



To Council

From ARB Review Task Group

Date 29 September 2004

Subject Report of the ARB Review Task Group

Introduction

This report sets out the conclusions and recommendations of Council's ARB Review Group, for Council's approval. The background, remit and methodology of the Group is set out in Appendix 1 and an outline of the historical background of Registration of Architects in the UK is set out in Appendix 2.

Analysis

Our Group's Briefing Note (reproduced at the end of appendix 1) invited consideration under three separate headings:

Education
Practice
Does anything need to change?

A number of responses also raised matters other than those highlighted in our briefing note. We have considered these under a further heading:

Other matters

Education

The answers to the main questions that we asked were:

	RIBA	ARB	Other
1. Which body should control entry to the profession?	70%	30%	0%
2. Which body should define the professions knowledge base and the skills and abilities expected of future practitioners?	80%	18%	2%
3. Which body should ensure the quality output of the schools of architecture?	81%	17%	2%

4. Which body should control the education of architects in the UK? 80% 18% 2%

The majority opinions are ones which we endorse

Schools of Architecture currently seek to satisfy three bodies:

The Quality Assurance Agency, which has statutory powers to monitor the process of education;

The ARB, which has statutory powers to prescribe qualifications; and

The RIBA, so that passing a school's examinations will allow exemption from the RIBA's own exams.

Under the current regime, exemption from the RIBA's exams is necessary to satisfy the criteria for chartered membership of the Institute but not the rules made by ARB for prescription of a course

Our enquiries have led us to understand that the work currently undertaken by the ARB, when prescribing qualifications, is only necessary because of the Board's perceived statutory duty to act in an unfettered manner. We also understand that the QAA and RIBA Visiting Boards are capable of maintaining the necessary standards without any input from the ARB. It appears to us, therefore, that there is an unnecessary element of duplication, which leads to wasted resources in both the ARB and each school of architecture.

We recommend that an educational system is designed that will:

Remove from the ARB the statutory duty to produce its own set of education criteria for schools of architecture;

Allow the ARB to rely upon the reports of the RIBA Visiting Boards (and those of the other charter bodies) as evidence of the educational sufficiency of each school of architecture;

Recognise that the public interest is served by this proposal in that education is a part of the charter responsibilities of the RIBA and other charter bodies, which are monitored by the Privy Council.

Practice

The answers to the two questions that we asked about competence and good practice were:

	RIBA	ARB	Other
1. By which body should standards of competence be set within the profession?	75%	21%	4%
2. By which body should standards of good practice be set within the profession?	78%	19%	3%

We did not score the third question regarding the promotion of architecture as too few people answered it.

The majority opinions are ones which we endorse.

The aspects of practice that currently attract the attention of the ARB are Continuing Professional Development (CPD) and Professional Indemnity Insurance (PII).

COMPETENCE AND PROFESSIONAL DEVELOPMENT (CPD)

The current position is that:

The qualifications and practical experience prescribed by the ARB set the basic standard of competency required as a pre-condition to registration. Some classes of applicants do not need to have passed Part 3 of the RIBA examination or one that gives exemption from it;

A chartered member of the RIBA is required to have passed Part 3 of the RIBA examination, or demonstrated experience that gives exemption from it, as a pre-condition of membership;

Subsequent to registration, competence to practice whether by virtue of recent practical experience or otherwise is of continuing concern to the Board; and maintenance of competence is the subject of a standard in the ARB Code.

Subsequent to membership, the RIBA requires its UK chartered members, who comprise 86% of UK registrants, to undertake CPD as a condition of their continuing membership of the Institute. A proportion of members is monitored annually.

We endorse the actions of the ARB in requiring, in its Code, that registrants should maintain their competence. However, inasmuch as CPD is an extension of the education of an architect, our view is that the RIBA should define the scope of CPD and that it is inappropriate for the ARB to do so. In other words, the ARB should confine itself to accepting, through prescription, *what* should be achieved and not defining *how* it should be achieved.

Further, by providing guidance on what constitutes adequate CPD, the ARB is duplicating a task already being undertaken and monitored by the RIBA.

PII

The current position regarding PII is that:

The ARB Code requires all relevant registrants to hold PII in accordance with a pre-ordained scale according to turnover and to notify the ARB annually of compliance with the Standard;

The RIBA Code requires all members entering into a professional engagement to state whether or not PII is held and the limit of their liability.

