

Review of Architects Regulation: call for evidence

The Government's call for evidence considers the current form of regulation for architects and the architectural sector in the UK. It seeks views on a range of topics including forms of regulation, access to the profession, sustainability and innovation.

RIBA Response

Royal Institute of British Architects

The Royal Institute of British Architects is a global professional membership body driving excellence in architecture. We serve our members and society, in order to deliver better buildings and places, stronger communities and a sustainable environment. Being inclusive, ethical, environmentally aware and collaborative underpins all that we do.

The UK architectural profession is a global success with a turnover in excess of £3.5 billion in fees, much of it earned in exports. The vast majority of principals in UK architecture practices are RIBA members and have been educated through the system developed by RIBA and supported by the Institute in their practices.

The RIBA welcomes the opportunity to respond to the call for evidence on the review of Architects Regulation. The RIBA believes that architecture should remain a regulated profession in the public interest for safety, environmental, social and cultural reasons. Architects are highly skilled professionals whose design expertise and technical abilities are relied upon by clients and contractors to design, innovate and manage construction projects, both on a small and large scale.

In the light of key legislative changes to planning and building regulations regimes to protect the health, safety and welfare of building users, to improve the environment for everyone, and to reduce and alleviate the built environment's impact on climate change, a substantial conversation on the future of the architectural sector regarding the purpose and application of its regulation and the role of the regulator is timely and important.

The views presented within this document are our initial response. We have already found that there are a wide range of views within the profession on the issues covered by the Review. We will continue to seek input from our members and other stakeholders, and look forward to continued engagement as the Review progresses.

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External Perception of the Architects Regulation Board

It is imperative that architects, the RIBA, the public and the wider sector have confidence in the quality and effectiveness of the regulatory regime. The RIBA has a productive working relationship with the Architects Registration Board (ARB), and we note that the ARB has recently published new strategies and information papers

to promote better ways of operating – in order to create a more efficient process for registration for architects and greater clarity for the public, as well as to promote best standards and improve access to and diversity within the profession. Some improvements are undoubtedly necessary.

The RIBA supports many of the proposals put forward by the ARB in its recent publications - as they recognise both the need for enhanced competencies and the ‘outcomes’ based learning assessment approach we have long pursued. Indeed they mirror almost exactly the proposals we developed in *The Way Ahead*, the RIBA’s education and professional development framework published in September 2020. Whilst we welcome the fact that these issues are now being addressed by the ARB, progress has been very slow, and we hope that the pace of change will accelerate and that the ARB will work in close collaboration with the RIBA.

It is clear that there is significant work to be done in order to build broader confidence in the capabilities of the profession, the construction industry system it works within and to more effectively promote the role of architects and explain the value they bring to society, culture and the economy.

We note that the UK Government’s 2021 consultation on Proposed Amendments to the Architects Act 1997 found that less than half of respondents were confident that an effective regime could be established, and that there was an even split among respondents as to whether the ARB should monitor and assess competence. Against this background, it is clear that there is a need to ensure that regulatory reform works within the context of the practical experience of architects, that changes are clearly communicated and effectively delivered, and that the regulatory function is discharged efficiently and fairly with registration fees kept at reasonable and affordable levels. It is important that there is synergy and an avoidance of duplication in the work of the ARB and that of the RIBA and the chartered professional bodies in Scotland, Wales and Northern Ireland.

To underscore the importance of the RIBA and the registration body working harmoniously, it should be remembered that UK architecture is a powerful global brand represented by the RIBA and that its potency and effectiveness should not be undermined by new developments in the field of regulation.

Value of the qualification

The RIBA invented and then developed, latterly with the ARB, the UK pattern of architectural education leading to the RIBA qualification. It is often referred to as the gold standard and has been emulated around the world, where the RIBA validates over 120 schools of architecture. The RIBA recognises that the time is right to develop qualifications systems further, not least to address matters of core competency and fair access for a diverse range of students. Rather than developing an expensive new ARB course prescription apparatus, we believe it would be better for the ARB to recognise and adopt the RIBA’s well-established system for setting

educational standards and validating courses, which is a globally recognised gold standard.

