

Chartered Institute of Architectural Technologists' (CIAT) response to the architects' regulation review

On 16 August, the Ministry for Housing, Communities and Local Government (MHCLG) announced a Call for Evidence¹ with a view to undertaking a review of the regulation of architects. The response from the Chartered Institute of Architectural Technologists (CIAT) is below. Please note that no direct response to the consultation's survey questions has been made by CIAT.

CIAT is the global membership qualifying body for Chartered Architectural Technologists. It represents those practising and studying within the discipline and profession of Architectural Technology, and qualifies Chartered Architectural Technologists, a regulated profession and protected title under Royal Charter.

Executive Summary

This Call for Evidence is to consider the current form of regulation for architects and the architectural sector in the UK. CIAT has serious concerns on the fragmented, biased and blinkered nature of the Call for Evidence, and the implications its findings may have on the Built Environment sector and professionals operating within it, should any recommendations that come as a result of the findings be implemented.

It is the opinion of CIAT that:

- this consultation should have been undertaken in full collaboration with relevant representative professional bodies at **all** stages, with a comprehensive analysis carried out of the roles and functions of **all** qualified and competent Built Environment professionals that may be affected by this review;
- the survey in its current form and its responses should be disregarded by the DLUHC (formerly MHCLG). The survey must be rewritten without bias or ambiguity in collaboration with relevant professional bodies to ensure the inclusion and representation of all relevant Built Environment professions, to allow them to respond in full, with due consideration given to their comments in view of the wealth of knowledge and experience they hold;
- critically, with the imminent enactment of the Building Safety Bill, the new building safety regime, and the establishment of the HSE as the regulator, the ongoing need for the ARB must be seriously considered as should the continued protection of the title architect, as there is no justification of why one profession should hold a privileged status over others;

¹ <http://www.constructionleadershipcouncil.co.uk/wp-content/uploads/2016/10/Farmer-Review.pdf>

- the implication of the intention to protect function requires a transparent impact assessment. To regulate functions which are perceived as typically undertaken by architects would narrow competition through the exclusion of all other professions, and may exploit a dominant market position.

1. Context for CIAT's Response

Architectural Technology

Architectural Technology is an essential function for ensuring design and technological solutions result in successfully constructed buildings and structures, which perform efficiently and effectively within the context of user needs and safety, environmental sustainability, regulatory and briefing requirements.

Architectural Technology, as a design function, relates to the anatomy and physiology of buildings and their production, performance and processes and is based upon the knowledge and application of science, architectural engineering and technology. This is linked to robustness and the life-span characteristics of building systems, materials and components to achieve long-term durability and which are critical to building safety, and in particular, the life safety of occupants and users.

In the current drive for the Built Environment to be more sustainable and environmentally-conscious, there is a growing need for new and innovative building technologies to promote better building processes, production and performance. Architectural Technology and Architectural Technology professionals as experts in this field have a critical role in the successful delivery of this vision.

Chartered Architectural Technologist

CIAT is the international qualifying body for Chartered Architectural Technologists. Chartered Architectural Technologists specialise in design, underpinned by building science, engineering and technology applied to architecture.

They are qualified to design, manage, and lead on all project types from inception to completion, including small scale to large commercial, industrial, residential and public projects with no restrictions, including on building size, type, function or use. Furthermore, they work collaboratively with other professionals such as architects and engineers and in the UK, they have parity of esteem with all Chartered professionals in the Built Environment sector.

Chartered Architectural Technologists as a lead design professional will take into account factors such as inclusivity, environmental and sustainability in their projects, whether in the conceptual design or throughout the project or as part of any refit, refurbishment or adaptation of a building.

The Chartered Architectural Technologist is recognised under the UK Government's Office of National Statistics' Standard Occupational Classification, Minor Group 245, alongside architects, planning officers and surveyors. Please find enclosed the relevant extract from the Office for National Statistics. (Appendix 1).

