



RICS Construction and Engineering Arbitration Service

Information Guide



1. Summary

RICS has developed new arbitration services for construction and engineering disputes in England and Wales. The purpose is to provide unrivalled customer services that meet the expectations of parties to arbitrations in terms of quality, standards and overall user experience.

The arbitration services are offered at two levels, depending on the value of the dispute. Both services provide parties with arbitrators who:

- Are highly qualified and experienced dispute resolution practitioners
- Have specialist subject matter knowledge and skills
- Will act pro-actively in managing arbitrations to reduce unnecessary costs and delays
- Are free from financial or other interests in the outcome of disputes
- Are available to act immediately, or as and when needed by parties

The new arbitration services are designed to enable construction and engineering disputes to be referred to decision-makers who have extensive expertise and experience in dealing with such disputes.

Arbitrators appointed under both service offerings can be drawn from a range of professions, including surveyors, lawyers, engineers and architects. All panel members are strictly assessed and monitored by RICS to ensure that they are able to manage the arbitration process effectively and based on the applicable legal principles.

RICS will routinely engage with the claiming and responding parties on an open basis to ensure RICS understands the precise nature of the issues to be decided.

Arbitrators will normally be appointed following discussions with both parties. Where the parties are unable to agree the identity of their arbitrator, engagement with RICS will give them confidence that RICS will only appoint an arbitrator who has the requisite skills, knowledge and experience. The process will enable the parties to identify the type of arbitrator that is best suited for their particular dispute and his or her probable fees.

The appointment procedure is set out in section 5 of this Information Guide. RICS intends to publish a more detailed guide in due course, which will ensure transparency and understanding of how RICS selects arbitrators for individual cases. This demonstrates RICS ongoing commitment to focus on the needs of the parties, and to ensure that arbitrators are appointed based on the specific nature of each case.

All RICS arbitrators are required to comply with the RICS Guidance Note for Surveyors acting as Arbitrators in Construction Related Disputes, which is currently being revised and updated, as well as the RICS Guidance Note on Conflicts of Interest.

Arbitrators appointed by RICS Dispute Resolution Service will strive to marry proactive case management with enforcing time limits, and to combine this with the greater flexibility allowed through arbitration.

Arbitrators will also make the parties aware of RICS Guidance Notes and Practice Statements relevant to those who participate in arbitrations, such as:-

- Practice Statement and Guidance Note, Surveyors acting as Advocates
- Practice Statement and Guidance Note, Surveyors acting as Expert Witnesses

The default position on appointments will be a single arbitrator unless both parties agree to the appointment of a panel.

Underpinning the new RICS arbitration services are panels of exceptional arbitrators who are wholly independent. They are routinely monitored by RICS to ensure that they are up to date with relevant law and practice, and are able to discharge the role of arbitrator sensibly and without delay.

RICS arbitrators are required to proactively manage the procedure and aim to resolve disputes promptly and proportionately. RICS arbitrators are also required to meet the targets outlined below in section 2.

RICS also operates a service for appointing a technical expert to assist the arbitrator where required. This service is optional, and is available after the arbitrator has been appointed.

2. Service Offerings

The Select Arbitration Service

This service provides a viable alternative to the Technology and Construction Court to determine high value, complex disputes.

Whilst all members of the panel are highly experienced arbitrators with excellent reputations in the dispute resolution sector, RICS will engage with the parties to help them source the right arbitrator for their particular dispute.

The arbitrators appointed under the Select Arbitration Service adhere to published RICS service levels and will be committed to working with the parties to achieve an award within 12 months.

The Select Arbitration Service is more cost effective than equivalent arbitration services provided by most international arbitration bodies, and it also aims to provide better value for money and be quicker than litigation.

The Fast Track Arbitration Service

This service provides the parties with an alternative to the County Court and adjudication for the resolution of lower value disputes, specifically where the value of the claim is £100,000.00¹ or less. Parties can agree to use this service even if their contracts do not provide for arbitration, and RICS has prepared an [example ad-hoc arbitration agreement](#).

Arbitrators appointed under the Fast Track Arbitration Service have a maximum hourly rate and a maximum number of hours for which they can charge. The parties' recoverable costs are also capped. Further details of the fees and costs are set out below in section 7 of this Information Guide.

The [Fast Track Arbitration Rules](#) require arbitrators to work with the parties to enable the award to be published within 6 months.

