

Quality by Title

A report on quality measures in professional registration bodies

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Quality by Title

A report on quality measures in
professional registration bodies

John L. Heintz

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By

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Executive Summary

Architects in the Netherlands enjoy the exclusive right to use the title “Architect”¹. The use of a regulated title communicates to the client that the bearer of the title fulfills the requirements and has the adequate qualifications to provide him or her with the required standard of service and will provide advice and services in the best interest of the client. Regulation of professional title is therefore, a means to protect the public, by providing a legally sanctioned assurance that registered architects, able to use the title, can be relied upon to provide a proper standard of quality of service. This report will examine the practice of title regulation for architects in several countries in and outside Europe, and two comparable professions within the Netherlands. The purpose is to establish what benefits, for the profession as well as for society, the title regulation is intended to deliver, and to examine the different measures incorporated into the regulation of title in order to ensure the quality of the professional services provided by title holders. The report will begin with a review of the scientific literature on professional regulation. It will then proceed to examine the regulatory means used to ensure the quality of professional services by architectural registration bodies in the chosen countries and the registration bodies for barristers and structural engineers in the Netherlands. The particular means examined include Continuing Professional Development, Codes of Ethics, Discipline and requirements for Liability Insurance. The report concludes that the means chosen are relatively uniform across the regulatory bodies studied, with two exceptions. Almost all bodies studied require a fixed amount of continuing professional development activity per year, most have codes of ethics and/or extensive regulations written into the law creating the regulatory body. Most exert disciplinary control over their professionals, sanctioning registrants for lack of competence or poor conduct through warnings, fines, suspensions or, in extremis, removal from the register. Finally, most require that their members carry minimum amounts of professional liability insurance. There exists a broad consensus among regulatory bodies over the value and proportionality of these instruments.

¹ In the Dutch Architects Title Act of 1987 (Wet op de Architectentitel) the exclusive right to use the title of Architect is also applicable to the titles of Urban Planner (Stedenbouwkundige), Garden- and Landscape Architect and Interior Architect. Although this report focuses mainly on Architects, many aspects are similar for the other disciplines as well.

Foreword

In the autumn of 2016, Professor Hans Wamelink and the Architects' Register's board discussed his ideas for a comparative study of professional registers. Henk Döll and I were enthusiastic, and so were our supervisors. This kind of research had long been on our wish list and fulfils our objective of providing information.

The result is in front of you. It shows how professional regulation (regulation of title or practice) is organised for architects in various countries inside and outside Europe, and for two similar professions within the Netherlands. The aim is to establish the advantages of title regulation, both for the professional community and for the society at large, and to give insight into the various measures that are taken within the context of title regulation in order to guarantee or improve the quality of services offered by those who bear the title. The study highlights the measures that are taken by the bodies that were researched, and which of those are applicable in the Netherlands. The study mainly focusses on continuing professional development, ethics and disciplinary measures and professional liability insurances.

It's a scientific report, embedded in the existing literature about professional regulation, with transferable conclusions and a verifiable collection of information. At the end, the researchers address their client with recommendations and conclusions. However, it's not entirely up to the Architects' Register to follow up on those and implement them. Public support is necessary for that, and possibly an amendment of the law.

On the occasion of our 30th anniversary and the completion of the implementation of the revised Dutch Architects' Title Act, we would like to open our windows. The formation of new ideas regarding professional regulation, consumer protection and continuing professional development seems to have come to a standstill. In the Netherlands, we suffer from the unbearable lightness of our regulation: we have a register, but no sanctions on the behaviour of our registrants and insufficient consumer protection. Up until now, this doesn't result in any unsurmountable problems or big accidents, but the register's building is uncompleted.

Avoiding a discussion about these topics would be a sign of little self-confidence among the profession and its organisations. For the ministries that are involved, the Architects' Title Act may not be the most urgent issue, but it's one that politicians can take a good deal of credit for.

The Architects' Register is therefore very pleased with this report and will be delighted to start the discussion, grounded in facts, thanks to the excellent work carried out by Dr. John Heintz and his co-authors Hanneke Stenfert and Robert Roohé of the Faculty of Architecture at the TU Delft.

Utrecht, August 2nd 2018,
Annemiek Rijckenberg, president Architects' Register

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Introduction

Architects in the Netherlands enjoy the exclusive right to use the title “Architect”. Regulation of title is a restricted way of professional regulation and generally adopted for professions where clients, usually members of the public, are not able to judge the quality of service they are receiving. The use of a regulated title communicates to the client that the bearer of the title fulfills the requirements and has the adequate qualifications to provide him or her with advice and services in the best interest of the client. Regulation of professional title I, therefore, a means to protect the public, by providing a legally sanctioned assurance that registered architects, able to use the title, can be relied upon to provide a proper standard of quality of service. The role of the title Registration Body in such a system is to guarantee that bearers of the title, in this case ‘Architect’, will have the requisite training, knowledge, skills and professional character needed to provide the services in question. Thus, by assuring the quality of the title bearers, the registration body increases the quality of the services they provide. The Dutch Bureau Architectenregister (BA) has welcomed a proposal for research into what measures exist which they might use to ensure the continuing high quality of service provided by registered architects, and into how the BA can use such measures to perform the role of title Registration Body more effectively and thereby maintain the faith placed in them by the people of the Netherlands.

The goals of the Dutch Architects Title Act of 1987 are:

1. Quality assurance: the creation of guarantees for professional practice in order to promote the quality of the built environment and the landscape, among other things through sufficient training.
2. Protecting the client: if the client engages a registered designer, he may assume that he has sufficient expertise.
3. The implementation of European directives and the alignment of law with other European countries: this clarifies the position of the Dutch Architect, Urban Planner, Garden- and Landscape-architect and Interior-architect, and facilitates access to work in other EU countries.

This report will examine the practice of title regulation for architects in several countries in and outside Europe, and two comparable professions within the Netherlands (see Table 1). The purpose is to establish which benefits, for the profession as well as for society, the title regulation is intended to deliver, and to examine the different measures incorporated into the regulation of title in order to ensure the quality of the professional services provided by title holders.

The report will begin with a review of the scientific literature on professional regulation (Part I). Following this, the report will focus on the comparative study of the several registration bodies (Part II). The purpose of this part of the study is to determine the variety of different measures taken by these bodies and their suitability for use in the Netherlands. The stated goals for title regulation in the chosen countries and professions will be reviewed. We will then examine the measures taken by professional Registration Bodies, focusing on measures for Continuing Professional Development, as well as Ethics, Discipline and requirements for Liability Insurance. Finally, a brief evaluation is made of the degree to which the intended

benefits are achieved, and recommendations are proposed for Bureau Architectenregister and the Ministries involved.

Table 1 Countries and professions studied in this report

	Registration body	Abbreviation
Architects		
Netherlands	Bureau Architectenregister	BA
Belgium	Orde van Architecten – Vlaamse Raad	OvA / VR-OvA
Denmark	Akademisk Arkitektforeningen*	(D)AA
France	Ordre des Architectes	OA
Germany	Architektenkammer Nordrhein-Westfalen	AKNW
UK	Architects Registration Board	ARB
Canada	Ontario Association of Architects	OAA
South Korea	Korean Architectural Registration Board	KIRA-KARB
Barristers		
Netherlands	Nederlands Orde van Advocaten	NOvA
Structural engineers		
Netherlands	Constructeursregister	CR

* The Akademisk Arkitektforeningen is NOT a registration body nor are either the title or practice of architecture regulated in Denmark. It has been included in this study for comparison.

** The Constructeursregister is NOT a registration body nor are either the title or structural engineering regulated in Netherlands. It has been included in this study for comparison, and because it consciously patterns itself after a registration body and has the ambition of attaining that status through the promotion of legislation to regulate the title of Constructeur.

Part I: Theory

Theory of Regulation

In most countries, Architecture is a regulated profession, with the use of the title ‘Architect’ and sometimes also the practice of architecture restricted to registered architects. The status of a regulated profession is the result of a social contract between the profession and society at large and specifically government. Governments grant the profession a special regulated status, and in return, the members of the profession will conduct themselves such that they contribute to the general well-being of society, the social welfare. In many cases, such as architecture, the government finds that it lacks the domain specific expertise to effectively regulate a profession, and delegates this to a body made up (mostly) by members of the profession itself, and the profession is then co-regulated.² Regulatory bodies, especially co-regulatory bodies, are required to take public interest into account to ensure that their members provide reliably high quality service to their clients (Crals & Vereeck, 2005; Lefkowitz, 2017). It is then up to the profession and its (co-)regulating body to ensure that the service provided by registered title holders and their conduct in providing that service are exemplary of the values and standards expressed in the bargain, and that their work benefits the public good.

The process of Regulation

In jurisdictions where the title of architect is regulated its use is governed by a Registration Body. An individual wishing to bear the title architect must be found to be qualified and can then be registered. A Registration Body can adopt three broad categories of measures to ensure that their members are qualified and will provide the desired high quality of professional service. The Registration Body may:

1. Set requirements for entrance to the register,
2. Require its members to participate in Continuing Professional Development, and
3. Discipline its members.

Professions have long used strict entrance requirements to control who may earn the right to bear a regulated title. More recently, many societies have become concerned with maintaining the quality of service provided by older, established professionals. Two types of short comings are of concern: 1) improper or unethical behaviour, for which professional associations have implemented disciplinary measures, and 2) incompetent practice, for which professional associations are increasingly implementing requirements for Continuing Professional Development.

Forms of Professional Regulation

Professions and their practitioners can be regulated by either public or private bodies, in either voluntary or mandatory forms. In practice it is common to see a combination of voluntary, private and public regulations. Broadly speaking these methods fall into two categories (Adams, 2017):

² In North America the term self-regulation is often used to describe co-regulation. Several authors quoted in this study also use the term self-regulation. We have chosen not to, as we find it important to recognize the dependency of the regulatory body on legislation for legitimacy and authority.

- The regulation of competence and quality of service by setting criteria for the entry to the profession and maintenance of professional status.
- The regulation of ethical and responsible behavior.

This can be accomplished through the use of several types of regulatory instruments. Crals and Verbeek (2005) identify three types of regulatory instruments:

- Information regulation,
- Quality standards,
- Licensing and certification.

Each of these three forms of regulation can be implemented separately, but they can also be combined. Licensing and certification often entail regulation of information and quality standards. Information regulation and quality standards are described below (licensing and certification are discussed in the section on Degree of Regulation starting on page 6).

Information Regulation

Information regulation refers to the regulation of information provided by professionals to clients or to the general public. It may take the form of a requirement to disclose certain information, or restrictions on disclosure (Crals & Vereeck, 2005). More concretely, professionals may be required to disclose certain information to a client before commencing work, this may include the professional's qualifications, continuing professional development requirements, the availability of standard contractual forms, or whether the professional is carrying professional liability insurance.

Regulations forbidding the disclosure of information may govern client confidentiality or may take the form of restrictions on advertising. In the past, it was not uncommon for professional registration bodies to forbid advertising in general or on the basis of price, however, these measures have been dropped by most registration bodies. Professionals may also be forbidden from disparaging other members of their profession or from making statements that would bring the profession into disrepute.

Quality Standards

Quality standards are intended to regulate the quality of services or products. Crals & Vereeck (2005) identify three types of quality standards:

- Target standards – The imposition by a government of criminal liability for damages arising from the product or service. Target standards are used to regulate the quality of products or services already brought to market.
- Performance standards – Standards used check the quality of a product or service between manufacture and being it placed on the market. Performance standards do not regulate the production of the product or service in question.
- Specification standards – Standards governing the way in which a product or service is produced, e.g., what materials or methods are used.

In general specification standards have not been considered appropriate to the regulation of professionals. However, ISO 9000 standards, and some standards used in BREEM and LEED certification do act in this way. Performance standards can be carried out by other professionals or by regulatory bodies. BREEM and LEED certification, building codes, and the checking of plans submitted for building permits is an example of the use of performance standards by government. The checking of engineers calculations by a second engineer, as

required in many jurisdictions, is an example of the use of performance standards by fellow professionals.

It is sometimes claimed that professionals, when left to themselves, will set quality standards at a rate higher than the economically optimum level. But it may also be that there can be considerable disagreement about the socially desired level of quality. Safety regulations often exceed economically optimum levels as society considered that the risk of death or injury cannot be adequately measured in financial terms.

Co-regulation

Professional regulation is a term commonly used to describe the condition under which a profession or occupation undertakes to play a role in regulating its members in order to protect the general public and ensure quality of service by registering qualified practitioners. Qualifications normally include a university degree in the case of the profession, or trade school diploma for trades, a period of experience or apprenticeship, and sometimes an examination. The members or registrants are bound by regulations, codes of practice or codes of conduct, generally requiring that they conduct themselves in a manner consistent with the best interests of their clients and of the general public (Macdonald 1995).

Professional regulation may be either voluntary (self- or private regulation) or legally mandated (co-regulation), where governments hand over the authority to implement professional regulation to a body made up partially or entirely of members of the profession in question. Voluntary self-regulatory bodies may be completely independent. Whereas statutory co-regulatory bodies will generally be overseen by relevant government agencies.

The regulations themselves may be incorporated into an act governing the profession, as they are in for architects Canada or in South Korea, or the co-regulating body may be given the authority to compose some of the regulations as it deems necessary as is the case with the regulation of advocates in the Netherlands. Specifically, co-regulation can be legally binding and can include 1) include codes of practice, 2) norms leading to non-legal sanctions, 3) voluntary standards.

Thus, the autonomy of a profession in formulating its own regulations under co-regulation can range from total absence of government involvement to the requirement for legislative approval of any change in regulations (Cralis & Vereck, 2005).

Governments may choose for co-regulation for a variety of reasons. One of the principle reasons is that government agencies frequently lack the specific knowledge required either to formulate the relevant regulations or to interpret and enforce them. They therefore seek guidance from the members of the relevant profession in formulating regulation and often delegate interpretation and enforcement to members of the profession in the form of a registration body (Hoke, 2014).

Legal scholarship (Miller III, 1984) provides three arguments for co-regulation over regulation by a state agency: specific knowledge argument, flexibility argument, cost argument. The specific knowledge argument states that governments will generally have less of the knowledge required to regulate professionals than the professionals themselves and will therefore be less effective in regulating quality of services provided than the professions. The flexibility argument claims that self-regulatory bodies are more flexible, and can more easily change their regulations to respond to changing conditions than can governments. And

the cost arguments states that when co-regulation is used, the profession bears the cost of regulation rather than the state (Crals & Vereeck, 2005).

Regulation and Awareness

In the terminology of the RIBA these expectations can be described as an expectation of professional competence and an expectation of professional conduct. Regulation of professions works therefore in two directions. Outwardly, professional regulation assures that the members of the regulated profession will perform their duties at a high level of competence and can be expected to provide their clients with the desired outcome at a low level of risk. No guarantee can be offered, as outcomes are dependent on external considerations and the state of the art, but the client may expect the best outcome consistent with what can be reasonably expected. Further it assures that the members of the regulated profession will perform their duties in the interests of their clients, and where appropriate the general public.

Inwardly professional regulation sets standards of competence and conduct which the registered members of the profession must adhere to. Regulation makes clear to aspiring professionals what qualifications they must earn, and what experience or apprenticeship they must acquire, before seeking registration. It also makes clear to registered professionals what measures are necessary for them to maintain the expected level of competence.

Thus, for professional regulation to succeed in its goals, both the client or consumer and the professional must be aware of and have confidence in the regulations and their administration or enforcement, particularly, both groups must have confidence in the organization responsible for the administration and enforcement of the regulations.

Degree of Regulation

Licensing and certification represent different degrees of restrictiveness of the regulation of professional activities and who may carry them out. However, the terminology here is not consistent. In general, several levels of regulation are recognized, but terminology is not consistently used. Kleiner (Kleiner, 2006), and Heebels and Kloosterman (Heebels & Kloosterman, 2016) after him, identify three levels:

- Licensing – statutorily regulated title and practice
- Certification – statutorily regulated title
- Registration – mandatory registration of name, address and qualifications.

Crals and Verbeek (2005) define licensing and certification similarly, but do not discuss registration. Lenn (1987), and before that Cohen (1973), use similar terms, but slightly differently:

1. Accreditation is a communal, self-regulatory process by which nongovernmental voluntary associations recognize educational institutions or programs that have been found to meet or exceed stated criteria of educational quality and assist in the further improvement of the institutions or programs.
2. Certification is the process by which a nongovernmental association grants recognition to an individual who has met certain predetermined qualifications specified by the association and who voluntarily seeks such recognition.
3. Licensure is the process by which an agency of government grants permission to persons meeting predetermined qualifications to engage in a given occupation and/or use a particular title (Lenn, 1987).