As set out in CIAT's Code of Conduct², all members must describe themselves factually and in good faith and not knowingly misrepresent themselves. Only Chartered Architectural Technologists may act as principals and offer and/or provide services directly to a client, and their practice must be registered with CIAT. They may use the protected and regulated title 'CIAT Chartered Practice'. Such Chartered Architectural Technologists are required to hold professional indemnity insurance. All members (with the exception of student members) must undertake at least 35 hours of adequate and commensurate continuing professional development (CPD) on an annual basis. Members found in breach of the Code of Conduct are subject to CIAT's rigorous conduct procedures and may be expelled from the Institute.

To attain the professional qualification of Chartered Architectural Technologist, candidates must demonstrate their knowledge, understanding, practical experience and professionalism in the broad field of Architectural Technology. On application for Chartered Membership, candidates must be educated to at least Bachelors degree level, and this knowledge may be attained through practical experience. The level of the professional qualification of Chartered Architectural Technologist once achieved is akin to Masters level.

Regulation of Chartered Architectural Technologist

Prior to the UK's exit from the EU, the Chartered Architectural Technologist was a regulated professional qualification under EU Directive 36/2005/EC; the purpose of which was to ensure free movement on an equal status of competent professionals across Europe. Please refer to the EU Regulated Professions Database³ which provides further information on the activities undertaken by the Chartered Architectural Technologist. Following the transition period post-Brexit, the UK Government has maintained the regulated status of professions which were recognised under this Directive.

Architectural Technology standards of education

Architectural Technologists and architects are conceptually distinct professions. However, they share a common function with respect to architecture and the built environment, with the same level of responsibility. Both are equally important in regard to the betterment of society, with each having a strong culture of practice. Architectural Technology is therefore a distinct discipline, in which Chartered Architectural Technologists carry out similar roles as an architect.

UK standards for Higher Education in the Built Environment and Construction are set and published by the Quality Assurance Agency (QAA) as Subject Benchmark Statements, and form part of the UK Quality Code for Higher Education which sets out the expectations that all providers of UK Higher Education are required to meet. Subject Benchmark Statements define

² <https://architecturaltechnology.com/resource/code-of-conduct--effective-1-september-2020--pdf.html>

³ https://ec.europa.eu/growth/tools-databases/regprof/index.cfm?action=regprof&id_regprof=7459

what can be expected of a graduate in the subject in terms of what they may know, do, and understand at the end of their studies.

There are only four Subject Benchmark Statements which focus on the development and construction of single buildings — Architecture, Architectural Technology, Engineering (all branches of engineering) and Land, Construction, Real Estate and Surveying. For reference, there are only 63 Subject Benchmark Statements covering the spectrum of academic disciplines in the UK. It is therefore clear that the existence of specific Subject Benchmark Statements in the Built Environment demonstrates the distinct nature and importance of the various disciplines. The Architectural Technology Subject Benchmark Statement includes the benchmark standards for both Honours and Masters degrees in the discipline. Please see Appendix 2 for the current version of the QAA Subject Benchmark Statement for Architectural Technology (2014), and please [click here](#)⁴ for the draft consultation version. (Link correct at 4 November 2021).

The benchmark standards for Honours and Masters degrees in this document form the basis of CIAT's educational requirements for Chartered Membership. This allows the Institute to recognise that whilst some Architectural Technology professionals may not hold a formal academic qualification such as a degree, they have met the same underpinning standards through the demonstration of their skills, knowledge, experience and behaviour, thus enabling them to attain the professional qualification.

2. Architects' regulation consultation

Architectural Technology as a distinct discipline

'Chartered Architectural Technologist' is a regulated profession and a protected title, and CIAT is a regulated body under the authority of The Privy Council. This does not appear to be understood or recognised by the Government. The Privy Council's website confirms that incorporation by Royal Charter is a "prestigious way of acquiring legal personality and reflects the high status of that body".

It is essential that the Department understands and recognises the differences between the disciplines and professions and their education and practice, so that their strengths and characteristics are considered separately and without confusion or ambiguity. This differentiation is also very important to ensure that any limitations that may be specifically associated with the education or practice of the architect are not also associated with the discipline and profession of Architectural Technology, or others.