The RIBA has recognised through its publication of *The Way Ahead* – the RIBA’s education and professional development framework – that there is a role for specialisation within the profession as part of career development in fields such as urban design, access consultancy and sustainability consultancy, and we already offer specialist accreditations for conservation architects and client design advisers. The draft Building Safety Bill creates new duty holders including the role of Principal Designer and this will generate the need for certification schemes for suitably competent professionals. At the same time the broad education and training of architects, with its focus on creative problem solving, produces a generalist profession and we see that continuing to represent the mainstream of the profession. We do not envisage any need or advantage for example in specialisation in building typologies.

Competence is a combination of an architect’s knowledge, skills, experience and behaviours. The education and training of architects makes them the only profession with a good knowledge of all aspects of design, development and construction, understanding how individual specialists need to be brought together and co-ordinated. As part of its education and professional development framework, the RIBA has determined that the core competency for architects must encompass a fundamental level of awareness and understanding of priority subjects in order for architects to be competent to practise and to provide public assurance. The Grenfell Tower tragedy and other subsequent fires, as well as the Edinburgh PFI schools inquiry, and the subsequent ‘Building a Safer Future’ review of the fire safety regulatory regime and ‘Raising the Bar’ construction industry fire safety competency report, all revealed the need to raise levels of professional competence, and the quality of administrative controls, in relation to building safety. RIBA Council has approved the introduction of a mandatory level of health and safety knowledge, including fire safety, for all chartered members. Of course, it must be remembered that unregulated development and construction lacks such standards in any case.

There is widespread acceptance that the built environment has an urgent role to play in responding to the climate emergency, and the RIBA 2030 Climate Challenge calls on members to try to meet net zero whole life carbon (or less) in the buildings they design by 2030. An enhanced focus on climate literacy must therefore become paramount in raising the value of architectural qualification.

A key driver for architects to enter the profession is the opportunity it offers to positively shape the built environment and our members place a high-value on their ability to enhance the quality of life, health and wellbeing of building users. Throughout its evolution the modern profession of architecture in the UK has placed a high emphasis on adding social, cultural and environmental as well as financial value.

Early career architects

The UK architecture sector has become highly dependent on EU qualified architects to supplement those trained in the UK, making up nearly 50% of new ARB registrants in recent years. The UK's exit from the United Kingdom means that EU qualified architects are now subject to work visa requirements and this may have a significant impact on the availability of architects. A priority for the ARB should be to negotiate Mutual Recognition Agreements (MRAs) with the EU and other countries where there is equivalency of architectural qualifications.

The UK benefitted from the provisions for mutual recognition of architectural qualifications in the EU Professional Qualifications Directive, which meant that UK architects could register with the relevant competent authority of any EU/EEA member state and vice versa. Since the UK's departure from the EU this is no longer a reciprocal arrangement and the RIBA has lobbied to progress discussions on a new EU/UK MRA, and for the opening up of new MRAs to support both inward and outward international mobility of architects. The UK's trade agreements with Australia and New Zealand flagged significant benefit to UK architecture in doing so. We would like to see greater urgency in the ARB's efforts to open up such opportunities through MRAs.

In much of the world certain tasks for which an architect is educated and trained may only be carried out by a person qualified to practice as an architect. In most of the European Union and North America the function of the architect is regulated to a greater or lesser extent. The regulation of the architect's function in these various jurisdictions is normally subject to minimum project sizes or to particular project types. In the UK architectural services are offered in the marketplace by a wide range of individuals and companies and there are no restricted activities. This can lead to confusion about both the status of individuals and companies and the nature of an architect's services, as well as the value to early career professionals in working to achieve registered architect status. The lack of regulation in the UK is out of step with other advanced economies, causes misunderstanding by clients and can lead to higher public burdens when things go wrong.