The Fast Track Arbitration Service allows a detailed examination of the issues, beyond what is usually available in adjudication. It strives to achieve final and binding arbitration awards that are better value than County Courts' judgments and are without enforcement and other issues related to the temporary nature of adjudication decisions.

3. Criteria for inclusion on the arbitrator panels

RICS will only recruit highly experienced practitioners on to its panels for both the Select and Fast Track services. Arbitrators appointed by RICS in construction and engineering disputes are required to comply with demanding [criteria](#) which ensure that they maintain high standards and commit to continuous ongoing training and reassessment.

All arbitrators are robustly assessed and interviewed, and they must be able to demonstrate that they keep up to date with relevant law and practice through ongoing training and CPD. Copies of the detailed criteria for both panels are appended to this guidance.

4. Customer Charter

Arbitrators, and RICS as the body which appoints them, will adhere to a Customer Charter which commits them to providing high quality customer service.

The Customer Charter is not to be confused with a set of procedural rules. The purpose of the Charter is to list a number of commitments by RICS and the arbitrators appointed by RICS.

¹ All sums in this Information Guide exclude VAT unless stated otherwise.

The overall aim is to keep the time and costs of arbitration to a minimum, whilst following essential customer care principles. The elements of the Charter are as follows:

RICS commitments

RICS Dispute Resolution Service will manage the panels of arbitrators and commit to:

- Responding quickly to applications for the appointment of arbitrators, and acknowledging applications by email within 2 days
- Contacting both parties to establish whether they are agreed on the appropriate qualifications and expertise of their arbitrator
- Contacting both parties to discuss whether they are agreed on matters relating to the independence and impartiality of particular arbitrators
- Ensuring the appointment process is clear and transparent in every case and in accordance with RICS published information
- Ensuring arbitrators appointed from the panels are appropriately qualified, experienced and knowledgeable
- Ensuring appointments are made within 2 weeks of receiving an application, or in accordance with any other timetable agreed by the parties
- Managing the panels of arbitrators, including ensuring that the arbitrators sign service level agreements which include requirements for regular reassessment and ongoing performance monitoring
- Allocating a dedicated RICS Case Officer to each arbitration application
- If required, the Case Officer will also provide enhanced pre and post appointment customer support

Panel Members' commitments

Arbitrators appointed under either the Select Arbitration Service or the Fast Track Arbitration Service commit to:

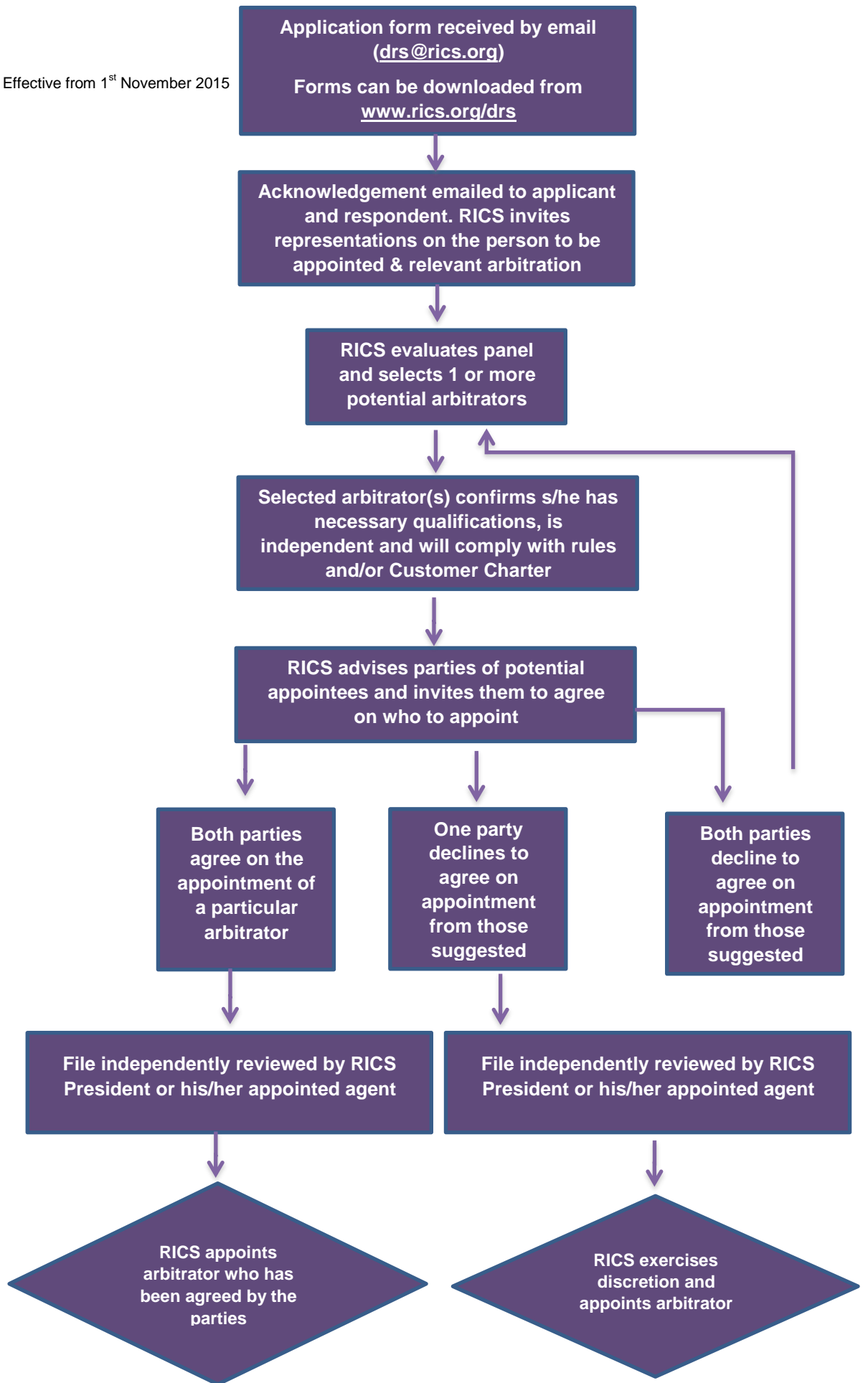
- Using the powers given to them under the Arbitration Act 1996 to manage costs in line with the parties' expectations
- Setting clear and workable procedures for the conduct of the arbitration
- Being available, and remaining readily available, during the arbitration process

- Working with the parties to conclude arbitrations within 12 months for Select Arbitrations and 6 months for Fast Track Arbitrations, and at a proportionate cost
- Providing parties with an early indication of the arbitrator's likely fees, based on clear assumptions, and providing updated fee estimates as necessary
- Maintaining high standards throughout the arbitration, including compliance with the relevant RICS Practice Statements and Guidance
- Ensuring prompt and active management of the arbitration from appointment to issuing final award on costs

5. Procedure for appointments

As part of its commitment under the Customer Charter, RICS will publish information about the process for appointing arbitrators. This is to ensure transparency and understanding of how RICS selects arbitrators, by demonstrating how arbitrators are matched to individual cases.

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6. **Service Level Agreement**

RICS manages the panels of arbitrators to ensure that arbitrators adhere to published service levels. These include requirements to submit to regular re-assessments and ongoing performance monitoring. RICS arbitrators must also sign a Service Level Agreement.

7. **Fees and costs**

Select Arbitration Service

RICS will not charge an administration fee to the parties. Instead, RICS will recover its administrative costs from the appointed arbitrator on the basis of 10% of his/her fee, to a maximum of £1,000.00.

The parties will be advised of the hourly rates for arbitrators appointed under the Select Arbitration Service during the appointment procedure. Parties can make representations to RICS on an hourly rate they believe is reasonable in the circumstances, and RICS will endeavour to source an arbitrator who will charge at the agreed rate, but without delaying the appointment process.

The appointed arbitrator will provide an estimate of his or her likely fees following the initial submission of statements of case, making clear the basis for the estimate and any assumptions. The arbitrator will update that estimate as appropriate.

Fast Track Arbitration Service

RICS will charge applicants an administrative fee of £425.00 (inclusive of VAT) to cover the costs for processing the application for appointment. This fee may be recoverable by the applicant as a cost in the arbitration.

In claims of up to £100,000.00 the fees for arbitrators appointed under the Fast Track Arbitration Service are set at a maximum of £175.00 per hour plus reasonable expenses up to a maximum of 60 hours, unless there is a counterclaim. In the event that there is a counterclaim then the arbitrator will be entitled to charge an additional 6 hours for each £10,000.00 of the value of the counterclaim, or part thereof.

