

PRESENTATION TO THE

JOINT COMMITTEE ON THE ENVIRONMENT,

HERITAGE AND LOCAL GOVERNMENT

ON

18 MAY 2010

INTRODUCTION

I would like to thank the Committee for the opportunity to make this presentation. At a time of change there are always concerns. The RIAI, as the Registration Body, understands these concerns and welcomes the opportunity to deal with:

- Where the legislation came from
- Why it is here
- How Technical Assessment will be dealt with
- Cost

- **The RIAI**

The RIAI, founded in 1839 has been the regulatory, information and support body for architects and has had a major involvement in education and standards since that time. In 1908 the RIAI was instrumental in the founding of the School of Architecture in UCD. Since 1926, RIAI has had full examination system, equivalent to University Degree level. From that time all members of the RIAI had to have either a degree at university level or to have passed the full range of RIAI examinations to degree standard. In 1968, Bolton Street School of Architecture was set up and was supported by RIAI. In 1972 the RIAI Professional Practice Examination was introduced. In 1980, the RIAI was recognised by the State as the representative body for architects. 1985 saw the introduction of the Architects Directive; the RIAI was listed as a Competent Authority by the State in the context of the Directive, and RIAI qualifications were also listed.

In September 2004 the RIAI and the Higher Education Authority (HEA) jointly developed a discussion paper on the provision of architectural education and following consultation with the higher education institutions, produced a final guideline document. This discussion paper supported the founding of three new schools of architecture in Cork, Limerick and Galway.

The RIAI also recommends experts to the HEA, on request for their own review purposes. In addition, the RIAI consults regularly with the National Qualifications Authority of Ireland (NQAI) addressing such issues as RPL (Recognition of Prior Learning), Accreditation Scheduling and developments in the National Framework of Qualifications. The RIAI also consults regularly with the Higher Education Training and Awards Council (HETAC), specifically in regard to RPL, the Framework and recognition of awards.

The RIAI occasionally supports the work of the NQAI and HETAC in the alignment with the Framework of non-National qualifications presented by individuals and also with HETAC's alignment of other professional awards with the Framework.

In addition to education and standards the RIAI carries out a wide range of activities as part of its mission of promoting, supporting and regulating architecture. The RIAI 2008 Annual Report gives an overview of these activities, Appendix 1. Some of the areas where the RIAI represents architectural interests on Government and State Agencies include:

- DEHLG/RIAI Sustainable Communities and Housing Committee
- Construction Safety Partnership
- Construction Standards Committee
- Irish Agreement Board
- Local Government Management Services Board
- National Disease Surveillance Centre
- Timber Consultative Committee
- Government Policy on Architecture Implementation Group

As a constituent body of the Construction Industry Council, RIAI liaises with:

- Department of Finance on the Public Capital Programme
- The Government Construction Contracts Committee

What Standards are Applied?

As I have said, since 1926 the RIAI has required either a degree or completion of the RIAI Examination and since 1972 a Professional Practice Examination. This examination requires a minimum of 2 years post-graduation experience, the completion of an analytic analysis of a building project, a course of 15 days of lectures and a written and oral examination. That is also the standard for Irish Graduates set out in the Act.

Where This Came From

In 1996 the Minister of the Environment commissioned a Strategic Review of the Construction Industry with a brief to the Committee to advise on how the industry could meet the challenges and opportunities likely to arise between then and the year 2000 and beyond.

The Report of the Strategic Review of the Construction Industry “Ireland – Building Our Future Together” was published in April 1997 and the Report recommended that the titles “architect” and “quantity surveyor” should be protected by legislation, that the RIAI and Society of Chartered Surveyors would act as the Registration Bodies, that consultation should take place with other bodies representing architects and surveyors, and in particular those who did not have formal qualifications. There was also a recommendation that a methodology should be developed, as part of this consultation, for access to the Registers for those without formal qualifications.

The Forum for the Construction Industry (FCI) was established to implement the proposals and the body included public and private sector clients, the Irish Congress of Trade Unions, the Construction Industry Council etc. Under the FCI process, there was a considerable period of consultation between the RIAI, the Architects and Surveyors Institute, the Group of Independent Architects in Ireland, the Incorporated Association of Architects and Surveyors and the Irish

Architects Society, four organisations representing those who did not have formal qualifications, leading to a Framework for Registration for the Architecture Profession in Ireland which was approved by the Forum of the Construction Industry and forwarded to Government to form the basis for the drafting of legislation for the protection of the title 'Architect' and 'Quantity Surveyor'. **Attached at Appendix 2**, is an extract from this Framework dealing with submission requirements, assessment and criteria to be used in assessing applicants. It will be seen that the submission requirements and the assessment criteria are the same as those as in the Building Control Act 2007, other than the reference to Article 3 of the Architects Directive being amended to refer to Article 47 of the Professional Qualifications Directive which now includes the provisions of the Architects Directive.