⁴ <https://www.qaa.ac.uk/quality-code/subject-benchmark-statements/consultation-on-revised-subject-benchmark-statements>

Quality of the Call for Evidence and relevance of the survey to Architectural Technology professionals

Whilst CIAT is supportive of a review of architects' regulation and has encouraged its members and affiliates to respond to the consultation, we have serious reservations concerning its approach, its purpose and how the survey questions are worded.

The consultation is poorly and ambiguously worded and the author appears to have little or no understanding as to the remit of the Architects' Act (1997) or the implication of misuse of nomenclature. The survey questions are primarily directed towards architects and architecture students and the language used steers its respondents to presume that any other designer is unqualified. It does not furnish the respondent with information pertaining to other qualified and competent professionals, nor does it enable other qualified professionals to respond fully.

The language used throughout the consultation is not consistent; for example, reference is made to 'architectural' rather than 'architect'. It is important to highlight that it is only the **title** of 'architect' that is regulated, **not** the descriptors or derivatives 'architectural' or 'architecture'. Indeed, it should be noted that under the Architects' Act, an 'architect' is simply someone whose name appears at Part 1 of the Register of Architects. The Architects' Act **in no way** informs, delineates or regulates the function or work that may be undertaken by a person whose name appears at Part 1 of the Register of Architects.

In most cases where the word 'architectural' is used, it appears that this pertains to the work of registered architects only. This will lead to wild inconsistencies between answers given by architects and other equally qualified and competent professionals as the survey provides no definitions or clarity for the responder, as such the findings would therefore be based on flawed, biased and presumptuous responses. Such approach is misconceived as it fails to take account of all material considerations (e.g. that architects and CATs are equally qualified to undertake design work, and act as Principal Designers / Designers under the CDM Regulations). CIAT would therefore seriously question the validity of the results of this survey in that they will not be a true reflection of the entire Built Environment sector. Such a distorted view may be used inadvertently to justify a move to protect function, the details of which have not been provided, which has potential to impact a wide range of professions.

The questions are both subjective and leading with some only visible to architects upon completion of the online form. For example, it is noted that should the respondent confirm they are an architect at the beginning of the survey, they then have access to all survey questions, whereas other respondents do not. What is more, question 1 of the survey only enables other professionals to select 'non-architect', with a very limited and conflicting sub-selection thereafter, demonstrating a patent disregard and lack of inclusivity of other qualified professionals. This approach is restrictive and has caused confusion and frustration for other Built Environment students and professionals, discouraging them from responding, or not allowing them to respond fully and fairly. The consultation is not balanced, impartial or representative, and is tailored to those that have a self-protectorist, subjective stance in advising the Government on how the industry should be regulated.

We would go further to suggest that the survey should be disregarded, and the process revisited with an open, impartial, evidence-based, qualitative approach, fully engaging all those providing professional services which may fall within the perceived ‘function’ of the architect, and their representative professional bodies. This will give a more realistic and balanced reflection of industry and will ensure the consultation is not unfairly or incorrectly weighted in favour of one profession over all other professions currently able to provide services perceived as falling within the ‘function’ alluded to.

Protection of function

The outcomes of this consultation could have fundamental and lasting implications vis-à-vis protection of function and on the role and position of many Built Environment professionals. CIAT is apprehensive that the outcomes of this consultation may encourage the UK Government to consider protection of function based on flawed or biased data.

It is of the utmost importance to remember that there are no defined, definitive or categorised functions of an architect, and that functions undertaken by an architect can be carried out equally by other qualified and competent professionals, including Chartered Architectural Technologists, all of whom have the same level and breadth of recognition in the UK; this cannot be changed.

Within the consultation itself, there is no suggestion of which function(s) may be protected, and whether this protection would be extended to all professionals who are qualified and competent to offer the same services. All qualified professionals who provide services must be considered fairly and on an equal basis, in order that no monopoly is created (and no dominant market position is exploited), the breadth of skills available is not diminished and collaborative working to achieve the best solutions is maintained. Furthermore, any move to protect function must go through a full and proper review and consultation with the views and opinions of all qualified professionals properly canvassed and considered, and a comprehensive need and impact assessment undertaken. It would necessitate clear unambiguous definitions of the ‘functions’ to be protected and transparency as to what this is intended to achieve.

