member of the RIBA.
- 7.3 Any application for review must be made in writing to the RIBA in the form prescribed by the Director of Professional Standards ("the Application for Independent Review Form") within 28 days of the date of notification of the Appraisal Team's decision.
- 7.4 Any application for review shall be based on evidence that the process was not conducted correctly or fairly. An application for review solely on the merits or substance of the Appraisal Team's decision will not be accepted.
- 7.5 A copy of the Application for Independent Review Form shall be sent to the Appraisal Team. The Appraisal Team shall have 28 days from receipt of the Form to provide a written response to the application for Independent Review.
- 7.6 A copy of the Application for Independent Review Form shall be sent to the Member for information only.
- 7.7 A copy of the Appraisal Team's written response shall be sent to the Member and Complainant for information only.
- 7.8 The Independent Reviewer may request further information, in respect of the procedure undertaken only, from the Member and/or the Complainant, and/or the Appraisal Team and/or the RIBA. Such information to be provided within 14 days of receipt of the request, unless otherwise agreed with the Independent Reviewer.
- 7.9 Within 7 days of receipt of any further information, the Professional Standards Manager shall send a copy of such information to the Member, Complainant and the Appraisal Team for information only.

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- 7.10 After reviewing the Application for Independent Review Form, the Appraisal Team's response, if any, to the Application for Independent Review Form, and any further information received in accordance with rule 7.8, the Independent Reviewer shall have the power to:
- a) uphold the decision of the Appraisal Team; or
 - b) refer the matter back to the Appraisal Team for reconsideration.
- 7.11 The Independent Reviewer shall provide written reasons for their decision.
- 7.12 Applicants shall pay £300 to the RIBA for each Application for Independent Review. In the event that the Independent Reviewer refers the matter back to the Appraisal Team for reconsideration, the RIBA shall refund the application fee to the Applicant.
- 7.17 Only one application for Independent Review will be accepted for each Complaint.

8.0 The Hearing

Hearing Panel Constitution

- 8.1 Within 14 days of receipt of the Appraisal Team's decision to refer the matter to a Hearing Panel, the Professional Standards Manager shall make arrangements for the appointment of a Hearing Panel.
- 8.2 The Hearing Panel shall comprise three members, at least one of whom shall be a Chartered Member of the RIBA and at least one of whom shall be a legally qualified lay person, selected by the Professional Standards Manager from a panel of persons established for this purpose and approved and reviewed as required by the Standards Committee. The Chair of the Hearing Panel shall be a lay person. No person who has previously acted as a member of the Appraisal Team in the same matter can sit on the Hearing Panel.
- 8.3 The Hearing Panel may sit with a Legal Assessor, whose role is described in Schedule 1 section 3.0
- 8.4 A Hearing Panel shall be convened as necessary to:
- a) determine a Complaint referred to the Hearing Panel in accordance with rule 2.16, or
 - b) hear and investigate allegations formulated by the Appraisal Team in collaboration with the Director of Professional Standards.
- 8.5 Hearings shall be held in private and, with the exception of the Complainant, witness(es), or friend of the Member in accordance with rule 8.11 (c) , no members of the general public shall be allowed to attend except at the discretion of the Hearing Panel.

Hearing Panel Powers

- 8.6 The Hearing Panel shall have the power to:
- a) request additional information from the Member and/or the RIBA.
 - b) amend and/or add to the allegations.
 - c) formulate new allegations on the basis of additional information which comes to its attention during the course of these proceedings.
 - d) make any of the decisions as set out at rule 8.43.
 - e) refer a Complaint or formal information to the Registrar of the Architects Registration Board ('the ARB') for investigation;

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- f) refer a Complaint or formal information to the council or governing body of a relevant professional body or regulator, or relevant police force or prosecution authority for investigation and report.
 - g) Postpone or adjourn proceedings.
- 8.7 At any time during its investigation the Hearing Panel may request further information or evidence from the Member, and/or the RIBA. Such information to be provided within 14 days, unless otherwise required by the Hearing Panel. Within 7 days of receipt of any further information, the Professional Standards Manager shall send a copy of such information to the Member for information only.
- 8.8 Where the Hearing Panel amends and/or formulates new allegations prior to the hearing, the Member shall have the opportunity to provide a written Response to the amended/newly formulated allegation(s). Amended or new allegations and any subsequent written Response will be sent to the Complainant for information.
- 8.9 When and if a hearing has been adjourned it may be resumed at a subsequent meeting of the Hearing Panel, whether or not composed of the same persons. The Hearing Panel at a subsequent meeting may take notice of evidence and/or discussions and/or decisions recorded at the adjourned hearing.

