

Mr Rueban Ervine,  
Competition Authority  
14 Parnell Square,  
Dublin 1.

12<sup>th</sup> January 2004

**Re: Study and Competition in Professional Services in Ireland Consultation Document 2  
– Architects**

Dear Mr Ervine,

I refer to our meeting at your offices on the 12<sup>th</sup> December 2003, and I now attach for your consideration comments in relation to your Consultation Document 2. The meeting was extremely useful and gave us an insight to the approach being taken by the Authority in what they hope to achieve.

For the last thirty years the Irish Architects Society have been excluded and discriminated against not only by the RIAI but by successive Governments and their Departments which culminate in our exclusion from the benefits of the E.U Directive (85/384) 10<sup>th</sup> June 1985. Since that time the non inclusion in the Directive has been used by the RIAI, various government Departments, Local Authorities, Leading Institutions and for a time the Law Society to exclude the Irish Architects Society, other bodies and individuals endeavouring to practice.

In 1999 the framework for the registration of the profession in Ireland was instigated by the Department of the Environment, RIAI, ASI, EIAI, IAAS and the IAS. This was the first time that the problems in relation to the practice of architecture in Ireland were addressed in any meaningful way. We note the Authorities concerns regarding the registration of the title of Architects but it is the view of the Irish Architects Society that the only way to resolve the present un-competitive nature of the profession is to introduce a registration system so that there will be a "level playing pitch" thus avoiding dominance by one professional body over others so that fair and equal competition can take place.

It is the view of the Irish Architects Society that the introduction of a registration system operated by whoever will immediately increase the number of architects available and will therefore increase competition because those architects who were not listed to be member of the RIAI could no longer be discriminated against.

It is however important to appreciate that the introduction of a registration system will not resolve the problem of exclusion from the benefit of the Directive. Those persons who are members of the RIAI do receive the benefits by membership alone. It is vital therefore that should a registration system be introduced, those persons who are eligible should be entitled to membership of the RIAI otherwise they will not receive the benefits of the Directive.

The issues are covered in depth in the attached document which we trust will assist in your deliberation on the final document. Following the current review and prior to the issue of the final document we would welcome the opportunity to meet and discuss any issues which may have arisen as a result of the submission from the various bodies.

Yours sincerely,

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Declan Kelly

**OBSERVATION /COMMENT**

**BY**

**THE IRISH ARCHITECTS SOCIETY**

**OF**

**THE DRAFT STUDY OF COMPETITION IN  
PROFESSIONAL SERVICES IN IRELAND,  
CONSULTATION DOCUMENT 2 – ARCHITIECTS  
PREPARED BY THE COMPETTION AUTHORITY  
DATED NOVEMBER 2003**

**JANUARY 11<sup>TH</sup>, 2004**

## **GENERAL**

The draft study of the competition and professional services in Ireland Consultation Document 2 – Architects dated November 2003 raises a number of questions in relation to the practice of the Architectural profession in Ireland and also makes specific recommendation in relation to same. The main conclusion of the report is that the case for registration has not been sufficiently made and that if the title of Architect is to be restricted then the registration should be operated by an independent statutory body.

It is the contention of the Irish Architects Society that the introduction of registration of the title of Architect would be beneficial to the general public and while it is not essential that the RIAI operate the registration system given the resources and in-depth knowledge of the Architects profession by the RIAI there is a strong case in favour of the RIAI operating the system provided that there are adequate controls and that these are transparent and independent.

## **STRATEGIC REVIEW OF THE CONSTRUCTION INDUSTRY**

In March 1996 the Minister for the Environment set up a committee to carry out a strategic review of the Construction Industry which recommended that there was a strong case for the protection of the title of those qualified and legitimately practising as architects, engineers and quantity surveyors within the Construction Industry.

The reasons given being the need to protect the client / consumer from the danger of inadequate service from those who described themselves as professionals but are not professionally qualified and the need to maintain high standards within the industry.

In 1999 at the request of the Department of the Environment, the Royal Institute of Architects of Ireland in agreement with the Architects and Surveyors Institute, The Group of Independent Architects in Ireland. The incorporated Association of Architects and Surveyors and the Irish Architects Society prepared a framework for the registration for the Architectural profession in Ireland.

