



8 Merrion Square
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riai.ie

The Royal Institute of the Architects of Ireland
The Registration Body for Architects in Ireland

RIAI FITNESS TO PRACTISE COMPLAINT FORM

WHAT IS THE PROFESSIONAL CONDUCT COMMITTEE?

The RIAI Professional Conduct Committee (the Committee) is an independent Committee established under Part 3 of the Building Control Act 2007. The Committee comprises of 12 members: 7 non-architects and 5 architects. It must sit with a non-architect majority. Any person may make a complaint to the Committee against an architect. The complaint process is a two stage procedure. Firstly there is the Investigation. At this stage the Committee reviews all the documentation concerning the complaint and forms an opinion as to whether a *prima facie* case has been established that warrants the complaint proceeding further. Where the Committee is of the opinion that a *prima facie* case has been established it may send the matter forward to Inquiry or, where it considers it appropriate to do so, request the complainant and architect to attempt to resolve the complaint by mediation. Where the Committee is of the opinion that a *prima facie* case has not been established it shall not proceed further.

WHAT THE PROFESSIONAL CONDUCT COMMITTEE DOES

The Committee considers legitimate concerns relating to the practise of architects in order to safeguard the public interest and maintain the reputation of the architects' profession. It does this by investigating actions of registered architects which are alleged to amount to poor professional performance or professional misconduct.

Poor professional performance is defined as any failure of an architect to meet the standards of competence that may reasonably be expected of architects practising architecture.

Allegations of poor professional performance can only be considered when the events complained of occurred after 16 November 2009 (the date the statutory register for architects came into being) and not before that.

Professional misconduct is any act, omission or pattern of conduct that constitutes a breach of the Architects' Code of Conduct or conduct connected to the profession of architecture or otherwise which is disgraceful or dishonourable or conduct connected to the profession of architecture in which the architect has fallen short, by omission or commission, of the standards expected amongst architects.

The Architects' Code of Conduct was published to the profession on 14 August 2013. This means that the Committee cannot deal with complaints of professional misconduct that occurred prior to 14 August 2013.

For an Inquiry to be held the Committee must be satisfied that the alleged act or omission by the architect constitutes a **serious mistake or error** or **series of mistakes or errors** (which therefore maybe serious)¹.

WHAT THE PROFESSIONAL CONDUCT COMMITTEE DOES NOT DO

The Committee is restricted in the type of allegations it can investigate. For instance it cannot consider complaints against a person who is not a registered architect or was not registered at the time of the actions complained of.

The Committee is not a civil court or a dispute resolution service and accordingly it does not have the authority or power to provide a complainant with redress or award compensation nor can it assist a complainant in making a claim for compensation.

¹ See *Corbally v The Medical Council and Oths* 2015 IESC 9

The Committee can only make decisions that relate to poor professional performance or professional misconduct. For instance it cannot decide on matters relating to issues such as planning, fees or contractual disputes.

Where an Inquiry results in a finding of poor professional performance or professional misconduct against an architect the Committee cannot compel the architect to provide the complainant with documentation such as opinions on compliance, certificates of practical completion or other project documentation.

It is not appropriate to submit pleadings from civil proceedings as a statement of your complaint. The Committee does not deal with legal disputes concerning matters such as negligence, breach of contract, nuisance, employment, copyright, planning or other matters which are more appropriately covered by the civil courts.

For the same reason it may not be appropriate to include expert opinions or reports that have been prepared in contemplation of litigation as these reports rarely refer to poor professional performance or professional misconduct and are generally concerned with matters of negligence and breach of contract.

If your complaint involves matters that the Committee cannot consider and you believe that your dispute could be resolved by mediation you might consider the RIAI Non-Statutory Mediation Process or seek legal advice regarding your options.

Neither the RIAI nor the Committee can provide a complainant with architectural, legal or other professional advice. If you require legal advice you should contact a qualified legal advisor.

If you have any queries concerning the filling out of the Fitness to Practise Complaint Form please contact the RIAI Professional Standards section.

GUIDELINES FOR COMPLETING THE RIAI FITNESS TO PRACTISE COMPLAINT FORM

The Fitness to Practise Complaint Form provides you with the opportunity to tell the Committee about your complaint. Please provide as much detail as possible enclosing any relevant documentation that you have in support of your complaint.

