

ICE Dispute Resolution Register: Welcome Guide

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Foreword and Introduction



**ICE Dispute Resolution Committee Chair,
Mr James Golden**

Welcome to the register

Welcome to the ICE Dispute Resolution Register. The purpose of this guide is to go through the how the ICE Dispute Resolution Service (DRS) works in partnership with the ICE Dispute Resolution Committee (DRC). In addition, the guide will inform you how the ICE nomination process works and the Continuing Professional Development you will be expected to undertake. To assist you the appendix to this guide, consist of a number of useful ICE DRC procedures.

If you have any questions which this guide is unable to answer, please do contact the ICE Dispute Resolution Service team via disputes@ice.org.uk

We look forward to working with you

ICE Dispute Resolution Service team

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The Dispute Resolution Committee and the Continuing Professional Development Committee

The ICE Dispute Resolution Committee

Chair

James Golden, Director, Quigg Golden

Vice Chair

Patrick Waterhouse, Director, Bowdon Consulting

Committee Members

Robert Evans, Barrister, Keating Chambers

Susan Francombe, Director, The Business of Building

Susan Lindsey, Barrister, Crown Office Chambers

William Edwards, Director, W J Edwards & Associates Ltd

Colin Loughran, Director, Loughran Associates Limited

Louise Hall, Consultant, Independent Commercial Advisor

Suryen Nullatamby, Senior Associate, Birkett Long LLP

Alexander Webster, Managing Consultant, Blackrock Expert Services

Donny Mackinnon, Director, Mackinnon Consult Ltd.

The role of the ICE Dispute Resolution Committee (DRC)

The ICE Dispute Resolution Committee's main objective is to maintain and enhance the ICE's reputation as a learned society and provider of services in the field of construction dispute resolution. This is further outlined in the - ICE Dispute Resolvers Code of Conduct on page 17

The ICE is concerned to maintain the highest standards of performance by each Registered Person and has charged the ICE Dispute Resolution Committee (DRC) with the task of monitoring the performance of each Registered Person. ¹

¹ ICE Dispute Resolvers Code of Conduct

The ICE Continuing Professional Development Committee (CPDC)

Chair

William Edwards, Director, W J Edwards & Associates Ltd

Committee Members

Stephen Lelliott, Director, Bezzant Ltd

Robin Gupta, Director, Robin Gupta Consultants Ltd

John Nicolson, Principal, Nicolson & Co

Howard Klein, Director, Klein Consult Ltd

Don Rogers, Director, Contractual Insight Ltd

Richard Bayfield, Director, Bayfield Associates Ltd.

Nigel Davies, Director, Davies & Davies Associates Ltd

Sean Callan, Director, Sean Callan & Associates

Barry Manie, Director, Petworth Consultancy Services Ltd.



Steps to becoming an ICE Dispute Resolver

The ICE Dispute Resolution Committee maintain the following registers:

- ICE Adjudication register²
- ICE Low Value Adjudication register³
- ICE Arbitration register⁴
- ICE Conciliators register⁵
- ICE Mediators register⁶

Each of the above registers has an application and procedure document which outlines the specific requirements for that register. Please find further details within the appendices to this document.

Joining the registers

For those wishing to join the ICE registers the following examinations are a requirement for all, ICE Law and Contract examinations, Module 1* and 3.

Module 1 Law Exam: Divided into Law of Contract, Law of Tort and Law of Evidence. The Module 1 exam is designed to give you a solid understanding of the legal framework in which the Conditions of Contracts sit.

Module 3 Advanced NEC Contract Management Exam: This exam covers a similar syllabus to ICE Law and contract Module 2 NEC exam, it is set at a much higher level and includes “sample” contractual provisions from familiar non-NEC contracts such as the ICC, FIDIC and JCT. It's aimed at experienced professional service providers.

ICE Adjudicators Qualifying Examination: The adjudicator's exam tests your level of knowledge around the law and procedure of adjudication. It focuses on the ICC Conditions of Contract and NEC Contracts.

Please find further information on the ICE Law and Contract examinations through the ICE website: [Law and contracts | Institution of Civil Engineers \(ICE\)](#)

*Please note: applicants with legal qualifications can seek an exemption for the Module 1 law examination, from the ICE Dispute Resolution Committee. This exemption is available for all registers.