The Building Control Bill was published in 2005. The Competition Authority's Report on Architects was completed in 2006 and, while the Authority expressed a preference for a separate independent body, the Authority recommended that, if the State decided to legislate for the RIAI to act as the Registration Body, there should be a non-architect majority on the relevant boards, and committees nominated by Government; this has been implemented in the Building Control Act 2007.

The Bill was enacted in May 2007, commenced in May 2008, and the Minister nominated the non-architect members of the Admissions Board and Technical Assessment Board in May 2009 which enabled these Boards to start their work towards a launch of the Register in November 2009. Since 16th November 2009 all the Applications Forms and supporting information for Technical Assessment have been available on the Website.

The Building Control Act 2007 and Access to the Architectural Profession In Ireland

The Building Control Act 2007 marks a key shift in widening access to the profession in Ireland by reintroducing access for those who have not pursued the now standard higher education route.

For those without formal qualifications seeking to register as architects, the Building Control Act offers opportunities including:

- The Register Admission Examination (14(2)(f)), intended to be available on a long term basis
- Technical Assessment (14(2)(h)), access restricted to those with ten years at the level of an architect before commencement ('Grandfather') before commencement in May 2008

The Building Control Act 2007 provides clarity and assessment mechanisms for those wishing to register without the benefit of recognised formal qualifications.

Up to 1966, entry to the architectural profession could be gained through the RIAI Examination System. This meant that individuals employed in the sector, without prior qualifications or professional recognition, could progress on the basis of skills gained through experience. Over time, as part of a general societal shift, the emphasis moved to formal qualifications which provided for greater certainty and consistency in terms of the knowledge, skill and competence of graduates.

This shift did not, however, stop people entering the field of architecture without the benefit of qualifications and many of those people developed their skills and learned on the job to the point of attaining the necessary level of knowledge skill and competence to offer services. The model for entry to specific professions and areas of work had, however, shifted to an assessment mechanism for formal recognition of the standard attained by those who had developed their skills in this manner was not available.

The pendulum has swung back to some degree with the shift towards outcomes based assessment in higher education and away from the 'input' model which defined education in terms of what was taught and how many hours were spent in instruction. The Bologna Process has been a key driver of this development in Europe. Ireland is a world leader in the integration of Recognition of Prior Learning and flexible learning into education policy and even legislation. Recognition of Prior Learning has been policy for over thirty years , although it started at a much lower level than applies now. The progression is clearly evidenced in the Qualifications (Education and Training) Act, 1999 Section 23(1)(c)ⁱ where the Higher Education Training and Awards Council (HETAC) is charged with making awards based on candidates demonstrating a standard of knowledge skill and competence without the requirement for a set course of instruction.

This rebalancing of the educational model in Europe and internationally, and indeed government policy and the existing legislative context in Ireland (notably the National Framework for Qualifications and the Qualifications (Education and Training) Act 1999) is well expressed in the Building Control Act 2007 which sets out modes of demonstrating the required standard of knowledge, skill and competence to describe oneself as an architect; range from modes based entirely on recognised qualifications to modes based entirely on assessment of the standard attained with no formal education 'input'.

Consumer Protection

There are many reasons why demonstration of a minimum standard is essential but Consumer Protection is the main reason. Having a standard means that consumers can be assured that any person using the title architect has demonstrated a specific level of knowledge skill and competence and can be judged against that standard if problems occur.

Having a clearly defined standard ensures that those subject to the Code of Conduct, and to investigation by the statutory Professional Conduct Committee, have demonstrated that they have attained a level of knowledge, skill and competence which could reasonably be expected to equip them to abide by that Code.

The Register guarantees consumers that those offering architectural services under the title architect have demonstrated the minimum standard of knowledge, skill and competence required to deliver those services. Without a standard and guarantees to the consumer the Register is meaningless. As it stands, a system has been developed that provides reassurance for consumers and access to the Register for competent persons.

If there was to be no objective assessment other than, say, a declaration that a person has used the title for 10 years, in effect, the situation would be similar to saying that I spent 6 years in secondary, never sat the Leaving Certificate Exam, but I am giving a declaration that I have reached the standard. I may well have reached the standard, but without assessment who knows? Similarly, I would say I have been driving for 10 years, without a licence, I don't want to take a test, but I am entitled to a licence.