At section 1 of the Fitness to Practise Complaint Form you should explain precisely what happened, where it happened and when it happened (please include dates).

At section 2 you are asked to state specifically which act(s) or omission(s) of the architect you believe constitute(s) poor professional performance or professional misconduct and why. Where you are alleging professional misconduct please identify the specific section of the code you allege is breached.

At section 3 you should list all documentation referred to in your complaint. Relevant documentation could include client/architect agreement, letter of engagement, drawings, photographs or correspondence. The list should include the title or a description of the document, the date of the document, and any other relevant information. The Committee will only consider evidential documents that are listed on the Fitness to Practise Complaint Form. Documents not listed will not be accepted at a later date.

At section 4 you should list any witnesses to the events complained of.

The signed Fitness to Practise Complaint Form together with the relevant supporting documentation should be sent to:

The Professional Conduct Committee
RIAI
8 Merrion Square
Dublin 2
D02 YE68

**Please tick here to confirm that you have read and understand
the RIAI Fitness to Practise Complaint Form Guidelines**

PERSONAL DETAILS OF THE COMPLAINANT:

Name

Address

Daytime contact number

Email

By signing this document, I am aware that, and consent to, this form and any documentation that I enclose in support of my complaint will be copied to the architect for his/her comments and observations.

I understand that by making this complaint I may be called as a witness to the Inquiry Committee of the Professional Conduct Committee, should an inquiry be held in respect of this complaint and I consent to making myself available for that purpose.

Signature

Date

Please note that if you are making a complaint on behalf of another person, that person must authorise you to make the complaint and deal with that complaint on their behalf.

I _____ consent to _____ making this complaint on my instructions and on my behalf and request that the Professional Conduct Committee will correspond with my nominee for the purposes of this complaint and any subsequent hearing.

DETAILS OF THE ARCHITECT BEING COMPLAINED ABOUT:

A complaint must be against a registered architect. It cannot be against an architectural practice. If you are making a complaint against more than one architect you will need to complete a separate complaint form for each architect. It is not possible for the Committee to send a complaint form to an architect that contains details of a complaint against another architect.

Architect's name

Registration number

Address

Phone

Email

Every architect has a registration number. It would be of assistance if you could include this number on the form. You can find the registration number on the RIAI website www.riai.ie/checktheregister.ie

What is your relationship with the Architect:

Client, Contractor, Sub-Consultant, Employee, Employer, Fellow Architect, Other _____

YOUR COMPLAINT

If you are completing this form by hand please write clearly or in block capitals. Alternatively you may provide details of your complaint on a separate typed sheet using the section headings below and attach it to this form.

Please tick here if you have provided your complaint on a separate sheet(s).

1. **BACKGROUND**

Please give the background to your complaint explaining precisely what happened, where it happened and when it happened (include dates). Please refer to relevant evidential documentation and witnesses which you have listed at sections 3 and 4 respectively.

2. **PARTICULARS OF POOR PROFESSIONAL PERFORMANCE OR PROFESSIONAL MISCONDUCT**

Please list the specific allegations you are making against the architect and explain why they amount to poor professional performance or professional misconduct. If you are alleging professional misconduct please refer to the relevant principle of the Architects' Code of Conduct. If you are making more than one allegation please number them sequentially.

3. **DOCUMENTARY EVIDENCE**

In order to investigate your complaint the Committee requires relevant documentary evidence. For example the client/architect agreement, correspondence, photographs or drawings. Please list these below and number them sequentially. Where you mention these documents at sections 1 or 2 above please refer to the number you have assigned to them. Only documents referred to in section 1 or 2 of the form should be included. Any document that is listed below and is not referred to in section 1 or 2 will not be considered by the Committee. Remember to attach copies of the documents to your submission. Do not send in original documentation. Any original documentation received will be returned.

4. **WITNESSES**

If any other person saw or heard the events that you are complaining about and they are willing to give evidence please provide their names and explain how each was involved and the relevant events they witnessed.

Have you discussed or tried to resolve this matter directly with the architect? Yes No

Have you made a complaint to any other organisation? Yes No

If "Yes" please provide details _____