

Indicative Sanctions Guidance



April 2018

Foreword

This guidance has been produced in an effort to increase the transparency and consistency of the RIBA's professional conduct process and also to provide a learning opportunity to both RIBA members and the public.

This document will be updated on an annual basis and will become an invaluable source of information, supporting and informing an understanding of the RIBA Code of Professional Conduct and Code of Practice.



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1 Introduction

- 1.1** This guidance is for the RIBA's professional conduct panel members – in particular those selected to sit on hearing panels. It is also for RIBA members and complainants, to assist their understanding of professional conduct cases.
- 1.2** Each case will be judged on its own facts. This guidance is not binding – it is guidance only. It is intended to inform professional conduct panel members and assist them in reaching fair, consistent and proportionate decisions. Professional conduct panel members should draw their own conclusions from the information and evidence available in any case. Previous decisions do not serve as prescriptive guidance.
- 1.3** This information is made available in the interests of openness and transparency. It aims to uphold the public interest and public confidence in the profession.

2 Categories of complaint

- 2.1** Previous decisions detailed in this document fall into the following case categories:
- Conviction
 - Integrity
 - Competence
 - Relationships
 - Complex (involving 2 or more Principles)

3 Sanctions and rules

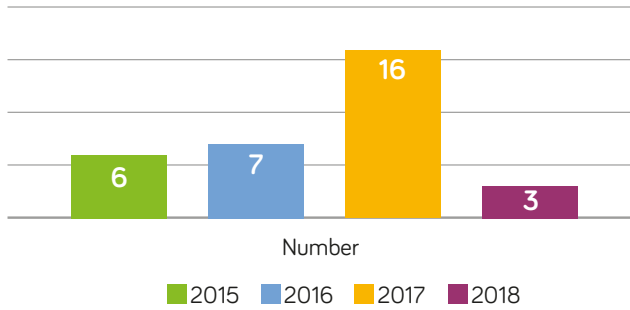
- 3.1** Hearing panels of the RIBA may impose one of the following sanctions:
- Caution (private)
 - Public reprimand
 - Suspension
 - Expulsion
- 3.2** The powers of RIBA hearing panels are detailed in the following provisions:
- Byelaw 4 – Discipline
 - Appendix L – Disciplinary Procedures (under Byelaw 4.3)
- 3.3** In reaching their decisions, RIBA hearing panels consider not only the specific facts and evidence of the individual case before them, but also:
- the public interest
 - public confidence in the profession
 - the need to uphold proper standards of conduct in the profession
 - the need to ensure conduct processes are effective
 - proportionality and fairness

4 Aggravating and mitigating factors

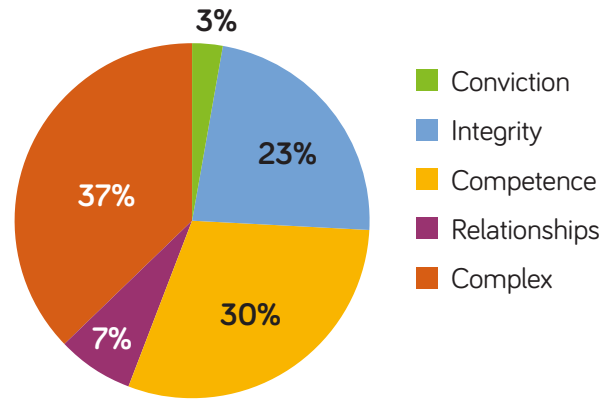
Aggravating (+)	Mitigating (-)
No admission	Full admission
No remorse/regret/contrition	Remorse/regret/contrition
No acceptance of wrongdoing	Acceptance of error/mistake/wrongdoing
No remedial action	Remedial action
Failure to co-operate with professional body	Co-operation with professional body
No apology	Apologised
Lack of insight	Insight into failings
Intent	Lack of intent
No or little engagement with complainant when complaint raised directly	Attempted to deal with complaint directly
	Health issues