Design is not restricted to a single profession, nor can its function be defined as such. Many professions undertake and provide different roles and functions within the design of a building, or their adaptation, refurbishment or maintenance.

An architect is not the only professional with the skills and competences to lead projects from inception to completion, in-use or post-completion operation and maintenance. Therefore, it is essential that no bias in favour of one profession be introduced. This is clearly evidenced where Chartered Architectural Technologists are recognised by third parties to lead projects; and have successfully done so for a significant number of years. An analysis of the competences and standards of the various professions should be a first step; focusing on one in isolation cannot provide accurate data to make any determinations or recommendations for change.

In view of the restrictive nature of the survey, the results simply cannot address the following considerations and concerns:

- How appropriate it is to reserve or protect function for one profession, given the increasing need for specialisms and specialists in industry.
- How appropriate it is to reserve or protect function for one profession, given that other professions have the skills, knowledge, experience and behaviours (SKEB) to undertake a full range of activities.
- How the ‘functions’ to be protected would be defined.
- What the wider value of protecting function is, and how reserving certain activities to only one profession would benefit society.
- The creation of barriers to entry for other competent professionals, which is anti-competitive.
- The risk that protection of function (thereby creating a monopoly and decreasing competition) may result in the achievement of minimum standards only, therefore diluting excellence.
- How protection of function will marginalise the less affluent given the cost of higher education and membership fees.
- That no comparison of education, experience or competence has been undertaken between associated professions.

3. Need for review

Protection of the title of architect and assumed competence

A comprehensive, impartial assessment should be made to determine the ongoing need for the Architects’ Act alongside the function of the Architects’ Registration Board (ARB). Initially set up in 1931 as the Architects Registration Council of the United Kingdom (ARCUK) when the Built Environment landscape was very different, ARB was established in 1997 by Parliament to continue the same role as ARCUK in registering architects, overseeing discipline and protecting the title - rather than the function - of the architect. ARB is not a regulator, and professionals other than architects are outside of its control, despite what is implied by the Foreword and the Call for Evidence.

The protection of the title of architect is purely historical and is irrelevant and inconsequential to a Built Environment professional’s suitability to design or practise. The forthcoming enactment of the Building Safety Bill and new building safety regime will enable all competent professionals to be recognised via specific accredited registers for the roles of Principal Designer, Principal Contractor, and Building Safety Manager. This new regime includes the implementation of an overarching regulator, which suggests that the role and remit of ARB is redundant, as is the privileged status currently afforded to architects.

ARB states that the title of architect can only be used by people who have the appropriate education, training and experience required to join the Architects Register. However, simply qualifying as an architect provides no assurances of competence, and it is important to recognise that different architects may specialise in different areas. For example, in common with other professions, whilst all architects will obtain fundamentally the same underpinning knowledge

and experience necessary for them to become qualified, they may go on to attain additional levels of expertise depending on their chosen route of practice.

This could be across the broad field of architecture, or a greater depth of knowledge and experience may be attained in a more specialist area, such as fire safety or building conservation. This implies differing levels of competence depending on the function or activity, albeit within one profession. To regulate function to the 'architect' and offer assurances of competence is therefore not possible. It is also important to acknowledge that ARB only recognises a narrow range of academic qualifications, disregarding any others which achieve at least a comparable outcome albeit with a different focus, against very prescriptive standards, thus not allowing for flexibility, diversity and specialisation of knowledge.

Perception and understanding of architect

The continued need and value of protection of title must be properly assessed. Whilst the title of architect is legally protected, it is used, misused and misunderstood frequently. It is commonly used as a descriptive word to define a type of service across a number of fields, and not generally to describe holders of particular academic qualifications or experience. An example of the misuse of the title can be found on the UK Government's own website in its guidance on technical architects in IT⁵, published by the Central Digital and Data office on 7 January 2020.