² ICE Adjudication application and procedure

³ ICE Adjudication application and procedure

⁴ ICE Arbitration application and procedure

⁵ ICE Conciliator and Construction Mediator application and procedure

⁶ ICE Conciliator and Construction Mediator application and procedure

The ICE Mentoring and Shadowing Scheme

The ICE Mentoring and Shadowing scheme is open to prospective ICE Adjudicators (both at the pre-exam stage and post the admission to the register) who are looking to further their experience in Adjudication and to meet the standards required of ICE Adjudicators. The Schemes place prospective Pupils in touch with a member of the ICE Register of Adjudicators, this aims to fill the gap of further study through experience and for the prospective Adjudicators to develop the key necessary skills. The Scheme is divided into the following two sections:

ICE Dispute Resolution Shadowing Scheme

For pupils looking to complete the ICE Adjudicators exam within the next 1-2 years and with a demonstrable background of training, education or qualification in adjudication or a related subject.

ICE Dispute Resolution Mentoring Scheme

For pupils who have completed the ICE Adjudicators' exam.

Confidentiality

Parties to adjudications rightly have expectations of confidentiality in their dealings with adjudicators and pupils. In the shadowing scheme the Mentor must seek written confirmation from the parties that the parties are willing for the Pupil to be involved. In addition, the Mentor must confirm with the parties the role of the Pupil and ensure that all proceedings are confidential Pupils will also be required to commit to treating all information as confidential under both Schemes. There will be no charge to the parties for the involvement of the Pupil in the shadowing scheme nor the Mentor in the mentoring scheme.

Ending the Mentorship?

We recognise that in some instances the mentorship may not be suitable for either party, as this is an informal process the mentorship can be ended by either party for any reason. Here are some examples:

- The matching is unsuitable
- Either the Pupil or the Mentor are unable to commit the suitable amount time need for the scheme.
- The Pupil is not receiving the support they expected
- The Pupil has completed all decisions and therefore the mentorship has ended

How to become a Mentor

If you are interested in Mentoring please register your interest with the ICE Dispute Resolution Service (DRS) who will match you with an appropriate Pupil. Within your email please outline your experience with mentoring and any pupils you have previously mentored. Please contact the DRS on disputes@ice.org.uk, should you have any question or need support with an ongoing mentoring scheme please the DRS on T: +44 020 76652424

Please note that Mentoring will count towards your annual ICE Dispute Resolution CPD requirement.

Once matched to a Mentor the Pupil is responsible for contacting the Mentor and organising the subsequent meetings. It is advised that an introductory meeting take place first, typically via video call to establish the Pupils aims of the mentorship, manage expectations and discuss over what period of time the Pupil is expected to produce three decisions. Following this initial discussion both parties will agree to meet again once the Pupil has completed their first decision.

Please find further details of the scheme within the ICE Dispute Resolution Mentor and Pupillage Scheme, within the appendix page 53⁷

⁷ ICE Dispute Resolution Mentor and Shadowing Scheme

Nominations: How the ICE nomination process works

The ICE receives nominations from outside parties through the completion of the ICE Application for Dispute Resolution, these are sent through to disputes@ice.org.uk. The nomination fee is £420 including VAT, the fee for Low Value Disputes is £300 including VAT. The application form for nomination is accessible within the appendix page 63⁸.

The ICE maintain a public register of its dispute resolvers, parties are welcome to contact these dispute resolvers directly if they wish. This list is continually updated by the ICE DRS. Please access the register here: [ICE Dispute Services | Institution of Civil Engineers \(ICE\)](#)

Please contact the ICE DRS via email disputes@ice.org.uk. If any of your information is incorrectly listed.

The Cab rank

The ICE uses a Cab rank to nominate all dispute resolvers, this allows for impartiality throughout the nomination process. Upon your entry onto the ICE Dispute Resolution register, you will be entered into the Cab rank. Once an application is received, the DRS, will use the register to filter those who meet the specifications required for the nomination.

The nomination

Upon receipt of an application, the DRS will look to the Cab rank to identify the first registered member within the rank who fulfils the required specifications. The DRS will then work through the Cab rank until an available dispute resolver is found

The DRS will call each member to ascertain their availability and their initial thoughts on their conflicts. From this a nomination email is sent asking the member for their availability and for them to declare that they are not conflicted for this nomination. Within the nomination email the DRS will identify the parties and attach all the documents provided. The required specifications will be highlighted in bold. If there is a particular requirement which is not within the ICE application form, the DRS will ask the dispute resolver to confirm that they have the relevant experience.