The RIBA requires all registered practices to hold PII, which (for the sake of consistency) is required to be in accordance with the pre-ordained scale set by the ARB;

The RIBA has produced evidence, by reference to claims history, to show that, at the lower end of the pre-ordained scale, the levels of PII are set unnecessarily high. While the ARB has asked for evidence that these levels are causing unnecessary hardship, no evidence has ever been produced by the ARB to justify the levels that they have set. Further, the ARB has not provided for the effect of excesses on policies or of the ability of some members to self-insure.

Our view is that the ARB should limit the Code to requiring that an architect is capable, in the event of a claim being made against him, of meeting his professional obligations (albeit that this is already a common law obligation). In other words, the ARB should confine itself to accepting, through prescription, *what* should be achieved and not defining *how* it should be achieved.

In taking this course of action, the ARB would meet the will of Parliament expressed by Mr James Clappison, the Under Secretary of State, who declared that:

'Some architects practise without insurance. Although the vast majority encounter no problems, we encourage all architects to take out some form of indemnity insurance. That, however, must remain a matter for the individual and his professional organisation and we certainly do not feel that such insurance should be compulsory. The matter should be dealt with in the contractual arrangements between the client and the architect or other building professional. If he wishes, the client may insist on employing someone with professional indemnity.'

(Parliamentary Debates 1995-96 Vol. 278 col. 571)

We recommend that proposals are prepared that will:

Limit the ARB Code to establishing the principles of practice in respect of, but not limited to, CPD and PII;

Allow the ARB to rely upon the guidance, produced by the RIBA (and that of any other charter body), as to what constitutes good practice as the basis for establishing satisfaction of the ARB Code;

Recognise that the public interest is served by this proposal in that education and standards of good practice are a part of the charter responsibilities of the RIBA (and those of the other charter bodies), which are monitored by the Privy Council.

Does anything need to change?

The questions that we asked have been difficult to score as some respondents have answered more than one question. What we are able to record, however, is that out of 793 respondents, the answers to the two clear questions were:

	Yes	%age
1. Should the Architect's Act be repealed with the consequent removal of protection of the title 'architect', so that ARB ceases to exist?	17	2.1%
2. Do you wish there to be no change in the way that the ARB currently performs its role?	47	5.9%

In respect of the responses received to the remaining questions, 85% wished to retain protection of title. We started our work on the assumption that we would agree with the majority opinion, but all the evidence that we have taken has led us to question the basis of that assumption.

The role of the ARB is defined in the Architect's Act. The Board is described as a registration body and not as a regulator. Nevertheless, the tag line that appears on all ARB literature is:

'Protecting the consumer and safeguarding the reputation of architects'

We are of the opinion, however, that protection of title does not, in itself, protect the consumer.

With 86% of the UK's profession as members of the RIBA and, thus, already committed to protect the needs and expectations of the consumer, we question whether there is a need for a registration body for architects that is in being to monitor, in effect, the remaining 14% of the profession in the UK.

We recognise, however, that our survey of the profession demonstrated that there is, currently, no general support for the abolition of registration. In excess of 85% of those surveyed wish to keep protection of title, the most commonly evinced reason being that it *'distinguishes us from the rest'*.

Protection of title is, therefore, seen by respondents as a marketing tool. At the same time, however, the majority also said that a key reason for joining the RIBA is that the initials are recognised as the 'gold standard' for architects.

We recommend that the Institute informs and further canvasses the views of the membership regarding issues of registration and protection of title.

Other matters

The other matters drawn to our attention relate to:

*Appealing decisions of the Board
EU Directive*

Appealing decisions of the Board

It has been brought to our attention that, although a decision of the Professional Conduct Committee may be appealed in the High Court, there is no mechanism for a registrant or a charter body to appeal against the decision of the Board.

The Parliamentary Commissioner Act 1967 lists the Government departments and public bodies in respect of which an appeal may be made to the Parliamentary Ombudsman. The ARB is not included on that list.

The reason given is the exclusion in the Act of the application of the Act to:

'... a corporation or body whose sole activity is, or whose main activities are, ... the control of entry to any profession or the regulation of the conduct of members of any profession; ...' [Section 4(4) and 4(5)(c)]

The only means of holding the ARB to account is by judicial review. This is, in our view, an unreasonably expensive mechanism and contrary to the principles of natural justice when public bodies can appeal to the Ombudsman and other professions can appeal to an independent tribunal or the Privy Council.