It Might Be Asked If This Is Really A problem?

What may not be realised is that most consumers believe the title “architect” is protected and means that a person has qualifications. As recently as October 2009 a Red C Poll, commissioned by the RIAI, found that less than one fifth of those surveyed knew that the title was not protected; there is a serious consumer information deficit. One example was the 2005 Prime Time Programme on David Grant, who, using the title “architect”, misrepresented the possibility of planning permission and consumers lost 1,000’s of euro. Having moved to the UK, he has been legally required to stop using the title and has been fined.

EU Context

Before looking at Technical Assessment and how it is being done, it would be useful to look at the EU context, because it is relevant to the standards issue. In the Professional Qualifications Directive there are seven sectoral professions benefiting from automatic rights of recognition ie:

- Architects
- Dentists
- Doctors
- Midwives
- Nurses
- Pharmacists
- Veterinarians

“Automatic Rights” means that qualifications for each Member State are listed in the Directive. If an architect has a listed qualification he/she can establish in another State without further tests or assessment.

The seven sectoral professions are so listed on the basis of the significant public interest and public health implications of the work of these occupations. The Directive, lists relevant qualifications in architecture of the 27 EU Member State and Article 46, attached at Appendix 3, sets out the minimum requirements for the education and formation of an architect. These EU Standards underpin all the methods of access to the Register.

The Directive, not only sets standards and lists recognised qualifications but also gives the Commission a considerable role in the oversight of the operation of automatic recognition systems. The Commission publishes a Code of Conduct and provides that, even in the case of an application for automatic recognition, three months are allowed to take a decision from the date of receipt of a completed application. It is relevant in the context of comments made about the length of time to prepare a submission for Technical Assessment because, even with automatic rights of recognition, it usually takes a candidate some two to three months to prepare the papers for an application and a further three months are allowed for a decision to be taken.

Alignment of assessment systems for all routes of registration, including Technical Assessment, is essential so that successful applicants can avail of automatic recognition rights in the EU Member States; this is particularly important at such a difficult time for the construction industry and in the future. If persons were to be admitted to the Register who did not meet the minimum standards in the Directive then the qualifications of all registered architects in this State would be called into

question. Failure to require minimum EU Standards would undermine regulation of professions and occupations in the State.

In the context of the EU and the definition of minimum standards in the 1985 Architects Directive and subsequently in the Professional Qualifications Directive 2005, it would be useful to look at the example of another EU Member State which carried out a similar process to that of Technical Assessment. Since the 1985 Architects Directive access to the profession has been by way of listed qualification. Since then the only EU Member State that has made a transition from having no regulation to regulation for architects is Holland. In the early 1990's, Holland in the context of the 1985 Architects Directive, carried out an assessment of those not having qualifications listed in the Directive or other formal qualifications. Requirements for submission were as for the process set out in the Act ie 10 years experience equivalent of an architect, work at the same scale and complexity and a submission of four projects. The assessment used the same criteria, ie establishing what work was done, whether it was of the appropriate level, and whether it complied, in that instance, to Article 3 of the Architects Directive which is identical to Article 46 in the Professional Qualifications Directive. 1,200 Applications were made and 700 were successful.

The precedent of Holland using a similar system is important because methodologies such as Technical Assessment, can be challenged by the Commission and by Member States; the system has not been EU challenged.

Technical Assessment/Grandfather Clause

As said at the outset, the Technical Assessment Board is in place and has been since June 2009, Technical Assessment Applications have been open since the 16th November 2009. Applications are being processed.

How Will This Be Done?

Section 22 of the Act defines the procedures but in summary an applicant has to provide:

- (a) A CV showing 10 years experience in the field of architecture.
- (b) Information as to the responsibility for work submitted.
- (c) A full list of at least 4 projects for which the applicant was responsible.

A sample successful applicant from the RIAI Pilot Scheme is available for the Committee at the Hearing. There is certainly an amount of work to be done in assembling a file but, as can be seen from the application, this is neither excessive or unreasonable.

How Will Applications Be Judged?

Technical Assessment is not like an examination where candidates have followed a set curriculum and sit standard examinations; each applicant has to be evaluated on an individual, case by case basis.

The panel of architects, appointed by the independent Statutory Technical Assessment Board, from an opinion, in summary, as to:

- (a) Whether the applicant had performed duties commensurate with those of an architect.
- (b) Whether the work was equivalent to that of an architect having regard to scale and complexity.

- (c) Whether the competences required in Article 46 of the Directive have been required.
- (d) Whether the work was realised by the applicant and what was the level of responsibility.