For our purposes, here, we will use the following definitions:

1. Licensing – Statutory regulation of both title and practice, this may be administered either by an agency of the state, or by an professional association to which this responsibility has been delegated by law. Or in EU parlance ‘a reserve of activities’.
2. Certification – Statutory regulation of title.
3. Private Certification – privately regulated title, generally of the form of ‘Chartered’ or ‘Certified’. Certification is voluntary. (It is important to note, that particularly in the UK these two terms are also used in statutorily regulated titles when a Royal Charter has been given.)³

Historically, voluntary registration generally precedes and is often a first step towards legal forms of licensing and certification (Barrington Kaye, 1960). This constituted a form of private certification and is still in effect in Denmark.

In private certification, or private/self-regulation, associations created by architects without any state support undertake to maintain a list of members and to set membership requirements, standards of practice, codes of ethics, and CPD requirements. The title of ‘Member’ combined with the trademarked name of the association is then the guarantor of the standing of the professional and quality of service. Regulation of the title in this case is a matter of enforcing trademark through civil courts rather than exercising power delegated by the state.

Such associations arise much in the same way as advocacy organizations, such as the RIBA (Royal Institute of British Architects), or the BNA (Bond van Nederlands Architecten). Indeed, these organizations provide private regulation of their members above and beyond that provided by the registration bodies in their respective countries.

The certification of assessor for either BREEM or LEED is an in between form. BREEM or LEED certification of buildings is entirely voluntary, however, an individual needs a certification as either BREEM or LEED assessor in order to approve buildings for certification. Thus the assessors are in effect licensed although the program as a whole is voluntary.

Voluntary or advocacy organizations, such as the RIBA, have then led lobbying efforts to have the registration program embedded in legislation, as either certification (UK, Netherlands, Germany) or licensure (Belgium, France, Canada, South Korea). There is some evidence that “licensing is most effective when most consumers value quality highly, while certification is most effective when training and quality are strongly connected (Shapiro, 1986).”

Licensure and certification (or regulation of title) have the goal of ensuring that all persons offering the regulated services have achieved a specified level of education. When combined with continuing professional development and a code of conduct, licensure and certification ensure that practitioners continue to be competent and dedicated to service and professional standards of behavior throughout their careers (Hoke, 2014, p. 42).

³ The Dutch equivalent terms are: Licensing - Titelbescherming met ‘voorbehouden handelingen’, Certification - Titelbescherming zonder ‘voorbehouden handelingen’, Registration – Registratie.

Arguments for Professional Regulation

In general, the reasons given for the regulation of the professions is that by doing so clients or consumers can be assured that they will receive a high standard of service both in terms of skill and in terms of a registered professional's dedication to serving the interests of the client rather than their own business interests. Professions are areas of practice or expertise where a high degree of specialized knowledge and skill are required; knowledge and skills that their clients do not have (Cohen, 1973; Kleiner, 2006). Clients or users of professional services are generally not able to perform the service for themselves and require assurance that those offering to provide professional services possess the necessary knowledge and skills. In addition, it is claimed that clients are not able to judge the quality of the work provided. Clients may, therefore, expect that professionals will provide them with a degree of assistance in the aversion and management of risks of which they are not themselves aware or able to manage (Kleiner, 2006). Following from this, it is argued that clients are not in a position to judge the quality of the work they receive, and that professionals can be counted upon by their clients to carry out the work in the best interest of the client without supervision or controls (Cohen, 1973).

Clients can only be confident of receiving professional services if the quality of those offering them is assured by a system of professional regulation. Such a system ensures that clients can expect that the members of the profession will have the knowledge and skills required to provide the service in question at a reasonable level of quality. Secondly, that professionals will “use their expertise to reward the trust of their clients and to benefit the public at large, even if this course of action runs counter to their personal interests.” (Hoke, 2014, p. 42).

Clients can count on the regulatory body to ensure that all members of the profession are qualified and are aware of the standards and level of performance that are expected of them. Further, clients can expect that the regulatory body will step in and discipline members of the profession who violate the expressed standards of competence and conduct.

Many professions may go on to make a third claim: that only members of the profession, and neither the general public nor governments, have the expertise or understanding required to regulate a profession, and that therefore the members of the profession must regulate themselves (Cohen, 1973). This is a key feature of the argument for the distinctive form of professional regulation. However it is also important that in order to safe-guard the public interest it is important to include members of the public in the Boards of Directors and in Professional Conduct Committees.

It is a general principle of neoliberal economics that one should not regulate activities unless there is an overriding justification in the name of the general social welfare. In their study of the Dutch and Belgian systems for the regulation of architects, Crals and Vereeck (2005) clearly lay out the economic reasoning for and against the regulation of architects and other professionals. The discussion here will closely follow their arguments. The guiding assumption of neoliberal economic theories is that the general social welfare is optimized by

the market. Regulation is normally seen as a threat to competition leading to inefficiencies. It is only when there are ‘market failures’ that regulation is required. There are four types of market failures, which could justify regulation:

- Lack of competition (e.g., too few buyers/sellers),
- Imperfect information (e.g., lack of information or information asymmetries),
- Externalities,
- Public goods (Cral & Vereeck, 2005, pp. 12-13).

The degree of competition varies from profession to profession. However, with the exception of the medical professions, there is arguably adequate competition to ensure that professionals are not able to set prices. In the past, some professions attempted to set fee scales, but these have largely been struck down as violations of anti-trust legislation. Since then, the combination of large numbers of architects and periodic recessions in the construction market has provided clients with the ability to place a significant downward pressure on architectural fees.

On the other hand, the other three arguments for regulation all apply to the professions generally and architecture specifically. It is widely accepted that the market for professional services suffers from information asymmetry – clients do not have the same information, expertise, as the professionals they seek to hire. Many professions, and especially architecture, create externalities which affect users and the general public. These externalities can have significant positive or negative impact on persons not participating in the client architect relationship. Such impacts can influence on property values, quality of life, working conditions and safety. When these externalities are positive, they often take the form of public goods. Given that cities are largely assembled from privately commissioned buildings, the quality of the public urban environment is heavily dependent on the work of architects. Herein lies the principle argument for regulating the professions, including architecture.

Imperfect Information

Imperfect information, or information asymmetry is the condition where not all parties in the market have the same or complete information, in particular where the buyers and sellers do not have the same information. In the case of professional services, it is obvious that there is a degree of information asymmetry – the reason to hire a professional is that one lacks the expertise required to meet some end. But for economists the justification for regulation on the basis of information asymmetry has a narrower basis. It is when the buyer lacks the information necessary to distinguish between a good product or service and a bad one that regulation is required (Cral & Vereeck, 2005; Hoke, 2014).

The situation in the professions is made more complicated by the fact that professional services such as architecture are what is known as *experience goods* – meaning that they can only be judged after the service has been provided, and not at the moment when the choice to purchase is made. Further, in many respects architecture is also a *trust good* – meaning that assessment of the quality of the service can only be made on the basis of “highly technical standards” of which most clients are unaware and where the lack repeat purchases make judgements on the basis of previous performance impractical (Cral & Vereeck, 2005).

In such cases, economists have argued that the providers of substandard services have an advantage in that they can exploit the buyer’s ignorance to sell inferior (and cheaper) services at a price below that which is required to provide services of a professional standard. Competition on the basis of quality is discouraged (clients are unable to judge claims to

providing better quality). And the cut rate providers can therefore drive good professionals out of the market. In these cases regulation can be justified (Crals & Vereeck, 2005).

Thus, imperfect information may lead to situations where suppliers of services may exploit the client's inability to judge the quality of the service to provide substandard services. This may result in a lack of quality control, inadequate risk management, error prone work, incomplete documentation, and violations of relevant regulations all of which can cause the client substantial damages. In architecture, these damages can be both financial, and in terms of safety and the degree to which the building provides an appropriate accommodation for the life or work it is intended to house.

Externalities

Externalities are effects deriving from the purchase or use of goods or services experienced by a third party. The fact that neither the purchaser nor the seller pays the cost of externalities means that there is no incentive for them to reduce these negative effects. The classic example is pollution. In some cases, professional services may generate externalities. This is particularly where there is no guarantee that providers of services are adequately trained, or there is a downward pressure on service quality due to the effects of information asymmetry. These effects may amount to a substantial damage to the social welfare (Crals & Vereeck, 2005).

Buildings and the built environment create many externalities by their very nature, both positive and negative.

In the case of architecture, clients often have financial incentives to reduce the cost of their buildings by making both design decisions and material selections which may result in significant negative externalities for members of the public. Those commissioning buildings are often not the same people as will have to live and work with the result. The recent case of the Grenfell Towers fire is an example where material choices made for cost reasons have resulted in loss of life. Less dramatic externalities can include high operation maintenance or replacement costs for future owners, poor energy efficiency, substandard working or living accommodation, and impacts on public rights of way and adjacent properties. In addition, poor architecture may have a significant negative effect on adjacent property values.

Public Goods

“The fourth form of market failure that may give rise to regulation is the existence of public goods.” (Crals & Vereeck, 2005)

Markets are generally poor at creating public goods. Where it is important that private economic activity creates public goods it is necessary to regulate. The urban environment is an excellent example of this. Formed by the external form and appearance of buildings it is an externality to each individual building project. But the cumulative effect of the urban environment is valuable to society as a whole, and to the owners and users of buildings. Regulation is required to avoid the free rider problem where commissioners of buildings might seek to benefit from high quality urban environments without contributing to them. In her study of self-regulating professions Adams (2017) argues that: “Professions with their formal commitment to preserving the public interest, can potentially provide a check, or at least help rally other voices, against economic logics where the fiscal bottom-line is the main concern.”

Arguments for the Regulation of Architecture

The construction of buildings has been historically understood as a risky business for clients. The role of architects in this process has been less consistent, but by the end of the 18th century a model of the architect, and of architectural practice had emerged that bears similarity to our contemporary understanding of architects as professionals.

“The business of the architect is to make the designs and estimates, to direct the works, and to measure and value the different parts, he is the intermediary agent between the employer, whose honour and interests he is to study, and the mechanic, whose rights he is to defend. His situation implies great trust; he is responsible for the mistakes, negligences and ignorances of those he employs, and, above all, he is to take care that the workmen’s bills do not exceed his own estimate. If these are the duties of an architect, with what propriety can his situation and that of the builder or contractor be united?” (Soane, 1788)

By the mid 19th century, architects in the United Kingdom were engaged in an active debate of the merits of architectural registration and the closure of the profession (Barrington Kaye, 1960). Their primary purpose was to protect the public from unqualified practitioners.

Broadly speaking there are four different ways that one can argue that the regulation of the architectural profession protects the public:

- protection of client by ensuring quality of service provider,
- protection of client in the tendering and construction phase (although this work is also undertaken by members of other occupations),
- balancing the interests of users and the general public against those of the architect and client,
- creation of a public good in the form of high quality buildings and urban environments.

In the Netherlands, regulation of the profession of architecture through title regulation has three goals:

1. Quality assurance: the creation of guarantees for professional practice in order to promote the quality of the built environment and the landscape, among other things through sufficient training.
2. Protecting the client: if the client engages a registered designer, he may assume that he has sufficient expertise.
3. The implementation of European directives and the alignment of law with other European countries: this clarifies the position of the Dutch architect, urban planner, garden and landscape architect and interior designer, and facilitates access to work in other EU countries.” (Bureau Architectenregister, n.d.)⁴

⁴ In the original Dutch the goals are: 1) Kwaliteitsborging: het scheppen van waarborgen voor de vakbekwame beroepsuitoefening om zo de kwaliteit van de gebouwde omgeving en het landschap te bevorderen, o.a. door voldoende opleiding. 2) Beschermen van de opdrachtgever: indien de opdrachtgever een geregistreerd ontwerper inschakelt mag hij ervan uitgaan dat deze beschikt over voldoende deskundigheid. 3) Het implementeren van Europese richtlijnen en het afstemmen van recht met andere Europese landen: dit verduidelijkt de positie van de Nederlandse architect, stedenbouwkundige, tuin- en landschapsarchitect en interieurarchitect en vergemakkelijkt de toegang tot werk in andere EU-landen. (Architect en titelwet, 2001; www.architectenregister.nl)

While embracing the goal of protecting clients from unqualified practitioners, the Dutch law places the creation of a public good in the form of quality architecture first. Several countries make the protection of the architectural quality of the built environment an even more explicit reason for the regulation of architects. The French Architecture Law (Loi sur l'Architecture) declares that: "Architectural creation, the quality of buildings, their harmonious integration into the surrounding environment, respect for natural or urban landscapes and heritage are of public interest." (article 1, Law No. 772 of 3 January 1977 on Architecture, Consolidated Version as of February 10, 2018) While the Korean law puts the goal of maintaining architectural quality very clearly: "The purpose of this Act is to promote the qualitative improvement of buildings and spatial environment and to contribute to the development of architectural culture by stipulating the matters relating to the qualification and duties of a certified architect." (Article 1, Certified Architects Act)

The Anglo-Saxon countries tend to base their arguments for the regulation of architects more squarely on the protection of the client: "A successful construction project fulfils your desires as the client, meets the needs of the users, and contributes to the general well-being of the environment. Such a project is the result of an effective working relationship between you and your architect (OAA, RAIC)."

The Architects Council of Europe focuses on the protection of the public and the accountability of architects as arguments for regulation: "In relation to consumer protection and public benefit, the registration of architects ensures the protection of public health, safety and welfare; a level playing field; consistency of standards; and quality of service. ... Registration provides a system for investigating complaints and ensures the accountability of registered architects (Architects Council of Europe, 2016b)."

In addition, the ACE points out that the regulation of architecture protects the public in two distinct ways 1) it ensures quality of service to the client, and 2) it ensures the quality of the built environment (to the general public directly).

Proponents of the Dutch Architects Act (Architectenwet) hold that:

"To a large extent, the quality of life in modern society is determined by the quality of the built environment and by the care that is spent on the landscape. ... Indeed, those who are particularly responsible for the design of city and country therefore bear a great responsibility. ... In order to do their job properly, the designers must therefore have a high degree of professional competence (Wet op de architectentitel), Memorie van Toelichting)."⁵

The act is intended to ensure that untrained or insufficiently trained practitioners cannot undertake commissions independently.

In their study of the desirability of title regulation for Interior Architects, Heebels and Kloosterman found that the most important argument advanced by their respondents was that:

⁵ "In belangrijke mate wordt de leefbaarheid van de moderne samenleving bepaald door de kwaliteit van de gebouwde omgeving en door de zorg die aan het landschap wordt besteed. ... Degenen die in het bijzonder belast zijn met de vormgeving van stad en land dragen dan ook een grote verantwoordelijkheid. ... Om hun werk naar behoren te kunnen doen moeten de ontwerpers dus beschikken over een grote mate van vakbekwaamheid." (Wet op de architectentitel), Memorie van Toelichting.

“The title acts as a basic quality mark and is important to reduce potential risks for professional clients and to protect the public interest (Heebels & Kloosterman, 2016).”

Arguments against professional regulation

Criticisms of professional regulation have arisen with renewed urgency since the 1970's. Many critics call for greater public accountability among the professions (Cohen, 1973). These calls have often taken the form of demands for increased representation of non-members in disciplinary committees and boards of professional societies. Such criticisms are in fact calls for the renewal of professional regulation and the means where by it is implemented. Another more fundamental critique is based on neo-classical economic theory and claims that licensure leads to market inefficiencies, benefiting only the members of the profession rather than members of society at large (Kleiner, 2006). The arguments for regulation of the professions rest primarily on the notion that licensure limits entry into the market, reducing competition and consumer choice. The position is neatly summed up by one of its leading adherents: "... the licensing of occupations is often perceived as providing few benefits and possibly imposing large costs (Kleiner, 2006)." Kleiner claims that empirical research shows few benefits. However, as his title 'Licensing Occupations' makes clear, Kleiner's study concerns a much more extensive regulation of a large number of occupations not normally thought of as professions, and of which it is reasonable to believe that the conditions for registration such as information asymmetry or the creation of public goods do not exist. The inclusion of these occupations reduces the applicability of his conclusions to professions such as architecture.

Nor is the picture as clear as Kleiner and other neo-classical critiques of professional regulation claim. Other researchers are skeptical of the picture of presented above. "Calls for deregulation of professions have increased, but so have calls for regulatory expansion and for new forms of regulation at the international level (Adams, 2017)." Adams argues that there is in fact little evidence of professional de-regulation, and that instead alternate and additional forms of regulation are arising (Adams, 2017). Many national governments, and the societies they represent seem, in fact, still committed to the notion of self-regulated professions.

