

13 May 2010
Open letter

Mrs Beatrice Fraenkel, Chair
Architects Registration Board
8 Weymouth Street
London W1W 5BU

Dear Mrs Fraenkel,

As a Part 1 registered architect I was pleased to hear of your determination on taking the chair that the conduct of the Board's business under your leadership would be both open and transparent. That, it seemed to me, was a signal improvement over the practice of your predecessors and one that would result, in time, in a natural abandonment of the activities of the Board that are not permitted by its governing Act of Parliament. For when I was a member, it was the usual practice to move anything that had the potential to cause embarrassment to the Board onto the closed session agenda – a cynical manipulation of the Nolan Principles that even went so far as to ensure that discussions of the Closed Session Policy itself were kept secret.

I am writing to you because I suspect that there has been a change back to the old ways. I was surprised to hear when I telephoned today for sight of the next Board Meeting agenda that last week a change was made by you and the Registrar so that as from now the agenda will only be made available to the public at 4pm on the day prior to the meeting. Although I was told this was a change made for efficiency's sake, I think you may find public perception takes a rather different view, bearing in mind that by now members of the Board will already have the agenda papers in their hands.

The business that I was particularly inquiring after, and about which I was given no information, is how the Board will address the consequences of the withdrawal of its charge against me of unacceptable professional conduct, a decision which without doubt has far-reaching policy implications.

You will recall that since 2005, and only until recently, I have faced this charge of unacceptable professional conduct for refusing to provide details of my professional indemnity insurance. It was an issue of principle: I stood against what I have consistently maintained to be an unlawful demand. Since 2003 the Board has known that I was well insured – and in fact has had the benefit of seeing my insurer's papers for several years now. But the combined attempts of the Board and the PCC to find fault in me over the years failed to find effect; and last month the single remaining charge was withdrawn because the Investigations Committee, realising my determination to have recourse to the law, doubted whether the public interest would be served were this matter to be continue before the PCC, and doubted whether there would now be a sufficient prospect of a finding of unacceptable conduct.

Moreover, the collapse of the case against me has implications not only concerning the continuation by the Board of this particular monitoring activity, but concerning all its activities that do not conform with the provisions of the Architects Act. The public interest will most certainly not be served if the discussion, as I suspect it will be, is now swept into the closed session so as to save embarrassment. For as one correspondent has said: "I realise I have to pay for the ARB's past reading of the Act, but I don't at all want to pay for them to repeat their mistake." That architect, as well as the rest, should know how the Board justifies spending her money.

I would therefore be grateful if you would ensure that the Board agenda is issued well in advance of the meeting, and that the follow-up to the withdrawal of the charge against me is dealt with by the Board in open session. And please do not allow the Board to be advised in this particular matter by any firm of solicitors which has in the past given advice that must now seriously be called into question.

Yours sincerely,

Ian Salisbury