The Opinion goes to the Technical Assessment Board who can accept such Opinion, reject the Opinion, ask for further information and interview.

There is also an internal Appeals Board, with a non-architect majority and Appeals can be made to the Courts. If the system is unfair, biased or excessive, as has been suggested by some, this process will not survive the scrutiny of the Appeals Board and the Courts.

No “Grandfather” Clause in the Act

There seems to be a view that a “Grandfather” Clause was included in the Bill but subsequently dropped. During the Dáil Debates an amendment was proposed to the ‘Definitions’ section of the Bill to replace “practical training experience” with “a reference to a “Grandfather” Clause but the actual submission and assessment system did not change at all. Shortly afterwards, Minister Roche said that he had been advised by Parliamentary Draughtsmen that the reference was inappropriate and politically incorrect and the amendment was deleted but with no impact on the system.

Whether the term is referred to as ‘Recognition of Prior Learning, ‘Practical Training Experience’, or a ‘Grandfather Clause’, the reality is that there is a methodology in the Bill and significant

opportunity for those who don't have listed qualifications, but do have practical experience, to go on the Register and to join the RIAI if they so wish.

Timescale for Technical Assessment

While concerns have been expressed about the timescales for Technical Assessment, and these can be understood, the timescales for submission and assessment are similar to those with listed qualifications in architecture as is noted in this Section. It also has to be realised that the Act does not set a time limit for applications: an application could be made in 5 or 10 years time, provided the applicant had 10 years experience before May 2008.

Four Month Timescale to Prepare Submission

There appears to be a view that RIAI has stipulated a four month timescale for preparation of applications and that applications would not be accepted from the date of the application packs being published on the RIAI website, November 16th 2009. As a matter of record RIAI did not, and does not prescribe any timescale or date for applications. The RIAI conducted a Pilot Scheme in late 2007 to evaluate procedures. Candidates in the Pilot Scheme were given two months to submit their application; the feedback from candidates was that four months would be preferable. A number of potential candidates have said they will not submit until next year, as is their right, because there is no time limit. In fact the first application was received at the beginning of March.

Architects with Automatic Rights

As I have said the EU Commission has a Code of Practice for processing applications from architects with listed qualifications. The Building Control Act (Section 15), in accordance with the Commission's guidelines, allows a period of three months for a decision to be made with regard to an application following the receipt of a completed file. Although these applications are processed

on the basis of rights to 'Automatic Recognition' and do not involve any assessment activity, the Commission allows and requires the following information to be provided

- Application form
- Copies of degrees and diplomas
- Verification by awarding bodies
- Accompanying certificates where specified
- Verification by the awarding body of the accompanying certificate
- Certification by the home state competent authority as to the recognition status of the qualifications(s)

The assembly of these documents tends to take applicants a minimum of two months as time must be allowed for the relevant awarding bodies and competent authorities to provide the required documentation; the time involved can vary considerably. On average this process takes about five/six months from application to decision to admit to the Register.

Irish Graduates without a Professional Practice Examination

Irish graduates with prescribed degrees in architecture but without a professional practice examination who apply under 14.2.a.II must first apply and demonstrate eligibility to pursue this route (Stage 1). Having demonstrated eligibility applicants must then prepare a self assessment for submission (Stage 2), this can take on average two months. The self assessment when submitted must be checked and assigned to a team of assessors, the assessment itself can take a number of weeks. Should the outcome of the review of the self assessment be inconclusive the applicant may be referred for interview (Stage 3), adding up to another month to the timeframe. The outcome

must then be considered by the relevant Board which can take a month or more depending on when the Board next meets. This process takes on average takes four to six months to decision to admit, and may take much longer as there is no time limit for the applicant to submit the self-assessment.

During this time applicants in these categories, because they are not on the Register, are not entitled to use the title “architect” although they have architectural qualifications and, in some cases, years of post-qualification experience. The Act only provides legal cover against prosecution when an application has been submitted.

Recent Irish Graduates

A further example would be 2009 graduates from an Irish School of Architecture; such a graduate needs two years post-graduate experience and must pass an examination in professional practice. This on average takes three to four years. During this time the graduate may not use the title “architect”.

Timescales for Admission to the Register

As can be seen there are, and there always will be, a number of architects with qualifications who will not be on the Register, because applications are being prepared and processed, and who cannot use the title. The timescales are similar to those applying under Technical Assessment.

Issues Raised in Parliamentary Questions

Transition and Registration Launch

A view has been expressed that the Register should not have been launched or should not be available online, until such time as all those who could register will have registered. The issue of

timescales has already been addressed but, in summary, at no time would all those who might register actually be on the register; many applications from those with listed qualifications would take just as long as the applications under Technical Assessment.