⁸ ICE Application for Dispute Resolution

The email will outline the ICE Conditions, a link to a post adjudication survey will be accessible within the email, please ensure this is completed.

Example email from the ICE

Attached ICE Dispute Resolvers Code of Conduct, Relevant documents provided from Parties

Good afternoon XX

*Further to our conversation this morning, I am emailing to enquire if you are available to adjudicate in the matter of **Party A v Party B***

Please find attached the application for the nomination of an adjudicator for the parties, along with any relevant documents provided.

*The parties are looking for an adjudicator with experience in the following areas: **Civil Engineering, Quantum/Valuation, Groundwork-Drilling.***

Please confirm if you are available to act as adjudicator, have the required expertise, are able to complete the reference within 28 days and that you are not aware of any conflict of interest with either party.

On receipt of your confirmation, I will proceed with your appointment.

Please also find attached the ICE Dispute Resolvers code of conduct.

The ICE conditions are outlined below-

- 1. The administrative cost for this Application is £ 350 + VAT where applicable @ 20% = £420.00. The application fee is non-refundable.*
- 2. The ICE will make a selection upon the Application of any person. The validity of the Application will not be investigated.*
- 3. In making this Application the Applicant undertakes to meet the reasonable charges of the person selected by the ICE pursuant to this Application should the adjudication not proceed*
- 4. If the validity of the Application is challenged then the person selected and the parties involved must resolve the challenge*
- 5. Neither the ICE nor its servants or agents nor its members shall be liable to any party for any act omission or misconduct in connection with any selection or appointment made or any proceedings conducted in consequence of this Application.*
- 6. If the application relates to a new dispute on a contract where an adjudicator has previously been appointed, the ICE may reappoint the same adjudicator unless both parties are in agreement not to reappoint. Evidence of any such agreement shall be attached to the application.*
- 7. If either party raises objections to the appointment of any particular adjudicator, valid reasons must be put forward. The ICE can overrule the objection.*

Should you take up this adjudication, please follow this link to complete a short survey upon completion of this adjudication:

<https://forms.office.com/Pages/ResponsePage.aspx?id=lytNEaf8iUCf1yOrA68aetE9WwWXpHVJu9-sYEI1h6ZUMkhQNU44WDNFRk9BVFIURVQ0ME5CNDFFNS4u>

I look forward to hearing from you.

Kind regards

DRS

The nomination email: response

There are three main areas the ICE Dispute resolver will need to confirm within their response email.

- Their availability for the appointment and that if required they can complete the Decision within 28 days.
- Their competency, based on the required specification outlined by the parties that they have necessary knowledge and expertise to be the dispute resolvers.
- That after completing conflict of interest checks, that they have no known conflict of interests with either parties or their representatives.

If a conflict of interest is declared, the ICE DRS will place the dispute resolver back into the CAB rank. This dispute resolver will be renominated shortly.

Example response from dispute resolver:

Dear ICE DRS

Thank you for your enquiry regarding an adjudication between Party A v Party B

I am pleased to confirm as follows

- *I have no known conflict of interest with either party or the works, as all are unknown to me*
- *I am available and willing to accept a nomination and act as Adjudicator in the dispute and am able to complete the Decision within 28 days*
- *Based on the Notice of Adjudication I can confirm that I am competent and have the necessary knowledge and expertise to act as Adjudicator and that I have significant experience in both drilling and ground works.*

I await my nomination as Adjudicator by the ICE

The nomination email: response

Once the appointment is completed, the nominated dispute resolver will be required to complete the post adjudication feedback questionnaire: <https://forms.office.com/Pages/ResponsePage.aspx?id=lytNEaf8iUCf1yOrA68aetE9WwWXpHVJu9-sYEI1h6ZUMkhQNU44WDNFRk9BVFIURVQ0ME5CNDFFNS4u>

Post Nomination

ICE Conditions

1. The ICE will make a selection upon the Application of any person. The validity of the Application will not be investigated.
3. In making this Application the Applicant undertakes to meet the reasonable charges of the person selected by the ICE pursuant to this Application should the adjudication not proceed.
4. If the validity of the Application is challenged then the person selected and the parties involved must resolve the challenge.
5. Neither the ICE nor its servants or agents nor its members are liable to any party for any act omission or misconduct in connection with any selection or appointment made or any adjudication conducted in consequence of this Application.
6. If the application relates to a new dispute on a contract where an adjudicator has previously been appointed, the ICE may reappoint the same adjudicator unless both parties are in agreement not to reappoint. Evidence of any such agreement must be attached to the application.
7. If either party raises objections to the appointment of any particular adjudicator, valid reasons must be put forward. The ICE can overrule the objection.