5 Statistical overview

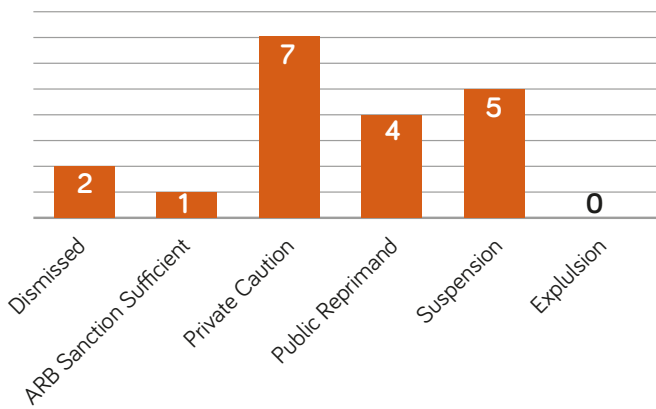
Number of Hearings: January 2015 to date



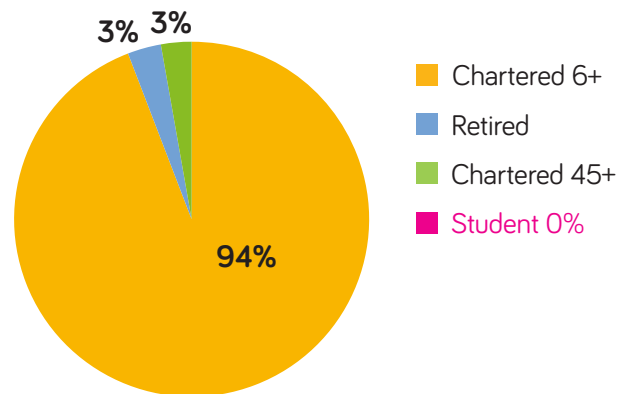
Case Category: January 2015 to date



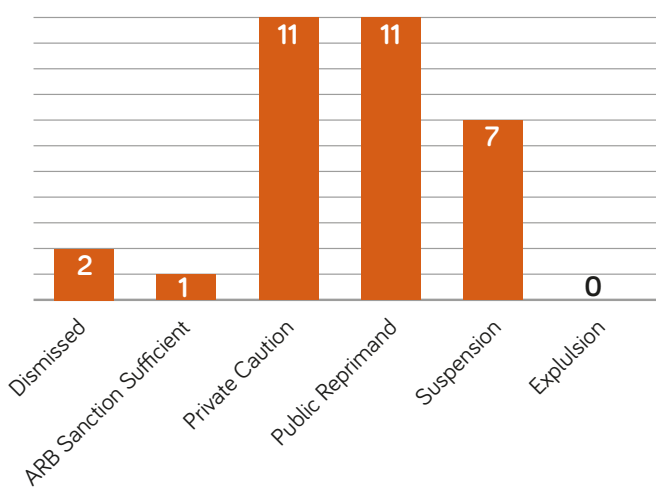
Hearing Outcomes: January 2017 to date



Member Status: January 2015 to date

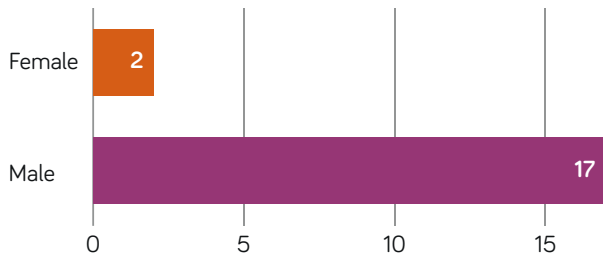


Hearing Outcomes: January 2015 to date



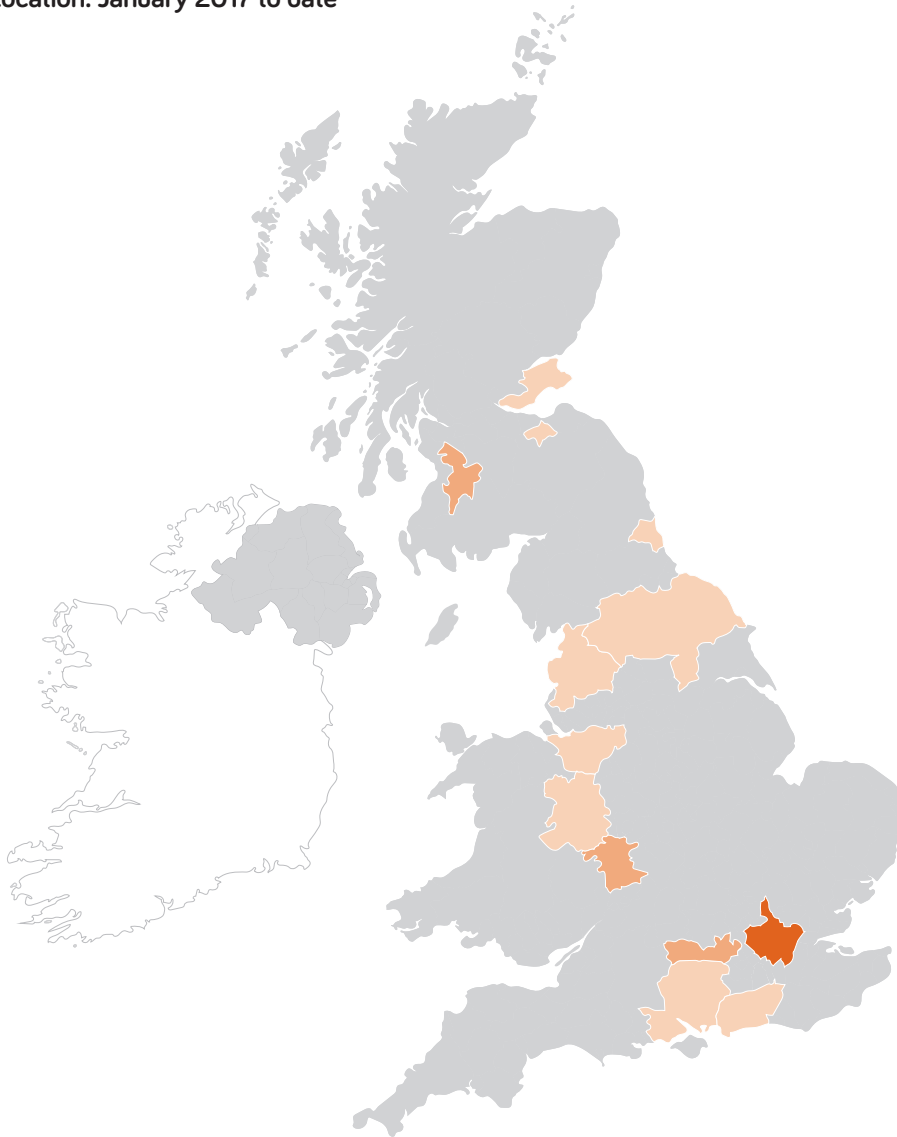
5 Statistical overview

Gender: January 2017 to date



Member Location: January 2017 to date

Number



6 Previous decisions: Code of Professional Conduct

CONVICTION

YEAR OPENED	STATUS	RELEVANT SECTION	ALLEGATIONS/FACTS	SANCTION	YEAR OF DECISION
2015	Chartered 6+	Byelaw 4	Charged with: 2 counts: keeping/managing a brothel used for prostitution 2 counts: acquiring / using / possessing criminal property	Public reprimand	2015

INTEGRITY

YEAR OPENED	STATUS	RELEVANT SECTION	ALLEGATIONS/FACTS	SANCTION	YEAR OF DECISION
2013	Chartered 6+	Principle 1.1 and Principle 1.3	Made and pursued a claim for breach of copyright against former client, despite legal precedent and RIBA guidance to the contrary. Pursued claim for breach of copyright against former client who used design. Errors of law, failure to clarify the contractual position with client, inappropriate tone of letter and failure to take further advice.	Caution (private)	2015
2015	Chartered 6+	Principle 1.3	The previous architects worked on the project and then stopped. The Member took over. His practice put out a press release about their work, but failed to mention the previous architects. An agreement re: copyright and licenses was in place requiring this. After agreeing to amend the release, an article came out in a magazine with quotes attributed to practice that again didn't mention original architects. A link to article was shared on the practice website.	Public reprimand	2015

