

RICS Dispute Resolution Service

Criteria for Inclusion of Construction Adjudicators on the President's Panel



Criteria for Inclusion of Construction Adjudicators on the RICS President's Panel in the UK

These criteria focus on the knowledge, skills, experience and qualifications required to join the RICS President's Panel in the UK as construction adjudicator, and to be eligible for appointments by RICS DRS.

In order to be considered for inclusion on the RICS President's Panel of Construction Adjudicators (the Panel), you must satisfy the following entry requirements:

- A professional qualification relating to your primary profession
- Minimum 10 years post qualification experience in your primary profession
- Successful completion of the RICS Diploma in Construction Adjudication (or received a full exemption as per the RICS Diploma in Adjudication exemption policy) *
- Proof of your knowledge, skills and experience required to join the Panel
- Understanding of the law relating to construction contracts
- Recognition in the market and industry sector, as reflected in your application form and referees' reports, of your active involvement and expertise in your sphere of professional practice
- Ability to demonstrate your recent active involvement in the adjudication process as either adjudicator or party representative
- Compliance with continuous professional development (CPD) requirements of your principal professional body/bodies
- Successful completion of the Familiarisation Day and the associated assignment
- Successful completion of the panel interview
- Payment of the appropriate administration fees

* Please note, if you are applying to join the construction panel and you are already on the RICS JCT Home Owner or FMB panel, you are exempt from the requirement to hold the RICS Diploma in Construction Adjudication.

Recruitment Process

The Panel recruitment is a three-stage process:

1. Desk-based review
2. Familiarisation Day with the associated assignment
3. Panel interview

1. Desk-based review

Not all candidates who satisfy the above criteria will be invited to attend the Familiarisation Day and the panel interview. Our policy is to maintain numbers on the Panel that enable RICS to meet the projected market demands for appointments of adjudicators. When recruiting new construction adjudicators, DRS will consider any actual or predicted shortage of adjudicators with particular skills, experience and/or in certain geographical locations.

During this first stage, you will be invited to complete and submit an application form together with other documents listed below.

All received applications will be reviewed by a Selection Committee consisting of external assessors against these criteria. Only candidates who can clearly demonstrate that they meet the criteria including a recent active involvement in the adjudication process as either adjudicators or party representatives and most closely fit the Panel's needs will be shortlisted. All candidates will be notified whether their application was successful or not.

The administration fee for the desk-based review is £96 (£80+VAT) which is not refundable.

For the desk-based review, you will need to send to DRS:

- A completed application form
- Professional references
- A summary of relevant experience
- CPD records for the last three calendar years
- Evidence of your successful completion of the RICS Diploma in Construction Adjudication or written confirmation that you received a full exemption as per the RICS Diploma in Adjudication exemption policy (Not applicable if you are already registered on the RICS consumer panels.)
- If applicable, proof of membership (other than RICS) e.g. a membership confirmation letter, a copy of achievement certificate
- The administration fee £96 (£80+VAT)

2. Familiarisation Day

Shortlisted candidates will be invited to attend the Familiarisation Day.

The purpose of the Familiarisation Day is to ensure that you are familiar with all the practical elements of the RICS nominations process, as well as practical elements of the adjudication process.

Following the Familiarisation Day, you will have four weeks to submit a written assignment. The assignment will be reviewed and marked. Successful candidates will be invited to attend a panel interview.

The cost of the Familiarisation Day and the panel interview is £1800+VAT (£2160). This fee will be payable before the Familiarisation Day. If you do not successfully complete the assignment, you will not be invited to the panel interview and the cost of the interview (£450+VAT) will be refunded to you.

3. Panel interview

Prior to the panel interview, you will need to send to DRS:

- A template of your standard directions that you intend to use when acting as adjudicator
- An adjudication decision that you completed in the last two years (If this is not available, a mock examination decision from the RICS Diploma in Adjudication or the Chartered Institute of Arbitrators adjudication training or a mock adjudication from other forums)
- You may be asked to submit records of any CPD that you have undertaken in 2019

The interview board will be provided with a copy of your assignment from the Familiarisation Day, the above documents and the documents you submitted to DRS for the desk-based review. The board will refer to your application form and your other submissions and have a discussion with you to determine that you understand the law, practice and procedure of construction adjudication. For more details about the panel interview, please see below guidance on panel interviews.