ICE Continual Professional Development requirements

The role of the ICE Continuing Professional Development Committee

The ICE Continuing Professional Development Committee is to support the ICE Dispute Resolution Committee, by reviewing the annual appraisals and undertaking 5-year reviews for all ICE registered members.

The Committee monitors the performance of each Registered Person

- *by ascertaining their diligence in undertaking appropriate continuing professional development,*
- *by periodically reviewing their performance in actual dispute resolution so far as may be ascertainable in the light of the over-riding requirement of confidentiality and*
- *by considering complaints about the manner in which they have handled a particular dispute.*¹⁰

How to complete the Annual CPD return.

The ICE CPD annual return is formatted as an excel document and completed in a yearly cycle July to June.

A minimum of 24 hours CPD is required for each registered member each year. This falls into 3 categories:

- Practical Dispute Resolution experience consists of a minimum of 8 hours (only 4 of which may be claimed for advising parties)
- Training consists of a minimum of 16 hours and includes other appropriate CPD elements.
- Other Dispute Resolution experience and NEC knowledge

In addition, ICE Dispute Resolvers must complete the following:

- demonstrate that they have satisfied the minimum Continuing Professional Development (CPD) requirements,
- have conducted sufficient referrals to justify remaining on the Register and
- continue to be a Fellow of the appropriate Institution
- attend the Annual ICE Alternative Dispute Resolution Event, once every 3 years.
- Failure to comply with the annual CPD requirements may result in the register member being suspended or removed from the register/s.

¹⁰ ICE Dispute Resolvers Code of Conduct

- Failure to submit CPD returns on time will result in the register member being ineligible for nomination through the ICE until their returns are submitted and reviewed by the relevant committee.

It is vital that ICE Dispute Resolvers who are included in one or more of the ICE Dispute Resolution Registers, maintain their knowledge and experience and keep up to date with developments in the laws affecting dispute resolution and general best practice. This supports the ICE to maintain the highest quality of expertise on its registers, failure to complete the CPD return will result in removal from the register.

Please see details of the ICE CPD Committee members on page 4 of this document.

Please find the annual CPD return form within page 48 of the appendices¹¹¹²

CPD guidance: 5 Year review

What's involved?

The ICE requires each registered member to understand a peer review every 5 years, wherein the CPD Committee provide feedback on an anonymised Decision or Award, all aspects of the dispute resolution proceedings are kept confidential.

The review will be undertaken by three monitors from the ICE CPD Committee and take place in person and should last no longer than 1 hour.

Upon completion of the review, the monitors will complete and sign the 5 Year Review Report. The chair must record the Register Member's overall performance over the five years as "Satisfactory" or "Not Satisfactory". Where appropriate, the chair will set out any recommended action to be taken, if a "Not Satisfactory" decision is agreed the Register Member may be asked to undertake a further 5 year review and, or may be suspended or removed from the Register

The review process requires the registered member to provide the following documents:

- asked to submit a copy of an anonymised Decision or Award with reasons, delivered within the previous two years, together with the relevant Notice of arbitration or adjudication, also anonymised.
- The names of the parties must be blanked out from the documents or disguised by substituting fictitious alternatives before submission. Any other information, such as a specific site name or location, likely to identify the parties must also to be blanked out or disguised.
- asked to provide a report on any court cases, in which they are aware, relates to the member's Decisions or Awards within the past 5 years, giving details of any judicial comment published in relation to any dispute in which the Register member was appointed.

The purpose of the 5 yearly review is to

¹¹ ICE DRC Annual CPD Return

¹² Example ICE DRC Annual CPD Return

- provide assurance to users that the Register Member has kept up to date with developments in the law and the relevant discipline of dispute resolution, and remains competent using a process which is robust but proportionate;
- consider feedback from parties and any judicial comment on the performance of the Register Member;
- provide support and guidance to the Register Member, identifying any areas for improvement, and
- learn lessons which could be applied for the benefit of all Register Members.