Of course, one must acknowledged that the desire to limited number of individuals permitted to practice a profession and to thereby guarantee both an adequate volume of work and a higher fee for that work for registered professionals might be a motivation for professional regulation. This market closure can be accomplished to a greater or lesser extent by all of the three forms of regulation stipulated above. However, it is only restriction of trade that closes the market. The other two forms of regulation only limit access to the market to the extent that users of the services believe that the professionals identified by the relevant titles do indeed provide a higher, or more reliably higher, quality for service than other actors in the market. Further the ACE Sector Study shows that between 2008 and 2016 (during a recession) the number of architects actually rose by 25% (Mirza & Nacey Research, 2016). It would therefore seem that the regulation of title, as practiced in the EU, does not form a significant barrier to entry into the profession or to "churn rates".

A perhaps more salient argument against the idea that the regulation of the architectural profession has led to any significant market closure is that several other professions, particularly structural and civil engineering, but also including project managers, contractors, real estate consultants, concept designers and interior architects, provide design services or consult on new build or renovation projects. Even in jurisdictions where the practice of architecture is restricted to registered architects, these professions have successfully entered

the market for many of the services previously thought to be exclusively provided by architects.

A series of studies have been circulated in the EU which seek to find empirical evidence for arguments against professional regulation due market inefficiencies and closure caused by such regulation. These include the IHS study (Paterson, Fink, & Ogus, 2003), the 2012 DG MARKET *Study to provide an inventory of Reserves of Activity linked to professional qualifications in 13 EU Member States and assessing their economic impact* (Centre for Strategy & Evaluation Services, 2012), and several EU reports (Commission on reform recommendations for regulation in professional services, 2016). Each of these reports suggests that there is evidence for market inefficiencies created by the regulation of professional services. However, with some specific exceptions, there is little in the data to cause concern. The IHS study, for example, has been criticized for an apparent display of bias in favour of anti-regulatory theory, and an inadequate analytical framework, and a variety of methodological inadequacies (RBB Economics, 2003). In general, these reports do not show any significant correlation between reserves of activity and the power of professions, their market dominance or competitiveness. Evidence to the contrary can be shown. If there was an economically significant restriction of entrance to the profession due to overly restrictive regulations we would expect to see higher hourly rates in the over regulated jurisdictions. However, the highest hourly rates (adjusted for Purchasing Power Parity) charged by architects occur in the extremes of both the most heavily regulated markets and the least heavily regulated markets (Commission on reform recommendations for regulation in professional services, 2016; Mirza & Nacey Research, 2016).

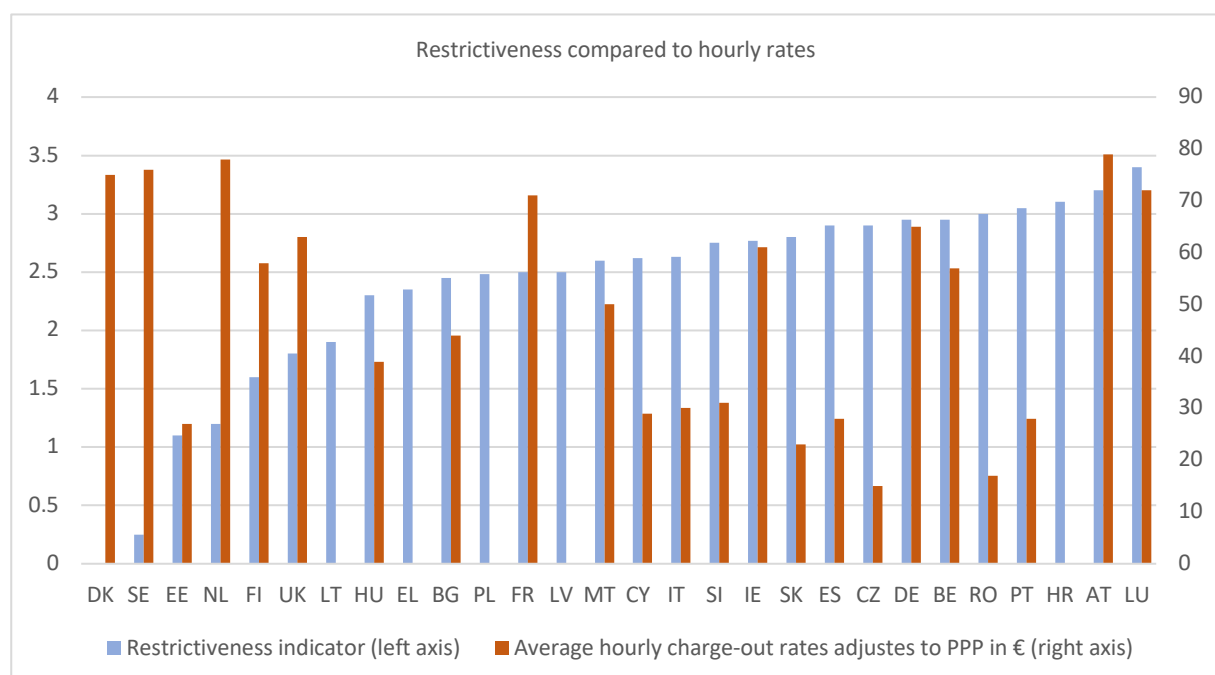


Figure 1 Regulatory Restrictiveness compared to average hourly rates of architects (corrected for Purchasing Power Parity) in different countries. Based on Restrictiveness indicator values from (Commission on reform recommendations for regulation in professional services, 2016) and Average hourly charge-out rates from (Mirza & Nacey Research, 2016).

Another argument based on unfair restriction of trade has been raised by architects themselves, in some countries where registration acts have forbidden architects to engage in

specific other activities such as quantity surveying, contracting or real estate agency. Architects with these combined practices have opposed registration (Barrington Kaye, 1960). However, in most jurisdictions these restrictions have largely been lifted.

Indeed, rather than restricting competition the principle effect of licensing may be that it provides professionals the opportunity to reinforce the difference in qualification and standard of service: “Licensing creates greater incentives for individuals to invest in more occupation-specific human capital because they will be able to recoup the full returns on their investment if they do not need to face low-quality substitutes for their services (Akerlof, 1970; Shapiro, 1986).”

Professional Regulation as Measures to Ensure Quality

Having determined that a profession should be regulated, it must then be considered what measures can be taken to ensure that the registered members of that profession will carry out their practice to the standards required to meet the goals of the regulation. EU Directive 2013/55/EU, article 59, stipulates that entrance and quality measures “must be suitable for securing the attainment of the objective pursued and must not go beyond what is necessary to attain that objective.” The more recent EU Directive 2018/958 on a proportionality test before adoption of new regulation of professions goes on to specify a 21 point framework for testing the proportionality of any new regulation of professions. Article 6 para.2 states that:

“Member States shall consider in particular whether the provisions referred to in paragraph 1 are objectively justified on the basis of public policy, public security or public health, or by overriding reasons in the public interest, such as preserving the financial equilibrium of the social security system; the protection of consumers, of recipients of services and of workers; the safeguarding of the proper administration of justice; ensuring the fairness of trade transactions; the combating of fraud and the prevention of tax evasion and avoidance, and the safeguarding of the effectiveness of fiscal supervision; transport safety; the protection of the environment and the urban environment; the health of animals; intellectual property; the safeguarding and conservation of the national historic and artistic heritage; social policy objectives; and cultural policy objectives.”

These different reasons to regulate the activity of professions can all be brought under the rubric of regulating the quality of service provided by members of the profession in question. Such regulations Becher (1999) divides quality measures into a taxonomy. The major distinction is between quality assurance measures “those practices which lead to some kind of public, formal guarantee or certification” and quality control which “focuses on the conduct of everyday practice.” Looking at the measures addressing individual professionals he identifies three measures: 1) reaccreditation as a formal quality assurance measure, 2) compulsory CPD as a formal quality control measure, and 3) peer review and appraisal as informal quality control measures. Of these, reaccreditation and compulsory CPD are appropriate measures for professional associations and registration bodies, while the informal measures of peer review and appraisal are more appropriate to corporate or firm contexts.

In addition, recalling the importance of risk management as an element of professional service, the question of liability and the provision of professional liability insurance is also an important component to the overall quality of service rendered by professionals.

The measures that are available and appropriate for use by professional registration bodies for the assurance of the quality of architectural services and of architecture itself include:

- Setting qualifications requirements for entry to the profession. (This topic has been dealt with in previous reports (Priemus et al., 2001; Visscher & Meijer, 2008) and lies outside the scope of the present study);
- Setting requirements for continuing professional development to ensure that registered architects keep abreast of new technology, new regulations, and changing demands on the part of clients, users and society as a whole;
- Establishing regulations governing the profession (in law or as set out by the regulatory body) and codes of conduct or ethics (either binding or aspirational) to guide architects in the performance of their duties;
- Establishing disciplinary procedures in order to enforce the regulations and codes governing the profession, to encourage others to adhere to the regulations and to instill confidence in clients and the general public in the probity and conduct of architects;
- To require that architects reduce the exposure of their clients and the general public to financial losses or losses due to injury by carrying adequate liability insurance (either as firms or as individuals).

The remainder of this report is a survey of how architectural registration bodies in several EU and non-EU countries and of the registration bodies for barristers and structural engineers in the Netherlands make use of these measures to fulfil their mandate and ensure the quality of service to clients and the public.

Part II: Results

Goals of Title Regulation

Any regulatory system can only be evaluated in terms of the goals it was created to serve. In this section we review the stated goals behind the regulatory agencies and laws in each of the jurisdictions studied.

Table 2 shows a variety of goals that are given for the regulation of the architectural profession. These fall into several categories: 1) protecting the interests or safety of the public, 2) protecting the integrity of the profession, 3) protecting the standards of knowledge and competence of the profession (sometimes as a means to ensuring goals 1 or 5), 4) ensuring compliance with other regulations or with EU norms, or upholding the law regulating the profession and 5) protecting or advancing the quality of architecture (the built environment) itself. These goals serve a variety of interest groups and reflect the different histories of the laws in question. The protecting of the interests and safety of the public is the goal that is most likely to receive broad support among the public. While the goals of protecting the integrity of the profession and of the quality of architecture itself will find support within the profession, these goals will be more difficult to promote to a broader public. Goals 3 and 4 do not provide arguments for or against regulation but refer to the means by which the other goals might be realized.

Goals 1, 3, 4, and 5 are consistent with measures focusing on the qualifications and competences of architects. Goals 1 & 2 are consistent with measures focusing on the ethical behavior and professional standards.

Table 2 Goals of title regulation in different jurisdictions

Goals of title regulation or of private certification body	
<i>Architects</i>	
Netherlands	1. Quality assurance: the creation of guarantees for professional practice in order to promote the quality of the built environment and the landscape, among other things through sufficient training; 2. Protecting the client: if the client engages a registered designer, he may assume that he has sufficient expertise; 3. The implementation of European directives and the alignment of law with other European countries: this clarifies the position of the Dutch architect, urban planner, garden and landscape architect and interior designer, and facilitates access to work in other EU countries." (BA website)
Belgium	"The Order of Architects has the task of determining the requirements of the doctrine for the profession of architect and ensuring that they are complied with. It supervises the honor, discretion and dignity of the members of the Bar in the exercise or following the exercise of their profession. It reports to the judicial authorities any violation of the laws and regulations protecting the title and the profession of architect" (OvA website, quoting the act) The Order also morally guarantees the high ethical and professional qualification of its members. It supervises compliance with the professional duties regulations by the architect in the exercise of his profession. In the same context, the Order has set itself the goal of emphasizing the importance of society and of ensuring that the independence of the architect is respected. (OvA website)
Denmark*	"The Danish Association of Architects works to promote the quality of planning and design of our physical environment and to improve and develop the conditions for the architect's profession. The association aims to advance and develop the members' interests across geography, individual expertise and interests, to act on behalf of the members on legislative and regulatory issues and to ensure that the built environment is designed and managed by properly trained architects." (DA website)
France	"To promote architectural quality, because architecture is part of culture and therefore a matter of public interest." (website) "Architecture is an expression of culture. Architectural creation, the quality of buildings, their harmonious integration into the surrounding environment, respect for natural or urban landscapes and heritage are of public interest. The authorities empowered to issue the building permit as well as the subdivision authorizations ensure, during the examination of the requests, the respect of this interest." (French act)
Germany	"For members: representation of architects and city planners, service and training; For the interested public: realization of architecture at a high level. The focus is on the design quality of our built environment and architecture in public discussion; For politics and administration: making a strong contribution to the interests of the profession, to ensure that the interests of architects are heard." (AKNW website)
UK	"We are an independent, public interest body and our work in regulating architects ensures that good standards within the profession are consistently maintained for the benefit of the public and architects alike." (ARB website)
Canada	"The principal object of the Association is to regulate the practice of architecture and to govern its members, holders of certificates of practice and holders of temporary licenses in accordance with this Act, the regulations and the by-laws in order that the public interest may be served and regulated. R.S.O. 1990, c. A.26, s. 2 (2). Additional objects: - For the purpose of carrying out its principal object, the Association has the following additional objects: - To establish, maintain and develop standards of knowledge and skill among its members. - To establish, maintain and develop standards of qualification and standards of practice for the practice of architecture. - To establish, maintain and develop standards of professional ethics among its members. - To establish and maintain or to assist in the establishment and maintenance of classes, schools, exhibitions or lectures in, and to promote public appreciation of, architecture and the allied arts and sciences. - To perform such other duties and exercise such other powers as are imposed or conferred on the Association by or under any Act. R.S.O. 1990, c. A.26, s. 2 (3)."
South Korea	"The purpose of this Act is to promote the qualitative improvement of buildings and spatial environment and to contribute to the development of architectural culture by stipulating the matters relating to the qualification and duties of a certified architect." (Certified Architects Act: Act No. 13472, Aug. 11, 2015) "KARB's goal is to comprehensively and systematically manage the entire qualification process of architects, from practical training of candidates to professional activities after getting registered." (KARB website)
<i>Barristers</i>	
Netherlands	"The NOvA is an independent professional organization with a keen eye for society in order to safeguard and create conditions for a lawyers' practice with high quality." (NOvA website)
<i>Structural engineers</i>	
Netherlands*	"The registration body focuses on the objectifiable expertise of civil engineers in the Netherlands. By safeguarding this expertise, the body contributes to the constructive safety of the living environment." (CR website)
	<ul style="list-style-type: none"> • Private certification / self-regulation Bodies.

Continuing Professional Development

It is now widely accepted, both in many professions and in many countries, that the assurance of high levels of professional competence requires not only ensuring that those entering the profession have met educational and experience requirements, but also that registered professionals continue to update themselves, learn new skills, and adapt to changing technologies. With this as a goal, most professional registration bodies require that their members engage in some form of Continuing Professional Development, or Permanent Education throughout their careers.

The Institute for Continued Professional Development had defined CPD as ‘The systematic maintenance, improvement and broadening of knowledge and the development of personal qualities necessary for the education of professional and technical duties throughout the practitioner’s working life (Wilcox, 2003).’ This definition, sometimes with minor variations is accepted by a broad range of scholars, e.g., (Yalçinkaya Çalışkan & Acar, 2016), although some scholars include the stipulation that such development must occur according to a plan (Lester, 1999). It is only since the 1980’s that many professional associations or regulatory bodies have taken systematic steps to require their members to engage in CPD activities on a regular basis (Lester, 1999). Although most advocates of CPD requirements argued that all professionals need to continue to update their skills throughout their career, the requirements are specifically aimed at professionals who for one reason or another allow their skills to fall behind currently accepted standards. There is, indeed, evidence that CPD contributes to maintaining high standards of professionalism (Fricker, 2016).

The importance of CPD (although perhaps not using this term) for architects, the notion they must continue to learn, and to add new skills and competences throughout their career, is well established. In the UK, The RIBA first introduced a structured approach to Continuing Professional Education in the 1970s (Watkins, 1999). The increasingly flexible labour market and the trend towards more complicated career paths provides incentives to architects to keep their skills up to date, and therefore to participate in CPD (Watkins, 1999). And CPD has long been mandatory for all regulated professions throughout Europe.

The Architects Council of Europe has been a strong supporter of CPD for architects and has sought to coordinate CPD requirements for architects across all European countries. This coordination has been seen as being particularly important in the process of facilitating the mutual recognition of architects’ qualifications throughout Europe (Architects Council of Europe, 2016a).