Each party's recoverable costs will be capped at whichever is the higher:-

- i. £5,000.00; or
- ii. 20% of the value of the claim plus the value of any counterclaim.

For more information contact:

RICS Dispute Resolution Services

t +44 (0)207 334 3806

e drs@rics.org

APPENDICES

APPENDIX 1

Fast Track Ad-hoc Arbitration Agreement

By this Arbitration Agreement dated

Name of.....

And of.....

hereby agree to refer all disputes and differences between them arising out of the Contract dated to arbitration by a single arbitrator appointed by the RICS. The arbitration is to be conducted in accordance with the RICS Fast Track Arbitration Rules current at the date of the Notice of Arbitration.

APPENDIX 2

RICS Fast Track Arbitration Rules – Edition 1, May 2015

Primary Objective

1. The primary objective of the Fast Track Arbitration Rules is to achieve a fair, impartial, final and binding award on the substantive dispute (save as to costs) within 6 months from the date the Arbitrator is appointed, for claims not exceeding £100,000.00.

Time Periods

2. The arbitration shall be deemed to have commenced when the Claimant serves a written notice of arbitration on the other party (“the Respondent”).
3. All time periods in the Fast Track Arbitration Rules will be measured in days and this will include weekends, but not bank or public holidays.
4. Time periods will be calculated from the day after the Arbitrator is appointed which shall be either:
 - a) The date the Arbitrator is appointed by RICS; or
 - b) The date the Arbitrator notifies the parties in writing of his/her acceptance of an appointment by agreement of the parties.

Timetable

5. Within 21 days of the Arbitrator being appointed, the Claimant shall provide both the Respondent and the Arbitrator with:
 - a) a written Statement of Claim which describes the nature of the dispute, the legal and factual issues, the Claimant’s contentions as to those issues, the amount of its claim and/or the remedy it is seeking;
 - b) all statements of evidence and copies of all documents on which it relies, including contractual documentation, correspondence (including electronic documents), legal precedents and expert witness reports.
6. Within 21 days of receipt of the Claimant’s documents/submissions by the Arbitrator and Respondent, the Respondent shall provide the Claimant and the Arbitrator with:
 - a) a written Statement of Defence responding to the Claimant’s Statement of Claim, its statement of the nature of the dispute (including any counterclaim), the legal and factual issues in the Claimant’s claim and any counterclaim, its acceptance of any component(s) of the Claimant’s claim, its contentions as to those components of the Claimant’s claim it does not accept and the amount of any counterclaim;

- b) all statements of evidence and copies of all documents on which it relies, including contractual documentation, correspondence (including electronic documents), legal precedents and expert witness reports;
 - c) any objections it wishes to make to the Claimant's statements, comments on the Claimant's expert report(s) (if submitted by the Claimant) and explanations for the objections.
7. Within 14 days of the Respondent serving its Statement of Defence, the Claimant may make a Statement of Reply by providing both the Respondent and the Arbitrator with:
- a) a written statement responding to the Respondent's submissions, including its reply as to the nature of the dispute, the issues (both factual and legal) and its contentions in relation to the issues;
 - b) all statements of evidence and copies of documents in response to the Respondent's submissions;
 - c) any expert report in response to the Respondent's submissions;
 - d) any objections to the statements of evidence, expert reports or other documents submitted by the Respondent;
 - e) its written submissions in response to the legal and factual issues involved.
8. If a counterclaim is made by the Respondent, then the Claimant shall serve a Statement of Defence to the Counterclaim within 21 days of the Respondent making its counterclaim and provide both the Respondent and the Arbitrator with:
- a) a written statement responding to the Respondent's counterclaim, its statement of the nature of the dispute, the legal and factual issues in the Respondent's counterclaim, its acceptance of any component(s) of the counterclaim, its contentions as to those components of the counterclaim it does not accept;
 - b) all statements of evidence and copies of all documents, including legal precedents, expert witness reports, on which it relies;
 - c) any objections it wishes to make to the Respondent's statements, comments on the Respondent's expert report(s) (if submitted by the Respondent) and explanations for the objections;
 - d) its written submissions on the legal and factual issues involved in the counterclaim.
9. Within 14 days of the Claimant making its Statement of Defence to the Counterclaim, the Respondent may make a replying submission by providing both the Claimant and the Arbitrator with:
- a) a written Statement in Reply to the Claimant's submissions, including its reply as to the nature of the dispute, the issues (both factual and legal) and its contentions in relation to the issues;

- b) all statements of evidence and copies of documents in response to the Claimant's submissions;
- c) any expert report in response to the Claimant's submissions;
- d) any objections to the statements of evidence, expert reports or other documents submitted by the Claimant;
- e) its written submissions in response to the legal and factual issues involved.