On the recommendations of the strategic review committee, a task force was set up by representatives of the various bodies who attended meetings on an ongoing basis at which various issues in relation to registration were discussed in detail arising out of which the framework document was issued on the 27<sup>th</sup> October 1999. The work in the preparation of the document involved a considerable amount of input by all parties resulting in a document, which addresses many of the concerns raised in the Consultation Document 2.

## **NEED FOR REGISTRATION**

### **Title of Architect**

In 1994 the RIAI commissioned Landsdown Marketing Research Limited to survey attitudes to Architects and their qualifications. The key findings were :-

- 87% of those interviewed believed that the word "Architect" did or was likely to confirm that the person had the academic and professional qualifications required.
- 2 out of 5 people believed that all buildings were designed by Architects the rest believed about  $\frac{3}{4}$  of buildings are designed by Architects
- Almost 1 in 5 adults (people over 15) have had occasion to use services of an Architect either personally or through their work. This at the time was the equivalent of 5000 people.

Not with standing the above there appears to be very little understanding among the general public as to the precise nature of the work that an Architect actually carries out. The vast majority of people have the perception that an Architect spends the majority of his time sitting at his drawing board or computer designing buildings. This image is reinforced in both cinema and television however it could not be further from the truth.

### **Planning and Design**

Planning and design of a building is by far the most important part of the project and there is a considerable amount of time expended ensuring that a building meets with the clients brief and that the building when completed will enhance and complement its surrounding environment be it in an urban or rural landscape. Buildings are where people live or work, accordingly they have a strong impact on society and as such there is a large onus of responsibility on the Architect to ensure that each project that he is involved in is done to the best of his ability.

### **Statutory Requirements**

Once the design of the building has been signed off only then that the serious work of the business of architecture commences. Seeking planning permission in recent years has become extremely complex and difficult. Similarly the requirement to obtain fire certificates and to ensure that Building Regulations are fully addressed in the design and execution of the building. Health & Safety issues are also required to be fully addressed at design stage to ensure that when the building is completed that due consideration has been given to the maintenance of the building and to the protection of those carrying out the work. Fire safety certificates are required to all but domestic buildings. These are sometimes carried out by outside Fire Consultants not withstanding same the Architect is required to have a full working knowledge of the requirements in relation to fire certification without which he would be unable to properly design the building in the first instance.

### Working Drawings

When all of the statutory requirements have been addressed and the required approval /certificates received, detailed design drawings are prepared including the selection of materials and finishes. This requires a detailed knowledge of how a building is put together what materials are available and how they will function over the life of the building.

On completion of design drawings, specifications, schedules etc., are prepared and tenders are sought from selected contractors following a pre-qualification procedure.

### Construction

Once work commences on site, site meetings are held generally fortnightly and periodic inspections carried out by the Architect to ensure that the building is being constructed as designed. In some cases this involves the full time presence of an Architect on site however this only applies to large projects post contract. On completion detailed snagging of the building is carried out by the Architect and if satisfied a Certificate of Practical Completion issued. As built documentation is then assembled including the requirement for the Architect to address the various issues of compliance and the issue of relevant documentation, which is issued to the client. Snagging is followed up by the Architect to ensure that all outstanding items are attended to. Following the normal defects period a further inspection is carried out by the Architect and a Certificate issued releasing retention monies if everything is found to be in order.

The above is only a very broad outline of the normal process involved in the construction of a building and as can be seen the process is long and complicated. The vast majority of the public are unaware of the complexities of the business of architecture and solely rely on the fact that the person describing themselves as an Architect is qualified to look after their interest and address all the complex issues which arise during any given project be it small or large.

### Verification of Competency

At present there is no means by which a member of the public can verify whether or not a person purporting to be qualified to carry out the duties of an Architect has in fact the required experience or qualifications to do so.

### Irish Architects Society

The majority of the members of the Irish Architects Society do not have formal qualifications for entry. Applications were required to present a portfolio of completed work which was reviewed by a selected committee, followed by interview and if found to be competent was admitted to the Irish Architects Society.

### Royal Institute of Architects of Ireland.

The majority of the members of the RIAI hold recognised academic qualifications however there is a small number of members who would have been admitted on a similar basis to those who were admitted into the Irish Architects Society.

#### Other Bodies Representing Architects

Similarly there are a number of other organisations representing Architects all of whom would have vetted their members allowing the public a degree of comfort in knowing that they belong to an organisation and that they would have recourse to that organisation in the event of any problems arising.