The process of review involves

- consideration of an anonymised version of a reasoned Decision or Award published by the Register Member in a recent dispute, within the last two years (together with the relevant Notice of adjudication or arbitration)
- consideration of professional development returns submitted by the Register Member over the five-year period
- consideration of judicial comments on any Decision or Award published by the Register Member within the past five years,
- consideration of any feedback, including any complaints upheld or pending, received by DRS from parties or representatives within the past five years, and
- a review meeting with the Register Member

Please find the 5 Year Review procedure within page 43 of the appendices. ¹³

Complaints procedure

The Dispute resolution Committee's role is to maintain the highest standards of performance by each Registered Person, through the task of monitoring the performance of each Registered Person. Part of this monitoring is completed by the ICE Continuing Professional Development Committee. However, from time to time, complaints about a registered member or the ICE DRS are received. In this instance the Chair of the Dispute Resolution Committee looks to the ICE DRC Complaints Procedure to aid them:

*The Dispute Resolution Committee is committed to maintaining the highest standard in its Neutrals and it welcomes comments on both its performance and those of the Neutrals it allows on its Registers. It takes criticism of the conduct of those on its Registers seriously.*¹⁴

As directed by the ICE DRC Complaints procedure, all complaints are sent to disputes@ice.org.uk. Upon receipt of a complaint the DRS will begin the complaints process which is outlined further in the procedure available on page 56.

¹³ Example ICE DRC 5 Yearly Review Procedure Report

¹⁴ ICE DRC Complaints Procedure

It is important to highlight to registered members that the Dispute Resolution Committee takes complaints seriously. The purpose of the procedure is to maintain the standards of practice of those on the ICE Registers, in addition the procedure is not intended to be a means of providing a remedy to the Complainant or to assist the Complainant in any subsequent dispute resolution process.

Leaving the register

ICE Dispute resolvers are permitted to leave the ICE Registers at any time, however written notice must be given to the DRS. Please send your email to disputes@ice.org.uk and address your email FAO Natasha Davies, Professional Services Manager.

Retirement

For those wishing to retire, please notify the ICE DRS, as above please giving at least 1 months' notice.

Age requirement

The ICE Dispute Resolution Committee, agreed at its meeting on 13th September 2016 that all ICE Registered adjudicators, arbitrators and mediators aged 75 years and above would cease to be eligible for nominations by the ICE Dispute Resolution Service. This was prompted by various issues including:

1. comments from parties to ICE nominated members
2. five year reviews and
3. succession management.

Upon turning 75 registered members will be invited to join the Honorary Register as an Honorary member, therein they will remain on the ICE Dispute Resolution Register but will not receive any appointments from the DRS. Registered members who turn 75 in the subsequent year, will be invited to join the register as an Honorary Member. Upon their agreement the ICE will publish the members Curriculum Vitae into the Honorary Member register.

Honorary Members will be exempt from any annual CPD requirements and will not be required to attend a 5-year review. In addition, there will be no annual charge for members retaining the status of Honorary Member. This register is available on the ICE website and external parties will be able to access the Honorary register and contact members direct to seek expertise and appoint by agreement.



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DISPUTE RESOLVERS CODE OF CONDUCT

1 Aims and Objectives

- 1.1 The Institution of Civil Engineers (the ICE) maintains a register of adjudicators (the Register) giving the names and details of each person admitted to the Register who is willing to act as an adjudicator in the resolution of disputes (Registered Person).
- 1.2. The ICE is concerned to maintain the highest standards of performance by each Registered Person and has charged the ICE Dispute Resolution Committee (DRC) with the task of monitoring the performance of each Registered Person.
- 1.3 The Committee monitors the performance of each Registered Person
 - by ascertaining their diligence in undertaking appropriate continuing professional development,
 - by periodically reviewing their performance in actual dispute resolution so far as may be ascertainable in the light of the over-riding requirement of confidentiality and
 - by considering complaints about the manner in which they have handled a particular dispute.
- 1.4 This Code is used by the Committee as a guide to the minimum standard of conduct to be achieved by each Registered Person.

2 Information on the Register

- 2.1 A Registered Person provides the ICE with details of their experience and qualifications for publication on the Register. A Registered Person updates their details periodically and when they change to allow the ICE to maintain the Register. The details enable the competence and suitability of the Registered Person to be assessed by those seeking to nominate or appoint them to act as adjudicator.

3 Continuing Professional Development

- 3.1 A Registered Person undertakes continuing professional development in accordance with the requirements of the ICE as published from time to time or as advised by the ICE.