Procedure

- 10. The Arbitrator shall make an award on the substantive dispute based solely on the written material submitted by the parties unless the Arbitrator decides that a hearing is necessary to explain or resolve any matters.
- 11. The default position is that there will be no hearing, but either party may, within 2 days of delivery of the last submission, request a hearing giving specific reasons why it considers a hearing is required.
- 12. Within 7 days of receiving the last submission, the Arbitrator will notify the parties whether a hearing is to be held provided that any such hearing is limited to 1 day.
- 13. Within 10 days of the Arbitrator advising the parties that he will hold a hearing, the date and venue for the hearing will be fixed by agreement with the parties, save that if there is no agreement the Arbitrator shall direct a date and venue which he considers is fair and reasonable in all the circumstances. The date for the hearing shall not be less than 35 days from the date of the Arbitrator's direction confirming the date and venue of the hearing.
- 14. A decision will be made by the Arbitrator on whether there is any need for expert evidence to be submitted orally at the hearing. The default position is that there will be no expert evidence given orally at the hearing, or, if expert evidence is required by the Arbitrator, then any expert(s) attending the hearing will be asked questions by the Arbitrator.
- 15. There will be no process of examination and cross-examination of the expert, but the Arbitrator shall invite the parties to ask questions of the experts by way of clarification of any answers given by the expert(s) in response to the Arbitrator's questions. Prior to the hearing the procedure for the expert(s) will be that:
 - a) At least 28 days before a hearing, the Arbitrator will provide a list of issues to be addressed by the expert(s);
 - b) If more than one expert is called, they will jointly confer and produce a joint report or reports within 14 days of the issues being provided; and
 - c) The form and content of a joint report shall be as directed by the Arbitrator and must be provided at least 7 days before the hearing.
- 16. The Arbitrator may make other directions or rulings as considered appropriate in order to ensure that the parties comply with the timetable and procedures to achieve an award on the

substantive dispute within 6 months of the date on which he/she is appointed, unless both parties otherwise agree to an extension to the date for the award.

17. However, if a party fails to comply with the timetable or any other direction then the Arbitrator may continue in the absence of a party or submission or document, and may make a decision on the information before him/her attaching the appropriate weight to any evidence submitted beyond any timetable or direction.
18. The Arbitrator's award shall include reasons. The parties shall accept that the extent to which reasons are given shall be proportionate to the amount in dispute and the time available to the Arbitrator to deliver the award.

Arbitrator's Powers

19. The Arbitrator has all the powers of the Arbitration Act 1996, including the non-mandatory sections, save where modified by these rules.
20. Any time limits fixed in accordance with this procedure or by the Arbitrator may be varied by agreement of both parties, subject to any such variation being acceptable to the Arbitrator. In the absence of agreement, the Arbitrator may vary the timescales:
 - a) only in exceptional circumstances, and if the Arbitrator is satisfied that a variation of any fixed time limit is required in the interests of justice and then
 - b) to only a maximum additional period of 1 month.
21. On the date the award is made, the Arbitrator will notify the parties that the award is completed, signed and dated, and that it will be issued to the parties on receipt of cleared funds for the Arbitrator's fees and expenses.

Costs

22. The Arbitrator shall limit the parties' recoverable costs of the arbitration, taking account of the amount and issues in dispute. The total limit per party shall not exceed the limits set out in the RICS Information Guide current at the date of the date of the Notice of Arbitration.
23. The Arbitrator will award recoverable costs on the general principle that costs follow the event, having regard to all material circumstances, including such matters as exaggerated claims, the degree of success for different elements of the claims, claims that have incurred substantial costs, the conduct of the parties and the degree of success of a party.
24. Where the claim and a counterclaim involve connected/interrelated issues, the Arbitrator will consider the relevant costs collectively.
25. The assessment of the parties' costs will be reserved for a further award to enable the parties to agree those costs.
26. The Arbitrator's costs will be charged in accordance with the fee scale and limits set out in the schedule included in the RICS Information Guide current at the date of the date of the Notice of Arbitration.