Hearing procedure

- 8.10 Not less than 14 days before the hearing date, all parties (the Member, Hearing Panel and the RIBA) will be sent a copy of the hearing bundle, which will comprise:
- a) the Complaint;
 - b) the Response to the Complaint;
 - c) Any additional information requested by, and relied upon, by the Appraisal Team (if any);
 - d) the allegations formulated by the Appraisal Team (if any);
 - e) the Answer to the Allegations (if any);
- and
- f) a list of any and all witnesses to be called by the Member and by the RIBA at the hearing.
 - g) Any further information submitted in response to a request from the Hearing Panel.
- 8.11 A Member appearing before a Hearing Panel shall have the right to:
- a) be heard either in person or by representation of counsel or a solicitor; and
 - b) call witnesses, subject to the discretion of the Hearing Panel, and have their witnesses give oral and/or (at the discretion of the Hearing Panel) written evidence to the Hearing Panel; and
 - c) be accompanied by a friend, such friend shall not be entitled to address the Hearing Panel, examine witnesses, or speak on behalf of the Member, unless prior permission has been given by the Chair of the Hearing Panel.
- 8.12 The RIBA will present the case against the Member at the hearing and shall have the right to:
- a) be represented by the Director of Professional Standards and/or counsel and/or a solicitor instructed to act on behalf of the RIBA.
 - b) call witnesses, subject to the discretion of the Hearing Panel, and have their witnesses give oral and/or (at the discretion of the Hearing Panel) written evidence to the Hearing Panel.

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- 8.13 The Complainant, if any, has the right to attend the hearing. For the avoidance of doubt, the status of the Complainant at the hearing is of a witness or an observer. The Complainant must inform the Professional Standards Manager of their intention to attend within 42 days of receipt of the decision of the Appraisal Team.
- 8.14 In considering any case, the Hearing Panel shall have regard to:
- a) any criminal charges upheld in a court of law in England and Wales or elsewhere; and/or
 - b) any finding of fact by the ARB Professional Conduct Committee or by any other recognised professional body or regulator.
- as conclusive evidence of the facts so found.
- 8.15 Hearings shall be audio recorded, except where the Hearing Panel undertakes private deliberations.

Hearing Panel Finding of Facts

- 8.16 The hearing shall be inquisitorial and subject to Rule 8.35, the procedure shall ordinarily be as set out below.
- 8.17 The duty of the parties is set out in Schedule 1, section 3.
- 8.18 The Chair shall open the hearing and invite those present to identify themselves and their role (if any) in the proceedings. The Chair shall state that the hearing is being recorded and/or transcribed.
- 8.19 The Chair shall invite the Professional Standards Manager to read out the allegations against the Member.
- 8.20 The Chair shall ask whether the Member admits or does not admit each of the allegations.
- 8.21 The Chair shall then invite the RIBA to make a brief opening statement summarising the case against the Member and identifying the principal evidence which supports the case.
- 8.22 If the Member admits all of the allegations, the Chair shall invite the Member or the Member's representative to make a closing statement to the Hearing Panel, including any submissions with regard to mitigation. The Member may also give or call evidence at this stage. At the end of the statement (if any), the Hearing Panel shall withdraw to consider the sanction to be imposed and proceed in accordance with Rule 8.41.
- 8.23 If the Member does not admit all of the allegations or admits only certain of the allegations, the RIBA, after making a brief opening statement, may call the Complainant (if present) as a witness and may put questions to the Complainant relevant to the allegations.
- 8.24 The Member or the Member's representative (if any) may then put questions to the Complainant (if present) relevant to the allegations.
- 8.25 The RIBA may put questions to the Complainant (if present) on matters arising out of the questions put by the Member or the Member's representative (if any).
- 8.26 The RIBA may, subject to Rule 8.12b, call other witnesses relied on in the support of the charges and put questions to such witnesses.
- 8.27 The Member or the Member's representative (if any) shall be entitled to ask any witnesses called by the RIBA questions relevant to the case.
- 8.28 The RIBA shall be entitled to ask further questions, by way of re-examination, of any witness called in support of the allegations, but such questions shall normally be limited to any matter arising out of questions put by or on behalf of the Member or by the Hearing Panel.
- 8.29 The Chair shall then ask the Member or the Member's representative (if any) if the Member wishes to give evidence and/ or call any witnesses for which permission has been given to give evidence. The Member may, subject to 8.11(b), call one or more witnesses in support of the Member's case in response to the allegations. If the Member gives evidence and calls witnesses, the Member shall give evidence first.