We recommend that the RIBA work with the ODPM to develop a mechanism to hear appeals against decisions of the ARB.

EU Directive

An architect may be accepted for registration by the ARB in accordance with either section 4 or 5 of the Architects Act. Registration by virtue of section 4 requires the applicant to hold qualifications prescribed by the ARB. Registration by virtue of section 5 requires the applicant to satisfy the terms of Council Directive 85/384/EEC, generally known as the Architects Directive.

A simple distinction may be drawn between the two requirements for entry. Those seeking registration in accordance with section 4 are required to have passed the RIBA Part 3 examination (or one giving exemption from it), a requirement not sought of

those applying for registration via the section 5 route, who are required to be able to demonstrate only four years of academic qualification plus two years of practical experience in an EU country.

In our view it is only a matter of time before a UK student, who has been denied registration on the grounds that he or she has not passed the Part 3 examination, yet who has been educated in the UK and achieved two years practical experience in the UK, successfully challenges such a decision on the basis that it is irrational to require a UK based student to possess a higher level of qualification and experience than is required of a non-UK based student or architect.

We recommend that the RIBA should consider how a distinction might be drawn within its membership between architects who possess a pass in the RIBA Part 3 practical experience examination and those who do not.

Conclusion

Council is asked to approve the content of this report and to adopt a policy of seeking to return the role of the ARB to the minimalist role of registration originally intended in conjunction with a wider review of the benefit of the ARB; and instructs the Professional Services Board to set up an ARB Action Group to carry out the following four tasks:

Work with the ODPM and Regulatory Impact Unit, in liaison with the ARB, to amend, through the use of Regulatory Reform Orders and other methods, the existing legislation so as to better define the role and accountability of the ARB;

**To evaluate the distinction that might be made between the requirements for entry to the ARB register and those for entry to RIBA chartered status;
Improve working relationships between the ARB and the profession through a better understanding of the needs and expectations of the consumer and the profession;**

Continue to investigate the value of registration and protection of title, concurrent with informing and further canvassing the views of the membership on these issues.

Michael A H Highton
(on behalf of the Task Group – Drafted 30 Aug. 2004)

RIBA



Royal Institute
of British Architects

To Council

From ARB Review Task Group

Date 29 September 2004

Subject Appendix 1 - Report of the ARB Review Task Group

Appendix 1: Methodology of RIBA Council's ARB Review Group

This appendix sets out the background for the setting up and remit of RIBA Council's ARB Review Group and outlines the methodology and processes carried out by the Group in carrying out its task. The Briefing Note sent out to members for consultation is reproduced at the end of this appendix.

Setting up of the Group

At the RIBA Council meeting on 10 December 2003 the Council considered the following motion, proposed by RIBA Council member Peter Phillips:

This Council is concerned by the now overarching ambit of the Architects Registration Board (ARB) and believes that it is acting beyond its statutory responsibilities and function. The Council also believes that ARB is conducting its business with a lack of transparency that is now expected of public bodies, in accordance with the Nolan Report and subsequent recommendations and legislation. Accordingly, Council wishes the Government to undertake an examination of the ARB's conduct, and the scope of responsibilities it has extended to itself, and to take whatever action is necessary to ensure that it restricts itself to the letter, spirit, and intentions of the 1997 Architects Act under which it was established.'

The motion was seconded by RIBA Council member George Oldham. A debate was held in camera for approximately 20 minutes during which much of the sentiment within Council was in favour of the motion. However, an intervention by RIBA Council member Alex Reid pointed out that there was no legal opinion in support of the contention set down in the motion and, for this reason, the motion was defeated.

Because of the overwhelming agreement with the sentiment of the motion, RIBA President George Ferguson undertook to set up an ARB Review Task Group, to report direct to Council, to examine the generally expressed perception that ARB was expanding its scope of work beyond what had been intended at the time that the Board was set up.