YEAR OPENED	STATUS	RELEVANT SECTION	ALLEGATIONS/FACTS	SANCTION	YEAR OF DECISION
2015	Retired Chartered UK	Byelaw 4.1	The case before the ARB arose out of a complaint where the Member entered into a JCT Minor Works contract where he was not only the client but also the architect and the contract administrator. A dispute arose and in the course of the contractor seeking to bring court proceedings, the arbitration clause in the contract was found to differ between the two parties' copies. It was alleged that the Member had altered his copy of the contract after it was signed.	Caution (private)	2016
2016	Chartered 6+	Byelaw 4.1; Principle 1.1 and 1.3	Member knowingly allowed unauthorised copies of practice files to be taken on leaving the practice and to be kept in new practice. Accessed the files on one occasion to assist an ongoing client. Member admitted the allegations. No harm to others and no gain to the Member.	Caution (private)	2017
2016	Chartered 6+	Principle 1.1 and 1.4	Member appointed to provide professional guidance through a number of RIBA stages, involving the full design, planning, and co-ordination of the tender process. Company selected to undertake the renovation/refurbishment works, involving the co-ordination, direction and management of the construction process. Member was also a director of the Company. Did not inform client of the two positions held and did not declare conflict of interest.	Public reprimand	2017
2016	Chartered 6+	Byelaw 4.1; Principle 1.1 and 1.3	Member dishonestly took unauthorised copies of practice files on leaving the practice and kept them in new practice. Accessed the files on more than one occasion to assist an ongoing client. Member admitted the allegations. No harm to others and no gain to the Member.	Caution (private)	2017
2015	Chartered 6+	Principle 1.5	Member disclosed sensitive personal material regarding the dismissal of a former employee.	Caution (private)	2017

COMPETENCE

YEAR OPENED	STATUS	RELEVANT SECTION	ALLEGATIONS/FACTS	SANCTION	YEAR OF DECISION
2014	Chartered 6+	Principle 2.1	Disagreement over the interpretation of contract clauses between member and building contractor; failed to take reasonable steps to obtain advice when contract interpretation was legitimately questioned by building contractor and used unprofessional language in correspondence.	Public reprimand	2015
2016	Chartered 6+	Principle 2.4 and Principle 2.5	Caused significant delay to the project increasing the cost of the works, failed to update the clients and failed to use best endeavours to meet the client's needs. The Member was retained by the complainants on a project to alter a domestic property which they were to buy as a project. The build budget increased from £80,000 to £140,000 periodically with final tenders x3 times higher than the original budget. After 2 years' work and £35,000 of expenses, the quotes were over £250,000 and complainants had to abandon the project and sell on the property unaltered. The Complainant's could not have undertaken the project had they been properly advised. Alleged that the Member failed to keep the clients informed of issues which would significantly affect the quality and/or cost of the project. Failed to notify them that the figures quoted were not an estimate for the full build costs.	Public reprimand	2016
2016	Chartered 6+	Principle 2.1, 2.4 and 2.5	Member acted as Architect and Contract Administrator in respect of proposed works to demolish part of property and to rebuild a two storey extension. Member failed to identify substantial and major deviations from the contract drawings, including ceiling height. Issued Practical Completion without Building Control and while there were incomplete and/or defective items that exceeded significantly the 'de minimis' definition of defects allowable at Practical Completion.	Public reprimand	2017

