

RICS Dispute Resolution Service

Criteria for Continuous Training and Reassessment of Adjudicators on the RICS President's Panel



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RICS has developed a programme of workshops and assessments which will grow and regularly test panellists' knowledge and practical abilities and support them in their role as adjudicators. The performance of adjudicators on the RICS President's Panel (the Panel) at the workshops and the associated online assessments and written exercise will be fed back to DRS as part of a continual quality monitoring process.

The workshops focus on the knowledge, skills, experience and qualifications required to remain on the Panel as an adjudicator, and to be eligible for appointments by RICS DRS.

Detailed information about the competency workshops is available on rics.org/drs

Criteria

Adjudicators on the Panel must attend and successfully complete all ten competency workshops in the five-year period since joining the Panel or since their last reassessment interview. This should be spread over five years. The competencies can be taken in any order and panellists can attend as many sessions as they like. **Panellists must attend at least four different competencies in a two-year period.**

Failure to attend at least four different competencies in the two-year period may result in a panellist's suspension from the Panel until they complete the required number of competency workshops. In addition, a panellist may be called forward for an early reassessment interview.

Persistent failure to attend the required competency workshops in the five-year period may result in a panellist being removed from the Panel.

If panellists have attended the required competencies, and successfully passed the online assessments and written exercise, they will not normally be required to attend the five-yearly formal Panel reassessment interview.

However, panellists will still be required to submit:

- Updated skills form
- Professional references
- CPD records

Panel reassessment interview

In exceptional circumstances, DRS reserves the right to call panellists to attend the formal Panel reassessment interview. Panellists can be called for reassessment interview at any time. The decision to call panellists for reassessment interview is final and there is no right of appeal.

You may be invited to attend the reassessment interview in the following circumstances:

- You have persistently failed to attend the required workshops in the specified period
- Areas of concern arise out of your performance in the workshops
- DRS receives a complaint(s) or feedback that gives rise to concerns about your competency or conduct as an adjudicator
- You have been subject to an investigation by RICS Regulation or other professional body
- At the discretion of DRS, the RICS President, or Dispute Resolution Appointments Board

Please note the above list is not exhaustive.

If you are invited for the reassessment interview, you will be required to satisfy the following requirements to remain on the Panel:

- Recognition in the market, as reflected in your skills form and referees' reports, of your active involvement and expertise in your sphere of professional practice
- Proof of your knowledge, skills and experience required to remain on the Panel
- Minimum of 40 hours of relevant CPD per calendar year in the last five years
- Payment of the administration fee £550+VAT

If you fail to complete your formal reassessment interview within six months of the time you are notified that your reassessment is due, your name will be removed from the Panel temporarily, and you will not receive appointments from RICS DRS until the reassessment has been completed successfully.

Should you be called for a reassessment interview, you will need to submit:

- Completed skills form
- Professional references
- One adjudication decision completed in the last three years
- Letters and directions relating to the decision
- Complete record of your CPD for previous five calendar years
- The administration fee

In addition, DRS reserves the right to ask for any information that it considers relevant to maintain the quality and standards of the Panel.

These documents will be provided to the assessment panel for consideration.

Guidance on the required documents

RICS skills form

In the skills form you should indicate your skills, geographic coverage and the value, complexity and types of disputes in which you submit you are qualified to act as an adjudicator. Your updated skills form will be considered to assess whether you have identified your skills correctly and whether the skills you list are commensurate with your experience in practice. It should be clear from the information provided that your professional knowledge and experience is recognised in the market and is such as to allow RICS to hold you out as an expert in your field of primary professional practice as well as being able to competently discharge the role of an adjudicator.

Professional references

Your skills form must include contact details and signatures of two referees who can support your application. Your referees must have significant standing in the dispute resolution field (such as solicitors or other adjudicators) but cannot be from your firm. The referees must be able to confirm all the skills you have selected. If they are not aware of all the skills, please supply a further referee to cover those areas. DRS will obtain written references and if you are attending reassessment interviews, these will be forwarded to the interview board. The referees will be asked to comment on your standing in the profession, your knowledge, expertise and experience as an adjudicator. The referees may be spoken to by DRS or a member of the interview panel (if applicable). RICS also reserves the right to make wider enquiries among your colleagues, clients etc where it regards this as appropriate.

CPD Records

You will need to submit evidence that in the last five calendar years, you have completed 40 hours of CPD per calendar year, of which at least 20 hours must comprise of dispute resolution-related experience. In addition, you may be asked to submit records of any CPD that you have undertaken during the year in which you are being assessed.

