

Advisory Note 15

The importance of Continuing Professional Development (CPD)

Two recent decisions of the District Court provide reminders of the importance of CPD in maintaining the minimum standards necessary for ongoing registration.

The architect, “AB”, had been in practice for several decades. Their CPD efforts had been minimal. They were assessed by an evaluation panel as part of the ongoing competence review process. The panel’s conclusion was that AB had not *“taken reasonable steps to maintain the currency of [their] architectural knowledge”*. AB was also not aware of the potential conflicts of interest arising from their work, was not using detailed design or contract documents, and did not understand *“the risk to [their] clients inherent in some aspects of [their] current practice.”*

The Board followed the panel’s recommendation and suspended AB’s registration.

AB appealed to the Court against the Board’s decision. This was the first ever appeal under the Registered Architects Act 2005.

In the course of the hearing the Judge observed that AB had a *“rather disdainful attitude to the requirement for [them] to undertake CPD”*, and that *“[their] words and actions (or lack of action) seem to exhibit a resistance to the whole idea of CPD”*.

AB had tried to support their case for ongoing registration by drawing on the experience and skills gained over the course of a long career, rather than demonstrating how they had maintained the currency of their architectural knowledge and skills over the past five years. Their view was that they *“had not found anything to learn from other architects”* in recent years and saw *“no value in attending [CPD] events”*.

However, the Judge found the material AB had presented in support of their work was not in keeping with the *“practices and standards generally accepted in [their] profession as assessed by the Board and its members”*.

AB’s appeal was dismissed, and the Board was awarded costs.

The close connection between the ongoing registration process and the maintenance of high professional standards was demonstrated just over two months later, when the District Court issued a second decision involving AB.

This was an appeal from a disciplinary hearing of the Board that found AB had breached the Code of Minimum Standards of Ethical Conduct for Architects. AB had failed to put in place adequate terms of appointment, and had not exercised due care and diligence when preparing their drawings or interacting with the local authority (this conduct occurred prior to AB’s suspension).

The Court upheld the Board's decision, noting the lack of proper terms of engagement caused confusion on AB's client's part as to their respective roles. The Judge also concluded there was a "wealth of evidence" to support the finding that the drawings submitted to the local authority were of poor quality and did not meet the minimum standard required for the issuing of a building consent.

These disciplinary findings reinforce the purpose of CPD and the ongoing registration process. The evaluation panel's concerns about AB's technical skills, and their lack of awareness of their ethical obligations, were borne out. The process triggered the Board's power to suspend the architect, providing an important measure of public protection. In the meantime, the suspended architect can address the issues raised by the panel/Board, and then apply for reinstatement following a further assessment against the minimum standards.

AB's experience provides a reminder that, even in the later stages of an architect's career, there will be developments in technology, legislation and ethical practices that must be absorbed into one's practice. The risks to the public, and to the architect's own reputation, are too great to adopt the attitude that CPD is a waste of time.

There is, however, a discretionary element to ongoing registration assessments. While there is only one category of "registered architect", the CPD policy is flexible enough to permit a degree of specialisation. Evaluation panels will expect to see a different range of CPD activities for a recently qualified architect who is working for a general practice, than for a highly specialised practitioner nearing retirement. We must all try to be aware of our strengths and weaknesses as professionals, and shape our CPD programme accordingly.



Gina Jones
Chair

Date: 26 April 2023