4 Appointment

4.1. Before accepting any appointment as adjudicator the Registered Person shall carefully consider and ensure so far as possible that;

- they are competent to handle the dispute with particular reference to the scope and specialisms required,
- they are able to handle and to properly discharge their duty as an adjudicator within the required timescale having regard to holidays or other commitments and
- that they know of no circumstances in which a reasonable person observing those circumstances would perceive a real possibility of them being biased, unless it relates to circumstances that they have disclosed to the parties and they have not objected.

4.2 Where the appointment is made by the ICE the Registered Person will be required to make a declaration to this effect. In the event of any doubt, the Registered Person should decline the appointment from whatever source.

5 Conduct

5.1 When and however appointed to act as adjudicator, the Registered Person shall

- act promptly, conscientiously, diligently and with competence and take all reasonable and practicable steps to avoid unnecessary expense; and in particular,
- maintain adequate records to support the fees and expenses they charge
- apply a charging rate that is appropriate to their normal professional activities having regard to the scope and complexity of the matters in dispute,
- inform the parties and carefully consider the cost and necessity before taking external advice,
- assess expeditiously all submissions properly made to them in accordance with the relevant adjudication procedure,
- inform the parties should it become apparent that they will not be able to discharge their duty within the time required,
- inform the parties should they become aware of circumstances which a reasonable person observing those circumstances, might conclude that there was a real possibility that they were biased and
- promptly give directions to, or request consent from, the parties for the conduct of the adjudication which allow the Registered Person to discharge their duty as adjudicator whilst allowing the adjudication to proceed fairly, expeditiously and economically.

Dispute Resolution Register of Arbitrators requirements and application procedure

Introduction

This is a guide to applying for the ICE Register of Arbitrators, your application will be considered by the Dispute Resolution Committee (DRC) who meet quarterly each year.

The Institution of Civil Engineers (the ICE) acts as an arbitrators nominating body and maintains a Register of Arbitrators and Dispute resolvers for this purpose (the Register). Admission to the Register does not guarantee that any nominations will follow.

The Requirements within this procedure include the examinations which must be passed, qualifications which must be obtained and knowledge that must be demonstrated for acceptance onto the Register. Applicants who have not yet obtained all of these may still apply to DRC for a decision on whether they meet the other requirements. Exceptionally, candidates may be interviewed before all the requirements are met and provisionally accepted to onto the Register subject to obtaining the missing requirement or may be granted an exemption for any of the requirements at the DRC's discretion.

Those who wish to qualify for the Register but do not yet meet the requirements are invited to contact the Dispute Resolution Services for advice on training and support. Please email: disputes@ice.org.uk or contact us by telephone on: +44 (0)20 7665 2424

Admission requirements

Applicants must demonstrate sufficient knowledge of the relevant procedural and substantive law and of construction and engineering matters, and have sufficient skill and gravitas to conduct arbitrations to the high standards set by the ICE. **The DRS welcomes enquiries from potential candidates who consider they are suitable for admission to the Register but whose career path has been different to that described. The DRC seeks to actively promote equality, diversity, and inclusion in its Registers.**

The specific requirements are:

- be a Fellow of the Institution of Civil Engineers or the Chartered Institution of Civil Engineering Surveyors
- have passed the following examinations, unless granted exemption:
 - ICE's Law and Contract management examination, module 1 - Exemptions from this requirement will usually be granted to applicants who have obtained a degree in law or an MSc in Construction law, or passed the equivalent CI Arb examinations.

- ICE's Law and Contract management examination, module 3; and
- CIArb Module 4 Award writing examination
- Having sufficient experience and seniority to discharge the duties of an arbitrator. This is usually only achieved by:
 - having managed, or supervised engineering or construction works for a period of at least 10 years
 - being a solicitor or barrister of over 20 years post qualification experience, who has specialised in construction law for over 10 years;
 - demonstrating a continuing involvement in engineering or construction matters at a senior level.
- Have detailed working knowledge of at least one or more of the following contracts:

NEC	IChemE	FIDIC
ICC	ACE	RIBA
PFI	MF/1	JCT
- Demonstrate a detailed knowledge of Arbitration Act 1996, and or Arbitration (Scotland) Act 2010
- Demonstrate an appreciation of
 - hazard and risk assessment,
 - the factors that affect construction costs,
 - investigations,
 - design,
 - construction and fabrication methods,
 - programming and
 - assessment of delay and associated costs.
- Provide information detailing their experience in arbitration and other dispute resolution.
- Provide two references to support their application.