Functions of an Architect

In order to respond to the UK Government's recent consultation to reforms to the Architects Act 1997, the RIBA surveyed our members over core issues relating to the profession. Our survey found that 31% of respondents believed that only the title of "architect" should be protected (even though that proves difficult in practice) whilst 54% believed that there should be reserved activities for architects relating to building control and/or planning. This demonstrates that there is a strong desire to see changes within the profession in relation to regulation of function, but that views can be diverse.

RIBA chartered and ARB registered architects are expected to uphold the highest standards in the profession. However, the RIBA does not believe that the supporting the highest standards ends at the completion of the pathway to qualification, which is why we mandate CPD for all members, as well as requiring members to uphold the RIBA Code of Professional Conduct and our chartered practices to comply with the RIBA Code of Practice.

In regards to the responsibility of architects - often, architects are named as the principal designer, appointed by the client (commercial or domestic) to take the lead in planning, managing, monitoring and coordinating health and safety during the pre-construction phase, architects normally take a design leadership role, and often provide project management. In most projects of any significant scale responsibilities for design are shared across a team of practitioners – including for example structural and services engineers, rather than held solely by a named architect, and this collaborative nature should be encouraged across the sector.

The RIBA believes that the regulation of the construction design process is important for safety and welfare reasons and because of the wider social and environmental impact on people's everyday lives, and that there is a strong public interest argument that, to ensure high standards of design, aspects of the professional function of the architect should be regulated and certain activities should be reserved to suitably qualified and competent professionals.

The draft Building Safety Bill recognises that the protection of the health, safety and welfare of building users and of the natural environment requires more rigour in the building regulations regime (which has evidently let us down). The draft Building Safety Bill proposes the introduction of new statutory duties for those who design buildings and the creation of the duty holder role of Principal Designer. The RIBA wishes to make the case that for all but simple building projects this new approach should be enhanced so that the making of planning applications, the submission of building regulations full plans applications, and the co-signing of the building regulations compliance declaration (at the completion of works as Principal Designer on higher risk buildings) should be reserved matters for suitably qualified and certified professionals, and designated as “reserved planning and building regulations activities” - analogous to the “reserved legal activities” set out in the Legal Services Act 2007.

Access to the profession

The RIBA is committed to developing educational, practice and institutional structures and cultures which support diversity and inclusion as this is crucial to the future success of the UK architecture profession. The profession must be able to attract the very best, in a world in which there is increasing competition for talent and at a time when higher education costs are spiralling upwards. A diverse workforce will help the profession to maintain a creative, cultural and commercial

competitive advantage in the UK and in international markets (where the UK architecture profession is currently very strong, with other trades and professions also being drawn in, in consequence).

There is plenty of evidence to show that there remain barriers both to entry to and also progression within the architecture profession. Although architecture is more diverse than some other construction professions, it lags considerably behind when benchmarked against a number of other professional sectors, including medicine, accountancy and the law.

Both the ARB and the RIBA collect some diversity data on the profession and there are a number of other sources of relevant statistics, including the Higher Education Statistical Agency (HESA). EDI data on the profession is in many respects incomplete, but a good number of the key issues are clear, and indeed many have been known for a long time.

Despite making up 50% of entrants to schools of architecture, women remain under-represented in the architecture profession, and particularly so at senior positions in the profession (associates, directors and partners). This and other factors mean that there remains a gender pay gap in the profession. There is evidence that women disproportionately leave professional practice in early and middle professional career stages, due to inflexible working hours, inequitable pay and childcare responsibilities. Women also remain particularly under-represented in certain areas of technical activity within the profession.