Members of the Group

The ARB Review Task Group comprised the following five Council members:

Michael Highton	<i>(Chairman and regionally elected member for RIBA South)</i>
George Oldham	<i>(Regionally elected member for RIBANorth)</i>
Ruth Reed	<i>(President of RSAW and regionally elected member for Wales)</i>
Alex Reid	<i>(Nationally elected member up to August 2004)</i>
Guy Thompson	<i>(Regionally elected member for RIBA South East, up to August 2004)</i>

Remit of the Group

The remit of the Group was subsequently agreed at the next Council meeting as:

'To assess the operation of the Architects Act by the Architects Registration Board and to make appropriate recommendations to Council.'

The Group was tasked with reporting back to the RIBA Council meeting held on 12 May 2004. However, the work was more involved and took more time than originally envisaged. The Group was therefore only able to present an interim progress report to Council on 12 May 2004. The final report (of which this appendix forms part) is submitted for Council's approval on 29 September 2004.

Government Review of ARB

The Regulatory Reform Act, which came into force in April 2001, gives wide powers to reform legislation via Regulatory Reform Orders (RRO). The body responsible for the RRO programme is the Regulatory Impact Unit (RIU) within the Cabinet Office. The RIU study a particular sector of industry on an annual basis and, in 2004 the Unit's studies are devoted to the construction industry. Consequently, consideration of the ARB falls within the remit of the RIU during 2004. It is understood that the RIU is awaiting the outcome of the RIBA Task Group's considerations before taking any decisions regarding ARB.

The issues before our Task Group have, therefore, taken on a greater significance in that our work is not only for the benefit of RIBA Council but also, subject to the endorsement of Council, for formal submission to the RIU.

Group Work Programme

The first meeting of the Group was held to discuss its *modus operandi*, which was seen as breaking down into four distinct phases:

Information gathering & Consultation;
Analysis of Information & Consultations;
Discussion and Review;
Conclusion and Reporting.

Phase 1 - Information Gathering & Consultation:

Consultation – Round 1:

The Group decided to consult as widely as possible within the profession and that meant consulting with individuals and not organisations. Accordingly, views were

invited through the letter pages of Building Design (BD) and the *Practice Pages* of the RIBA Journal (RIBAJ).

The Group was aware that, in the preparation of the Warne Report, there had been widespread consultation with organisations, including consumer bodies. The Group looked at the list of consultees and decided that, as many of them would be reached as individuals through the pages of BD and the RIBAJ, we would separately consult only with the three main consumer bodies: Consumers Association, National Consumer Council and the Welsh Consumer Council. There was no separately listed consumer body for Scotland.

The response from architects was disappointing. Likewise, there was only one response from the consumer bodies; the Welsh Consumer Council, which wished to make no representations.

Consultation - Round 2:

The Group embarked, therefore, upon a second phase of information gathering. At its heart was a short briefing document (reproduced at the end of this appendix) that was sent to about 19,000 RIBA members who subscribe to email. Regrettably Building Design refused to publish the briefing document, or even a shortened version of it so this meant that its distribution was not as wide as the Group would have liked it to have been.

In tandem with this broadcast to members, the Group invited Mr Robin Vaughan, the Registrar and Chief Executive of ARB, and all members of the Board of ARB (15 in total) to meet the Group. As a result two or more of the Group met with Mr Vaughan, Mr Humphrey Lloyd (Chairman of the Board), Mr Mike Starling, Mr Richard Henchley and Mr Ian Salisbury, but at separate times. Mr Vaughan was accompanied by Mr Levett, responsible for education matters at the ARB, but Mr Levett expressed no views at the meeting.

The short briefing document that was emailed to all RIBA members was also enclosed with the letter of invitation to Mr Vaughan and all Board members. A written response was received from Mr Vaughan but not from any ARB Board member. Mr Lloyd did, however, comment that he felt that the document was biased, as it did not allow for maintaining the *status quo* as one of the possible options.

Consultation - Round 3:

The Group received about 400 responses from Institute members to the broadcast email. However, in light of the comment made by Mr Lloyd, we decided to amend the briefing document to include the suggestion that the *status quo* should be maintained. All members were broadcast a second time with an invitation to reply (if they had not already done so) and to amend their reply (if they felt that their earlier view had been inhibited for lack of a suggestion of maintaining the *status quo*).

The additional responses received means that just over 1,000 responses have now been received to the two emails broadcast to Institute members.

ARB Board Meetings:

The ARB Board meeting of 13 May 2004 was attended by Michael Highton and Guy Thompson, while the meeting held on 8 July 2004 was attended by Michael Highton alone, from the Group.