Guidance on the required documents

Application form

In the application form, you should provide information about your professional qualifications, your employment history and career progression, your professional experience, experience as an adjudicator or party representative as well as relevant skills, geographical coverage, the value, complexity and types of disputes in which you submit you are qualified to act as an adjudicator.

It should be clear from the information provided that your professional knowledge and experience is recognised in the applicable market and/or industry sector 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.

Information in your application form will be considered by the Selection Committee during the desk-based review to decide whether you should be shortlisted and invited to attend the Familiarisation Day.

The same application form will be also provided to the interview board and during the interview it will help the board to ask questions and assess whether you have identified your skills and experience correctly and whether the skills you profess to have are commensurate with your experience in practice.

Professional references

Your application 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 give an undertaking for the skills you have selected and your experience in the adjudication field. If they are not aware of all the skills, please supply a further referee to cover those areas. DRS will obtain written references prior to your panel interview and will forward these 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. A member of the interview panel may speak to one or more of the referees before your interview. RICS also reserves the right to make wider enquiries among your colleagues or clients etc where it regards this as appropriate.

Summary of relevant professional experience

You will need to attach to your application a summary of your working circumstances, professional experience, and experience as an adjudicator. The summary should include information about the type of work you have undertaken over the last three years. You must be able to demonstrate that you are actively involved in the adjudication process as either an adjudicator or party representative.

The emphasis should be on the recent adjudications which you have dealt with; particularly those which demonstrate your active involvement in the adjudicating field and the market and/or industry sector. You should include references to range of values in dispute, complexity and type of disputes as well as work received from parties directly and third-party appointments received through membership of other panels. The summary should be maximum 750 words and should complement sections 5, 6 and 7 of the application form.

CPD

You will need to submit evidence that you have complied with CPD requirements of your principal professional body/bodies in the last three calendar years (2018, 2017, 2016). In addition, before your panel interview, you may be asked to submit records of any CPD that you have undertaken during 2019.

During the desk-based review the Selection Committee will consider the quantity, quality and relevance of your CPD. Your CPD records should include a breakdown of your CPD (i.e. number of hours and name of the activity). Your records should clearly show how your CPD is relevant your field of professional expertise, adjudication and the dispute resolution field. Your CPD should include targeted formal training.

Useful information about CPD qualifying activities, formal and informal CPD can be found on www.rics.org/cpd

If you are not an RICS member and the CPD requirements of your professional body are less than 20 hours per calendar year, please supply details the CPD requirements of your professional body together with your CPD records.

During the panel interview, the interview board may discuss your CPD records and their relevance with you.

(RICS members can download their CPD records from the RICS website www.rics.org/cpd)

Adjudication decision

Before your panel interview, you will need to submit one adjudication decision that you completed in the last two years. (Please note, we cannot accept a draft decision from a live case, a decision that is not UK statutory adjudication or a decision where you were only a co-author). If you have not prepared an adjudication decision in the last two years, you can submit the mock decision that you submitted as part of your final exam for the RICS Diploma in Adjudication or the Chartered Institute of Arbitrators adjudication training) or a mock adjudication from other forums.

Guidance on panel interviews

During the panel interview, the interview board will ask probing questions and test your knowledge on *inter alia*:

Familiarisation Day assignment

The assessors will be provided with a copy of your assignment. The assessors may discuss with you your answers in more detail, in particular, your answers to the questions which achieved lower marks.

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;

- have an understanding of the law relating to construction contracts
- 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. You must be able to discuss the general principle that costs follow the event and when it is appropriate to depart from that rule.

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 application form;
- any disclosure or critique made by a referee.

For the possible outcomes of the assessment 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 prospective panellists before they are invited to join the Panel must sign and comply with the Service Level Agreement between DRS and the panellist. A copy is available upon request.

Adjudicators on the Panel are subject to continuous training and regular reassessments. For further details, please refer to the Criteria for Continuous Training and Reassessment of Adjudicators on the RICS President's Panel available on rics.org/drs

RICS does not guarantee a quota of appointments for panellists.

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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