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- 8.30 The RIBA shall be entitled to ask the Member and any witnesses called by the Member questions relevant to the allegations.
- 8.31 The Member or the Member's representative (if any) shall be entitled to ask further questions, by way of re-examination, of the Member or any witness called by the Member, but such questions (if any) shall be limited to any matter arising out of questions put by the Hearing Panel or the RIBA.
- 8.32 Members of the Hearing Panel shall be entitled to ask the Member, the Complainant or any other witness any question relevant to the case.
- 8.33 After hearing the evidence, the Chair shall permit the RIBA to make a closing statement summarising the case against the Member. The Chair shall then permit the Member or the Member's representative (if any) to make a closing statement to the Hearing Panel summarising the Member's case in Response to the allegations.
- 8.34 If the particular circumstances of the case reasonably require, the Chair, after consulting with the other Members of the Panel, shall be entitled to determine and/or vary the procedure of the Hearing Panel including, but not limited to, adjourning the hearing at any time.
- 8.35 If the Member does not attend the hearing in person or otherwise by representation, and subject to properly served notices, the Hearing Panel shall be entitled to proceed in any manner it considers appropriate and fair, including, but not limited to, proceeding in the Member's absence, drawing such inferences as it deems appropriate, and making a decision on the allegations.

Hearing Panel Decision

- 8.36 The Hearing Panel shall withdraw to consider its decision and, at the Hearing Panel's discretion, in reaching its decision may seek assistance from the Hearing Panel's Legal Assessor (if any) and, if appointed, any other adviser.
- 8.37 The Hearing Panel shall make its decision as to whether or not the facts alleged against the Member have been proved, on the balance of probabilities, by a simple majority vote. No Member of the Panel shall be entitled to abstain. The Hearing Panel shall then decide whether those facts amount to a breach of Byelaw 5.
- 8.38 The Hearing Panel shall, in the first instance, provide its decision in regards to 8.37 orally with concise reasons, at the hearing.
- 8.39 If the Hearing Panel decides that the facts amount to a breach of Byelaw 5, the Member shall be entitled to make submissions on any mitigation which the Member wishes the Hearing Panel to consider at the hearing.
- 8.40 Following the Member's submissions on mitigation (if any), the Hearing Panel shall withdraw to consider its decision on the sanction and thereafter communicate this to the Member.

Hearing Panel Decision on Sanction

- 8.41 When deciding on the sanction to be imposed, the Hearing Panel shall be entitled to take into account the following:
- a) the mitigation (if any) submitted by or on behalf of the Member; and/or
 - b) any relevant previous decision or decisions of an Appraisal Team and/or Hearing Panel in respect of the Member which remain on the Member's record in accordance with the timeframes provided in Schedule 3.
- 8.42 The Hearing Panel shall have the power to issue one or more of the following (see also Schedule 2):
- a) in an exceptional case the Hearing Panel may make no order as to sanction.
 - b) a private caution;
 - c) a Training Order, which shall include the nature of the training and the period in which it is to be undertaken and completed.

