Role of Professional Bodies – Ian Pritchard

Drafting panel:
Isabelle Moreau, Alain Sagne, Stephen Nutt, Umaru Aliyu

Role of Professional Bodies

Background

Introduction

UIA PPC Marrakech meeting asked to drafting panel to

• Compile & define a list of tasks to be accomplished on behalf of architects, whether regulatory or advancing professional goals;

• Not to select a current model enumerating what type of body performs which tasks

• Look at the actions required for Professional Goals & Regulatory Goals, and evaulate the relationship between these ends; and how they might be met with least negative consequences

• Have particular regard for the ability of discipline

• Re-visit the wording of the UIA Policy on the Role of Professional Institutes

Role of Professional Bodies

Accord Policy

Accord Policy on the Role of Professional Bodies

"In countries where professional bodies do not exist, the UIA should encourage members of the architectural profession to form such bodies in the public interest. Professional bodies should seek to ensure that their members:

-Adhere to the UIA's international standards, the minimum requirements of the UNESCO-UIA Charter for Architectural Education and the UIA International Code of Ethics & Conduct;

-Keep up to date their knowledge & skills as required by the list of 'Fundamental Requirements' (current and future), and

-Generally contribute to the development of architectural culture and knowledge, as well as the society they serve"

Role of Professional Bodies

Overlapping Guidelines

Professional Bodies vs. Registration of the Practice of Architecture

•overlapping guidelines

- on the Role of Professional Instiuttes
- on registration of the Practice of Architecture

• former, degree of self-determination

• latter, established by Statute

Role of Professional Bodies

Overlapping Guidelines

A single Guideline on Governance of the Profession?

•Separation?

•Shared functions, overlaps

•Combine the two guidelines into one?

•E.g. Guideline on the Governance of the Architectural Profession (regulatory and professional bodies)

Role of Professional Bodies

Source of Authority **Basis for establishing a Professional Body**

- Legislative act
- Public interest role
- Decision of ‘members of the profession’

Role of Professional Bodies

Title, practice

Regulation of title or regulation of function

- Legislation to regulate the title ‘architect’
- Structures to ensure title is used only by qualified persons
- Regulation of function (practice)

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Role of Professional Bodies

Representation

Promoting architecture & architects

- Promotion of the art & science of architecure
- Promotion of architects' interests
- Advocacy, in furtherance of both

Role of Professional Bodies

Apportionment of functions

Separate or combined functions

Registration & Professional functions could be dealt with by separate bodies or a single body, depending on laws/culture.

However, anti-trust or competition laws in some jurisdictions do not allow the combination of these functions, where it is necessary to

- Maintain distinctions between the regulator & the regulated
- Ensure that the profession is represented by an independent body

Role of Professional Bodies

Suggested structure for a new (combined) Guideline

Role of Professional Bodies

New guideline 1 - Introduction

Statement on Principles of Professionalism & Regulation

- Definition of a profession; reserved functions

- Governing bodies
  - accountability to the public; independent of other interests;
  - support free/fair markets, public can make informed choices

- Purpose of regulation – to ensure quality of service
  - Standards of qualification & practice
  - Register of qualified persons and award of titles
  - Overseeing conduct, investigating complaints, sanctions

- Open, transparent, accountable, auditable, consistent, proportional

Role of Professional Bodies

New guideline 2 - registration

Registration of the Practice of Architecture

•Repeat earlier Guideline (5 key criteria when registration is appropriate)

•Registration of title vs. Registration of function (practice)

•De minimus role of the regulatory body (e.g. regulation of title, register, content of training, review of standards, Code, discipline, CPD)

•Additional functions

Role of Professional Bodies

New Guideline 3 - registration

Other regulatory models

- Consider the nature of regulation and new models
- Self-regulation vs. Co-reulgation
- OECD thinking
  - ensuring qualification vs. economic considerations
  - balancingn interests served by regulation – and the need to ensure competition
- Entry to the profession (cf. GATS: not more burdensome than necessary)
- Opportunities for professions to adopt common guidelines e.g. codes of practice, sectoral agreements

Role of Professional Bodies

New Guideline 4 - registration

Definition of the Role of Professional Institutes

- Promotion of professional interests
- advancing the art & science of architecture
- representation (advocacy)
- other elements from current guideline e.g. consumer interest and public interest functions

Role of Professional Bodies

New Guidline 5 -

Organisations combining regulatory & representational functions

•Describe tri-partite role of German Chambers

•Supervision of conduct & standards

•Representation of the interest of the profession with regard to the public interest

•Promotion of the profession and the public interest

Role of Professional Bodies

New Guidline 6 – organisational models

Summary of most prevalent organisational models

• cf. Models described in earlier guideline

• retain distinction between statutory registration bodies and independent professional bodies (each with variants e.g.

• Statutory registration bodies
  – with additional [professional] functions (e.g. Chambers, Colegios, Ordres) or
  - withtout additional functions (ARB, NCARB)

• Self-regulatory professional bodies –
  - established by Royal Charter
  - with a quasi-regulatory function (dominant market position)
  - trade association

Role of Professional Bodies

New Guideline – list of tasks (appendix 1)

List of tasks to be accomplished by professional bodies

Tasks could be divided into four areas:

• to protect the public/consumer/society by ensuring that only those with appropriate qualifications are able to call themselves architects (Education);

• to protect the public/consumer/soceity by promoting optimum standards of practice (Conduct)

• to contribute to the improvement of knowledge/skills of architects (Practice)

• to promote the art & science of architecture (Cultural & Outreach)

Role of Professional Bodies

New Guidline – table of regulatory & professional goals (appendix 2)

Actions required to achieve regulatory goals; actions required to achieve professional goals

An initial sift of actions has taken place.

Some fall clearly into one area or the other

Others appear in both

The list is not yet exhaustive

Role of Professional Bodies

New Guideline – regulatory goals & professional goals

Evaluation of the relationship between regulatory goals and professional goals

No evaluation has taken place yet.

However, consider the following:

Q. If one it to combine functions from both models, how to avoid the impression of collusion between the regulator and regulated?

Q. If Government regulators are to win public confidence, how to avoid any appearance of being beholden to the industry they regulate?

Q. If professional institutes are to represent their members, is this not best done when free from Government control, speaking with fear of coercion?

Role of Professional Bodies

New Guideline – regulatory goals & professional goals

How to meet the regulatory/professional goals with least negative consequences?

Not yet considered.

Q. Would this be the place to insert some reference to emerging regulatory models? e.g. in Ireland where the Government has just invested the professional institute (RIAI) with regulatory powers.