It may not be realised that the Register has to be in place in order to fulfil what is the most important aspect of any regulatory system, ie Consumer Protection. Unless an architect is on the Register, the legal advice is that it may not be possible to deal with issues such as professional misconduct, although poor professional performance could probably be assessed.

RIAI Members

The Act provides for RIAI Members to be eligible for the Register and in turn provides for those on the Register to be eligible to join the RIAI. Concern has been expressed that all RIAI Members were transferred to the Register at the launch stage. What is not realised is that since December 2008, following the enactment of the Building Control Act 2007, all RIAI Entry Routes were aligned with the Act and all applicants were offered the option of either registering only or registering and joining the RIAI. To date, there are 2,850 architects on the Register. One has opted to register only. Since the launch 150 architects have been admitted to the Register. The number of applicants is increasing each month. At present it would be difficult to have a Register that did not have preponderance of RIAI Members.

Questions have been raised regarding RIAI Member access to the Register but as is shown in this submission the RIAI has required a Degree level since at least 1926. All RIAI Architect Members have been assessed to those standards and also in compliance with standards set out in the previous Architects Directive and the subsequent the Professional Qualifications Directive and the Act. Further assessment was therefore unnecessary.

Costs

The comments made in regarding the costs of the Technical Assessment process can be understood, but it has to be realised that these comments are made on a theoretical basis without in-depth knowledge of the actual costs of running such a system. The costs put forward to the Minister for his approval in a submission of September 8th 2009, are informed by a Pilot Scheme carried out by the RIAI in late-2007 and early-2008.

The costs of Technical Assessment are within the range of charges for similar processes when the benchmarking process detailed in of the Benchmarking Section is taken into consideration.

Costs – Approval of Costs

The Act provides for costs to include the costs of providing a particular service and the reasonable costs incurred by the Registration Body in collecting, accounting for and administering the fee, subject to the approval of the Minister for the Environment. A detailed cost proposal was submitted on 8th September 2009 and awaits approval. A meeting held with Department Officials in late 2009 were expressed. A further meeting was held with Minister Gormley on the 8th of March 2010 and a further submission is with the Minister for his decision.

The Committee will appreciate that the detailed costings submitted to the Minister are not available until a decision is reached. However, the following is a cost breakdown:

Updated : 14th May 2010

Technical Assessment - Cost Per Candidate

No.	Phases	2009 est €
1 - 7	System Development costs	439.07
8	Maintenance of Technical Assessment Board	542.89
9 -		
10	Selection & Training of Assessors	372.54
11	Application & Records Administration	115.5
12	Candidate Briefings	189.68
13 -		
16	Candidate Submission & Assessment Phase	
	- Room Hire & Catering	1455
	- Assessor Hours	2250
	- RIAI Hours	726.43
	- Stationery, Printing, Copying, Session	255.5
		4686.93

	Recording & Misc.	
17	RIAI Technical Assessment Room - for Assessors Work	180.93

Total Cost Per Candidate **6527.55**

Technical Assessment - Additional Unforeseen Cost Per Candidate

		Add Cost	
	Phase	Total	Per cand
Legal	8	2760	13.8
Website	1 - 7	60	0.3
Briefing Sessions Irish Times	12	359.75	1.79875
Briefing Sessions- RIAI Staff Hours	12	3378	16.89
Technical Assessment Board - half year prior to launch	8	24174	241.74
Training TA Board - Inst Leadership & Healthcare	8	2400	24
Training TA Board - O'Callaghan Davenport	8	565	5.65
Training TA Board - RIAI Staff Time	8	2053.13	20.5313
Additional Technical Assessment Board Hours	8	5082	50.82
Tech Assessment Process - Consultancy	1 - 7	4822.25	24.11125
Candidate Briefings - Room Hire & RIAI Staff Hours	12	-32245.6	-161.228
Regional Briefing - Hotel Room Hire & Transport Costs	12	1243.3	6.2165
Regional Briefing - RIAI Staff Time	12	15713.53	78.56765
Technical Assessment - Briefing Video	12	1460	7.3
Technical Assessment - Assessor Interviews &	9 - 10	24798.58	247.9858

Selection

Total of Additional costs to date

56623.94

578.48

Cost of Technical Assessment

There appears to be a perception that Technical Assessment was intended to be a free or an extremely inexpensive process, and that the costs proposed in the RIAI were a considerable surprise. The RIAI Pilot Technical Assessment Scheme was announced in December 2007. On the basis that this was a Pilot, fees were reduced to €2,000 to reflect the experimental nature of the process. The actual direct cost to the RIAI was of the order of €4,000 per applicant. This cost did not, for example, reflect realistic payments for assessors or costings for staff time. In 2008/2009 the **estimated** charge for Technical Assessment was shown on the RIAI website as €4,500. This charge was arrived at prior to the full resource analysis necessary to prepare a cost submission to Minister Gormley, as well as being prior to evaluation in detail of the statutory processes required, and dialogue with the Technical Assessment Board, when appointed, to decide on procedures.