#### Unaligned Practitioners

In addition to the above there is also a considerable number of Architects who are not members of any organisation and run small to medium size practices many of whom would have no formal qualifications but have been earning their living from the practice of Architecture and would be very competent in the work that they carry out.

#### Unqualified Persons

Apart from the categories noted above there is also a small percentage of persons purporting to be Architects who would not have the experience or competence to carry out the work. The potential to cause considerable problems and expense for their clients are considerable and very often lead to buildings which are totally inappropriate, poorly designed and executed and do not comply with the regulations.

#### **Entry to Register**

The introduction of the registration of Architects would ensure that the general public could be confident that those people who use the title of Architect are in fact competent to provide the services required and that the general public would be able to check with the registration body to ensure that the member was in fact a registered Architect.

The introduction of registration would not exclude those members who are currently practising as Architects as provision has been made in the Framework document for admission of a person who is practising as an Architect and wishing to be registered subject to an assessment of qualifications by a designated assessment board. Those persons not wishing to register may continue in the practice of architecture but would not be permitted to use the title Architect.

It may be perceived that the registration of the various bodies would reduce the competition within the profession. It is the contention of the Irish Architects Society that the introduction of registration would increase competition. The fees currently charged by Architects are extremely competitive and it is our understanding that this has been borne out by studies carried out by the Competition Authority. Registration would protect the client from the danger of inadequate service and would also ensure that high standards are maintained within the profession.

The introduction of registration is not intended to exclude those in the future who do not have formal qualifications.

Once the registration of Architects has been fully implemented it is proposed that those that wish to be registered in the future would be required to have a diploma from an approved school of architecture. For those in the future who do not have a diploma or a degree, the RIAI propose to set up a permanent annual examination, modelled on the Netherlands Registration Register Exam which if passed would confer the right to registered membership. Being a member of the RIAI

would entitle members to be registered however there would be no obligation to maintain membership of the RIAI.

### **Competition**

The Registration Body (RIAI)

It is currently proposed that the register of Architects would be operated by the Royal Institute of Architects of Ireland and we note that the Competition Authority have grave concerns regarding this however there is compelling reasons why the RIAI should operate the Registration Body provided that adequate controls be put in place to ensure that the operation of the register is fair and impartial and robust complaints procedure /committee independent of the RIAI would be put in place members of whom would be drawn from the General Public, Government Judiciary and the Profession.

Over the past number of years the RIAI in conjunction with the various Statutory Bodies and the Legal professional has developed an extensive suite of documentation to cover the various aspects of the building contract. Architects wishing to operate either as a single practitioner or as a practice would be expected to have access to this documentation, which is considered the norm within the profession and without which it is difficult to see how an architectural practice could offer comprehensive service to the client. Legislation relating to the various aspects of the construction industry is continuously changing and the documentation produced by the Registration Body (RIAI) dated to take into account the relevant changes.

### **Continued Professional Development**

In all professions it is essential that practitioners keep up to-date on changes in legislation, standards etc. The RIAI carry out this task through information circulars, briefing papers, seminars, members manuals. Seminars run by the RIAI are very often carried out on a semi-voluntary basis, speakers drawn from the profession. These seminars are essential to any Architect in practice and the RIAI are currently considering mandatory level of Continued Profession Development activities.

Seminars are very often open to non members however it is unlikely that non members would be aware that the seminars are taking place as they would not be on the mailing list for the RIAI.

### **Independent Registration Body**

If an independent registration body was set up it is unlikely that they would be in a position to offer the same services that are currently being offered by the RIAI without which as demonstrated an Architect would be unable to offer a full and comprehensive service to the consumer.

If the RIAI were the registration body it is not envisaged that those on the register would be automatically members of the RIAI however it is unlikely that any member not working for a firm of Architects and wishing to practice as an Architect would not be a member of the RIAI if listed on the register.

**Conclusion**

- The introduction of a registration system for Architects would ensure that those bearing the title of Architect would be in a position to offer a comprehensive and professional service to the consumer and that the consumer would have recourse to a robust and confident complaints procedure in the event of any serious issues arising.
- The introduction of registration would not prevent those currently practising as Architects to cease practice
- Competition would be measured within the profession
- A registration system operated by the RIAI would provide comprehensive and extensive back up for those wishing to avail of the services provided by the RIAI.