Confidentiality

27. The parties agree that any hearings in this arbitration shall take place in private.
28. The parties and Arbitrator agree that any matters, materials, documents, awards, expert reports and the like are confidential and shall not be disclosed to any third party without prior written consent of the other party, save for any application to the Courts.

APPENDIX 3

Criteria for Inclusion on RICS Panels of Construction and Engineering Arbitrators

1.0 Introduction

- 1.1 RICS has two Panels of Construction and Engineering Arbitrators, referred to as the Select Panel and the Fast Track Panel.
- 1.2 Select Panel: This panel comprises arbitrators who are appointed to arbitrate construction and engineering disputes other than disputes coming within the scope of the Fast Track Panel.
- 1.3 Fast Track Panel: This panel comprises arbitrators who are appointed to arbitrate construction and engineering disputes under the Fast Track Arbitration Service.

2.0 Minimum criteria for inclusion on the Select Panel

- 2.1 The following are the minimum criteria for inclusion on the Select Panel:
 - a. The candidate will normally be expected to be a Fellow of the Chartered Institute of Arbitrators (Arbitrator Pathway) OR have passed the RICS Diploma in Arbitration; and
 - b. The candidate must have held his or her primary professional qualification for at least 10 years; and
 - c. The candidate must have substantial experience as a dispute resolver in construction and engineering disputes; and
 - d. The candidate must have complied with the relevant CPD requirements set out below.
- 2.2 “The candidate will normally be expected to be a Fellow of the Chartered Institute of Arbitrators (Arbitrator Pathway) OR have passed the RICS Diploma in Arbitration”
 - a. Candidates must provide a copy of their CI Arb Fellowship Certificate (Arbitrator Pathway); or
 - b. Candidates must provide the RICS Diploma in Arbitration certificate or provide details of candidate numbers to enable RICS to track records.
- 2.3 “The candidate must have held his or her primary professional qualification for at least 10 years”
 - a. Candidates must provide a copy of their certificate or other evidence of their professional qualification.

2.4 *“The candidate must have substantial experience as a dispute resolver in construction and engineering disputes”*

- a. It is up to the candidate to demonstrate that he or she has “...*substantial experience as a dispute resolver in construction and engineering disputes...*”, however as a minimum candidates will be expected to:-
 - i. Have acted as a dispute resolver in construction and engineering disputes (arbitrator, construction adjudicator, dispute board member or expert determiner) on a minimum of 30 occasions in the past five years where the process ended in an award (arbitration), decision (construction adjudication) recommendation/decision (dispute board) or determination (expert determination). **A minimum of three of these appointments must have been as arbitrator (domestic or international) and at least one of the three awards must have been a reasoned award.** For the avoidance of doubt, specific industry arbitration schemes (e.g. travel schemes) do not count, and nor do non-statutory consumer adjudication schemes such as the JCT Homeowner, FMB and tenancy deposit schemes; and
 - ii. Held oral hearings/meetings in the above proceedings totalling not less than 10 days; and
 - iii. Be on one or more of the panels of arbitrators, adjudicators, dispute board members and/or or expert determiners maintained by the professional bodies.
- b. Evidence in support of “...*substantial experience as a dispute resolver in construction and engineering disputes...*” must include the following:-
 - i. A brief description of at least 30 appointments as a dispute resolver over the past five years, **including a minimum of three arbitration appointments for which awards have been produced.** For each appointment the candidate must include: the date and type of the appointment (arbitrator, adjudicator, etc.), a description of the dispute, the form of contract, the directions, decisions, awards, etc. that he or she has issued, etc.; and
 - ii. Copies of the following, suitably anonymised: [1] one reasoned arbitration award; [2] one set of arbitral directions; and [3] a total of two of one or more of the following: an award (in addition to the reasoned award referred to at [1]), a decision, a recommendation/decision and/or a determination; and
 - iii. A brief description of oral hearings/meetings held totalling not less than 10 days; and
 - iv. Details of panel memberships and contact details for at least one panel manager who can provide a reference; and
 - v. Contact details of at least two parties and/or representatives who can provide a reference.