YEAR OPENED	STATUS	RELEVANT SECTION	ALLEGATIONS/FACTS	SANCTION	YEAR OF DECISION
2016	Chartered 6+	Principle 2.1 and 2.5	Refurbishment and redevelopment of residential property. Member acting as Architect and Contract Administrator. Quotes received far exceeded the Client's budget. Architects recommended different contractor who quoted a sum substantially less than the lowest tender received. Fee agreed directly with the Client. Poor quality contractor work led to relationship between Client and Architect deteriorating. Failure to identify and resolve defects.	Suspension	2017
2016	Chartered 6+	Principle 2.3 and 2.4	Member to design extension of residential property and to obtain planning permission and building regulations approval. Inadequate written terms and conditions of retainer. Failed to keep Client informed of progress and key decisions made. Defects identified by Building Inspector.	ARB sanction justified but sufficient	2017
2016	Chartered 6+	Principle 2.1, 2.4 and 2.5	Refurbishment and redevelopment of residential property. Member acting as Architect and Contract Administrator. Quotes received far exceeded the Client's budget. Architects recommended different contractor who quoted a sum substantially less than the lowest tender received. Fee agreed directly with the Client. Poor quality contractor work led to relationship between Client and Architect deteriorating. Failure to identify and resolve defects.	Suspension	2017
2014	Chartered 6+	Principle 2.1, 2.2 and 2.3	Member appointed as architect for loft conversion into a one bedroom flat. Tender quotes exceeded the amount estimated by the Member. Errors found in the Member's design, including inadequate headroom. Nine months after termination of retainer, Member submitted four invoices to the Client.	Suspension	2017

YEAR OPENED	STATUS	RELEVANT SECTION	ALLEGATIONS/FACTS	SANCTION	YEAR OF DECISION
2015	Chartered 6+	Byelaw 4.1; Principle 2	Member appointed for refurbishment of health centre. Member appointed as architect and contract administrator. Failed to manage the costs of the project under a fixed price contract. Failed to keep Client informed. Including of matters impacting on costs.	Caution (private)	2017
2016	Chartered 6+	Principle 2.1, 2.2, 2.3, 2.4 and 2.5	Member engaged as architect to convert unusual building into residential property, including securing planning consent. Quotes in response to tender far exceeded the budget set and the estimate of the architect. Clients left in difficult situation and unable to proceed with the project due to reliance on estimates and assurances of the architect.	Public reprimand	2017

RELATIONSHIPS

YEAR OPENED	STATUS	RELEVANT SECTION	ALLEGATIONS/FACTS	SANCTION	YEAR OF DECISION
2015	Chartered 6+	Principle 3.5	There was a dispute over fees and litigation was commenced. At the hearing, the judge suggested that the parties meet outside the court room to try to settle the matter. The Member threatened violence against the Complainant outside a County Court and the Member did not have in place, or have access to, effective procedures for dealing promptly or appropriately with the complaints.	Public reprimand	2015
2012	Chartered 6+	Principle 3.3	Member's practice found to have unfairly dismissed employee. Member was directly involved in the unfair dismissal. Breach of good employment practices and Code of professional Conduct.	Public reprimand	2016

COMPLEX

YEAR OPENED	STATUS	RELEVANT SECTION	ALLEGATIONS/FACTS	SANCTION	YEAR OF DECISION
2014	Chartered 6+	Principle 2 and Principle 3	Terms and conditions did not meet the level of detail required by the RIBA, including a lack of procedures for effectively dealing with disputes or complaints; did not make client and contractor aware of any limitations to drawings produced.	Caution (private)	2015
2014	Chartered 6+	Principle 2 and Principle 3	Did not act with reasonable care in issuing a consultant's certificate without undertaking a full inspection of the property directly prior to writing that certificate. Examination of the building for the purposes of Practical Completion was conducted six months prior to signing the Professional Consultant's Certificate, - this was 'unacceptably distant'. Also, did not deal with the issues and complaints raised in a timely manner.	Public reprimand	2015
2015	Chartered 6+	Principle 1, Principle 2 and Principle 3	Undertook an inadequate tender process; allowed for the appointment of a contractor who was unsuited to the project; failed to adequately prepare contractual documentation between the client and the contractor; failed to advise his client as to the terms of the contract; failed to take appropriate action in relation to an underperforming contractor; overvalued work; signed off structural work as being passed by Building Control when knew, or ought to have known that the the Structural Engineer's calculations were provisional and no Building Notice had been served.	Suspension	2016
2015	Chartered 6+	Principle 1.1, Principle 2.4, Principle 3.5, Byelaw 4	The Member was found guilty of unacceptable professional conduct by the ARB. Failure by intending to hide from the client that matters were not progressing as intended. Failed to keep the client informed and misleading statements/ misrepresentations progress of project.	Suspension	2016