Ethnic minorities remain under-represented in the UK profession, which does not reflect the ethnic make-up of the general UK population. RIBA education statistics show that progression statistics from Part 1 into practical training and at Part 2 to Part 3 and beyond are much lower for non-white students than for white students. This phenomenon affects all ethnic minority groups and is particularly marked amongst black students. There is a notably a relative lack of ethnic minority owned practices and staff on practice leadership teams, enabling a significant pay gap to remain.

A conscious and deliberate programme of change needs to be implemented, beginning with behaviour and culture, to ensure a compulsion for action beyond just a willingness to recognise the impact of systematic bias upon all minority groups. Mentoring and role modelling initiatives have had some success in raising awareness and confidence but pro-active action is also needed.

Statistical data on disabled architects and architectural students is not easy to come by. Just 1% of ARB registrants record themselves as having a disability. Whilst legislation such as the Equality Act and Building Regulations has improved access to buildings for people with disabilities, the relative absence of disabled architecture students and architects, and particularly academic and practice leaders, tends to mean people with disabilities are a topic of discussion in architecture rather than

being active agents of change. The creation of an inclusive culture needs to be ignited, where a diversity of people can thrive in their fields within the profession.

As part of its education review, the RIBA gathered evidence which suggested that both the cost and time of architectural education, equipment and training remain significant barriers to completing the qualification process. Although nominally a seven year process, the statistical evidence suggested that the typical qualification period was nine to ten years.

The RIBA has been a champion of architectural apprenticeships and alternative educational pathways to architectural qualification; integrating paid practical experience with formal academic education and training, providing blended learning approaches, and introducing architectural education earlier and more widely to a broader and more inclusive range of prospective students. We believe that these are important developments to support a more inclusive and diverse profession. More flexible, affordable and timely routes to qualification are much needed, and awareness of the opportunities and rewards of the profession needs to be raised amongst school age children from the widest range of social, cultural and ethnic backgrounds.

The profitability of the profession remains challenging and individual architects are on average only modestly remunerated compared with other professional groups. This contributes to a brain drain from the profession - approximately one third of registered architects/RIBA chartered members do not work in mainstream practice but move into better remunerated roles in fields such as construction, design management, development, education and research - posing a long-term sustainability problem for the profession. This lack of competitive pay makes the profession a less attractive career prospect to many school leavers.

Architectural practice

The UK's construction sector, particularly in architecture, is a globally leading innovator and drives significant export activity. However, there is an unattractive underbelly in the fragmented nature of the UK construction sector, the pressure to deliver short-term savings at the expense of long-term efficiency, and the lack of involvement of qualified professional architects in many building projects, which means that this innovation and quality is not always best utilised in our own domestic market.

Planning and building regulation regimes in the UK must have a clear focus on driving up quality in individual buildings and in developing healthy and sustainable built environments – including in areas such as energy efficiency, embodied carbon, water conservation, flood resilience, access to infrastructure, accessible environments and use of space and light, in order to make homes and communities fit for the 21st century.

Inter-disciplinary collaboration is essential to delivering high quality architecture. Architectural education does provide a certain amount of interaction with other fields of study. Each individual institution provides a different amount of collaboration with other disciplines and stakeholders within the built environment sector. Several educational institutions provide RTPI and RIBA dual-accredited planning and architecture programmes and there are also dual engineering and architecture degrees. The amount of interaction with other fields of study, is also dependent on the type of faculty the architecture programme lies within, whether it sits alongside built environment courses or is co-located with art and design. On the whole, the landscape for higher education in architecture in the UK benefits greatly from schools of architecture being able to provide a range of different experiences and teaching environments, each playing to its unique strengths. The RIBA is therefore wary of a system that encourages total homogeny and is aware of the high esteem in which UK architectural education and RIBA validation is currently held, worldwide.

The RIBA believes that architectural education could benefit from greater engagement with other disciplines, but we must consider the current length of architectural education and an analysis of which elements would be added or removed to accommodate this greater proposed interaction with other disciplines and stakeholders within the built environment sector, such as engineers, contractors, landscape designers, interior designers and specialist suppliers.