“To this end, it is essential that architects themselves - through their professional bodies – participate in the implementation of CPD by:

- determining the required competencies including the on-going need to be inclusive, public-focused, ethical, and responsive to climate issues and building performance;
- setting out trends, identifying needs and gaps and helping members and member organizations to be future-focused yet agile;
- initiating, encouraging and organizing training initiatives;
- evaluating training initiatives properly (relevance of the subject, learning aims and outcomes, needs of learners, quality of courses, accessibility and cost, etc.) so as to contribute to their improvement;

- providing CPD at a range of prices, styles and delivery modes through multiple channels, including the recognition of informal activities;
- recognizing differences in generational attitudes towards learning at a time when five distinct generations may be in the workforce;
- ensuring the effective dissemination and promotion of CPD towards architects.”
(Architects Council of Europe, 2016a, p. 3)

To this end most professional regulatory bodies in Europe have adopted CPD requirements. Research in Ireland shows that CPD requirements are by far the most significant motivating factor for Architects and Architectural Technologists to participate in formal CPD activities (Shea, Basnak, Bucholz, & Steinfeld, 2016).

CPD Requirements

Requirements for annual CPD activities are generally formulated in terms of hours or points, where the points are generally convertible to hours. Only in a few cases are points awarded in a manner not directly related to the hours of training. Among the cases studied here most have an explicit requirement for CPD. CPD requirements ranged from 8 hours (Architektenkammer Nordrhein-Westfalen representing Germany (AKNW)) to 70 (OAA) hours per year. However, some qualification is necessary. In several cases, including that of the OAA, a distinction is made between 25 structured hours and 45 unstructured (self-directed) hours. Nonetheless, the OAA has the highest CPD requirement of all the organizations studied here. The intention of self-directed hours is to capture the learning that takes place in the normal course of professional work.

Three bodies studied do not have an explicit requirement for the number of CPD hours, the Belgian OvA, the Danish AA, and the British ARB. The Belgian OvA requires every architect to keep up to date, but they do not specify what kind or how much CPD activity is required. Their position is that: “each architect must be able to choose for himself where his priorities lie.”⁶

The ARB also have a requirement for architects to “ensure they are competent to practice”, but they do not have any specific requirement for hours or content of CPD. Rather they refer their members to the RIBA and its CPD requirements as an indication of the effort they expect of their members.

The Danish AA has no CPD requirement but is currently considering implementing one. *“We would like to make the CPD demands, because if we want to state the quality of the title MAA, we have to put weight on it.”*

In the Netherlands, NOvA requires barristers to do 20 points of CPD per year of which at least 10 points must be in legal subjects and the rest may be in subjects generally useful in the practice of law. They are considering instituting a program of registered specializations. Barristers following at least 10 points of CPD in a specific area of law each year may register as a specialist in that area. Barristers seeking to be registered in more than one area of specialization might therefore have to do more than 20 points total CPD per year.

⁶ In the original Dutch: “... wij vinden dat elke architect zelf moet kunnen kiezen waar hij zijn prioriteit legt.”

Table 3 CPD ecology in different registration bodies

	Registration body	Requirements	Reporting	Checking	Penalties
Architects					
Netherlands	BA	• 16 h/y	- May report activities	-	-
Belgium	OvA	• Must keep up to date	- Under development	-	-
Denmark	AA	- Contemplating implementation	-	-	-
France	OA	• 20 h/y	• Annual digital submission	-	-
Germany	AKNW	• 8h/y	-	• Audits 10% annually	• Warning, reprimand, fine, be stricken from register
UK	ARB	• Must “ensure competence”*	-	-	• Lack of competence can be disciplined
Canada	OAA	• 70 h/y	• Annual digital submission	• Audits 3-5% annually	• Fine (as of 2018)
South Korea	KIRA-KARB	• 40 h/5y	• Re-application every 5y	-	• Denial of registration
Barristers					
Netherlands	NOvA	• 20 points/y	• Annual digital submission	• Audits 10% annually	• Warning, reprimand, fine, suspension, disbarment
Structural engineers					
Netherlands	CR	• 30-40 points/3y	• Re-application every 3y	• Spot checks	• Denial of registration

* The RIBA requires its members to have 35 hours/y CPD. As 85% of ARB registrants are also RIBA members, and the ARB refers to the RIBA requirements as a relevant means of demonstrating ensuring competence one might consider that the RIBA requirement is also an effective ARB requirement.

Returning to practice after a period of inactivity

CPD is sometimes connected to the issue of re-registration after a period of inactivity or discontinuity in registration. The ARB requires ex-registrants who have been off the register for two years or more to demonstrate that their level of competence is current through CPD activities. The (D)AA says that if they institute a control of continuity of practice, return to active status in the register will be combined with CPD requirements. The NOvA requires that non-active barristers follow twice the normal required CPD before they can re-register, (40 points).

Other organizations in this study fall into one of two categories: either re-registration is automatic, or all ex-registrants (in the case of the OAA, after a period of three years) seeking re-registration must re-apply following the same procedure as diploma holders seeking registration for the first time.

Table 4 Continuous practice and re-registration in different registration bodies

	Continuous practice required	Non-practicing status	Requirements for re-registration
<i>Architects</i>			
Netherlands	-	•	- Automatic re-registration
Belgium	-	•	- Automatic re-registration
Denmark	-	•	- Automatic re-registration
France	-	•	• Same process as original registration process
Germany	-	•	• Same as original registration process
UK	-	-	• After absence of 2y, must show CPD evidence
Canada	•	•	• Automatic re-registration up to 3y, than repeat original registration process
South Korea	•	-	• Re-registration process every 5y
<i>Barristers</i>			
Netherlands	•	-	• Twice normal CPD after absence
<i>Structural engineers</i>			
Netherlands	•	-	• Re-registration process every 3y

Reporting

Reporting of CPD hours is generally on an annual basis, and is normally a process of self-reporting using a digital system hosted by the registration body. A number of registration bodies in this study do not require any form or regular reporting of CPD activities (BA, OvA, (D)AA and ARB⁷). Although it should be noted that the BA requires registrants to inform their clients of their educational qualifications and their CPD activities. In most cases, the registration body maintains a database of members, into which members may login to update their account information and log their CPD activities. In cases of the Constructeursregister and KIRA-KARB, reporting is linked to a periodic re-registration procedure in which registration is renewed conditional upon CPD compliance and other factors. In these cases, CPD requirements are set for the entire interval between re-registrations rather than on an annual basis.

With the exceptions of AKNW, KIRA-KARB, NOvA and CR, most of the bodies studied do not require a submission of certificates for the normal annual report of CPD activities. Proof of attendance or a certificate may be required for CPD audits. Within the studied groups a variety of approaches are taken to auditing or checking the CPD submissions of members. Registration bodies using digital reporting have systems that automatically flag members who have not reported the required CPD activities. Beyond this, registration bodies may choose to verify that the digital submissions are correct. There are a variety of degrees of regularity of such audits or checks among the registration bodies studied:

- 1) No regular check (OA),
- 2) Annual check of a small sample of registrants, (individuals can assume they will not be checked) (AKNW, OAA),
- 3) Annual check of a large sample of registrants, (individuals can assume that they will be checked within a certain period) (NOvA),
- 4) Always checked (KIRA-KARB, CR at re-registration).

⁷ The RIBA does random checks of 5% of their members. Members not registering the required 35 hours CPD are given a warning. Failure to rectify the situation can lead to expulsion.

Most of the registration bodies identify this as a significant administrative burden.

Penalties

Penalties for non-compliance vary, from no penalty (BA), to warnings, fines, suspensions, and in extremis to being stricken from the register. The OAA will be implementing a fine for failure to complete annual CPD requirements in 2018. The NOvA enforces their CPD requirement through their disciplinary procedures. Consistent failure to earn and register the required CPD hours has led to the disbarment members (Advocatenblad, 2013) (ECLI:NL:TAHVD:2018:137).

The AKNW can penalize architects for failing to comply with CPD requirements. However, in some cases members have chosen to pay fines, considering the fine less burdensome than complying with the CPD requirements. In all these cases, the non-compliance of members is addressed by the disciplinary organs of the relevant registration body.

Where CPD is considered a requirement for re-registration, e.g., KIRA-KARB and the Constructeursregister, non-compliance is grounds for denial of the application for re-registration, effectively disbarment.

The ARB does not have any specific penalty for failure to comply with CPD requirements, as they have no specific CPD requirements. Rather they hold that the regulation requiring competence, and the disciplinary process provide an adequate assurance that all architects will comply with the spirit of the regulation.

CPD Content

In addition to setting minimum requirements for CPD, many professional registration bodies are concerned with the standards of the training provided and the subjects covered. Of the bodies studied here, only (D)AA, OAA, and NOvA offer any CPD courses themselves. Most registration bodies see the provision of CPD courses as the responsibility of other actors.

The OAA (Canada) offers a range of ‘Learning Events’ which contribute to CPD requirements. (D)AA, while not having a CPD requirement, offers a range of courses, but find that it is difficult to earn sufficient income from fees to cover the costs of CPD courses. There is too much competition, including from Architecture Schools offering CPD courses. (D)AA finds that their courses are often quite successful, and have developed several “longer, heavier” courses specifically for architects which have become popular.

Approving CPD Offerings

The AKNW maintains an approved list of courses which qualify for CPD points. This is a matter of difficulty for their members, as they often take useful courses which are not on the list and can therefore not be recognized. Application to be placed on the list must be made in advance by the provider of the course. This process is cumbersome for both the provide and for the AKNW.

(D)AA operated an implicit approval process, they would advertise CPD courses from approved suppliers on their website. In practice, very few architects made use of this service, and they ceased providing it as of January 2018. Sites/suppliers were ‘quality checked’, to

ensure that any courses advertised were high quality. Suppliers paid a fee to be listed on the website.

The NOvA and the Construceursregister also approve providers based on their quality plans. In France the CPD course providers are accredited by the ministry.

The other registration bodies in the study do not have an approval process for CPD. For example, the OAA argues that having obliged architects to follow CPD courses, they will take the opportunity to seek out the educational options that will best serve them in their practice.

Self-Directed Learning

Several of the organizations in the study include requirements for complementary or self-directed learning. Activities included here range from writing articles and making presentations to participating in in-company training and volunteer work for the profession, advocacy bodies or the registration body. In the case of the OAA, the unstructured learning may include all self-directed activities the architect believes have contributed to their professional competence.

Self-directed learning is receiving a significant degree of recognition as an important manner in which professionals continue to develop their competence and abilities throughout their careers. Professionals are often engaged in learning activities in order to acquire knowledge they need for the fulfillment of their duties (Confessore & Confessore, 1994). The Irish study mentioned above also indicated that self-improvement was also a significant motivating factor for undertaking CPD activities (Shea et al., 2016). In Turkey, where CPD is entirely voluntary, the top five drivers for participation in CPD: “to do my job better”, “to keep up with technical advancements”, “personal areas of interest”, “employer’s expectations/demand”, and “clients’ expectations/demand (Yalçinkaya Çalışkan & Acar, 2016).”

“In addition to rapid technological change, increasing expectations of consumers put pressure on both architects and companies to ensure that their professional skills are up-to-date (The Royal Institute of the Architects of Ireland, 2016).”

Informal sources can be as valuable as formal or structured coursework for professional learning. Particularly in architecture, where driven by the need to acquire skills and knowledge to solve problems on a project by project basis. Informal learning, coaching and self-reflection play an important role in the maintenance and improvement of professional competence and ability (Yalçinkaya Çalışkan & Acar, 2016). Learning on the job and seeking advice or interaction with colleagues and consultants are also important (Becher, 1999).

However, as we can see from the data collected from this study as well as from other research such self-directed and informal learning is not normally recognized in CPD requirements (Becher, 1999). Given that the goal of CPD requirements is to ensure that registered professionals maintain their levels of knowledge skill and competence at the level required to provide the adequate quality of service, and that the rapid changes in technology and practice make this even more challenging, the decision by the OAA to make such informal learning a major part of their CPD requirements can be seen as both an important way in which they recognize the valuable learning undertaken by their members in the course of their professional work, and of stimulating that same learning. The RIBA also includes a mix of 18 hours directed learning and 17 hours self-directed learning. The American Institute of

Architecture too has taken steps to recognize and encourage self-directed learning as part of their CPD program (Demkin, 2011).

Self-directed hours can include many activities that professionals, especially architects, will engage in during the normal course of their work, such as consulting with professional colleagues, research on new building systems or materials use in a particular project, and reading and attending lectures on subjects relevant to their practice. Including these activities in the CPD requirements, even where this is in addition to formal activities, is likely to improve both the attitude of professionals towards the need for CPD, and the rate at which professionals engage in and make use of informal learning opportunities.

The CPD Ecology

What emerges from the study is that CPD occurs in an ecology constituted of registration bodies, advocacy organizations, institutes of higher education, companies, private consultants, and others, and finally the registered professionals themselves. It has been judged by most of the organizations studied here to be beyond their capacity and remit to monitor, approve, and control this ecology. Further, several bodies have determined that the integrity and drive of their own members is an important factor driving the CPD process.

Interview evidence points to a clear division in the roles between registration bodies and advocacy bodies. With most registration bodies requiring CPD, while most advocacy bodies provide CPD.

Table 5 CPD provision in different countries

	Registration body	Require CPD	Provide CPD	Approve providers	Advocacy body	Require CPD	Provide CPD
<i>Architects</i>							
Netherlands	BA	•	-	.*	BNA	•	•
Belgium	OvA	•	-	•	BVA, UWA	-	•
Denmark	AA	-	•	-	AA	-	•
France	OA	•	-	.*	OA	•	-
Germany	AKNW	•	•	•	AKNW	•	•
UK	ARB	•	-	-	RIBA	•	•
Canada	OAA	•	•	-	RAIC	-	•
South Korea	KIRA-KARB	•	-	•	KIRA-EB	-	•
<i>Barristers</i>							
Netherlands	NOvA	•	•	•	NOvA	•	•
<i>Structural engineers</i>							
Netherlands	CR	•	-	•*	VNconstructeurs	-	•

* Body provides a list of CPD activities provided by third parties on their website at the providers request

** CPD courses are accredited by the ministry

However, with some exceptions, there seems very little coordination between the various actors in the CPD ecology. Most of the registration bodies studied have left it to their members to determine what will be valuable to learn and from whom, always also determined by the, sometimes limited, offerings available from which to choose.

The ideal situation would be that the registration body would bring together key actors in the CPD ecology, including advocacy bodies, higher education institutes, and trade organizations, to develop a CPD curriculum, within which various actors could choose what they would themselves wish to provide.

Further, that registration bodies and advocacy bodies could work together to develop tools to facilitate individual members in developing their own multi-year CPD programs, including self-directed learning. In Ireland, the RIAI has developed a CPD Network of partnerships between the RIAI and companies in the construction industry to deliver a range of presentations providing technical and topical information with clear learning outcomes to architects and architectural technologists (<http://www.riai.ie/cpd/network/>). Members of the network include: manufacturers and suppliers of building materials, products, components or equipment; specialist service suppliers; and associations of manufacturers or suppliers.

The fact that the ‘times are changing’, and contemporary performance requirements for buildings include aspects such as universal access, and net energy neutrality, and are moving towards incorporating the principles of circular economy, many of which were not included in the curricula of architecture schools when most of the architects now practicing were trained is another motivation for requiring CPD.

Ethics and Discipline

The concept of a (co-)regulated profession is justified by the belief that the members of such a profession will conduct themselves according to a higher standard, and that this higher standard of conduct is important for the client's protection and for public welfare. Thus: "In return for society's conferring a considerable degree of legitimate authority to a profession, including a major role in determining the educational and training requirements for entry, it is generally assumed that "the power and responsibility of a profession extend beyond its direct clients to society at large" (Lefkowitz, 2003, p. 193)."

Architects and other professionals are expected not only to follow the laws that govern any commercial activity, but also to follow standards of practice and conduct that exceed these laws and make special allowance for the protection of the interests of their clients and the public. And in disciplines where professional behavior can have a negative impact on clients or the general public, this justifies the establishment of disciplinary mechanisms for professionals (Krom, 2017).

All of the organizations studied are concerned to maintain a high level of competency and conduct among the members of their respective professions or jurisdictions. To this end they have instituted various codes or regulations. The terminology used is not consistent; nor is the exact legal status of the regulations or codes consistent, and many organizations have measures at more than one level.

- Regulations incorporated into the professional law,
- Regulations set by the registration body and binding upon registrants,
- Codes set by the registration body as an interpretation of the law,
- Codes set by the registration body as an aspirational statement of professional behaviour.

These different status or levels represent a trade-off between strength of the regulation and flexibility. Further codes can be written either in a manner that allows a more extensive setting out of the specifics of the regulated behaviour, as with NOvA, or in a concise manner intended to be more inspirational for to communicate the aspirations of the profession as with the OAA Code of Practice. Codes have the advantage that they can be (re)formulated by the registration bodies themselves without resort to legislation. They are easier to adapt to changing circumstances. Further codes can make concrete and specific the more general language of regulations.

