
Union Internationale des Architectes • International Union of Architects

Recommended Guideline on the Governance of the Architectural Profession (Role of regulatory and professional bodies)

Approved by the UIA Council, Tokyo, Japan, February, 2005.

Approved by the UIA Council, Beirut, Lebanon, January, 2011.

UIA Professional Practice Program Joint Secretariat

The American Institute of Architects
Co-Director Douglas L Steidl, FAIA
1735 New York Avenue, NW
Washington, DC 20006
Email: dougsteidl@aia.org

The Architectural Society of China
Co-Director Zhuang Weimin, ASC
No.9, Sanlihe Road
Beijing, China 100835
Email: zhuangwm@tsinghua.edu.cn

Preamble

Each Member Section operates in an unique cultural and legal environment and, therefore, should apply this document in a manner appropriate to the nature of their specific situation.

Introduction

Background statement on the Principles of Professionalism and Regulation

- A profession is an occupation in which an individual uses an intellectual skill set based on an established body of knowledge and practice to provide a specialized service in a defined area, exercising independent judgement in accordance with a code of ethics or conduct, in the public interest, and this, whether working in a self-employed capacity, as an employee or as an employer of architects.
- Some areas of work may be reserved to members of a profession for the protection of the public, on the basis that the profession's governing body will ensure that those licensed to practice are appropriately qualified and conduct themselves in a suitable manner.
- Architectural governing bodies may be established by a legislative act investing it with statutory powers; some form of legal incorporation (e.g. Royal Charter) investing it with a public interest role; or a decision of members of the architectural profession to pursue activities in the interests of architects. Regardless of the form selected, they are accountable to the public they serve.
- Architectural governing bodies determine the qualifications for practice and support a fair and competitive market in which the public can make informed choices between the providers of architectural services, as well as between the qualified and unqualified.
- The architectural profession is regulated to ensure the protection of the public health, safety and welfare and to assure quality of service in the public interest. This involves
 - keeping a register of qualified persons and awarding titles;
 - setting standards of professional qualifications and practice;
 - overseeing the conduct of registrants, investigating complaints and imposing disciplinary sanctions for misconduct
 - representing the profession to public authorities
- Provided always that regulatory procedures are open, transparent, accountable, auditable, consistent and proportional, involving lay persons where appropriate, and provided that procedures are in accordance with article VI.e of the GATS i.e.
 - transparent and based on objective criteria e.g. professional competence/skills;
 - not more burdensome than necessary to ensure the quality of service;
 - do not restrict service provisionregulation supports international practice and mobility

Source of authority: the powers and responsibilities of any professional body will be greater or lesser depending on whether it derives its authority from:

- a legislative act investing it with statutory powers;
- some form of legal incorporation (e.g. Royal Charter) investing it with a public interest role;
- a decision of members of the architectural profession to pursue activities in the interests of architects.

1. Regulatory & professional tasks to be accomplished on behalf of the architectural profession

The regulatory and professional tasks to be accomplished on behalf of the profession fall into four main categories

1.1 protection of the public/consumer/society, by ensuring that only those with appropriate qualifications are able to call themselves architects (education/practical training, examination and professional development standards)

- develop (and keep under review) the content of initial (academic) training¹;
- determine the content of practical training, up-dating as necessary;
- validate academic establishments delivering the above²;
- determine the nature of pre-registration professional experience;
- determine standards of qualification for entry to the professional register/authorization to practice or entry to membership;
- maintain register of qualified architects/members;
- pursue those who unlawfully describe themselves/practice as architects;
- develop/apply measures for maintaining competence

1.2 protection of the public/consumer/society, by promoting appropriate standards of practice (Professional Conduct) and standard of care

- maintain and apply a Code of Conduct to which registrants/members must adhere;
- provide a complaints system for clients consumers (means of assessing professional conduct, investigating complaints and applying disciplinary sanctions);
- offer alternative forms of dispute resolution
- promote up-take of Professional Indemnity Insurance by the profession (making it an obligation where the law permits)
- provide a framework for multi-disciplinary work

1.3 contribution to the enhancement of the knowledge and skills of architects (Practice standards)

- monitor and develop standards/conditions of practice (scope of intervention);
- develop different forms/types of practice;
- provide 'learned society' function (centre of learning, resource for acquisition/ management of knowledge);
- develop technical documentation (forms of contract, guidance etc.)
- promote research & development e.g. into areas of key importance such as sustainable development);
- develop/organize events for architects' CPD;
- support fair procedures for awarding contracts, including architectural design competitions);

¹ Responsibility for the architectural curriculum varies from country to country. It can be determined by the Government, the registration body or the professional body;

² Cf. UIA Guideline on Validation. This may be done through:

- independent quality assurance bodies, typically appointed by the Ministry responsible for architecture, the professions or educational establishments;
- a scheme operated directly by the registration body;
- a peer review scheme operated directly by the professional body;
- a vehicle established especially for this purpose, drawing on members of both the registration and professional bodies

1.4 promotion of the art and science of architecture, and otherwise contribute to creating the best environment (including the regulatory environment) in which architecture can flourish (Outreach – political [advocacy] and cultural)

- represent the profession to Government;
- campaign for optimum legislative conditions in support of a better quality environment;
- promote architecture policies;
- develop public awareness, to produce better-informed clients;
- develop the visual awareness of young people to create better informed future clients and to recruit future professions
- represent the profession at regional, national and international levels;
- provide services to other audiences: clients, Government, public;

A table is attached in Annex 1 describing actions required to further regulatory goals and actions required to further professional goals.