Explanatory note: The required total of 40 hours is 20 hours over and above the 20 hours required under the RICS Rules of Conduct for RICS Members. Your CPD records must include the competency workshops. A part (not all) of this additional 20 hours can be in the form of practical experience gained as a party representative or acting as a dispute resolver. This means that for the purposes of panel assessment, the additional 20 hours can include dispute resolution-related professional development or acting as a party representative in third party proceedings or acting as an adjudicator or other dispute resolver. This recognises that some surveyors are not full-time dispute resolvers and the importance attached to surveyors acting as dispute resolvers keeping their practical dispute resolution skills fresh. Such experience does not, however, fall within the RICS definition of CPD for surveyors and so cannot be recorded on the RICS website.

RICS professionals on the Panel are required to record all their CPD, including dispute resolution CPD activities which fall within the RICS definition of CPD, on the RICS website. If this does not amount to the 40 hours in total per calendar year, they must provide the interview panel with a separate written records of dispute resolution experience.

Your records should include details of your CPD and dispute resolution-related experience and should cover activities relevant to your field of expertise as well as the role of an adjudicator or other dispute resolver.

Copies of CPD records, including the RICS online records, should be provided with dispute resolution matters highlighted. RICS members can access and extract their RICS CPD from their online records at www.rics.org/cpd

Adjudication decision, letters and directions

Should you be called for a reassessment interview, you will need to submit one decision prepared by you in the last three years and letters/directions relating to this decision to demonstrate your case management skills. DRS may request a specific decision.

Guidance on reassessment interviews

The interview board will refer to your skills form, your other submissions and your competency workshops assessments and have a discussion with you about:

Competency workshops

If applicable, the interview board will discuss with you any areas of concern that arise out of your performance associated with the workshops.

The board will discuss your knowledge on *inter alia*:

RICS guidance notes

You must be able to demonstrate that you are familiar with the applicable RICS professional standards such as *Conflicts of Interest for Members Acting as Dispute Resolvers*, *Surveyors Acting as Adjudicators in the Construction Industry*, *Surveyors Acting as Advocates* etc. (RICS professional standards are available on rics.org).

Involvement, conflict, bias and perceived bias

You must:

- be able to demonstrate an understanding of involvements;

- be able to explain when an involvement becomes a conflict;
- be aware of the risks of both real and apparent bias and explain the steps that can be taken to avoid reasonably foreseeable difficulties;
- understand the rules of natural justice and the need to operate within the boundaries of natural justice when acting as an adjudicator;
- You must be able to demonstrate that you understand the overall importance of fairness in allowing the parties to present their case, and deal with that of their opponents.

Managing the process, including standard documentation

You must demonstrate that you:

- can manage the adjudication timetable and procedure in a transparent, efficient and expeditious manner;
- can control the process, apply judging skills and produce appropriate documentation throughout the process;
- have sufficient standing, gravitas and flexibility of attitude to manage the process, including a hearing.

Relevant law including dealing with jurisdictional challenges

The interview board will have a discussion with you to establish that you:

- are familiar with the Housing Grants, Construction and Regeneration Act 1996 (as amended), and the Scheme for Construction Contracts Regulations;
- are able to deal effectively with both threshold and substantive jurisdictional problems and challenges, that you have a clear understanding of the criteria to be considered when determining whether, and how, to proceed and you that you can clearly communicate to the parties any jurisdictional determination;
- are aware of relevant case law, particularly in respect of contract, tort and negligence, evidence and legislation, sufficient to understand the context of legal arguments, so that a rational, and well - reasoned decision will be made.

Decision, including identifying the issues and analytical reasoning

You must be able to demonstrate the ability to write a decision that:

- identifies, expresses and analyses the issues and sub-issues that need to be considered during decision making;
- shows that you can apply analytical skills throughout the process;
- is concise, clear and includes logical reasons for your decision;
- can communicate your conclusions and reasoning in a structured, fluent and logical manner.

Costs

You must be familiar with the general principles of allocating costs.

General

The interview board will also consider your overall suitability to be an RICS President's Panellist. This will include assessment of:

- your overall ability and aptitude;
- the standard and professionalism of your documentation and communications;
- any upheld complaints that have been made against you to RICS;
- any judicial criticism or comment relating to your professional work;
- any disclosure(s) made in your skills form;
- any disclosure or critique made by a referee.

For the possible outcomes of the reassessment and other information about the interview, please refer to the RICS Interview Guide for Candidates available from DRS or on rics.org/drs.

Please note:

All panellists must sign and comply with the Service Level Agreement between DRS and a panellist. A copy is available upon request.

These criteria are monitored and their effectiveness is reviewed on regular basis. DRS reserves the right to update/modify the criteria at any time.

For further information contact

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