The NOvA has the most elaborate set of regulations and codes of any of the regulatory bodies studied here. The legal rules for lawyers are included in the *Advocatenwet* (Act on Advocates). The *Advocatenwet* gives the NOvA the possibility for lawyers to adopt binding regulations. This is the *Verordening op de advocatuur* (Regulations for the legal profession) and at a lower level through delegated legislative powers a further elaboration in the *Regeling op de advocatuur* (Rules for the legal profession). Furthermore, in the *Advocatenwet* in Article 10a, second paragraph, the *Kernwaarden* (Core Values) have been codified (they already existed, but have been incorporated into the law from 1-1-2015). Advocates must adhere to these core values. This also applies to the disciplinary standard in Article 46 of the *Advocatenwet*. Briefly summarized, in 46: care for the client, comply with law and regulations and behave properly.

In order to assist lawyers in the interpretation of the *Kernwaarden* (client care and reliability) the *Gedragsregels* (Code of conduct) has been drawn up. The *Gedragsregels* reflects the opinion of the bar on the duty to be responsible, care for the client and for core values. It is not a generally binding rule (not a regulation), but rather guidance for lawyers on how they should act. However, lawyers and disciplinary judges are not bound by the *Gedragsregels*; the disciplinary judge does not test cases against the *Gedragsregels*, but against the disciplinary standard in Article 46 of the *Advocatenwet* (as disciplinary judges have ruled several times).

In addition to these, the behaviour of barristers is also covered by UNHCR Basic Principles on the Role of Lawyers, and the European Code of Conduct for Lawyers. These are not in themselves legally binding but have been taken into account in the drafting of the laws and regulations covering the profession in the Netherlands. Taken together these codes constitute an extensive regulation of all aspects of legal practice. All four levels of regulation outlined above are present, and each plays a role in guiding the behavior of barristers, and in disciplining those barristers who behave improperly.

In nearly all of the jurisdictions studied regulations regarding the professional conduct, CPD and insurance have been incorporated into the relevant law, and several the law has been supplemented by further development of regulations or codes by the registration body itself.

In stark contrast to most of the other bodies studied here, and all of the bodies with legal status, the Dutch Bureau Architectenregister has no regulations regarding incompetence or misconduct. This significantly weakens the Architectenregister's ability to fulfill the stated goals of the Dutch Architects Title Act, particularly the protection of clients and the protection of the quality of the built environment.

Table 6 Regulations and codes on professional conduct and competence in different jurisdictions

	Registration body	Regulation in law	Regulations of the body	Codes
<i>Architects</i>				
Netherlands	BA	Requirements for CPD and insurance	-	-
Belgium	OvA	Deontologie	-	-
Denmark	AA	-	Registration requirements	-
France	OA	Code of Ethics, Decree of Council of State	-	-
Germany	AKNW	Professional duties and liability, section 22, berufspflichten	Requirements for CPD	-
UK	ARB	-	Architects Code	-
Canada	OAA	Section 27 of the Act	-	Code of Ethics
South Korea	KIRA-KARB	Certified Architects Act	-	Charter of Registered Architects
<i>Barristers</i>				
Netherlands	NOvA	Advocatenwet,	Verordening	Gedragsregels 2018
<i>Structural engineers</i>				
Netherlands	CR	-	-	Code of conduct

The only other body not to have a code of ethics is the Danish Association of Architects, in a country where neither the title nor practice of architecture is protected. This is somewhat

unusual, as in many countries, including the BNA in the Netherlands, the advocacy bodies (which also provide a form of private certification) often have stricter regulations than the registration bodies.

Codes of practice, conduct, or ethics govern the integrity with which the professional carries out his duty. They tend to be written in broad general terms. Regulations, on the other hand tend to be more specific.

Disciplinary Procedures

In most of the cases studied, the professionals can be disciplined for violation of the regulations governing their profession, as well as for lack of fee payment, failure to comply with CPD requirements or failure to carry adequate practice insurance. In many jurisdictions, professionals can be also disciplined, suspended or stricken, if they have been found guilty of a crime.

Discipline can be carried out by special courts (e.g., architects in Germany or Barristers in the Netherlands), independent committees or committees of the registration body (e.g, Belgium or Canada). South Korea is an exception in that discipline is carried out by a Certified Architects Disciplinary Committee under the auspices of the Ministry of Land Industry and Transport. In general, the committees are made up of professionals and include either lawyers or judges, some committees will include a member of the public or a member nominated by government. For example, in Ontario, Canada a Disciplinary Hearing is held before a panel made up of two architects and a member of the public appointed by the Lieutenant Governor of the Province. In contrast, in France the Regional Disciplinary Chambers of Architects are presided over by a judge and include three architects. Most bodies have a tiered system where a complaints committee or staff members will determine if there is a complaint to be answered, and if so, will forward the case to a disciplinary committee.

The exceptions are the (D)AA and the BA neither of which have disciplinary processes in place.

Penalties

Penalties available to the registration bodies for violations of regulations range widely, they include:

- warning,
- (public) reprimand,
- fine,
- suspension,
- erasure / disbarment.

Most of the bodies studied here used the full range of penalties, depending on the severity of the violation. In cases of suspension or erasure, the offending professional is often required to show proof that their clients have been informed, e.g., Belgium, NOvA.

Transparency in Discipline

The interviewees representing the organizations studied seemed nonplused when asked whether their organizations held that it was important that the general public can see that the registration bodies disciplines their members. Discipline was about ensuring that the behaviour of registered professionals was in compliance with both the spirit and letter of

relevant codes and regulations, but they did not generally make a connection between the public display of a functioning system of discipline and public confidence in the profession. It is possible that they were equally concerned that drawing attention to misconduct by professionals might detract from public confidence.

On the other hand, many organizations in the study publish results of disciplinary hearings. Sometimes these reports were anonymized, e.g., BNA, OvA, AKNW. Others were more declarative. ARB publishes all their disciplinary results through trade magazines, listing the names of the offending firms and their punishments. NOvA both attaches disciplinary hearing results to the listings of barristers in the register and maintains a separate list of suspended and disbarred (ex)barristers. Here the motivation is to ensure that the public can ascertain a barrister's standing and avoid seeking services (either as a barrister or as a solicitor (not a licensed profession) from suspended and disbarred (ex)barristers. In both cases the intention seems to be focused on the individual offender. This ignores the potential value of letting justice be seen to be done. The well-established principle in English law that: "... justice should not only be done, but should manifestly and undoubtedly be seen to be done (*R v Sussex Justices, Ex parte McCarthy* ([1924] 1 KB 256, [1923] All ER Rep 233)). Publishing outcomes of disciplinary hearings, as the ARB and NOvA do, offers two important potential benefits to the profession. First, the deterrent value of demonstrating to all members of the profession that violations of ethics codes and regulations will be punished, and the value of demonstrating to the general public and to clients that the values expressed in the relevant laws and mandates of professional bodies are rigorously upheld.

Indeed, it has been argued that public accountability restores trust in the profession (Vriens, Vosselman, & Groß, 2016). Is as much as this is the case, public accountability benefits both the general public, confirming that they may employ professionals with confidence that the professionals will safe guard their interests, and the professionals themselves, enhancing their competitive position (Krom, 2017). When disciplinary processes and outcomes are held privately as was often the case in the past, the effect was sometimes negative, and studies showed that the public lacked the confidence that professional regulators were always able to distinguish between the interests of a publicly-spirited profession and the public itself (Adams, 2017, p. 76).

However, disciplinary processes themselves must be seen to be accountable. A study of disciplinary actions taken by state licensing boards in the United States found that there was little consistence in disciplinary measures taken to specific offences across either different professions or different states (Krom, 2017). The present study did not attempt to compare disciplinary outcomes but notes that while there are broad consistencies across the registrations bodies studied, there were many differences in the detail of procedure, the structure of the disciplinary bodies, and the reporting of results. It is assumed that these reflect different national legal traditions.

Table 7 Disciplinary processes in different jurisdictions

	Disciplinary processes	Possible penalties	Publish disciplinary measures
<i>Architects</i>			
Netherlands	-	-	-
Belgium	• By a disciplinary committee	Warning, suspension, withdraw digital visa	• Anonymized
Denmark	-	-	-
France	• By the Regional Disciplinary Chamber	Warning, reprimand, suspension, disbarment	• Anonymized
Germany	• By special professional courts	warning	• Anonymized
UK	• By an independent committee (PCC)	Reprimand, fine, suspension, disbarment	• With names
Canada	• By the Discipline Committee	Fine, warning, reprimand, suspension, disbarment	•* partly anonymized, partly with names
South Korea	• By the ministry (MLIT)	Reprimand, suspension, disbarment, fine, prison	-
<i>Barristers</i>			
Netherlands	• By the Local Dean and a Regional Disciplinary Council	Warning, reprimand, fine, suspension, disbarment	• With names
<i>Structural engineers</i>			
Netherlands	• By a Supervisory Council	De-registration	-

* If the results of the disciplinary hearings will be published is decided per case.

Professional Liability Insurance

The importance of professional liability insurance has become clear in the last few decades. In all of the disciplines and jurisdictions studied professional liability insurance is seen as a basic business or practical necessity (meaning that the economic risks of not carrying insurance are not acceptable). However, in several cases, legislators have been concerned to ensure that clients and members of the public are protected in all cases. There are two alternative forms in which a requirement for liability insurance has been ensured. The first is through professional regulation, and several countries, including architects in Belgium, France, and Canada, and barristers in the Netherlands, are required to carry minimum amounts of professional liability insurance or to be covered by insurance carried by their firm, as a condition of registration. In several other cases standard contracts have been issued for the use of architects and their clients, and these contracts require that the architect have and declare to the client their professional liability insurance. These forms can be used in combination.

The (D)AA does not require that its members carry insurance. In South Korea, the Architects Act specifies that architects must be insured, but this is seen by KIRA as an issue separate from registration.

In France: “A certificate of insurance is attached in all cases to the contract concluded between the owner and the architect or, where applicable, his employer.” (**Law No. 77-2 of 3 January 1977 on Architecture** article 16.

<https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000000522423>)

Table 8 Insurance requirements

	Required by register	Provided by register	Practical necessity	Informing clients
<i>Architects</i>				
Netherlands	-	-	•	Required, via standards contract conditions
Belgium	•	-	•	
Denmark	-	*	•	
France	•	•	•	
Germany	•	-	•	
UK	•	*	•	
Canada	•	**	•	
South Korea	-	***	•	Normally indicated in contract.
<i>Barristers</i>				
Netherlands	•	-	•	
<i>Structural engineers</i>				
Netherlands	-	-	•	Required, via standards contract conditions

* Neither the (D)AA nor the ARB provides insurance, but the RIBA and the Danish advocacy body for architectural firms do.

** Architects in Ontario are provided with insurance through a non-profit company controlled by the OAA.

***In Korea the Certified Architects Financial Cooperation (CAFC) an independent entity supported by the Ministry of Land, Infrastructure and Transport.

In Ontario the OAA, and in Denmark the Architektvirksomheder (the Danish Association of Architectural Firms) are able to provide insurance to their members. Architektvirksomheder

(the Danish Association of Architectural Firms) provides “highly competitive prices on professional insurance, and the OAA has a subsidiary non-profit insurance company, whose profits are divided among the policy holders. In Korea insurance is provided by the Certified Architects Financial Cooperation (CAFC) an independent entity established and supported by the Ministry of Land, Infrastructure and Transport.

Finally, it is interesting to note that in Denmark insurance companies are generally indisposed to providing insurance to unqualified designers. This is in effect a restriction of trade, limiting the design of buildings to architects and engineers.

Conclusions

This study examined registration bodies at three levels of regulation: licensure (restricted title and practice), certification (restricted title) and private certification. The regulatory practices of the registration bodies at the level of licensure and certification are quite consistent. Entrance qualifications, continuing professional development and liability insurance are all regulated, and there is a set of regulations, usually written into the law governing practice, and often an additional code of ethics. The two registration bodies at the level of private certification, the *Architektvirksomheder* (the Danish Association of Architectural Firms or (D)AA) and the *Constructeursregister* (Structural Engineers Register or CR) are substantially dissimilar, with the CR gradually moving towards the complete set of regulatory practices employed with licensing or certification, as is in accordance with their aim to become a signal of engineering excellence. Although it must be noted at the same time that while CR registrations are growing, they constitute only a small minority of the structural engineers currently practicing in the Netherlands. The (D)AA on the other hand has a relatively light regulatory scheme, offering support rather than requiring behaviour. This is consistent with the (D)AA's status as a voluntary organization and their ambition to embrace the entire profession. It does however, as do the CR, the *Bond van Nederlandse Architecten* (BNA) and the Royal Institute of British Architects (RIBA), claim that membership in the (D)AA (rather than simply the degree required for entry to the association) is an indication of a high standard professional qualification and conduct.

The one registration body that stands out as not fitting with the pattern described above is the Dutch *Bureau Architectenregister*. Here certification is combined with a relatively light regulatory scheme in which there are entry and CPD requirements, but no requirement for liability insurance (only an obligation to inform the client about the insurance cover), and no professional or ethical code. This means that although the *Bureau Architectenregister* (BA) is a legally sanctioned regulator of the architectural title it is less able to regulate its members than are organizations offering only private certifications such as the CR, the BNA or the RIBA.

Of the quality measures studied here, Continuing Professional Development (CPD) receives the most attention. CPD is the most important means (regulatory instrument) whereby registration bodies can ensure that the professional competency of their members and the quality of service they offer continues to match proper standards both through-out the career of individual professionals. CPD is additionally valuable for maintaining standards of competency and service in a time of rapid technological and social change. All of the bodies here require that their registrants report their CPD activities, and many automatically publish registrants CPD activities in their register. Others require that registrants report CPD activities to their (prospective) clients. Monitoring the accuracy of CPD reporting and assessing the quality of CPD offerings are seen as extremely costly activities by the organizations in the study. Where some do not attempt to assess CPD offerings, others, such as the *Architektenkammer Nordrhein-Westfalen* (AKNW) are abandoning such assessment. This despite the fact that some suppliers of CPD are clearly offering a product of less than professional quality. An additional problem is that architects and other professionals have legitimate needs for CPD offerings covering a very wide range of subjects. There is so much available on the market that registration bodies are unable to either identify all relevant offerings available to their members, or to assess them. It seems clear that registration bodies will have to make a choice between a restrictive approach such as that employed by the *Nederlands Orde van Advocaten* (NOvA), and a more flexible open approach employed by

Certification bodies such as the Ontario Association of Architects (OAA). The position of the British Architectural Registration Board (ARB) is extreme in its lack of advice or assistance to its members in selecting appropriate CPD offerings. Were it not for the ARB's reference to the RIBA CPD requirements, architects in the UK might feel at a loss to successfully predict what CPD activities the ARB would find acceptable as a fulfilment of their requirement to maintain professional competency.

The majority of the organizations studied here have an inward focus – devoting their energies to administering their registration systems, ensuring that their policies were carried out effectively, and attempting to evaluate and renew those policies when needed. They were focused on ensuring that their registrants adhered to the regulations and ethics of good professional conduct. You might say that they were focused on the substance of their mission, rather than the vision behind it. They also seemed less focused on the communication of their mission, and of how they realize their vision in society as a whole.

This is particularly true of communication with clients and the general public. This receives relatively little attention across the organizations studied (with the exception of AKNW, and to a lesser extent the OAA), while their social value, status and even existence depends on the continued belief among the general public and their governmental representatives, in the value of professional registration.

Most of the organizations have communications programs, however these are directed at their membership rather than the general public or clients. The main subjects addressed are architecture news (new buildings, trends, events, etc.) and the architectural community (new firms, etc.). All of the registration bodies did post descriptions of the requirements and process for qualification for entry to the register, and for CPD. And nearly all had publicly accessible lists of all their registered professionals.

The French *Ordre des Architectes* (OA), the AKNW, and to a lesser extent the OAA and the (D)AA, have communications programs aimed at the general public. These seem to be dedicated to selling 'Architecture' itself rather than the mission of the register and the importance of retaining properly qualified professionals.

Recommendations for the Bureau Architectenregister

First of all, Bureau Architectenregister should see its goals and purpose, not in terms of the bureaucratic function of maintaining the register itself, but in terms of the goals of the Dutch Architects Title Act. BA exists to fulfill these goals, and therefore the goals of BA should be the same as those of the Dutch Architects Title Act. Keeping the register is the means through which BA fulfills these goals. BA should announce these goals clearly on its website, and in relevant communications. It should make these goals clear to its members, the ministry, and the general public. It is only with these goals firmly in mind that the register can make appropriate choices or propose appropriate changes. In particular, it is only with these goals in mind that the register can determine which quality assurance or quality control measures are suitable for Bureau Architectenregister and its registrants.