The implication in the Call for Evidence and specifically in The Rt Hon Christopher Pincher MP's Ministerial foreword, is that there is, or should be, protection of function and that the architectural sector is the sole remit of architects. The UK Government is promoting a dangerous and factually incorrect narrative because the architect has no special status or standing, and such inaccuracies lead to the marginalisation of other qualified professionals and the restriction of competition and innovation. This lack of understanding or clarity may be perpetuated by those who lead public tender invitations or who procure construction projects, who have a general misunderstanding of the various critical functions that are carried out by other design professionals. Such other professionals may be more qualified and competent to undertake, or lead the design team in a construction project.

Accessibility and inclusivity

Barriers to entry to becoming an architect include socio-economic constraints, specifically financial, given the length of time to qualify is a minimum of seven years. It is therefore contradictory and not reasonable to consider function reserved for the architect, whilst seeking to improve accessibility to those from under-represented backgrounds.

Those from less privileged backgrounds are much less likely to have the financial stability or support to commit to the process. Coupled with the cost of registration (and maintaining registration), this makes the profession largely prohibitive to the under-represented.

Despite some flexibility in the Architects' Act in regard to qualifying as an architect, ARB has no internal mechanism or facility to adapt its qualification process. ARB does not accept those that

⁵ <https://www.gov.uk/guidance/technical-architect>

do not hold prescribed qualifications in architecture, and it does not recognise other relevant qualifications or experience. This is a blinkered approach and again, excludes those from less privileged backgrounds. Please see Appendix 3 – Extract from the Architects’ Act 1997 for qualification on the ARB Register.

It is essential that other more economic, less prescriptive, but equally challenging routes to qualifying as a competent Built Environment professional and to undertake the same roles and functions as the architect, which are based on a combination of academic training and comprehensive industry experience continue to be recognised. Accepting candidates from diverse backgrounds who possess a range of experience and/or academic qualifications promotes innovation, and enriches and enhances the UK’s Built Environment sector.

Greater diversity, inclusivity and collaboration must be addressed in order for the industry to develop, and removing barriers to entry rather than implementing them will help to improve quality and performance. Any changes to regulation must help achieve a strong, accessible, innovative and inclusive architectural sector.

Shortage of qualified Built Environment professionals in the UK

It is well-documented that there are critical skills shortages and an ageing workforce in the UK Built Environment sector. There are numerous reports to support the need for skills and which illustrate the state of the sector.

In 2016, *The Farmer Review*⁶ was commissioned to evaluate the current and future state of the UK’s construction labour model. One of the critical symptoms of failure and poor performance identified in the Review was workforce size and demographics. The Review highlighted a projected decline of 20-25% in the available labour force within a decade; a capacity shrinkage that would render the industry incapable of delivering the levels of GDP historically seen. Furthermore, it would undermine the UK’s ability to deliver critical social and physical infrastructure, homes and built assets required by other industries to perform their core functions. Lord Farmer further reiterates the issues surrounding the lack of skills or labour and fragile supply chains in the UK in his recent article *Five years on from Modernise or Die, where are we now?*⁷ (October, 2021).

The CITB Construction Skills Network’s *Construction Skills Network 5-year outlook 2021-2025*⁸ indicates a shortfall in all professional occupations and non-manual occupations. The second highest construction occupation required is for ‘construction professionals and technical staff’ which has an annual recruitment requirement of 5150.

6 www.constructionleadershipcouncil.co.uk/wp-content/uploads/2016/10/Farmer-Review.pdf

7 <https://constructionmanagermagazine.com/five-years-on-from-modernise-or-die-where-are-we-now/>

8 <https://www.citb.co.uk/about-citb/construction-industry-research-reports/construction-skills-network-csn-2021-25/>

Cross-industry research report, *Shortage occupations in construction*⁹ (January, 2019) which was undertaken to support the continuing efforts by the UK Built Environment sector to understand and manage skills shortages in construction, surveyed more than 160,000 employees in the industry and highlights professions that are consistently reported as shortage occupations, including Construction Project Managers, Production Managers and Directors in Construction, and Chartered Surveyors.