2.5 *“The candidate must have complied with the relevant CPD requirements”*

- a. The candidate must provide records of at least 40 hours per annum over the previous two years in any of the following categories, counting a maximum of 20 hours in any one category:
 - i. Acting as a party representative in third party proceedings;
 - ii. Acting as an arbitrator or other dispute resolver;
 - iii. Attending or presenting at relevant events.

3.0 Minimum criteria for inclusion on the Fast Track Panel

3.1 The following are the minimum criteria for inclusion on the Fast Track Panel:

- a. The candidate will normally be expected to be a Fellow of the Chartered Institute of Arbitrators (Arbitrator Pathway) OR have passed the RICS Diploma in Arbitration; and
- b. The candidate must have held his or her primary professional qualification for at least 10 years; and
- c. The candidate must have significant experience as a dispute resolver in construction and engineering disputes; and
- d. The candidate must have complied with the relevant CPD requirements set out below.

3.2 *“The candidate will normally be expected to be a Fellow of the Chartered Institute of Arbitrators (Arbitrator Pathway) OR have passed the RICS Diploma in Arbitration”*

- a. Candidates must provide a copy of their CI Arb Fellowship Certificate (Arbitrator Pathway); or
- b. Candidates must provide the RICS Diploma in Arbitration certificate or provide details of candidate numbers to enable RICS to track records.

3.3 *“The candidate must have held his or her primary professional qualification for at least 10 years”*

Candidates must provide a copy of their certificate or other evidence of their professional qualification.

3.4 *“The candidate must have significant experience as a dispute resolver in construction and engineering disputes”*

- a. It is up to the candidate to demonstrate that he or she has “...*significant experience as a dispute resolver in construction and engineering disputes...*”, however as a minimum candidates will be expected to:-
 - i. Have acted as a dispute resolver in construction and engineering disputes (arbitrator, construction adjudicator, dispute board member or expert determiner) on a minimum of 20 occasions in the past five years where the

process ended in an award (arbitration), decision (construction adjudication) recommendation/decision (dispute board) or determination (expert determination). For the avoidance of doubt, specific industry arbitration schemes (e.g. travel schemes) do not count, and nor do non-statutory consumer adjudication schemes such as the JCT Homeowner, FMB and tenancy deposit schemes; and

- ii. Held oral hearings/meetings in the above proceedings totalling not less than five days; and
 - iii. Be on one or more of the panels of arbitrators, adjudicators, dispute board members and/or or expert determiners maintained by the professional bodies.
- b. Evidence in support of “...*significant experience as a dispute resolver in construction and engineering disputes...*” must include the following:-
- i. A brief description of at least 20 appointments as a dispute resolver over the past five years. For each appointment the candidate must include: the date and type of the appointment (arbitrator, adjudicator, etc.), a description of the dispute, the form of contract, the directions, decisions, awards, etc. that he or she has issued, etc.; and
 - ii. Copies of the following, suitably anonymised: [1] one set of directions; and [2] a total of two of one or more of the following: an award, a decision, a recommendation/decision and/or a determination; and
 - iii. A brief description of oral hearings/meetings held totalling not less than five days; and
 - iv. Details of panel memberships and contact details for at least one panel manager who can provide a reference; and
 - v. Contact details of at least two parties and/or representatives who can provide a reference.

3.5 “The candidate must have complied with the relevant CPD requirements”

- a. The candidate must provide records of at least 40 hours per annum over the previous two years in any of the following categories, counting a maximum of 20 hours in any one category:
 - i. Acting as a party representative in third party proceedings;
 - ii. Acting as an arbitrator or other dispute resolver;
 - iii. Attending or presenting at relevant events.

4.0 Interview Selection

- 4.1 When RICS opens the panels to new members, candidates who comply with the minimum criteria may apply to be interviewed for inclusion on the relevant panel. Successful candidates will be invited to join either the Select Panel or the Fast Track Panel, but not both panels.