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- d) impose conditions on the Member in such terms as the Hearing Panel may consider appropriate;
 - e) a public reprimand;
 - f) a suspension not exceeding 24 months;
 - g) an expulsion.
- 8.43 The Hearing Panel shall provide its reasoned decision in writing to the Professional Standards Manager within 28 days of the date of the hearing.
- 8.44 The Hearing Panel shall have the power to extend the time to issue their written decision by an additional 7 days if notice is given to the Professional Standards Manager within 21 days of the date of the hearing.
- 8.45 The Professional Standards Manager shall provide a copy of the Hearing Panel Decision to the Member and to the Complainant (if any) within 7 days of receipt of the Decision.
- 8.46 Decisions shall be reported to a subsequent meeting of the RIBA's Trustee Board and Standards Committee, anonymised where appropriate.

9.0 Appeals against decisions of the Hearing Panel

- 9.1 A Member may appeal against any substantive decision of the Hearing Panel to impose one or more sanctions set out in 8.43. Any such appeal, shall be made in writing to the Construction Industry Council (CIC) Independent Appeals Tribunal or any other Independent Body Approved by the Standards Committee, within 28 days of receipt of the decision letter.
- 9.2 Any such appeal must be on one or more of the following grounds:
- a) that the decision of the Hearing Panel was not in accordance with natural justice; and/or
 - b) that the decision reached by the Hearing Panel is wholly unreasonable in the circumstances; and/or
 - c) that the Hearing Panel incorrectly or unfairly applied the RIBA constitution, Byelaws, code of conduct or disciplinary rules in respect of its decision; and/or
 - d) that new evidence is now available that could not reasonably have been made available at the hearing AND such evidence may have had a material impact on the findings of the Hearing Panel.

Schedule 1

Incidental Provisions

1.0 Variations to the procedure

- 1.1 Provided that it remains fair and just to the parties, the Director of Professional Standards may vary the timeframes set out in the procedural rules, provided the parties are notified in advance of any variation of timeframe.
- 1.2 Provided that the proceedings remain fair and just to the parties, the Director of Professional Standards may materially vary the procedures set out in these disciplinary procedures to ensure that the fairness and integrity of the proceedings is maintained. The Member and the Complainant (if any) shall be provided 28 days to comment on any material variation to these procedures before any final decision is made. Final discretion regarding any variation will rest with the Director of Professional Standards.

2.0 Failure to co-operate and/or non-compliance

Failure to co-operate

- 2.1 In the event that a Member fails, without good cause, to submit an answer to the allegations in accordance with rule 5.13.5(b) or fails to submit a Response to the Complaint in accordance with rule 2.14, and/or fails to appear in person before the hearing panel in accordance with rule 5.13.5(b) and subject to properly served notices, the Hearing Panel shall be entitled to proceed without further reference to the Member and may exercise one or all of its powers as set out in rule 8.42.
- 2.2 The Hearing Panel may postpone the investigation of allegations, and suspend the Member if the Member fails to co-operate with this disciplinary process, including but not limited to:
 - a) Fails, without good cause, to answer an allegation in writing (in accordance with paragraph 5.13.5); or
 - b) Fails, without good cause, to respond in writing to a Complaint raised in accordance with rule 2.14
 - c) Fails, without good cause, to appear in person before the Hearing Panel (in accordance with paragraph 5.13.5(b))
- 2.3 The period of suspension shall be at the Hearing Panel's discretion. The provisions for suspension set out in Schedule 2 shall apply.
- 2.4 If, by the end of the suspension period, the Member continues to fail, without good cause, to co-operate with this disciplinary process, and no representations have been made on their behalf, a Hearing Panel shall expel the Member. If the Member does comply, the proceedings shall continue in the ordinary course.

Failure to comply with a Decision

- 2.5 If a Member fails to agree to the terms of a consent order imposed by an Appraisal Team, the matter shall be referred to a Hearing Panel in accordance with rule 5.12.4

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- 2.6 If a Member fails to comply with any sanction imposed by a Hearing Panel, the matter shall be referred back to the Hearing Panel who may impose further sanction. The Member shall be informed that the matter has been referred back to the Hearing Panel and, except at the discretion of the Hearing Panel, the Member shall not be entitled to make further representations.