2. Principal organizational models for regulatory and professional bodies

2.1 Statutory bodies

- Registration bodies responsible for licensing and disciplinary functions only;
 - Establishment of education, experience and examination requirements for licensure
 - Establishment of continuing professional development requirements for licensure renewal
 - Investigation and enforcement of disciplinary matters
- Registration bodies that engage in other professional or cultural functions³ or with combined regulatory and professional functions⁴ that are responsible for
 - Supervision of conduct and standards, in the public interest;
 - Representation of the common interest of the profession, within the framework of public law;
 - Promotion of the profession in the public interest and how society deals with the built environment (Baukultur)

2.2 Self-regulatory professional bodies

- Institutes with special forms of legal incorporation endowing them with a public interest role);
- Organizations with a quasi-regulatory role e.g. by virtue of reputation, dominant market position or in the absence of any other regulatory body;
- Professional membership societies with the principal objective of promoting the profession (e.g. trade associations)

3. Regulatory functions (registration)

The International Union of Architects Guideline on Registration recommends that legislation or statute regulating the architectural profession should be based on registration of practice/function (ideally), but at a minimum, on registration of title.

The UIA Guideline on Registration recommends that registration is based on minimum standards of competency relative to education, experience, and examination to ensure that the public interest is served and sets out the five generally accepted criteria indicating where registration is appropriate.

4. Distinguishing between regulatory and professional functions

³ e.g. Colegios, Orders

⁴ e.g. Chambers

It is useful to distinguish between the regulatory and professional functions listed in Section 1 for independence and clarity of purpose, but also to eliminate any perception of self-interest. Provided the functions are carefully delineated they can encourage public trust.

Fundamental regulatory functions⁵

Regulatory functions are principally aimed at protecting the public and include the following:

- 4.1 To regulate title of architect (and function, if permitted) and maintain a register of qualified persons;
- 4.2 To prescribe qualification for inclusion in a register of qualified persons
 - **Qualification criteria for registration** which should be objective and transparent, reflecting the policies and guidelines of the "UIA Accord on Recommended International Standards of Professionalism in Architectural Practice"
 - **Degree:** an accredited professional degree in architecture that satisfies the minimum criteria of the UIA/UNESCO Charter for Architectural Education or such other requirement as the registration agency shall determine
 - **Practical Training:** as set out in the Accord Policy.
 - **Examination:** covering such subjects and graded on such basis as the registration agency shall decide.
 - **Continuing Professional Development:** establishing the requirements and covering such subjects as the registration agency shall determine
 - **Other criteria:** personal interview, local jurisprudence examination (building regulations), proof of insurance, moral character
- 4.3 To ensure adherence to a Code of Conduct and operation of a disciplinary function
- 4.4 To ensure maintenance of competence through compliance with minimum requirements set down for Continuing Professional Development as a condition for continued registration.

Additional regulatory functions include

- 4.5 Reciprocity - registration of non-residents for establishment, temporary provision of services or entering design competitions;
- 4.6 Practice registration (corporate entities)
- 4.7 Construction administration services - regulation relating to the engagement an architect during the construction of a project
- 4.8 Mechanism for dealing with unregistered persons - the registration agency should be able to impose fines and issue orders against mis-use of title and illegal practice by unregistered persons.
- 4.9 Other consumer-facing activities e.g. mediation/arbitration, expert witness work to help consumers deal with disputes more expeditiously, while avoid the burden of going to the courts, Professional Indemnity Insurance requirements.

⁵ cf. UIA Guideline on Registration/Licensing/Certification of the Practice of Architecture

Fundamental Professional functions

Professional functions include a range of activities that contribute to the advancement of architecture, in the public interest, including the following:

4.10 To regulate the title awarded to those admitted to a membership body (e.g. Chartered Architect)

4.11 To determine requirements for membership including

- **Qualification criteria for membership** to reflect at least the policies and guidelines of the "UIA Accord on Recommended International Standards of Professionalism in Architectural Practice"
- **Degree:** an accredited professional degree in architecture that satisfies the minimum criteria of the UIA/UNESCO Charter for Architectural Education
- **Practical Training:** as set out in the UIA Accord Policy.
- **Examination:** covering such subjects and graded on such basis as the professional body shall determine in its admissions criteria.
- **Other criteria:** personal interview, good moral character

4.12 Support of students: development of outreach programmes to elementary and secondary school students supporting the awareness and contribution of architecture to society

4.13 Support of interns: professional development and support of future architects through college curriculum encouraging practitioner involvement, structured internship programmes requiring exposure to comprehensive practice and organized supervisor and mentor programmes pairing interns with practitioners.