What is more, considering the restriction in freedom of movement due to Brexit, it is clear that the UK will need a wider pool of Built Environment professionals to ensure it can deliver on key Government priorities from housebuilding to infrastructure. The need for occupations is based upon competence rather than title, and other Built Environment professionals are undoubtedly competent to undertake the important functions required in industry.

Pan-industry collaboration and consultation

A comprehensive, impartial review of the regulation and its relevance in today's Built Environment is constructive, provided that it considers all professionals, and ensures they are treated equally as highlighted in many reports including Latham and Egan, to demonstrate to clients and the public a consolidated and holistic approach.

Architecture is such a wide and diverse field that one person will rarely have all the requisite knowledge and skills. In reality, responsibilities are shared across a range of professionals depending upon the need. To work collaboratively with a range of professions, to produce architecture that addresses user needs to provide safe, sustainable environments that enhance wellbeing, to oversee whole projects, to understand many disparate issues and to bring them together in a design solution are not the sole domain of architects. Many other architectural design professionals including Chartered Architectural Technologists, Chartered Building Surveyors and Chartered Engineers, among others also excel at this. The confusion appears to arise because the architect is the only profession operating under an Act of Parliament.

The design and procurement processes for certain sizes or types of projects requires a review to ensure a less fragmented and more rigorous approach to inspection and certification. Whether this process is led by an architect, Chartered Architectural Technologist or other design professional should be of little consequence, provided that they are competent, and not simply designated the role based on title alone.

Any changes to regulation should therefore give due consideration to those professionals who are currently recognised to undertake all activities in industry, not least those Chartered professionals that are qualified, insured and who abide by robust codes of conduct. Protection of role or function will not provide any additional safeguards to the public, consumers or society and it is possible to ensure public protection is in place without introducing unnecessary barriers

⁹ <https://www.constructionleadershipcouncil.co.uk/news/shortage-occupations-in-construction-a-cross-industry-research-report/>

to entry. There is also the consideration that to regulate the perceived function of an architect would be to artificially narrow competition by reference to functions typically undertaken by architects to the exclusion of all other professions. In fact, continuing to allow a wider pool of relevant and much needed expertise would only increase competitiveness, diversity and standards of excellence in industry.

The UK Government must work collaboratively with all professions and their professional representative bodies to enable their recognition, should regulation of function be determined a realistic proposition.

4. Conclusion

Whilst it is necessary to improve the decision-making process and accountability of those responsible for making decisions that affect our lives, homes, places of work and our surroundings, other professionals involved in the design and construction process also need to be recognised for the valuable part they play in ensuring robust, safe and cost-effective construction.

The review opens by stating that *‘The United Kingdom’s architectural sector is one of the best in the world’*. This cannot be solely attributed to architects but the Built Environment sector as a whole. It goes on to state *‘our ambition to reach Net Zero carbon by 2050 has furthered the need to embed sustainability into design principles when considering our approach to the built environment’*. The technical and technological design of any building will in no small part contribute to achieving the goal of reaching Net Zero Carbon and therefore it is vital that Architectural Technology professionals are recognised within this review, given their emphasis and focus on sustainability and designing for performance and production.

A review of the regulation of architects must be in synergy with societal, economic and environmental needs to address important issues such as - but not restricted to - the UK’s housing shortage, quality control measures including health and safety (particularly in the wake of Grenfell and the implementation of the Building Safety Bill) and new innovations, practices and technologies, through the engagement of competent professionals.

It is essential that all qualified professionals who undertake and provide architectural design roles and functions such as Chartered Architectural Technologists continue to be legally recognised to do so within any changes to regulation, and that architecture, design and architectural services are not the exclusive domain of registered architects. It is therefore imperative that the UK Government carefully analyses the roles and functions currently undertaken by other qualified professionals, to support and endorse them, to ensure no negative impact on the Built Environment sector. This will negate the risk of excluding the many other competent professionals including Chartered Architectural Technologists, who would be otherwise forced to cease practising in their field.

END

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