Legal Opinions:

Whilst the Group was aware that the ARB had sought a legal opinion on the operation of the Architects Act by the ARB, the Group did not know the terms of the instructions given to Counsel. Neither the legal opinion (nor the instructions) have been disclosed to the RIBA as the terms of disclosure were not acceptable to the Institute. The Group discussed whether or not to commission a separate legal opinion but decided not to given that this would incur significant expense to the Institute and that nothing short of a judicial review would settle the matter without question.

Consultation with the Government's Business Regulation Unit:

The Group met with Mr Eric Arnold, Senior Policy Advisor to the Building Regulation Team in the Regulatory Impact Unit of the Cabinet Office. This also formed part of the RIU's briefing on RIBA's views on the regulation of the architectural profession.

The conclusion from this meeting was that the Government had no desire to increase regulation and to extend Architectural registration to include "protection of function". Mr Arnold's view was that the Government was interested in reducing regulations, but the repeal of the Architect's Registration Act (removal of Registration and protection of the title "Architect") would only be favourably considered if it were felt that "consumer protection" would not be diminished. If the existing Architect's Act required amendment or guidance to better define the role of ARB, and to reduce duplication of activities between the RIBA and ARB, then the RIBA could suggest appropriate wording for a Regulatory Reform Order (RRO) of the Architect's Act by the Regulatory Impact Unit (RIU).

Consultation with RIBA Honorary Officers and Staff:

Members of the Group consulted with the RIBA Education and Practice Departments and their respective current Vice Presidents.

Information Gathering:

The Group, with the assistance of RIBA staff, reviewed recent RIBA correspondence and reports relating to ARB and on ARB related issues. These included Education (validation, prescription of qualifications, etc) and Practice (PI insurance, CPD, advertising, etc).

There was also a review of historical information relating to the development of Architect's Registration in the UK and regarding ARB's predecessor, the Architects Registration Council of the UK (ARCUK). This historical background is set out in *Appendix 2* of the Group's Report.

Education Information:

The Group heard in their consultations with ARB, in particular from Mr Vaughan and Mr Lloyd, about the prolonged discussions between the ARB and RIBA about the prescription and validation issues as they relate to schools of architecture in the UK. Their view is, in essence, that the RIBA having agreed a particular course of action regarding prescription and validation (in which the matters would be addressed jointly), the Institute then changed its mind. They felt that the ARB had worked hard to accommodate the Institute's wishes and that, having reached agreement (for RIBA to take on the full costs and additional workload of all Course Validation), it was then necessary for the ARB itself to take on additional staff to handle the work arising from the new regime. Mr Vaughan advised that, in spite of a desire on the part of the Board to keep the retention fee static for a few years, the new education regime had necessitated an increase in ARB subscriptions, even though more work was now being done by the RIBA.

Specific Exclusions:

The Group decided, at the outset not to consider matters relating to the protection of function. However we have reported the views expressed on this matter by our consultees.

Phase 2 – Analysis of Information & Consultations:

The consultation briefing document:

The nature of the consultation briefing document sent to RIBA members was purposely not meant to be a check box list of items, for ease of ready scientific analysis. On the contrary, the Group wished to stimulate thought on the complex matters raised. The Group was grateful that many respondents spent a considerable amount of time and effort in setting out thoughtful (and, often, heartfelt) views.

Phase 3 – Discussion & Review:

The Group met on several occasions to discuss their findings, to carry out the consultations and to consider various courses of action before coming to their recommendation to Council. Extensive discussion also took place by telephone and e-mail correspondence.

Phase 4 - Conclusion and Reporting:

The Group was required by Council's remit to assess the operation of the Architects Act 1997. The Group's approach has been to take an objective, un-biased and open look at all the issues in coming to their conclusions and in preparing their report and recommendations to Council.

Briefing Document – copy of document sent out to all consultees

The ARB Debate: Why the RIBA is carrying out a review

As a result of concerns expressed at a recent Council debate, the President, George Ferguson, set up a task group, the remit of which is: *'To assess the operation of the Architects Act by the Architects registration Board'*.