4.14 To ensure adherence to a Code of Ethics/Conduct and operate a disciplinary function

4.15 To ensure maintainance of competence through compliance with minimum requirements established for Continuing Professional Development as a continuing condition for continued membership

Additional Professional functions include:

4.16 Provision of a membership category for Practices/firms

4.17 Activity contributing to the advancement of the science and art of architecture, in the public interest e.g.

Education services

- Participation in determining the architectural curriculum;
- Participation in validating schools of architecture;
- Provision of knowledge management function;

Practice services

- monitoring and development of practice standards/forms of practice (scope of intervention);
- development of technical documentation (forms of contract, guidance etc.);
- promotion of research & development activity e.g. into areas of key importance such as sustainable development);
- organization of events to enable members to satisfy their CPD obligations;
- development of fair procedures for awarding contracts

Cultural activities

- development of the public's awareness of architecture in order to produce better-informed clients, through the organization of exhibitions, lectures and cultural events;
- provide 'learned society' function (centre of learning, resource acquisition);
- Architectural awards and prizes

4.18 Activity contributing to the promotion of professional interests

- Membership services;
- Marketing support to encourage the engagement of architects;
- Development and support of professional interest communities (practice specialisms, contracts, technology etc.)
- appointments service;
- export promotion;

4.19 Representation of the profession (advocacy) in furtherance of both the public and professional interests

- Policy and public affairs work;
- campaign for optimum legislative conditions for a better quality environment;
- promote architecture policies;
- represent the profession at regional, national and international levels;
- communication and public awareness/service campaigns related to the contribution of the profession to the betterment of the environment
- publication of professional journals, magazines, newsletters and ‘blogs’ serving as a resource for technical and professional issues

4.20 Activity pursued on behalf of other stakeholders e.g.

Client services

- advisory service to help clients match their particular needs with architects’ special expertise and experience;
- organization of architectural design competitions

Commercial services

- to produce technical documentation both for the architectural profession and the wider industry

Public services.

- to provide expertise for politicians, Governments and the Courts

5. Conclusions

It is not possible to draw too many conclusions from the foregoing. All regulatory and professional goals need to be pursued, not only behalf of the architectural profession but also in the public and consumer interest. And all forms of professional body are valid.

However, it is worth noting that

- where self-regulating professional bodies have been set up with voluntary membership, determining their own mission and role, it is often necessary to establish other compulsory registration bodies, with complementary but limited responsibilities
- conversely, where regulatory bodies provide for compulsory registration and have been invested, by the public authorities, with the authority to regulate the role (and sometimes functions) of architects, it has often proved necessary to set up other independent bodies to defend the material interests of their voluntary members (professional societies).

The powers and responsibilities of any professional body will be greater or lesser depending on whether it derives its authority from

- a legislative act investing it with statutory powers,
- some form of legal incorporation (e.g. Royal Charter) investing it with a public interest role

- or simply a decision of members of the architectural profession to pursue activities in the interests of architects.

While anti-trust laws in some countries do not allow the combination of regulatory and professional functions, in other jurisdictions this combination is possible provided always that care is taken to maintain appropriate separation between the regulator and the regulated, to avoid any impression of collusion.

Finally, the regulation of the architectural profession is so much more than the regulation of a set of activities; and the organizations that regulate the profession play a singularly important role in protecting the public interest.

Actions required to achieve Regulatory & Professional goals

| Regulatory goals | Professional goals |
|--|---|
| Protect the consumer, in the public interest | Advance architecture in the public interest |
| Safeguard the reputation of architects | Promote/represent the profession |
| Regulate the title 'architect' | Regulate the use of designatory letters/affix |
| Maintain register of qualified architects | Maintain list of qualified members |
| Prosecute those unlawfully using the title | Pursue those fraudulently claiming membership |
| Prescribe standards for entry to register (education, training, experience, examination, licensure, CPD) | Define standards of membership (education, training, experience, examination, CPD) |
| Participate in validation of schools of architecture and the development of curriculum | Participate in validation of schools of architecture and development of curriculum (with/without registration board or QA authority); |
| Publish Code of Conduct (monitor the behaviour of registrants) | Publish Code of Ethics (monitor the behaviour of members) |
| Deal with complaints; apply sanctions | Deal with complaints; apply sanctions |
| Offer alternative dispute resolution systems | Offer alternative dispute resolution systems |
| | Develop standards/forms of practice |
| | Provide professional services to members |
| | Carry out research & development function |
| Require Professional Indemnity Insurance for registration | Provide Professional Indemnity Insurance |
| Develop on-going competence requirements | Organize CPD events |
| Serve as 'competent authority' (for reciprocal registration agreements) | Administer mutual membership agreements between professional institutes |
| | Organize architectural competitions and develop fair procedures for awarding contracts |
| | Provide knowledge resource |
| | Represent the profession to Government |
| | Campaign for a better quality built environment |
| | Promote architecture policies |
| | Develop public awareness of architecture |

| | |
|---|--|
| Participate in regional, national and international organisations | Represent the profession in regional, national and international organisations |
|---|--|