Pilot Scheme Costs

The direct cost to the RIAI of the Pilot Scheme held in late 2008 and early 2009 was €72,800 – with an income of €38,900 i.e. a charge of €4,000 per applicant would have been necessary to recoup the basic direct costs.

However, this does not reveal the whole picture of the cost of administering the Technical Assessment process. Firstly, this doesn't include RIAI staff and time costs; these costs were borne by the RIAI as part of its investment in the development of a fair and robust system, and indeed could not have been calculated in advance. Secondly, the Pilot Scheme was based on a simplified procedure and did not involve the necessarily complex – and costly – statutory processes. Nor did it include realistic payments to assessors and ex-gratia payments to Technical Assessment Board Members carrying out interviews.

Position Open to Change

The RIAI's position in relation to fees is clear: if in any way the costings or methodology are flawed, incorrectly calculated or go beyond the terms of the Building Control Act 2007, in relation to the recovery of reasonable costs, as set out in Section 62(4)(a)&(b) then the RIAI would not have any difficulty in dealing with a review or charge reduction. To date such issues have not been identified. Any applicant who had already paid the full charge would be refunded if an adjustment were to be made.

In terms of payment the RIAI preference was for a two stage process with an application and an assessment stage with payments at each stage. However, legal advice sought by the Technical Assessment Board concluded that the only valid submission was a full submission.

Review

The RIAI is open to a review being carried out to evaluate the costs of the system in operation.

Benchmarking

The following are some benchmarking/equivalent processes which might be considered when evaluating costs:

- 1 OECD and LIONRA Report
- 2 Cost of Fulltime Education
- 3 Fulltime Education and the Bologna Agreement
- 4 Post Graduate Courses
- 5 ARB Costs

1. Recognition of Prior Learning (RPL), the OECD and LIONRA Reports

The interpretation Section of the Act, 2(i) defines “*practical experience assessment procedures*” as the procedures under Sections 21(a), (5) and 22 ie Technical Assessment. Recognition of Prior Learning (RPL) is the term commonly used for practical experience assessment/Technical Assessment and process has recently been examined in an OECD Report and in the LIONRA projects.

An OECD report on RPL in Ireland is now available. This report identified the cost of an exemption from a standard third level module, usually involving 5 credits, to be of the order of €1,000 to €1,500. An architecture course would have a minimum number of 60 credits for each of the five years of the course. The exemptions described in the OECD report were for part of a course and not for a full recognition of both an academic course and a professional practice standard. Reference should also be made to the report on the LIONRA project funded by the Higher Education Authority (HEA) under the SIF (Strategic Innovation Fund) on RPL in the Institutes of Technology and Universities where the cost was €6,000 per applicant for exemption, in general, from one module of a course only.

Technical Assessment is the most extensive and substantial exercise in Recognition of Prior Learning (RPL) ever undertaken in the State. This exercise is further complicated by three factors:

1. RPL mechanisms while specifically designed to address experiential learning, have to date been used to evaluate academic standards but not full professional qualifications;
2. RPL assessment is individualised. Each application is different, each candidate is presenting on the basis of experience, not a set programme, so to be fair and robust the evaluation has to be carried out on a case-by-case basis;
3. RPL assessment is not usually used to grant automatic EU recognition for the purposes of access to a profession, even in accordance with the relevant derogations (Article 47).

Reference has been made above to the OECD Report on RPL, but the significance of Technical Assessment as an RPL process may not be fully appreciated. The successful outcome of an RPL assessment, under the BCA 2007, in this case recognises a person's lifetime experience and learning, provides awards, access to employment opportunities and, in the case of this system, access to the Register, potential access to EU recognition, and access to advanced grades in certain areas of teaching.

2. The Cost of Fulltime Education in Architecture

The impact of the Bologna process on fees for Masters degrees is outlined below. What may not be realised is the cost of "free" education in architecture at present.