The second recommendation is that BA strives to bring itself into line with the regulatory practices of comparable licensing and certification bodies such as the NOvA, AKNW, OA, and ARB. To this end BA should seek to be empowered to issue a set of practice regulations or a code of practice to govern the practice of architecture as well as the qualification and maintenance of registration. This is an essential step to ensuring that BA has the power to fulfill its purpose and the purpose of the Dutch Architects Title Act.

Further BA should seek the authority to discipline its registrants or to take them before disciplinary courts as the NOvA does. Again, this is power held by all other certification and licensure bodies in this study and is essential to fulfilling the role and purpose of the Dutch Architects Title Act. Disciplinary procedures should be developed consistent with Dutch law and based on the procedures used by other Dutch licensing and certification bodies, such as the NOvA, and also in comparison to other European licensing and certification bodies for architects, this to ensure the greatest possible consistency of practice and decisions across both professions and EU countries. Anonymized accounts of disciplinary decisions should be published in annual reports, but decisions to suspend or strike should be recorded in the register and announced in press release following the practices of NOvA and ARB. These procedures will assure the public and the profession of the accountability of both the profession and BA.

The CPD policies of BA are already broadly in line with that of comparable organizations with the exception that BA has no power to sanction registrants who do not comply with them. This should be corrected. In addition, BA should consider adopting the OAA's practice of valuing and recognizing the unstructured and self-directed learning which is a part of normal architectural practice through instituting a requirement to report a number of unstructured learning hours above the 16 hours of structured learning now required. If BA has not already done so, it should adopt the tools now used to record training and experience in the recently introduced Professional Practice Experience period (PPE) for use in recording CPD. In fact, BA should seek to create a continuity between learning in the PPE and CPD, such that the PPE sets a habit of learning that can be supported throughout an architect's career. To this end, BA should consider the adoption of a tool such as the Online Professional Development Tool used by *Koninklijk Instituut Van Ingenieurs (KIVI)* & the Engineering Council to assist their members in planning their continuing professional development and

learning. Such a tool could also be used in the PPE and could reinforce the continuity in learning between the PPE and the rest of the career.

BA should continue with its policy of not having a formal approval process for CPD suppliers or courses. This process is too burdensome and too likely to omit courses which would otherwise be advantageous to architects. BA should continue, on the other hand, to consider whether certain suppliers, or classes of suppliers, might be considered inappropriate due, for example, to potential conflicts of interest.

Architects can benefit from a broad range of learning experiences. It would seem, therefore, advantageous to facilitate BA's registrants use of CPD offerings from a wide selection of suppliers. On the other hand, there are some subjects which are clearly more central to the practice of architecture. BA should seek to develop a recommended CPD curriculum for architects. This should be done in collaboration with the BNA, and selected suppliers of CPD training. As part of this process, the BA and its partners should commission studies of CPD curricula, and of support systems for self-directed learning content in CPD. The curriculum should address specific stages of career development and should be seen as continuous with the PPE.

Appendix 1: Research Method

The research was carried out in two parallel processes: a literature review, and an empirical study of the practices and regulations of a number of professional registration bodies.

Literature Research

The literature covering the regulation of the architectural profession is very heterogeneous and dispersed. There is no single field in which professional regulation is studied, rather it is a specialist interest in several fields. Specifically, professional regulation is studied in the sociology of the professions, organization studies, economics, law, and in the separate histories of each profession. Moreover, discussion and research of professional regulation often occur within each professional discipline in relative isolation from discussions in other professions. Hence it has sometimes been of interest to draw upon literature in professions not otherwise represented in this study.

Of particular use have been a number of recent studies of the regulation of the architectural profession in Belgium (Crals & Vereeck, 2005) and the Netherlands, specifically (Heebels & Kloosterman, 2016; Priemus et al., 2001).

Empirical Research

The empirical research was carried out in two steps, first a review of publicly available information on each of the registration bodies chosen for this study, and second, an interview with a representative of each body.

A questionnaire was developed, addressing the purpose and degree of regulation, requirements for entrance to the register, continuing professional development, practice insurance, continuity of practice, their disciplinary procedures and codes of practice or ethics. Once the registration bodies to be studied had been selected, information was collected from publicly available sources, such as registration body websites and legal repositories. All of the registration bodies studied had extensive websites, and most had links to the relevant legislation, regulations, and codes of practice or ethics. This ensured that the data collected would be comparable. The data was collected and organized in spreadsheets to allow for cross comparisons. This enabled a clear picture to be built of the policies and regulations in each case.

In addition to the questionnaire eliciting the required descriptive information about measures taken by the various Registration Bodies, a second protocol was developed for interviews with representatives of the registration bodies. This protocol was designed to fill in gaps in the previously acquired data, to gain a more complete picture of regulations and in particular the practical aspects of implementation of the regulations. The protocol also included questions about the degree to which the measures are effective in developing and maintaining the quality of the registered professionals registered and to which the measures contribute to the confidence that government bodies and the general public feel able to place in the professionals and their registration body.

Jurisdictions chosen for study

In a previous study of architectural title regulation in Europe, (Priemus et al., 2001), architectural title regulation was summarily examined in the then 15 EU countries, and in greater detail in five EU countries:

- Netherlands,
- Belgium,
- Denmark,
- France,
- Germany, and
- United Kingdom,

This sample was designed to include several different approaches to the regulation of the architectural profession. The EU-guidelines established for harmonization of architectural title registration across all EU countries will also be examined. In addition, two non-European countries were included in the study, Canada and South Korea. Canada and Europe have recently concluded a free trade agreement, and in concert with this the Architectural Council of Europe and the Canadian Architectural Licensing Authority have concluded an agreement on the mutual recognition of architectural qualifications. South Korea is currently negotiating a trade agreement with Europe and it is expected that trade in architectural services may be included in this agreement as well.

Table 9 Degree of regulation of profession in different jurisdictions

		Netherlands	Belgium	Denmark	France	Germany	UK	Canada	South Korea
Architects	Title	•	•	_**	•	•	•	•	•
	Practice	-	•	-	•	•	-	•	•
Barristers	Title	•	•*	•	•	•	•*	•	•
	Practice	•	•*	•*	•	•	•*	•	•
Structural engineers	Title	_**	_*	•*	_*	•	•*	•	•***
	Practice	_*	_*	•*	_*	-	-	•	-

*EU Regulated Professions Database

** private certification

*** The regulated title is "Professional Engineer". Professional Engineers Act, South Korea

The second selection to be made is of which professions to examine. The 2001 report was focused on the merits of title regulation and therefore made a selection of professions in which recent discussions of the value of title regulation had taken place:

- Lawyers,
- Real Estate Agents,
- Notaries Public, and
- Graphic Designers.

As the purpose of this study is different, we propose that this study focuses on professions with well-established sets of measures for the assurance of a high standard of professional service quality. Professions have been chosen where the rate of innovation in practice and professional knowledge is relatively high, and there exists a concern that members of the profession keep up to date with the latest developments. Professions have been chosen where

the level of fiduciary responsibility is high, and where, therefore, there is a significant social interest in maintaining standards of professional service. A number of professions meet these criteria, however, for this study we have restricted ourselves to two:

- Lawyers, and
- Structural Engineers.

Appendix 2: The Professional in the Individual Cases

Architects in the Netherlands

In the Netherlands the architects title is regulated by statute. The Architects Title Act of 1987 enacted the creation of a register of architects, Bureau Architectenregister (BA), and restricted the use of the title to the registrants. As a result of this act, the title of ‘Architect’, as well as those of Urbanist (Stedenbouwkundig), Garden and Landscape Architect and Interior Architect have been regulated since 1993. The practice of architecture and the other professions covered by the BA is not regulated.

Through the Architects Title Act the activities of BA are mainly limited to the maintenance of the architectural register, and in particular overseeing the registration process for new registrants. Registration was initially conditional on the possession of a recognized degree in architecture, but candidates graduated since 31 December 2014 must have also completed a Professional Practice Experience period (PPE).

BA requires that its members complete 16 hours of Continuing Professional Development (Bij- en Nascholing) activities per year. But the BA does have the position to require its members to report their CPD activities, nor are there any penalties for non-compliance. However, BA provides registrants with the facility to report their CPD activities on their digital portfolio for their own bookkeeping purposes. They also require that registrants inform clients of the educational qualifications and CPD activities. BA provides a list of current CPD activities provided by third parties on the BA website at the providers request.

Bureau Architectenregister does not mandate a code of ethics, nor does it play any role in the regulation the activities of its members once they have been registered (other than the unenforced requirement for CPD). There are no disciplinary procedures.

BA does not require its registrants to carry professional liability insurance, however it does require that they report their insurance cover to their clients. This is also required by the standard contract forms in use in the Netherlands (DNR 2011, revised version 2013).

A 2003 study by the Institute for Advanced Studies in Vienna assigned the Dutch architectural profession a regulatory index of 0, equivalent with the 4 other lowest scores for any country in Europe. Three of the countries with his score have no title regulation or registration requirements at all. A more recent study ranked the Netherlands as having the 4th least restrictive regulatory environment for architects of all the EU countries (EU COM(2016) 820 final).

Architects in Belgium

In Belgium, the regulation of the title and practice of architect is the responsibility of the *Orde van Architecten* (Order of Architects) which delegates its authority to the two organizations reflecting the two major linguistic groups in Belgium society, the *Ordre des Architectes – Conseil francophone et germanophone* (Cfg-OA) (Order of Architects – francophone and germanophone) and the *Orde van Architecten – Vlaamse Raad* (VR-OvA) (Order of Architects – Flemish Council). The architect's title has been regulated since 1939, and the Order was established in 1963. The Orde van Architecten (OvA) provides limited services to its members and publishes its positions on a number of issues effecting the profession. In addition, the Order provides advice to inexperienced clients seeking to find and employ an architect.

The practice of architecture is limited by the Law for the Protection of the Title and Practice of Architecture⁸ (1939, amended 1963) and by the method for submission of applications for building permits. This is done online requiring digital visa. Only architects, engineers and military officers with the appropriate education may apply for and receive a digital visa, and therefore only members of these professions submit an application for a building permit.

The OvA encourages its registrants to regularly engage in CPD activities and is currently in the process of determining whether to set mandatory requirements. The OvA maintains a list of current CPD activities, all of which the OvA have approved and have allotted a number of points to. Providers are required to submit lists of attendees to the OvA which maintains records of the CPD activities of its registrants.

Architects in Belgium must adhere to a *deontologie* (code of ethics)⁹, which along with other regulations, is written into the architect's law. The process for the proposal and ratification of the *deontologie* was incorporated into the 1963 amendments. The College van Deskundigen Deontologie is responsible for formulating the *deontologie*, which is then referred by the council of the OvA to the appropriate ministry for ratification.

Discipline is carried out by a Tuchtraad which investigates complaints and can issue judgements. These can be appealed to the Raad van Beroep. The Raad is composed mostly of architects with several (external) lawyers to advise them on points of law. Punishments take the form of warnings which are logged on a members CV. If several warnings are ignored and the improper behaviour continues then a member may be suspended, and their digital visa withdrawn. Suspended architects must show proof that they have informed their clients and local government of the suspension. Disciplinary rulings are anonymized and published on the OvA website.

⁸ Wet van 20 februari 1939 op de bescherming van de titel en van het beroep van architect (B.S., 25 maart 1939).

⁹ The legal title of the deontology is: Reglement van 16 december 1983 van beroepsplichten door de Nationale Raad van de Orde der architecten vastgesteld (B.S., 8 mei 1985). It is available on the OvA website: <https://www.architect.be/nl/juridisch/wetteksten-aanbevelingen/reglement-van-16-december-1983-van-beroepsplichten-door-de-nationale-raad-van-de-orde-der-architecten-vastgesteld/>

Architects in Denmark

Denmark is an exception among the other countries studied here, as there is no regulation of either the title or practice of architecture in Denmark. Private certification (self-regulation) is provided by two associations: The Akademisk Arkitektforeningen (Danish Association of Architects) and the Danske Arkitekt Virksomheder (Danish Association of Architectural Firms). For this study we have chosen to focus on the Akademisk Arkitektforeningen (D)AA. Members of the (D)AA bear the title Medlem af Akademisk Arkitektforeningen (MAA).

The sole qualification for membership in the (D)AA is the possession of an architectural degree which meets the standards set out by the EU Directive 2005/36/EC on the recognition of professional qualifications. There is no requirement for internship, further training or examination. However, in line with other architects registers in the EU, the (D)AA has recently constituted program for recent graduates to prepare them for practice called +2. The first graduates from the +2 program finished in December 2017.

The (D)AA encourages its members to participate in CPD and provides a number of courses for its members. However, there is no requirement for CPD or permanent education. There have been discussions about the advisability of a CPD requirement over many years, but these have not resulted in a decisive result. Despite this, it is recognized that a requirement for CPD activities would add to the credibility of the membership in the (D)AA as a certification of quality.

The (D)AA has no code of ethics or regulations governing its members, nor does it discipline them in any way. The Legal and Responsibility Committee (Hvad er Rets- og Responsumudvalget) of the (D)AA provides mediation of complaints and disputes between clients and architects, and between architects. This committee also provides advice to the courts on architectural matters in disputes between clients and architects.

A significant part of the activities of the (D)AA are in the area of advocacy of the profession. The (D)AA provides a community for architects, supporting educational, networking and social activities among its members. It is also an important voice in Danish culture lobbying politicians and ministers and advocating to the general public regarding the value of good architecture and the role architecture and good physical surroundings play in improving the quality of life. Further the (D)AA plays an important role in architectural competitions in Denmark.

Architects in France

The profession of architecture is regulated in France by the Architects act of 3rd January 1977. Both title and practice are regulated by the 1977 act. The act specifies that anyone seeking a building permit must retain an architect. Architects must sign building permit applications, including their registration number. Architects are strictly forbidden from signing work that they have not either done themselves or has not been done under their supervision.

The role of the *Ordre des Architectes* (Order of Architects, OA), to register architects, to maintain the regional register of architects and to control the use of the title of architect; to guarantee the respect of the code of ethics and the discipline of architects and architectural practices, to undertake control of legal statutes and the different forms of professional practice and, in particular the need for compulsory professional liability insurance; to participate in the organization of architectural education and mandatory continued professional development; to represent the profession before the authorities. In addition, the OA also provides a range of services and publications for its members, services for persons seeking to find and employ an architect, and some promotional activity for the profession. Indeed, the OA fulfills the roles of both registration body and advocacy body.

The Order is divided into 17 regions, including several overseas departments of France, Guadeloupe, French Guiana, Martinique, and Réunion. In practice the Regional Councils are responsible to the administration of the registration and discipline of their members. The National Council sets policy and determines procedures.

The OA requires that its members engage in 20 hours per year of CPD. 14 hours of this must be structured CPD activities given by providers approved by the ministry. The remaining 6 hours are complementary and can encompass activities such as attending lectures or conferences and participating in workshops or MOOCs. CPD activities are registered annually by the individual architect through a digital curriculum vitae. There are no penalties for non-compliance, and no checking or auditing of the registrations. The regulation is not enforced. It is the position of the OA that it would prefer to convince its members of the value and importance of CPD rather than force them to fulfil their requirements.

Architects who, for any reason, cease to be registered must reapply using the same procedure as graduate architects.

The conduct of architects, members of the OA, is governed by a deontological code which is included in the ministerial decree (regulations) of the profession under the architects' law. Violations of this code can result in an architect being taken before a Regional Disciplinary Chamber (Chambre Régionale de Discipline des Architectes). These chambers are presided over by a judge, who with three architects appointed by the OA makes up the panel. Violations can be penalized by warning, reprimand, suspension or being stricken from the register. Rulings of the Regional Disciplinary Chambers may be appealed to the National Disciplinary Chamber. Approximately 20-30 cases may come before each Regional Disciplinary Chamber each year.

The requirement for architects to carry liability insurance is in fact derived from the general liability insurance requirement, the Spinetta Law, 1979. Architects must carry insurance to the value of €4 per €1,000 of work. This insurance may be provided by commercial insurance

companies, or the Mutual Insurance Company of French Architects (Mutuelle des Architectes Français Assurances).

