



Complaint made by: Mr. Brian Montaut on behalf of Architects' Alliance Ref. No. 627/09

Station:

RTÉ Radio 1

Advertisement:

RIAI Advert

Date:

17 November 2009

Complaint Summary:

Mr. Montaut's complaint, on behalf of Architects' Alliance, is submitted under the Broadcasting Act 2009, section 48(1)(d)(General Advertising Code; sections 3.1, 3.1.2, 3.1.3 and 3.1.4 protecting the individual and society). The Architects' Alliance group states in this advertisement a direct link is made in the adverts between being qualified and being named on the register of architects. They state this is wholly untrue. Unlike say, gas fitters, there is no obligation to be registered in order to continue to work as an architect. The Building control Act, 2007, which created the register, gives 'protection' to the title 'architect' without constraining 'function'. The Minister has repeated this essential, Constitutional fact in his recent Parliamentary answers: "Architects may still continue to practice but will be unable to use the title". One must be qualified in a newly specified fashion in order to be named on the register and thus be permitted to use the newly protected title, but that does not make it truthful to imply that those who are not named on the register are unqualified as architects.

According to RIAI Ltd's own figures, there are about 1,000 candidates for registration. These are people who feel they already meet the new standards specified as being necessary for registration purposes and who will avail of the procedures provided for their registration. In other words, there are presently qualified architects who must make a formal application before being accepted onto the register. The first of these applications is expected to be ready for assessment in about six month's time. (RIAI Ltd. recommends at least four months for portfolio preparation). Thus many eligible architects have no chance of appearing on the register until the middle of 2010. The advert fails to make this important fact known (which is especially disturbing as RIAI Ltd. insists on calling it a "public notice" rather than an advertisement). Anyone not already on the register is branded unqualified.

According to the "public notice", the register is your only man for locating a qualified and, therefore, safe architect. Immediately upon the launch of registration (16 Nov 09), 2,700 names appeared on the newly created register. This constitutes the entire membership of RIAI Ltd. itself and no-one else. That fact was concealed. The register was presented as the all-encompassing home of all truly qualified architects.

Advertiser's Response:

The advertiser states the new Register for Architects was launched in November of this year by the Royal Institute of the Architects of Ireland and the Department of the Environment.

Established under the Building Control Act 2007, the Register for Architects lists architects whose qualifications meet the standards set out in the Act. Since the commencement of the Act, only



architects who are on the Register should use the title 'Architect'. The Act also provides that the RIAI is the official registration body and competent authority for architects in Ireland.

The purpose of the Register for Architects is to improve and protect the quality of service to consumers by ensuring that people admitted to the Register have met defined levels of qualification and competence. By establishing an internationally agreed and recognised professional standard against which all persons applying for registration will be measured, the public can now be assured that registered architects are fully qualified and trained professionals.

The Register, as of November 2009, lists over 2,700 architects. For people who are not fully qualified but who have substantial experience there is now an established framework, set up under the terms of the Building Control Act, to support them in becoming registered architects.

The RIAI states it is entirely appropriate for the advertisement to make comparisons between the work of a doctor and dentist with the work of an architect as all three professions have a legislative duty of care to the public. These professionals are regulated by legislation. In addition, architects are one of only seven professionals with automatic recognition rights under the EU Professional Qualifications Directive (PQD). The advertisement raises people's awareness that the title architect is now legally protected and only qualified architects can register with the RIAI and describe themselves as an "architect". The advertisement encourages people to check if their architect is registered by visiting the RIAI's website www.riai.ie. When the general public visit the Register for Architects on the RIAI's website, the following advice is clearly provided:

During the initial stages of registration there will be people not on the register who have qualifications listed in the Building Control Act 2007 or who are in the process of completing submissions for evaluation. There will also be those who don't have listed qualifications but who are preparing for assessment under the Technical Assessment Process, which evaluates relevant experience in architecture and can lead to registration. In addition there are those who are taking the Register Admission Examination.

If the person who is providing your architectural services is not on the Register, you should ask about relevant qualifications and their plans for registration. The RIAI can also provide advice.

It is important to understand that the registration system is about the legal protection of the title 'architect'. It does not, and is not intended, to limit those who provide architectural services to architects who are named in the Register.

With regard to the third issue, the RIAI would like to confirm that when the Register for Architects was launched in November 2009, only those RIAI members who met the criteria set out in Section



14(2)(b) of the Building Control Act 2007, were listed as registered architects on the Register for Architects.

Station's Response:

RTÉ states that the advertisement advises listeners to go to the RIAI website to find a list of qualified architects and suggests that if a person is not on the RIAI list that person is not a qualified architect. The complaint is made by a group of people practising as architects but are not registered with the RIAI and are not on the RIAI list and, therefore, they believe that the advertisement is not *truthful*.

RTÉ understands from the RIAI that under the Building Control Act, 2007 a Register for Architects whose qualifications meet the standards set out in the Act could be established. This register was launched by the Minister for the Environment, John Gormley TD and the RIAI on 16 November 2009.