- A schedule of these costs is attached at Appendix 4, which, in summary, show that a student of architecture, under the “free” system would pay €8,287.50 over five years and a mature student, with a previous degree, would pay a total of €37,387.50 over five years. In addition both categories would pay an additional €2,100 to take the Professional Practice Diploma, an assessment which is included in the cost of the Technical Assessment process. In the case of a student benefiting from free fees at 2010 rates, the State subvention of their education up to and including the professional practice examination with regard to fees alone is in the order of **€29,520.00, or 74.5% of the total fee cost.**

3. Fulltime Education and the Bologna Process

- Under this process education in architecture will comprise a primary degree and a Masters in either a three year plus two year cycle or a four year plus one year cycle. From 2014 it is likely that fees will be charged for the Masters element of the course: these are currently estimated as being between €7,000 and €9,000 for each year.

4. Post Graduate Courses

It may not be realised that registration also confers not only eligibility for registration but also RIAI membership; this means that the successful applicant will have the equivalent of a Level 9 Post Graduate Qualification in terms of the National Qualifications Framework.

- The costs of Post Graduate Qualification, as shown in Appendix 4, vary between €4,000 to €10,000, excluding capitation fees of €1,500. While it could be argued that many post graduate courses are taught, it should be noted that access mechanisms for such courses do not have to evaluate ab initio the qualifications provided to demonstrate eligibility to attend a course. Government itself has recognised the

importance of the award MRIAI; the Department of Education and Science (now Skills) has for some time accepted MRIAI as being equivalent to a Masters Degree, which in the case of a lecturer in the IT sector would mean a maximum salary of €84,306 rather than €49,167 with a Bachelors Degree only.

5. ARB's Costs

It would be useful to look at the United Kingdom's Architects Registration Board (ARB) costs, See Appendix 4, and procedures for equivalence of examinations and qualifications as follows:

- Only individuals with prescribed qualifications – i.e. qualifications from schools of architecture with courses that are approved by ARB in the UK, and also those with qualifications that are listed in the Professional Qualifications Directive – can register as architects in the UK. Individuals with non-prescribed qualifications are required to pass an evaluation for equivalence of prescribed qualifications appropriate to their level of qualification and experience.

This examination is held in three parts. Part 1 exempts from the first three years of a course, Part 2 exempts from the final two years of a full time course and Part 3 exempts from a Professional Practice Examination together with required practical experience. The charge for each part is €1,533 giving a total of €4,599 for all three parts. These charges are for those who have attended and completed full time courses in architecture to the relevant stage. It does not require anything like the range of evaluation required in Technical Assessment as there are considerable areas that do not have to be evaluated if a candidate has completed parts of a fulltime course in architecture.

Of particular relevance to Technical Assessment is the attached ARB Candidate C Profile. In this Profile the candidate is described as having passed a Diploma in Architecture following a five year course which was not approved by ARB 20 years ago: he has been in practice for 20 years. He is required to have all three levels assessed. The Profile of candidates A and B are also relevant.

Summary of Benchmarking

In summary, the charges calculated by the RIAI lie within the range for charges of similar processes as can be seen in the OECD Report, are comparable to those in the UK where a much less complex process is required, and are similar to charges for post graduate courses covering the equivalent of only part of what Technical Assessment covers.

Financial Hardship

The RIAI is fully aware of the financial hardship facing those working in the field of architecture; the RIAI 's own income has been reduced due to changing market circumstances.

In order to provide support to those making payments for Technical Assessment, the RIAI has negotiated a loan facility with the Bank of Ireland (copy of the leaflet attached).

Funding Options

The RIAI's cost calculations were informed by a Technical Assessment Pilot Scheme. The examples of RPL processes set out in the OECD Report and the UK's Architects Registration Board charges for evaluation of non-prescribed courses have been given. All of these confirm that

the RIAI proposed charges are within an appropriate range. However, in looking at ways of reducing these costs, there are number of issues that need to be taken into consideration:

- **RIAI subvention not possible**

Whatever about the desirability or acceptability of reducing the cost to some notional level, the RIAI is not in a position to subvent the process. If full cost recovery is not possible, as provided for in the Act, then the system would collapse because it would cause an undue strain on RIAI resources and could lead to an unsustainable financial position and possible reckless trading.

- **System to be Self-Funding**

The registration system for architects is required to be self-funding, ie funded by the Registration Body, with no Government funding. However, Section 62(a) also makes it clear that the RIAI cannot be at a loss and is entitled to charge costs of services provided and the reasonable costs incurred in collecting accounting for and administering the fee.

- **State Funding**

The OECD Report clearly outlines the benefits to the State in providing funding for RPL procedures and possibly this is something that the Department of Education should consider. If this was to be provided, it would have to be done on a means tested basis.

However, it has to be recognised that the Government's intention, when drafting the legislation, was that the system should be self-funding, ie no State subvention or costs.