3.0 Duties and obligations of the parties, decision makers and advisers

3.1 Members' Obligations

- (a) Members shall fully co-operate with the investigation of a Complaint in accordance with these procedural rules.
- (b) Members shall agree that all documents supplied to the RIBA by or on behalf of the Member, may be disclosed by the RIBA to any person necessary for the proper consideration of the Complaint by the Appraisal Team and/or Hearing Panel.
- (c) Members shall comply with any decision of the Appraisal Team or Hearing Panel, as the case may be, subject to any revised decision on appeal and/or following a review in accordance with rule 7.

3.2 Complainants' Obligations

- (a) Complainants shall agree in writing to fully co-operate with the investigation of a Complaint in accordance with these procedures
- (b) Complainants shall agree that all documents supplied to the RIBA by or on behalf of the Complainant may be disclosed by the RIBA any person necessary for the proper consideration of the Complaint by the Appraisal Team and/or Hearing Panel;
- (c) The RIBA shall be entitled not to accept a Complaint unless the above agreements are given.

3.3 RIBA Duties

- (a) The RIBA's duty is to uphold the high standards required of all Members.
- (b) The RIBA shall ensure that the investigation of a Complaint is fair, transparent, proportionate, and in accordance with these procedures.
- (c) The RIBA staff may give further information on this procedure but may not give advice on the merits of a Complaint.

3.4 Appraisal Team Duties

- (a) Members of the Appraisal Team shall confirm that they have no conflict of interest in considering the particular Complaint assigned to them, and sign a statement that they will act impartially and respect confidentiality.
- (b) The Appraisal Team shall have no power to order the payment of compensation or the reimbursement of any legal costs or disbursements, loss of earnings or any other costs incurred by a Member, Complainant, witness or other party, or to impose a financial penalty on the Member.

3.5 Hearing Panel Duties

- (a) Members of the Hearing Panel shall confirm that they have no conflict of interest in considering the particular matter in front of them, and sign a statement that they will act impartially and respect confidentiality.

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- (b) The Hearing Panel Chair shall uphold the standards of the hearing procedure, including a duty to ensure the process remains inquisitorial, intervening where appropriate and necessary.
 - (c) The Hearing Panel shall have no power to order the payment of compensation or the reimbursement of any legal costs or disbursements, loss of earnings or any other costs incurred by a Member, Complainant, witness or other party, or to impose a financial penalty on the Member.

3.6 Legal Assessor

- 3.6.1 An independent Legal Assessor may be appointed at the discretion of the Director of Professional Standards for a hearing.
- 3.6.2 It shall be the duty of any Legal Assessor to:
 - a) ensure proceedings are fair and in accordance with natural justice.
 - b) inform the Hearing Panel of any irregularity in the conduct of the proceedings relating to the allegation(s) and to advise the Hearing Panel of their own motion where it appears that but for such advice there is a possibility of unfairness;
 - c) advise the Hearing Panel on any question of law or the admission of evidence arising in the proceedings; and
 - d) tender advice on any question of regularity, justice, law or admissibility of evidence arising in the proceedings..

4.0 Confidentiality

- 4.1 All members of the Appraisal Team, Hearing Panel and the parties shall observe the confidentiality of these disciplinary proceedings.
- 4.2 Except in the case of the appointment of an Independent Review; or an appeal in accordance with these disciplinary rules; or the referral of information in accordance with rules 5.7(d), 8.6(e) and 8.6(f); or an order for disclosure by a relevant police force or prosecution authority, the investigative proceedings of the Appraisal Team and the Hearing Panel, including all communications and submissions shall be confidential to the Complainant, the Member, any representatives, witnesses or advisers of the Complainant or the Member, and the Members and advisers (if any) of the Appraisal Team or Hearing Panel, as the case may be.
- 4.3 The Decision, as issued by the Appraisal Team and/or the Hearing Panel, may be shared in particular circumstances where the express permission of the Chair of the Appraisal Team and/or Hearing Panel, as the case may be, has been given.
- 4.4 In relation to any previous failure(s) of the Member to comply with Byelaw 5, when considering the decision or sanction (if any) to impose on the Member:
 - a) the Appraisal Team shall be entitled to see any previous decision(s) of the Appraisal Team and/or the Hearing Panel in respect of the Member's conduct; and
 - b) the Hearing Panel shall be entitled to see any previous decision(s) of the Appraisal Team and/or the Hearing Panel in respect of the Member's conduct.