Architects in Germany: Nordrhein-Westfalen

In Germany the regulation of professions is a matter for the states (*Bundesländer*). The practice of architecture is governed two distinct ways. The title of Architect (as well as the titles of Interior Architect, Landscape Architect and Urban Planner) is regulated a separate Architects Act in each state (*Bundesländer*). Each state has its own regulations and registration body. At the national level, the Federal Chamber of German Architects (*Bundesarchitekten-kammer*) coordinates the state chambers. In the act delegating the responsibility to govern the architectural profession to the states. The federal government set out a general plan for the regulation of architects, but each state has implemented this plan on the basis of their own regional situation. There have been occasional attempts to either share ‘best practice’ between the states or harmonize their regulations, but these have not brought about a functional harmonization of regulation across the entire nation.

In addition to this, planning law requires that) an architect or an engineer is required to obtain a building permit (Larsson, 2006). Therefore, both the title and the practice of architecture are effectively regulated. Germany has, along with France, the most restrictive regulation of the architectural profession of the European countries in this study (Commission on reform recommendations for regulation in professional services, 2016).

For the purposes of this study the state of North Rhine Westphalia has been chosen to represent Germany as a whole. Title regulation is provided by the Chamber of Architects for North Rhine Westphalia (*Architektenkammer Nordrhein-Westfalen*). In NRW the Architects Act is the *Baukammerngesetz NRW 16.12.2003*.

Architects are required to participate in 8 hours of Continuing Professional Development activities per year. There is no requirement to report these activities, but each year approximately 10% of architects are audited, required to present proof (certificates of attendance or completion) of their CPD activities. Only providers and courses which have been approved in advance may count towards the CPD requirement. Although the 8 hours is not perceived as a significant burden, the fact that only previously approved activities count often presents difficulties to architects who have participated in otherwise valuable CPD activities but are not credited from them. Failure to comply can be punished by warnings, or escalating fines. If an architect has been repeatedly fined for failure to comply they may eventually be stricken from the register. Architects engaged in teaching at a university for at least 50% of their time are exempted from the CPD requirements.

The AKNW offers CPD courses through its academy, Akademie der Architektenkammer Nordrhein-Westfalen. The ANKW also approves courses offered by private organizations. This is done in advance and upon the application of the provider.

Architects are subject to the regulations set out in the *Baukammerngesetz*, there is no additional code or practice or ethics established by the AKNW. Discipline is carried out by special professional courts, rather than by the AKNW, although the AKNW prepares a case file. Initially, the AKNW will issues warnings to architects infringing upon the regulations in the *Baukammerngesetz*, before sending the file to a committee that will determine if the case should be forwarded to the courts.

Architects are required to carry €1.5 million personal injury, and €250.000 property damage for each event. They may choose to insure on a contract by contract basis, or an annual basis covering all of their activities.

The AKNW provides a wide range of services for both architects and clients in addition to regulating the profession. This includes an annual Day of Architecture, and the publication of brochures promoting the profession and recognizing acclaimed architectural projects. In essence the AKNW serves both the role of a regulatory body and of an advocacy body.

Architects in the United Kingdom

In the United Kingdom, the architects title is regulated by the Architects Registration Board (ARB). The ARB was established by the 1997 Architects Act. Previous to this the profession was regulated by the Architects' Registration Council of the United Kingdom under the 1931 Architects (Registration) Act. The practice of architecture is not regulated.

Arguments for the registration bill made by the IBA where mainly focused on the guarantee of competence, and the benefits for both public and profession of the greater good will the public would have towards architects once this guarantee was in place (Barrington Kaye, 1960). In particular the act was intended to “protect the public from persons who are unqualified to exercise the profession, and to co-ordinate the numerous associations and societies of architects which have been established. (Preamble to the Act; (172))”.

The primary activity of the ARB is to regulate the profession of architecture and ensure “that good standards within the profession are consistently maintained for the benefit of the public and architects alike (ARB website).” It also provides limited information for clients seeking to find or employ an architect, and for clients seeking to complain about inadequate service provided by registered architects.

The ARB does not have any specific requirement for CPD, rather it requires that architects “ensure they are competent to practice” and “keep [their] knowledge and skills relevant to your professional work up to date.” Architects are referred to the RIBA and its CPD requirements as an indication of the effort they expect of their members. This is appropriate as 85% of ARB registered architects are members of the RIBA. There is no reporting requirement, and no penalties for non-compliance. However, “If your competence was found below the level expected and you found yourself in front of a professional conduct committee, it might be part of the evidence against you (Graham, Howard, & Jones, 2018).” The RIBA requires its members to carry out and report 35 hours CPD activity a year (18 hours directed, and 17 hours self-directed), and randomly checks the declarations of 5% of its members per year. Failure to rectify the situation can lead to expulsion.

Anyone seeking to re-register as architect, after being off the list for more than two years, must prove that they are competent to re-enter the register. Evidence of recent continued professional development activity may be taken into account along with statements from employers and recommendations.

Architects are regulated by the Architects Act, and in particular the Architects Code as set down in act. The Code is a set of standards, not a set of rules. If architect doesn't meet the standards, it doesn't necessarily result in disciplinary actions. Rather, in cases of disputes or discipline arising out of complaints, the code can be used to determine if the architect has acted in a manner contrary to the standards of practice required of him/her. The Code is about integrity. It is principle-based rather than a prescribed set of rules.

Complaints made to the ARB are first relayed to an investigating committee. This committee will evaluate the complaints and send the most serious ones through to the Professional Conduct Committee. The PCC is a committee of the ARB, but it takes decisions entirely independently. Each panel is composed of three members: one lay person, one architect, and one lawyer nominated by the professional body for lawyers.

Cases may come before the PPC on grounds of competence or conduct, with the majority of cases being cases of conduct. Penalties range from a public reprimand to a fine, a monetary fine up to 2,500 pounds, suspension from the register to finally an erasing, removal from the register. The PCC sees 20 to 30 cases per year, in approximately two thirds of which the architect is found to be at fault. All of the proceedings of the PCC are held in public. And all of the decisions are published on or website and via an e-mail news release. Trade magazines, e.g., in Architects Journal, or Building Design, regularly publish the more interesting cases, listing the names of the offending firms and their punishments.

The Architects Code requires architects to obtain “adequate and appropriate professional indemnity insurance”. In effect this is a requirement on architectural practices, as any individual architect employed by a practice is covered by the insurance carried by the practice. Architects working for government or local authorities are not expected to carry insurance. If a case of an architect practicing without insurance is brought the attention of the ARB the architect in question will face disciplinary action. Insurance is provided by both private insurance companies and by a RIBA owned insurance agency.

Architects in Canada (Ontario)

In Canada, the regulation of the professions is a provincial matter. Ontario has been chosen as representative due to the fact that it is the largest Anglophone province. The Ontario Association of Architects regulates both the use of the title and the practice of architecture. At the national level an informal body, the Canadian Architectural Licensing Authorities (CALA), seeks to coordinate policy and regulations among the provincial associations.

The OAA was founded in 1889 as an association, and its architects are members not registrants. This gives the organization, its role and its policies a somewhat different character to those of most of the other organizations in this study. Under the 1990 Architects Act, the OAA regulates the profession, provides a range of services to the profession, promotes architecture, and provides a searchable list of architects in Ontario. It is very responsive to the views and needs of its members.

The mandate of the OAA states that “that everything we do, including licensing, is for the public interest and the protection of the public (Doyle, 2017).” As set out in the Architects Act the goals of the act and the association include:

- 2) The principal object of the Association is to regulate the practice of architecture and to govern its members, holders of certificates of practice and holders of temporary licenses in accordance with this Act, the regulations and the by-laws in order that the public interest may be served and regulated. R.S.O. 1990, c. A.26, s. 2 (2).
- 3) For the purpose of carrying out its principal object, the Association has the following additional objects:
 - a. To establish, maintain and develop standards of knowledge and skill among its members.
 - b. To establish, maintain and develop standards of qualification and standards of practice for the practice of architecture.
 - c. To establish, maintain and develop standards of professional ethics among its members.
 - d. To establish and maintain or to assist in the establishment and maintenance of classes, schools, exhibitions or lectures in, and to promote public appreciation of, architecture and the allied arts and sciences.
 - e. To perform such other duties and exercise such other powers as are imposed or conferred on the Association by or under any Act. R.S.O. 1990, c. A.26, s. 2 (3).”

According to the act, architecture consist of “the preparation or provision of a design for the construction, enlargement or alteration of a building”, and in principle no person not licensed under the act may provide “a service that is part of the practice of architecture”. Exceptions are made for small buildings (under 600 m² and less than three stories) and some alterations, primarily to private spaces.

The OAA regulates the title and the practice of architecture through two distinct certificates. The title of architect can be awarded to any qualified individual who applies for it. However, if an architect or architectural firm wishes to provide architectural services they must have a Certificate of Practice. The to obtain a Certificate of Practice there must be an architect who will provide ‘personal supervision and direction’ and take responsibility for the all the work done under the certificate. The architect, or firm, must also be insured. To qualify for a

Certificate of Practice a firm must be 51% owned by one or more registered architects. Further, the applicant for the Certificate of Practice, the responsible architect, must be able to demonstrate that they have been in active practice for three years. The Certificate of Practice must be renewed every year. However, this is a fairly simple process in which the architect simply demonstrate that they have current insurance, and pay their fees. While not explicitly requiring continuity of practice, the requirement for continuity of insurance cover is a practical means of ensuring that an architectural practice is continuously active.

Individual architects, are therefore, not required to be in continuous practice, and may retain their title while setting aside their practice either temporarily or permanently. The OAA has both a non-practicing status and a retired status for individual architects. The non-practicing status has a lower annual fee attached, but still has the requirement for CPD. The retired status is both free and exempt from CPD requirements. However, neither a non-practicing, nor a retired architect may hold a certificate of practice. Further, individual architects are not required to carry insurance.

Architects who let their registration laps may reapply within a period of three years. If they do not, then they will either have to apply for registration all over again, or they will have to make a special request to the Council of the OAA to readmit them.

The OAA requires that each of its members complete 70 hours per year of Continuing Professional Development learning. 25 of these hours must be in structured learning situations, the rest consists of self-directed learning activities. Members must report their CPD hours each year through a digital transcript maintained by the OAA. They must provide proof of attendance for the 25 hours of core or structured learning.

Each year the OAA audits the CPD transcript of 3-5% of their members. They determine if the proofs of attendance appear genuine, and if the courses and self-directed learning activities are relevant to the practice of architecture. In general, the OAA takes the position that their members will use their CPD hours for learning which will assist them in their professional duties. “We trust our members to source the learning that they think is what they need. (Doyle, 2017)”

There is a wide variety of CPD activities available, including conferences, webinars, and courses The OAA does not accredit courses. They do, however, maintain a list of upcoming courses of which they have been informed and which they believe will be valuable to their members. The OAA also provides CPD activities at their annual conference. Architects attending these activities will have their hours reported automatically.

The OAA has recently implemented a fine for non-compliance with the CPD requirements. The fine is set at \$500 for the first infringement, and \$1000 for each subsequent infringement. Non-compliant members are sent a letter informing them of their status, and referring them to the Discipline Committee. In practice the process is protracted, and many members rectify the situation before their case can be considered.

The members of the association must comply with regulations set out under so called Regulation 27 as constituted under the Architects Act. These include a large number of specific offences, as well as several more general offences:

9. Failing to maintain the standards of practice of the profession.

10. Failing to maintain the performance standards of the profession.
54. Conduct or an act relevant to the practice of architecture that, having regard to all of the circumstances, would reasonably be regarded by members of the Association as disgraceful, dishonourable or unprofessional.

In addition to this, the OAA upholds a Code of Ethics. The Code of Ethics is intended to communicate in clear and concise terms the expectations the public may have of architects. “We rely on it as an aspirational statement or statement to the public that demonstrates – these are the things that architects do. (Doyle, 2017)”

Discipline of architects is carried out by a Discipline Committee under the Council. The disciplinary committee is made up of members of the Council of the OAA, which in turn is composed of persons elected by the membership of the OAA, persons appointed by the Lieutenant Governor of Ontario, and experienced architects.

Complaints are addressed first by a complaints committee which establishes whether the nature of the complaint constitutes a matter of professional misconduct under the Architects Act or Regulation 27. If so, the matter will be referred to the Discipline Committee. The Council may also instruct the Discipline Committee to conduct a hearing.

Enforcement of the act on persons using the title of architect or practicing architecture illegally is by the use of Cease and Desist Letters, followed up by court action if required.

Architects in South Korea

Both the title and the practice of architecture are regulated in South Korea. The register of architects is maintained by the Korean Architectural Registration Board (KARB) which is a subsidiary of the Korean Institute of Registered Architects (KIRA). KARB registration is required to open a design office in the Korean market, however membership in KIRA is voluntary. KIRA was established in 1965, and has 17 regional chapters and 132 local chapters. Initially, the Ministry of Land, Infrastructure and Transport administered the architectural registration process. The Ministry transferred this responsibility to KIRA, and mandated the establishment of KARB.

Both the title and practice of architecture are restricted by the Korean Architects Act. In addition, applications for building permits are submitted digitally through the on-line website Sae-Um-Ter, which only registered architects can access.

As outlined within the act itself: “The purpose of this Act is to promote the qualitative improvement of buildings and spatial environment and to contribute to the development of architectural culture by stipulating the matters relating to the qualification and duties of a certified architect.” -- Certified Architects Act: Act No. 13472, Aug. 11, 2015

Architects must renew their registration every 5 years. Architects who have been inactive, or ceased being members of the register may apply for a conditional registration following procedures outlined by KARB. In all cases, renewal is conditional on having completed the KIRA KARB CPD requirement. KARB maintains that CPD is mandatory for both domestic and international mutual recognition of professional qualifications.

The compulsory KIRA KARB CPD program is new, and currently in its “first round” (as of May 2018). The CPD requirement is for a total of 40 hours of CPD activities over the 5-year registration period. These activities are divided among three categories: Ethics Education, Professional Education and Self Development.

Table 10 CPD in South Korea

Items	Contents	Acquisition	Required Hours (60h/5yr)
Ethics Education	Ethical Education of Architects	Lecture Attendance	5
Professional Education	Safety, Regulation, Architectural Design, Construction Technology	Lecture Attendance/ Online	25
Self Development	Architectural Events, Publication, Lecture, Volunteering	Participation	10

KIRA ACPP Report 2015. <http://slideplayer.com/slide/10497530/>. The cited report provides for a requirement for 60 hours, but this figure has been reduced to 40 to reduce the burden on architect since the report was issued.

Continuing Professional Development and Internship training is provided by KIRA-EB, another subsidiary of KIRA. KIRA-EB provided 334 courses in 2015 (31 courses on professional ethics and 303 courses on other professional matters). In addition, KIRA has two special academy programs: Sustainable Architecture Academy, and Han-Ok (Korean Traditional House) Design Academy. Other educational institutes and individuals may also

provide CPD activities. All CPD programs and activities must be reviewed and approved by KIRA KARB annually if they are to be accepted for the fulfilment of the CPD requirement.

Despite the reduction in the number of CPD hours required by KARB, approximately 1,000 architects out of 12,000 were not reregistered in the first round of the CPD program as of May 2018. Architects who do not register and complete the required CPD hours will not be allowed to submit their designs to the government for construction permits. KARB still is sending them notices to renew their registration for their benefit.

KIRA developed the Charter of Registered Architects. This charter provides ethical guidelines for the practice of architecture and the conduct of architects. It is not incorporated into the architects act and has no regulatory effect, but it is considered to be a requirement for all members of KIRA KARB.

Discipline of architects is the responsibility of the Ministry of Land, Infrastructure and Transport (MOLIT). The ministry may, reprimand, suspend or de-register architects found to have violated relevant articles of the Architects Act. Additional penalties can include fines or prison, including the use of title or practice of the profession of architecture without a license. Thus, all important regulation is incorporated into the Architects Act. Certified Architects Disciplinary Committee, under MOLIT. The MOLIT may also discipline architects for violation of the Charter of Registered Architects.

In the private sector architects and clients are free to determine how much liability insurance an architect will carry for a given project. The amount will normally be stipulated in the contract between client and architect. Most public sector projects will include a clause in the contract requiring the architect to carry liability insurance. Insurance is normally provided by the Certified Architects Financial Cooperation (CAFC). The cost of insurance through CAFC is in the range of 0.6~0.7 percentage of design fee for each project, and 0.3~0.4 percentage for construction supervision. CAFC was established as an independent entity 2 years ago and is supported by MOLIT. Most of KARB members are stake holders in CAFC.

KIRA works closely with government to shape architectural policy and regulations for the profession.