Both the Architects Registration Board and the Royal Institute of British Architects (RIBA) have a duty to serve the public interest. ARB has a statutory duty, by virtue of the Architects Act 1997, to maintain a register and to set threshold standards, while the RIBA derives its responsibility for the advancement of architecture from its charter. The legislation creating ARCUK, ARB's predecessor, and ARB was not intended to give the current Registration Board the character and functions of a professional body. In certain respects, however, ARB is acting as a professional body and is, consequently, seen to be a rival to the RIBA. This is confusing (particularly since Government appointed lay members outnumber architects on the Board of ARB), wasteful of financial and human resources and is not in the public interest.

In 1992, the government commissioned John Warne to review architects' registration. His report concluded that the title 'architect' should no longer be protected and that ARCUK should be disbanded. While at first agreeing with its conclusions, the RIBA later changed its mind, following consultation with RIBA membership in the regions, and lobbied for a replacement registration body. It did not have in mind a rival. There

are current tensions between the two bodies both in the fields of education and practice.

Architectural Education

There has been increasing debate, since ARB's inception, about the part that each body should play in architectural education and the control of entry into the profession. The RIBA has, since the 1890's, conducted Visiting Boards to Schools of Architecture in the UK and overseas, for the purpose of recommending exemption from the RIBA's own membership examinations, and has, therefore, had oversight of the conditions of entry to the architectural profession. As a result of its experience in this field, the Institute is now a world leader in setting and monitoring standards in architectural education.

In the past ARCUK relied on RIBA Visiting Board reports to determine who could join the architects' register. Although the recent Act gave ARB a similar duty, to ensure that those joining the register are appropriately qualified and to prescribe qualifications to that end, ARB has recently refused to prescribe courses solely on the basis that they are deemed by the RIBA to be of an acceptable standard; and now the Prescription Procedures published by ARB make no mention of the RIBA. It appears, therefore, that ARB does not wish to be a partner or to rely upon evidence provided by the RIBA and itself wishes to control entry into the profession.

The first set of points for your consideration in this debate are, therefore:

Which body should control entry into the profession?

Which body should define the profession's knowledge base and the skills and abilities expected of future practitioners?

Which body should ensure the quality output of the schools of architecture?

Which body should control the education of architects in the UK?

Architectural Practice

The ability of an architect to practice, and disciplinary procedures for those who fail to meet the threshold standards necessary for consumer protection, are proper concerns of the Registration Board. But by its activities in relation to Professional Indemnity Insurance (PII) and to CPD, ARB has shown that it believes it should consider matters beyond the realm of professional conduct by determining and controlling how architects practice. Many do not believe that the duties of the Registration Board extend to this task or that it is suitably constituted for it.

Professional Indemnity Insurance

In Standard 8 of the Code, ARB has converted guidance into a requirement. It has prescribed that all architects must be insured for a minimum amount related to their turnover. The RIBA supports the need for adequate PII cover for architects. However, it does not agree that the amount should be prescribed and believes that, at the lower end of the scale, the amounts stipulated by ARB are, in many cases, an unnecessary burden on occasional practitioners and their clients. Furthermore the standard takes no account of circumstances in which non-compliance (for instance, because of self insurance) raises no issue of unprofessional conduct.

Continuing Professional Development

ARB has issued guidance about the CPD that a registered architect should undertake in order to fulfil the Board's requirements. While this is only guidance, there are concerns, echoing those under the heading of education, that a body, whose raison d'être is registration, should be issuing guidance on what constitutes acceptable CPD.

Sign Boards

ARB has recently been considering promoting the use of its own logo on site signboards for use by all registered architects, which some may see as a direct challenge to the membership benefits enjoyed by chartered architects and, as members of the RIBA, to the part that they play in the promotion of architecture in the public interest. Some also doubt whether this will be of benefit to the consumer as it could lead to confusion about the definition of an architect.

The second set of points for your consideration are, therefore:

How should standards of competence be set within the profession?

How should standards of good practice be set within the profession?

Can architectural practice be separated from the promotion of architecture?

Does anything need to change?

The present unsatisfactory state of affairs between the RIBA and the ARB was foretold in the Warne Report. Several scenarios to resolve the situation (in no particular order of preference) present themselves:

The RIBA and the ARB agree to discharge their separate functions without duplication and conflict.

Government and/or the Privy Council direct ARB to restrain itself and avoid duplicating the functions of RIBA

The Architects Act is amended to secure the minimalist role for ARB originally intended.

The Architects Act is amended to abolish ARB and establish RIBA as the registration body.