- **Solidarity Fund**

The RIAI would be prepared to provide up to €50,000 as part of a Solidarity Fund to help defray the costs of applicants experiencing financial hardship, given present economic circumstances, provided that a substantially greater proportion, ie €200,000, was provided by Government. This could then be used to assist those in genuine financial hardship to participate in the Scheme, again subject to means testing.

- **Other Agencies**

It would be possible for the Department to seek to establish whether other agencies would be willing to carry out the Technical Assessment role, but the RIAI would need to be compensated for financial investment to date in relation to system development, etc.

- **Alternative RIAI Technical Assessment Scheme**

RIAI members are eligible for registration and it would be possible for the RIAI to run a parallel Technical Assessment scheme, using the same methodology as set out in the Act, which could possibly be run at a lesser cost of the order of €4,000 to €4,500. This would not mean that applications to the Statutory System for assessment by the Technical Assessment Board would be abandoned, but that the RIAI scheme would be available as an alternative.

The reason for the cost reduction is that the RIAI could run a more effective and pragmatic evaluation scheme without the necessary statutory requirements of the scheme as set out in the Act. Quite properly, the Chair and Members of the Technical Assessment Board are anxious to ensure that procedures in the Act are followed to the letter. One example is that the Technical Assessment Board is required to appoint a specific Interview Board for each

individual application. Given that there will be up to 200 applications you can see the administrative complexity of such a process.

What could be included in all RIAI scheme would be an initial assessment of the 10 years experience, advice as to viability of an application or otherwise, the 10 years could be extended to May 2010, the decision could rest with the three assessors as with the ARB systems, and there would be one reviewer in case of appeal. This system could also facilitate payment in two stages, ie initial viability assessment and final assessment.

COST SUMMARY:

- The RIAI position on costs is open to change on an evidence basis
- The RIAI is open to reviewing costs as the system develops
- The RIAI is prepared to provide €50,000 for a Solidarity Fund for those suffering verified hardship, if Government will fund to the order of €200,000
- The RIAI believes there is a significant case for Government subvention based on the OECD Report
- The RIAI believes that the Technical Assessment costs, when benchmarked against comparable evidenced costs, are reasonable

SUMMARY

In summary, the RIAI as the Registration Body, with responsibility to the State, to the EU Commission, to the public, to consumers, to architects and to those applying for registration, fully recognises its responsibilities. This is a period of change for those working in the field of

architecture; and those not having listed qualifications have concerns and these concerns are understandable.

The system for Technical Assessment is not a new proposal and was formulated as early as 1999 and were incorporated in the 2005 Building Control Bill. The example of the successful Netherlands system has been followed so as to minimise challenges by the Commission and other EU Member States.

As I have said, the RIAI implemented the Pilot Scheme to assess methodologies and costs, the independent Technical Assessment Board has reviewed the Scheme, the Assessment Board has selected assessors and these assessors have received training from independent sources so as to properly discharge their responsibilities.

Six briefing sessions on the Technical Assessment process have been held around the Country since December 2009 and over 200 potential applicants have attended. RIAI has prepared standardised documentation, ie CV Forms, Verification Forms etc and a Technical Assessment Presentation is now available on video, online, on the RIAI website. Advice and information is available to any applicant.

There are no guarantees that everyone will be successful but this does not prevent a person from providing architectural services in the future, although they may not use the title "Architect".

A balance has been struck between Consumer Protection, the requirements for compliance with EU Standards and access to the Register by having a fair, reasonable and open systems for assessment for all. I can understand that with the concerns being expressed it is possible that the

significant opportunity offered by the Building Control Act may not be fully appreciated. The Act will provide open and transparent mechanisms for those who do not have listed formal qualifications to register and will:

- Provide one standard for all architects in Ireland
- Provide access, for those who did not previously have listed qualifications, to employment as architects, in Government Departments and Local Authorities
- Provide access to appointments as an architect for State-funded building projects
- Provide access to the equivalent of a Level 9 Masters Qualification which can have significant benefits for those in teaching posts
- Provide access to the EU Market with automatic rights of recognition
- Provide access to full professional recognition.

With one minimum standard, all architects will be working in the same environment and competing on a level basis.

The Registration of Architects has not been set up for the benefit of Architects but for the benefit of consumer and the quality of the built environment. It is not intended to exclude anyone but rather to include all those who have reached the minimum standard. Registration must not place the position of architects who need to migrate or provide services in the EU at risk by the admission of persons who have not been assessed to the minimum standard, or undermine other existing and proposed regulation systems in the State.