- 4.2 Candidates will be required to send to RICS:
- a. A completed skills form (DRS 12CA); and
 - b. Evidence of compliance with the relevant minimum criteria set out above.
- 4.3 A committee of at least three senior members of the construction and engineering industry with substantial experience of arbitration (“the Selection Committee”) will consider the applications and select candidates to be invited for interview. The selection process will be based on the following criteria:
- a. Compliance with the relevant minimum criteria set out above;
 - b. Evidence in the application form that:
 - i. The candidate’s appropriate skill areas have been identified; and
 - ii. The candidate is recognised in the market place as experienced in all areas set out in the skills form.
 - c. The overall suitability of the candidate including:-
 - i. The candidate’s standing in the industry; and
 - ii. The standard and professionalism of the documentation and communications submitted with the candidate’s application; and
 - iii. Any complaints against the candidate upheld by RICS; and
 - iv. Any known judicial criticism or comment.
 - d. The suitability of the candidate compared to other candidates; and
 - e. The need for panel members of the particular professional background of the candidate; and
 - f. The need for panel members in the particular geographical location of the candidate.
- 4.4 The Selection Committee reserves the right to make any decision in its absolute discretion and shall not be required to provide reasons. Candidates not selected for interview will have no right of appeal.

5.0 Interview

- 5.1 Candidates invited to apply for interview will be required to pay an interview fee, presently set at £450.00 plus VAT.
- 5.2 Written references will have been obtained by RICS prior to the interview and will be forwarded to the Interview Board. A member of the Interview Board will usually speak to the referees prior to the interview.
- 5.3 The Interview Board will comprise a chair, one assistant who will normally be a member of the Select Arbitration Panel, and one assistant who will be a lay member. The

interview will be a rigorous test of the candidate's suitability as a construction and engineering arbitrator. Candidates will be questioned on their submissions demonstrating they comply with the minimum criteria set out above, as well as the following:

- a. Knowledge and understanding of the RICS Customer Charter; and
- b. Knowledge and understanding of involvements/conflicts/bias and perceived bias; and
- c. Managing the process, including standard of documentation; and
- d. Knowledge, application and understanding of the law, including dealing with jurisdictional challenges; and
- e. Preparing an award, including identifying the issues and analytical reasoning; and
- f. Knowledge and understanding of costs; and
- g. CPD/relevant experience.

4.9 The Interview Board may also consider overall suitability including the ability and aptitude of the candidate as assessed at the interview and the candidate's standing in the industry.

6.0 Possible outcomes of the interview process

- 6.1 Pass, Select Arbitration Panel: the candidate is eligible for admission onto the Select Panel.
- 6.2 Pass, Fast Track Arbitration Panel: the candidate is eligible for admission onto the Fast Track Panel.
- 6.3 Fail: The candidate does not meet the relevant criteria for either panel or is considered otherwise unsuitable. Feedback will be given.
- 6.4 Candidates who pass will be asked to sign the RICS Service Level Agreement and invited to join either the Select Panel or the Fast Track Panel.
- 6.5 Arbitrators on the Fast Track Panel who, since joining this panel, have gained substantial experience of acting as a construction and engineering arbitrator may apply for admission onto the Select Panel. Such applications will only be considered when RICS opens the Select Panel to new members.

7.0 Appeals

- 7.1 Candidates who fail the interview will have a right of appeal. The following procedure will apply:
 - a. Any appeal must be made in writing within 28 days of the candidate receiving the feedback advising why he or she failed the interview. Failure to comply with this requirement will result in a loss of right to appeal;

- b. The appeal must include reasons why the appellant considers the original Interview Board's decision is incorrect;
- c. An appeal interview will normally take place within two months of receipt of the appeal;
- d. The Appeal Board will comprise an independent member (who will be Chair), a member of the Select Arbitration Panel and a professional from the industry who is not a panel member;
- e. The Appeal Board will be given the documentation from the original interview, including the Interview Board's reasons for deciding the candidate failed;
- f. Applicants may introduce any new documents to support their appeal, limited to addressing the reasons for failure. The new material will add to the existing material but will not replace it.
- g. The Appeal Board will make a recommendation to RICS to either confirm or vary the decision of the Interview Board. The Appeal Board may also suggest a second appeal interview, subject to the candidate first obtaining more experience, further skills and/or undergoing mentoring.
- h. Candidates who fail the appeal process will have no further right of appeal.

8.0 Re-Assessment

- 8.1 Continued listing on the Select Panel and Fast Track Panel is subject to passing re-assessments carried out at intervals of not less than three years.

RICS reserves the right to amend these criteria from time to time. In that event details will be notified to candidates.

RICS may implement charges for training and/or panel membership.