The purpose of the Register for Architects is to improve and protect the quality of service to consumers by ensuring that people admitted to the Register have met defined levels of qualification and competence. By establishing an internationally agreed and recognised professional standard against which all persons applying for registration will be measured, the public can now be assured that registered architects are fully qualified and trained professionals.

For people who are not fully qualified but who have substantial experience, there is now an established framework, set up under the terms of the Building Control Act, to support them in becoming registered architects.

The Register, as of November 2009, lists over 2,700 architects. During the initial stages of registration, there will be people not on the register who have qualifications listed in the Building Control Act, 2007 or who are in the process of completing submissions for evaluation. There will also be those who don't have listed qualifications but who are preparing for assessment under the Technical Assessment Process, which evaluates relevant experience in architecture and can lead to registration. In addition, there are those who are taking the Register Admission Examination.

RTÉ further understands that if a person who is providing architectural services is not on the Register, the public are advised to ask about relevant qualifications and any plans for registration. The RIAI can also provide advice. According to the RIAI it is important to understand that the registration system is about the legal protection of the title 'architect'. It does not, and is not intended, to limit those who provide architectural services to architects who are named in the Register.

On foot of the above advice from the RIAI, RTÉ believes that the advertisements referred to in these complaints are *truthful*. These advertisements were accepted by RTÉ's Copy Clearance Committee in good faith and RTÉ has no reason to believe that they contain any information that is not accurate.



Decision of Compliance Committee:

The Committee has considered the broadcast, and the submissions of the complainant, the advertiser and the broadcaster. The complaint concerns the text of an advertisement for a service offered by the Royal Institute of the Architects of Ireland (RIAI). In assessing this complaint, the Committee had to have regard to the General Advertising Codes and in particular:

3.1 All commercial communications shall be prepared with a sense of responsibility both to the individual and to society and shall not prejudice the interests of either. All commercial communications shall be legal, honest, decent and truthful.

3.1.2 Commercial communications shall not contain any element of spoken or visual presentation which misleads or is likely to mislead, either directly or by implication, by act or omission, with regard to the merits of the product or service being promoted or its suitability for the purpose recommended.

3.1.3 Commercial communications shall not contain inaccurate or misleading claims, statements, illustrations or representations, either direct or implied.

3.1.4 Commercial communications shall not omit relevant information in a manner that, in the result, is misleading or is likely to mislead. This means that all pertinent details of an offer shall be stated in a clear and understandable manner.

The Committee noted the content of the advertising copy:

Male voice-over: *You wouldn't trust an unqualified surgeon to operate on you?*

[sound effects]; male voice: *Now where did I leave my watch?*

Male voice-over: *You wouldn't trust an unqualified dentist would you with your teeth?*

male voice: *Open wide*, [sound effects – pneumatic drill]

Male voice-over: *So why trust an unqualified architect?*

The title Architect is now legally protected and only qualified Architects can register with the RIAI. So you can rest assured that your registered Architect has the qualifications and experience for your project. To see if your Architect is registered, visit [website].

The Committee also noted that both the advertiser and the broadcaster believe the text to be truthful. The Committee would acknowledge that this appears to be the case. However, the General Advertising Code also requires that commercial communications do not mislead by omission or implication. In the advertisers and broadcasters submissions, reference is made to a framework for people who are not fully qualified but who have substantial experience to become registered architects. The Committee also noted that the advertisement directs the listener to the RIAI website which includes the following statement:



'The Register as of November 2009, lists over 2700 architects. During the initial Stages of the registration there will be people not on the register, who have qualifications listed in the Building Control Act 2007 or who are in the process of completing the documentation submission and evaluations for registration. There will also be those who don't have listed qualifications but who are preparing for assessment under the Technical Assessment Process, which evaluates relevant experience in architecture and can lead to registration. In addition there are three who are taking the Register Admission Examination.

If the person who is providing your architecture services is not on the Register, you should ask about relevant qualifications. The RIAI can also provide advice.

It is important to understand that the registration system is about the legal protection of the title 'architect'. It does not, and is not intended, to limit those who provide architectural services to those architects in the Register'.

Therefore, one does not have to be on the register to provide architectural services. Further, it is evident that due to the process of registration, a number of people operating architectural services were precluded from being on the register when the advertisement was broadcast in November 2009; a registration process had to be initiated and completed with the RIAI. It was not necessarily that the architectural service did not have the required experience; they were simply precluded because of the process for registration.

On hearing the opening sequence of the advertisement, the Committee was of the view that a listener would have heard that 'unqualified' architects, like unqualified surgeons and dentists, are not to be trusted. To trust your architect, check the RIAI register. While there was a reference to the advertiser's website, where critical information regarding the register was detailed, having such web content did not sufficiently mitigate the misleading impact of the message in the advertisement.

Given the tenor and language of the opening lines in the advertisement coupled with the claims of qualification in the closing text, the advertisement was likely to mislead listeners. The complaint is upheld with regard to the General Advertising Codes, sections 3.1, 3.1.2, 3.1.3 and 3.1.4.

Signed: *Anne O'Brien*
Chairperson, Compliance Committee

Date: *17 Feb 10*