Such previous decisions to be subject to the timescales set out Schedule 2.

- 4.5 The RIBA may disclose or publish any information arising from or relating to an investigation where it considers it to be in the public interest to do so.

Schedule 2

Recording and publication of Sanctions.

- 1.0 Where the Hearing Panel imposes a sanction on a Member, the sanction will be applied on the expiry of the period of Appeal should no appeal be made or on the date of the decision of an Appeal Tribunal to dismiss the Appeal.
- 2.0 All decisions or sanctions imposed by the Appraisal Team or Hearing Panel, as the case may be, shall be published in accordance with these procedural rules and recorded on the Member's confidential record on the RIBA's database.
- 3.0 The time periods for which decisions or sanctions shall remain published and for which decisions or sanctions remain on a Member's record, are prescribed below.
- 4.0 No decision or public sanction shall be published until expiry of the appeal period or the conclusion of an appeal.

Private sanctions

- 5.0 Where the Appraisal Team or Hearing Panel decides to issue a Member with a private sanction, such sanction will remain on the Member's record for 2 years from the date it is applied. It may be taken into account in determining any relevant sanction or decision in any future disciplinary proceedings against that Member within the 2 year period.
- 6.0 Where the Member resigns or otherwise ceases Membership within the 2 year period then the private sanction will be suspended at that time. Should Membership later be reinstated, the balance of the 2 year period for the sanction will run from the date on which the membership is reinstated.

Public reprimands

- 7.0 Where the Hearing Panel decides to issue a Member with a public reprimand, a notice will be published on the RIBA website and in the RIBA Journal, unless the Panel decides otherwise.
- 8.0 Notices of a public reprimand will remain published on the RIBA website for a period of 12 months, unless otherwise specified by the Panel.
- 9.0 The public reprimand notice will remain on the record of the Member for 3 years from the date it is applied. It may be taken into account in determining any relevant decision or sanction in any future disciplinary proceedings against that Member within the 3 year period.
- 10.0 Where the Member resigns or otherwise ceases Membership within the 3 year period then the public reprimand notice will be suspended at that time. Should Membership later be reinstated, the balance of the 3 year period for the public reprimand notice will run from the date on which the membership is reinstated.

Suspensions

- 11.0 Where the Hearing Panel decides to suspend a Member, all Membership benefits will be withdrawn for the duration of the suspension period. A notice will be published on the RIBA website and in the RIBA Journal, unless the Panel decides otherwise. There will be no refund of subscriptions paid for the year in which the suspension occurs.

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- 12.0 Notices of suspension published on the RIBA website will remain published for 12 months after the duration of the period of suspension, unless otherwise specified by the Panel.
 - 13.0 Regulation 5.4 specifically identifies the Membership benefits which are withdrawn.
 - 14.0 During the suspension period, regardless of the withdrawal of Membership benefits, the suspended Member will nevertheless remain subject to the rules and conditions of Membership as set out in the RIBA'S Charter and Byelaws and the Code of Professional Conduct and/or Code of Practice.
 - 15.0 The Panel shall determine the period of the suspension and shall be measured in months and years, not weeks or days. The maximum period of suspension is 24 months
 - 16.0 At the end of the suspension period, the suspended Member shall be required to sign a declaration confirming that their conduct throughout has been appropriate to the status of a Member of the RIBA.
 - 17.0 If, during the suspension period, a new Complaint is submitted to the RIBA, it shall be investigated in accordance with the foregoing procedures.
 - 18.0 If no concerns or Complaints about the suspended Member's conduct or competence has arisen during the suspension period, reinstatement will normally occur as soon as their declaration (see paragraph 16.0 above) has been received and all outstanding subscriptions paid. However, Membership shall be terminated if, despite reminders, the suspended Member fails, within 28 days, to submit a declaration and/or pay all outstanding subscriptions.
 - 19.0 The suspension notice will remain on the record of the Member for 4 years from the end of the suspension period. It may be taken into account in determining any relevant sanction in any future disciplinary proceedings against that Member within the 4 year period.
 - 20.0 Where the Member resigns or otherwise ceases Membership within the 4 year period then the suspension notice will be suspended at that time. Should Membership later be reinstated, the balance of the 4 year period for the suspension notice will run from the date on which the membership is reinstated.