Barristers in the Netherlands

The Dutch Advocates (barristers, that is a lawyers who may plead a case in court) are the most heavily regulated group in this study. In the Netherlands the profession of Advocate is governed by the *Nederlands Orde van Advocaten* (Dutch Order of Barristers). The NOvA sees its primary mission as ensuring adequate legal representation for all who seek it and ensuring the quality of the bar. All barristers are members of the order. The Order is organized in 11 districts or regions corresponding to the 11 judicial districts in the Netherlands. Each district is responsible for administering the profession under the overall governance of the Order and is led by a Local Dean (. However, the regulation of the legal profession in the Netherlands carried out in a relatively uniform manner across all 11 districts and is facilitated by the NOvA.

Both the practice of law (argument of a cases before courts) and the title of *advocaat* are regulated in the Netherlands. The NOvA was established by the Advocates Act in 1952, and regulates: 1) entry into the profession, 2) working practices, 3) continuing professional development. Prospective barristers are required to have an appropriate degree and to undertake a 3-year internship including a series of courses. Barristers are required to be in continuous practice, but this has never been enforced systematically.

Codes governing the practice of law include codes laying out basic principles such as the UNHCR Basic Principles on the Role of Lawyers, and the European Code of Conduct for Lawyers. But the primary statutory regulations are embodied in the *Verordening op de advocatuur* (Regulations for the legal profession), and the *Kernwaarden van Ieder Advocaat* (core values of every barrister). These are enshrined in the Barristers act (*Advocatenwet*) and the implementation of that act through regulations. The NOvA itself provides a more detailed working out of these regulations in the form of a Code of Conduct (*Gedragregels*). However, discipline is based on the *Verordening* and the *Kernwaarden*. Taken together these codes constitute an extensive regulation of all aspects of legal practice.

Once a barrister is registered, she is required to undertake a minimum annual amount of 20 points of CPD courses per year. A minimum of 10 points must be in legal subjects. The remaining 10 may be in generally useful subjects such as firm management. The NOvA accredits organizations to provide CPD courses, based on the pedagogical form outlined in a Quality Plan submitted to NOvA. New courses offered by accredited providers are covered by the existing accreditation as long as the same pedagogical form is used. Providers wishing to introduce new pedagogical forms, such as e-learning, must submit a new Quality Plan. All providers are required to issue certificates of attendance to barristers completing a course. CPD points can also be earned by teaching CPD courses, or by publishing articles in legal journals.

All barristers are required to be insured for professional liability, this may be at the individual or firm level, but each individual must be specifically covered. The amount required must be reasonable in light of the case load of either the individual barrister or the firm. There is a minimum mandatory level of coverage for 2 cases of up to €500,000 per year, but no stipulation of what reasonable coverage is, this is a matter to be resolved on the basis of individual complaints submitted to a Local Dean (*Lokal Deken*).

Barristers must submit proof of participation in CPD courses and liability insurance coverage as part of a required annual control statement (*Centrale Controle op de Verordening*). The

CCV is submitted digitally. Failure to submit will result in a reminder being issued to the offender. The Local Deans perform spot checks on these statements to ensure that the reported facts are supported by certificates of attendance at CPD courses, and an insurance policy. Annually about 20% of registered barristers are checked in this manner. Failure to comply with CPD requirements can lead to a fine, or in cases of recidivism to suspension of registration or being stricken from the register.

Courses are provided by a range of organizations including the Local Orders. Many providers are commercial in nature and see CPD for barristers as a profitable business. The Local Orders, on the other hand, provide CPD at very low cost.

Barristers are generally satisfied with the CPD system, and most are motivated by a desire to remain well informed, knowledgeable and up to date.

The NOvA is in the process of introducing a specialist designation. This designation would recognize barristers with above average knowledge in specific legal sub-disciplines. The specialist designations would come with a requirement for 10 CPD points in their area of specialization per year. Barristers with multiple specializations might therefore be required to take more than the normal 20 CPD points per year.

Discipline of barristers is carried out through the Local Dean and a Regional Disciplinary Council consisting of a judge and two appointees named by the NOvA. Rulings or the Regional Disciplinary Councils may be appealed to the Court of Discipline (Hof van Discipline). Both the Regional Disciplinary Councils and the Court of Discipline are independent of the NOvA. Disciplinary measures include: 1) warning, 2) reprimand, 3) fine, 4) suspension, and 5) disbarment. Proceedings are in public, and the rulings are anonymized and published as soon as is practicable. However, the NOvA posts a list of suspended and disbarred (ex)barristers, and suspensions are noted on the public entries for each member of the register. Further, suspended and disbarred (ex)barristers must follow a procedure of ceasing their practice activities and informing all of their clients. The NOvA sees naming and shaming as an important part of the disciplinary system and a contribution to the public confidence in barristers. In 2017, the Disciplinary Councils handled 1020 cases of which 70 lead to suspension or disbarment. In the same period the Court of Discipline handled 357 cases, 21 of which resulted in suspensions or disbarment.

NOvA lobbies the government actively on issues pertaining to the bar and provides expert advice on the drafting of laws. Further they provide information via their website to the general public and engage in a limited number of activities to promote the profession of barrister.

Structural Engineers in the Netherlands

In the Netherlands there is no statutory regulation of either the title or practice of engineers. (Universities and Universities of Applied Sciences award ir. and ing. titles respectively.) However, various schemes exist for the private certification of engineers. In this report we will focus on a single engineering discipline, structural engineers (constructeurs). There are two relevant certification schemes. One is operated by KIVI under license from the UK Engineering Council, granting the titles Incorporated Engineer, Chartered Engineer and Fellow Chartered Engineer. In the UK, the titles Incorporated Engineer and Chartered Engineer are regulated by law (Royal Charter), this level of regulation does not exist for these engineering titles in the Netherlands, and titles granted by either Royal Netherlands Society of Engineers (KIVI) or Constructeursregister are a form of private certification. While KIVI itself has more than 20,000 members, there are currently only 58 Engineers registered through the KIVI scheme. 29 are in the category Infrastructure & Building. 27 are CEng, and 2 are the lesser qualification of IEng.

The other scheme is operated by the Constructeursregister. This is a register established in 2010 by a consortium of trade associations, major engineering clients, and professional associations, including the KIVI. The Constructeursregister exists solely to maintain a register of structural engineers. In total there are nearly 600 registered with the Constructeursregister, with more than 400 candidates participating in the registration process. It grants several titles reflecting both degree of accomplishment at different areas of practice: Registered Structural Engineer (RC), Registered Designer, Registered Designer + Specialism, and Registered Tester a and b. Each of these has different entry requirements, as well as different requirements for CPD. Indeed, it is imagined that engineers with an RC qualification progress to RO or RO+S, and engineers with a RTa qualification will progress to an RTb qualification. All these titles are considered comparable with the Chartered Engineer title.

Engineers seeking registration must have relevant degrees, and must submit portfolios for examination, they must also already have 30 points of CPD before applying to register as RC or RTa, and 50 points before applying for RO or RTb.

Registration must be renewed every three years. Engineers must present proof of continuous activity as a structural engineer (an account of hours working in different engineering activities and at different levels signed by a registered colleague or supervisor) and must have registered the required number of CPD points over the three-year period. The number of CPD points required varies with title. For RC and RTa the requirement is for 30 CPD points over three years. For RO and RTb the requirement is for 40 CPD points.

The CR maintains a table of CPD categories and how many points a CPD course may earn depending on the duration of the course and whether the engineer has earned a diploma or certificate from the course. CPD points can also be gained for activities such as giving or attending lectures, publishing articles, committee memberships, and giving or attending in-company training sessions. However, not all categories of CPD activities qualify for consideration for the initial registration requirements. All CPD activities must be recorded via an web based system.

The CR lists a number of CPD providers and their course offerings with their values in CPD points. These providers have been accredited by the CR. This include several of the trade associations that founded the CR, as well as other trade associations and private businesses.

The CR maintains a Code of Conduct. However, the regulation of the titles differs within the CR, with RC and RO having a separate set of regulations, and a clear disciplinary process administered by a Supervisory Council (Raad van Toezicht). Engineers can be stricken from the register for failure to pay their fees, for bringing structural engineering into discredit, or for submitting fraudulent credentials. Any registered engineer can be denied re-registration if they are found not to have fulfilled the requirements.

In addition to this, the CR has the right to conduct spot checks on all its registered engineers, the suppliers of CPD courses in order to ensure that the CPD activities claimed were in fact followed, and that they met the standards for quality required by the CR.

The CR does not require its registrants to carry insurance.

Appendix 4: Advocacy Organizations in Countries Studied

Table 11 Advocacy groups in architecture in different countries

	Advocacy group	URL
Netherlands	Bond van Nederlandse Architecten - BNA	https://www.bna.nl/
Belgium	Fédération Royale des architectes de Belgique - FAB	http://www.fab-arch.be/
	Beroepsvereniging voor Architecten – BVA	https://www.bvarchitecten.be/
	Union Wallonne des Architectes – UWA	http://www.uwa.be/
	Architects in Brussels -- ARIB	https://www.arib.be/
	Union Professionnelle d'Architectes Beroepsunie van Architecten – UPA-BUA	https://upa-bua-arch.be/nl
Denmark	Akademisk Arkitektforening - AA	http://www.arkitektforeningen.dk/
	Forbundet Arkitekter og designere – FAOD (For salaried architects and designers)	https://www.faod.dk/
	Danske Arkitekt Virksomheder – DA (For architectural firms/employers)	http://www.danskeark.dk
UK	Royal Institute of British Architecture - RIBA	http://www.architecture.com/
	Royal Incorporation of Architects in Scotland	https://www.rias.org.uk/
France	Conseil International des Architectes Français – CIAF	http://www.ciaf.fr/
	Société Française des Architectes – SFA	http://www.sfarchi.org/
	Syndicat d'Architecture - SA	http://www.syndarch.com
	Union Nationale des Syndicats Français d'Architectes - UNSFA	https://syndicat-architectes.fr/
Germany	Bund Deutscher Architekten – BDA (For independent architects)	http://www.bda-architekten.de/
	Baumeister Architekten und Ingenieure – BDB (for building professionals working in construction teams ('Bauteam'))	http://www.baumeister-online.de/
	Vereinigung Freischaffender Architekten – VfA (For freelance building professionals)	http://www.vfa-architekten.de
Canada	The Royal Architectural institute of Canada - RAIC	http://www.raic.org/
South Korea	Federation of Institutes of Korean Architects - FIKA	http://www.fika.or.kr/
	Korean Institute of Architects – KIA	https://www.kia.or.kr:8446/sub/kia/institute_eng.asp
	Architectural Institute of Korea – AIK	http://www.aik.or.kr/english/index.htm

Appendix 5: Codes of Conduct

Orde van Architecten – Belgium

The OvA has no Code of Conduct. It administers a lengthy set of regulations incorporated into the architects' act. These are often referred to as the *deontologie*, but in the act they are referred to as the *plichtleer*. They are available here:

<https://www.architect.be/nl/juridisch/wetteksten-aanbevelingen/reglement-van-16-december-1983-van-beroepsplichten-door-de-nationale-raad-van-de-orde-der-architecten-vastgesteld/>

Akademisk Arkitektforeningen – Denmark

The (D)AA does not maintain a code of ethics or a set of regulations other than the requirements for registration.

Ordre des Architectes – France

The Ordre des Architectes administers an extensive “Code de déontologie des architectes”. The Code itself was established by decree by the Council of State. The text of the Code Déontologie can be found here:

<https://www.architectes.org/code-de-deontologie-des-architectes>

Architektenkammer Nordrhein-Westfalen – Germany

Architects in Nordrhein-Westfalen must adhere to a set of *Berufspflichten*. These are set out in section 22 of the Baukammergesetz.

§ 22 BauKaG NRW - Professional Duties

(1) The members of the Chamber are obliged to exercise their profession conscientiously and in accordance with the law, to comply with their confidence in the profession and to refrain from doing anything which might harm the reputation of the profession.

(2) They are in particular required to

1. to ensure, in the exercise of the profession, that the life and health of third parties, natural resources and material assets are not endangered;
2. to safeguard the legitimate interests of the client,
3. to protect business and trade secrets,
4. to receive professional training in accordance with the continuing education and training regulations of the Chamber of Architects and to learn about the regulations applicable to the practice of the profession,
5. be sufficiently insured against liability claims,
6. to refrain from professional acts for the purposes of competition, in particular promotional advertising,
7. participate in competitions only if the procedural conditions in accordance with applicable federal or provincial regulations ensure a fair performance comparison and take into account in a balanced manner the interests of the organizer and the participants,
8. to comply with the regulation on the fees for services provided by architects and engineers, as amended,
9. in the exercise of their profession, to not claim or accept benefits from third parties who are not clients or principals;
10. to respect the intellectual property of others and to sign only such drafts and designs produced by or under their direction;
11. to maintain a professional attitude towards members of the profession, as well as employees and in cooperation with other professionals,
12. to enable employees to take part in necessary continuing education and training.

(3) Off-the-job conduct is a breach of duty if, in the circumstances of the case, it is particularly capable of affecting respect and trust in a manner which is significant for the exercise of the profession or for the reputation of the profession. The supervision of the Chamber is not subject to the official activities of members of the civil service. The same applies to the occupational activity of members, insofar as they perform public duties as lent persons.

The original text can be found here:

http://www.lexsoft.de/cgi-bin/lexsoft/justizportal_nrw.cgi?xid=279092,23

Architects Registration Board – United Kingdom

In the United Kingdom the Architects Act requires the Architects Registration Board to issue a code of standards of professional conduct and practice. The ARB Published the most recent version of the code in 2017:

The Architects Code: Standards of Professional Conduct and Practice

As an architect you are expected to:

1. Be honest and act with integrity
2. Be competent
3. Promote your services honestly and responsibly
4. Manage your business competently
5. Consider the wider impact of your work
6. Carry out your work faithfully and conscientiously
7. Be trustworthy and look after your clients' money properly
8. Have appropriate insurance arrangements
9. Maintain the reputation of architects
10. Deal with disputes or complaints appropriately
11. Co-operate with regulatory requirements and investigations
12. Have respect for others

Ontario Association of Architects (Canada)

The OAA publishes a Code of Ethics (below) and administers the regulations governing the practice of architecture in Ontario and incorporated into the Architects Act. These can be found here:

<https://www.ontario.ca/laws/regulation/900027?search=regulation+27>

OAA Code of Ethics

Architects will act with integrity, honesty and professional competence.

Architects will have regard for the best interests of both their clients and the public.

Architects will honestly represent the extent of their expertise.

Architects will respect the rights of their colleagues and appropriately recognize their contributions.

Architects will demonstrate respect for the natural and cultural environments of the people and places that are influenced by their work.

Architects will provide mentorship and guidance in the interests of the profession.

Architect's Code of Ethics

1. The architect shall strive to preserve the global environment and to improve quality of life in community.
2. The architect shall work continuously to gain new professional knowledge and skills and to contribute to the promotion of architectural culture and the development of architectural education.
3. The architect shall contribute to his or her society and honor all laws and regulations.
4. The architect shall demonstrate his or her professional knowledge and abilities, and fulfill the responsibilities and duties for the projects he or she is contracted to in a proper and fair manner.
5. The architect shall keep the high honor of being an architect by maintaining the trust of the client, and respecting the content of his or her assigned duties.
6. The architect will carry out his or her duties honestly and respect the ordination service and intellectual property of colleagues.
7. The architect shall steadfastly maintain an unbiased position without prejudice such as race, religion, and physical handicaps, etc.
8. The architect shall adhere to appropriate professional standards, operating his or her office in a fair and honest manner.

Appendix 6: Abbreviations Used in this Report

Table 12 Abbreviations used in this report

Abbreviation	Organization
AKNW	Architektenkammer Nordrhein-Westfalen (Germany)
ARB	Architects Registration Board (United Kingdom)
BA	Bureau Architectenregister (Netherlands)
BNA	Bond van Nederlandse Architecten (Netherlands)
BVA	Bond van Vlaamse Architecten (Belgium)
CR	Constructeursregister (Netherlands)
(D)AA	Akademisk Arkitektforeningen (Denmark)
KARB	Korean Architectural Registration Board (South-Korea)
KIRA	Korean Institute Registered Architects (South-Korea)
KIRA-EB	Korean Institute of Registered Architects – Education Board (South-Korea)
KIVI	Koninklijk Instituut Van Ingenieurs
NOvA	Nederlandse Orde van Advocaten (Netherlands)
OA	Ordre des Architectes (France)
OAA	Ontario Association of Architects (Canada)
OvA / VR-OvA	Orde van Architecten – Vlaamse Raad
RAIC	Royal Architectural Institute of Canada
RIBA	Royal Institute of British Architects (United Kingdom)
UWA	Union Wallonne des Architectes (Belgium)
VNConstructeurs	Vereniging Nederlandse Constructeurs (Netherlands)

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