YEAR OPENED	STATUS	RELEVANT SECTION	ALLEGATIONS/FACTS	SANCTION	YEAR OF DECISION
2015	Chartered 6+	Principle 2 and Principle 3	Allegations regarding the administration of a contract and inadequate service provided in relation to alterations to a residential property. The Member failed to properly administer the Contract. The Member failed to adequately prepare the designs required. The Member failed to engage in the complaints process directly with client when the client tried to raise their concerns.	Caution (private)	2016
2015	Chartered 6+	Principle 1.3, Principle 1.4, Principle 2.1, Principle 2.3	While working on project, the Member made a misleading statement/ misrepresentation. He failed to record the scope of work, fees or method of calculating them, allocation of responsibility and provisions for termination. He failed to have a dispute resolution clause. He failed to disclose a conflict of interest. He failed to issue interim certificates on time and failed to submit planning applications to the correct authority.	Public Reprimand	2016
2017	Chartered 6+	Principle 1.4 and 2.1	Member provided architectural services for the conversion into two flats of a dilapidated building. Member also acting as Contract Administrator. Member also director of building company appointed as Contractor. Member did not resolve this conflict of interest or appropriately inform the client. Failed to properly administer the contract.	Suspension	2017
2016	Chartered 6+	Principle 1.1, 1.2 and 1.4, 2.1 and 2.3, 3.5	Member engaged as architect and contractor to complete a loft extension. Agreed fixed cost and completion date. Member failed to complete the work within the stipulated time. Work remained 20% incomplete and with defects. Refused to refund any of the advance payment. Failure to respond to Client's concerns appropriately.	Suspension	2017

YEAR OPENED	STATUS	RELEVANT SECTION	ALLEGATIONS/FACTS	SANCTION	YEAR OF DECISION
2016	Chartered 6+	Principles 1 and 2	Member engaged as architect and contract administrator for conversion of cellar. Tenders were returned significantly higher than budget. Reductions and savings discussed and agreed by value engineering, including underpinning. Wall in cellar subsequently collapsed. Member failed to explain cost reductions to Client. Member failed to take effective action prior to cellar wall collapse and failed to deal with aftermath. Member unintentionally misled Client.	Public reprimand	2017
2017	Chartered 6+	Principle 1.1, 2.1, 2.3 and 3.4	Member appointed as architect for house renovation. Client paid monies to architect for materials. Delay in obtaining materials.	Caution (private)	2018
2017	Chartered 6+	Principle 1.1, 1.3, 2.1, 2.2 and 2.3	Member engaged as architect to carry out alterations to residential property. Errors in plans drawn up by architect led to materials and fittings purchased at the Client's expense being unusable. Improper use of 'Chartered Architect' title when not registered with the ARB.	Caution (private)	2018

7 Previous decisions: Code of Practice

CONVICTION

YEAR OPENED	STATUS	RELEVANT SECTION	ALLEGATIONS/FACTS	SANCTION	YEAR OF DECISION
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INTEGRITY

YEAR OPENED	STATUS	RELEVANT SECTION	ALLEGATIONS/FACTS	SANCTION	YEAR OF DECISION
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RELATIONSHIPS

YEAR OPENED	STATUS	RELEVANT SECTION	ALLEGATIONS/FACTS	SANCTION	YEAR OF DECISION
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COMPLEX

YEAR OPENED	STATUS	RELEVANT SECTION	ALLEGATIONS/FACTS	SANCTION	YEAR OF DECISION
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