Expulsion

- 21.0 Where the Hearing Panel or Appeal Panel decides to expel a Member, their Membership shall be terminated and a notice will be published on the RIBA website and in the RIBA Journal, unless the Panel decides otherwise. There will be no refund of subscriptions paid for the year in which the expulsion occurs.
- 22.0 Notices of expulsion published on the RIBA website will remain published until such time that the Member may make a successful application for restoration of Membership.
- 23.0 A Member may not apply for re-admission for a minimum of 5 years from the date of expulsion.
- 24.0 A Member expelled from the RIBA must immediately remove all references to their former Membership wherever and however they occur, and may not use them in future unless or until Membership is restored.
- 25.0 The expulsion notice will remain on the record of the Member for 5 years from the date of any successful application for restoration of Membership. It may be taken into account in determining any relevant sanction in any future disciplinary proceedings against that Member within the 5 year period.
- 26.0 Where the Member resigns or otherwise ceases Membership within the 5 year period then the expulsion notice will be suspended at that time. Should Membership later be reinstated, the balance of the 5 year period for the expulsion notice will run from the date on which the membership is reinstated.

Appendix 1

Definitions

Appraisal Team	a team comprising two RIBA Chartered Members and one lay person selected from the Professional Conduct Panel, a panel of qualified individuals appointed by the RIBA Standards Committee.
Architects Registration Board (ARB)	the Statutory Regulator of Architects in England and Wales
Byelaws	the RIBA Byelaws as set out in the RIBA Charter, Byelaws and Regulations governing document.
Code of Conduct	the code of professional conduct to which all individual members of the RIBA are obliged to comply.
Code of Practice	the code of professional conduct to which all RIBA Chartered Practices are obliged to comply.
Complaint	a complaint and associated documentary evidence accepted for investigation by the RIBA
Complainant	the person, persons or entity making a Complaint
Construction Industry Council (CIC)	the representative forum for professional bodies, research organisations and specialist business associations in the UK construction industry
Construction Industry Council Independent Appeals Tribunal	an independent Appeals Tribunal service for member bodies established by the CIC for member bodies to meet the requirements of the Human Rights Act 1998
Hearing Panel	a team comprising at least one RIBA Chartered Member and one legally qualified lay member selected from the Professional Conduct Panel, a panel of qualified individuals appointed by the Standards Committee
Independent Reviewer	an individual lay person appointed from a panel of Independent Reviewers (a sub panel of the Professional Conduct Panel).
Lay Person	a qualified individual appointed to the Professional Conduct Panel who is not a member of the RIBA

Legal Assessor	an independent legally qualified individual appointed to ensure that proceedings at a Hearing Panel are fair and in accordance with natural justice
Member	an individual member of the RIBA at any grade of membership AND (for the purposes of these rules) RIBA Chartered Practices.
Observer	an individual with permission to attend a Hearing Panel but to take no formal part in the proceedings
Professional Standards Team	the RIBA department responsible for the RIBA disciplinary procedures, comprising Director of Professional Standards, Professional Standards Managers and Professional Standards Administrator
Regulations	the RIBA regulations as set out in the RIBA Charter, Byelaws and Regulations governing document.
Response	a Members response, including documentary evidence, to allegations raised against them
RIBA	the Royal Institute of British Architects
RIBA Chartered Member	a member of the RIBA who has met the high qualifying standards for Chartered Membership
Sanction	the penalty imposed on a Member for a breach of the Code of Conduct or Code of Practice.
Witness	an individual who provides testimonial evidence, either oral or written, during a Hearing Panel investigation.

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