The Architects Act is amended to make the title that is protected 'registered architect' and not 'architect', thus distinguishing it from 'chartered architect'.

The Architects Act is repealed, with the consequent removal of protection of the title 'architect', and ARB ceases to exist.

What views do you have on these scenarios? Does anything need to change?

RIBA



Royal Institute
of British Architects

To Council

From ARB Review Group

Date 29 September 2004

Subject Appendix 2 - Report of the ARB Review Task Group

Appendix 2: Historical Background to Architects' Registration

The RIBA has been instrumental in the setting up and developing the registration of architects in the UK.

From 1905 the policy was to secure satisfactory training of architects by statutory powers. In other words the essential issue has always been education, training and professional practice leading to qualification for entry into the profession. The policy had its origins within the architectural profession long before then (from the 1880s), and in a certain way this was realised in the Architects Registration Act 1931.

The basis of the policy (on registration) had always been that the profession was governed by voluntary associations of practising architects and that the profession would retain control of registration. This was reflected in the composition of the registration body (ARCUK) established by the 1931 Act.

Crucially, professional control of the Register was taken away by the government's decision which was realised in the 1996/97 Act. This had not been generally expected by those of the membership who before then had been in favour of continuing protection of the title 'architect'. The significance and effect of the change is now becoming more widely understood.

The following list outlines the key events in the history of the Registration of Architects and the Protection of the title "Architect":

- 1834 Royal Institute of British Architects granted its Royal Charter.
- 1884 Society of Architects formed, after a campaign by a group of ARIBA to be allowed to vote on RIBA affairs had been resisted by FRIBA.
- 1887 Architects and Engineers Registration Act Committee formed as an independent committee to promote a bill for registration of architects, engineers and surveyors. The bill was withdrawn after chief bodies representing engineers petitioned against it.

- 1889&1891 Architects Registration Bill Committee put forward bills for registration of architects, which were strongly supported by the Society of Architects but opposed by an independent group of prominent architects and artists.

- 1892 Papers published, defining the profession of architecture:
Norman Shaw and T.G.Jackson (eds.) "Architecture, A Profession or an Art".
William H. White "The Architect and his artists, An essay to assist the public in considering the question is architecture a profession or an art".

- 1902 Architects Registration Bill Committee amalgamated with the Society of Architects as a joint Registration Committee.

- 1905 RIBA Education Policy was adopted for statutory powers to secure satisfactory training for architects by way of registration of title, by and through the RIBA.

- 1908 RIBA Licentiate Class formed, for architects who could show evidence of competence, without exams. On closure in 1913, over 2000 had been accepted.

- 1924-1959 RIBA Standing Registration Committee

- 1925 Amalgamation of RIBA and Society of Architects: most of Soc. of Arch. Members transferred to Licentiate class, which was reopened.

- 1927 RIBA Registration Committee has draft bill introduced in Parliament, but opposed by IAAS and FAS.

- 1931 Bill recast and enacted as the Architects (Registration) Act 1931, enabling the Register of Architects to be established under a statutory body called the Architects Registration Council of the United Kingdom (ARCUK). The Council was to be made up of representatives of all architectural bodies in U.K. in proportion to the numbers of their memberships on the Register, and representatives from government departments and related professional bodies. Under ARCUK, the RIBA system of exams etc. was accepted for registration. (The provisions of the Act constituting the Board of Architectural Education were repealed when ARCUK was reconstituted as ARB in 1996/7.)

- 1938 The Architects Registration Act, 1938 changed the protected title from "Registered Architect" to "Architect".

- 1992 Government, in response to a request from ARCUK, commissioned review of the Architects Registration Acts by an independent assessor (John Warne).

- 1993 Warne Report published - principal recommendation: abolition of protection of title 'architect' and disbanding of ARCUK. RIBA Council initially supported this recommendation, but this was resisted by the RIBA membership. As a result RIBA campaigned for the retention of protection of title with a 'stream-lined' registration board.

- 1996 Part III of Housing Grants, Construction and Regeneration Act 1996, among other things, reconstituted the registration body as the Architects Registration Board (ARB).
- 1997 Architects Act 1997, a consolidating act, brought together the provisions of Part III of the 1996 Act and previous registration legislation. The Architects Registration Board then established with a majority of appointed lay members and a minority of elected Architect members.