Completing the online application

To apply for the ICE Register of Arbitrators, you must complete and submit all sections of the application form along with your CV and details of your Continuing Professional Development (CPD). Please send your completed application form to disputes@ice.org.uk

CV

Your CV should be more than 2 pages of A4 and should focus on your experience within a dispute resolver role. It should include details of your roles and personal responsibilities, the scale of your operations and team sizes. You should also add the scale and value of works for major projects, or areas for which you have or have had responsibility.

Continuing Professional Development (CPD)

Your CPD should highlight issues, including knowledge and understanding of adjudication procedures and evidence that you have passed the requisite courses and examination.

As part of the assessment the applicant will be assessed on their commitment to CPD both to date and on plans for the year ahead. CPD can best be demonstrated by regular use of planning and recording documents provided by the ICE or ICES as applicable.

Applicants admitted to the Register will be required on an annual basis to;

- demonstrate that they have satisfied the minimum Continuing Professional Development (CPD) requirements,
- have conducted sufficient referrals to justify remaining on the Register and
- continue to be a Fellow of the appropriate Institution.

Referees

Applicants must supply details of two referees to support their application. References will be contacted if the applicant is called for interview.

The referees will be asked by ICE, in advance of the Applicant's interview, to state their opinion as to whether, in the context of adjudication of construction-related disputes, the Applicant.

- is capable of fair and independent judgement,
- has achieved the necessary level of knowledge and experience of construction and dispute resolution and
- possesses the necessary personal management and communication skills to conduct adjudications.

After your application has been submitted

Each application will be considered initially by the Dispute Resolution Committee (DRC) who will decide who the applicant appears to meet the qualification, examination, and experience requirements or if any waiver should be granted. The DRC may decide either;

- that the Applicant appears to meet the qualification, examination, and experience requirements (or should be granted exemption from any requirement) and that the Applicant should be invited to attend an interview upon payment of the appropriate fee or
- that the Applicant has failed to satisfy the requirements. In this case the Applicant will be informed in what manner they appear to fail to meet the requirements, and how they might be able to make good those deficiencies.
- that an applicant should be invited to attend an interview prior to completing one or more requirements.

The Interview Process

If you are required to attend an interview you will be given approximately four weeks' notice of your interview date and the names of the interview board. A non-refundable administrative fee of **£150** will be required if you are invited to attend an interview.

The interview board will confirm that the information provided within your application form meets the requirements for admission to the Register and is supported by your responses to their questioning. If you have not demonstrated sufficient evidence of a particular aspect, the interview board may frame specific questions to try and draw out knowledge and experience in that area.

On the day of the interview, you must bring with you proof of identity. This must be an official document, such as a current passport or driver's license that includes your name, signature, and a photograph.

If on being notified you know a member of the interview board personally, or feel there may be conflict of interest, you should advise the Dispute Resolution Services at disputes@ice.org.uk

The Interview is designed to explore in depth the applicant's engineering experience and knowledge of contract law and procedures. The Applicant must satisfy the Interview Board that they can understand and identify the technical, financial, and legal issues which may arise in a reference for a major construction dispute and demonstrate an ability to conduct such a reference as a sole adjudicator.

After the Interview

Applicants will be notified of the outcome in a reasonable time.

If an applicant is unsuccessful, they will be advised of the reasons, further experience and /or qualifications required before they submission will be reconsidered. When resubmitting, they will have to satisfy the new interview board that they have demonstrated all the requirements and not just those that caused the original refusal. Applicants should prepare in the same way as they did for the original assessment, taking particular attention to show in the new submission how they have addressed the concerns of the original interview board

Annual Continuing Professional Development (CPD)

Applicants admitted to the Register will be required on an annual basis to

- demonstrate that they have satisfied the minimum Continuing Professional Development (CPD) requirements,
- have conducted sufficient referrals to justify remaining on the Register and
- continue to be a Fellow of the appropriate Institution.
- In the event that CPD records are not submitted or are inadequate the DRC may consider removal from the Register.

As part of the assessment the applicant will be assessed on their commitment to CPD both to date and on plans for the year ahead. CPD can best be demonstrated by regular use of planning and recording documents provided by the ICE or ICES as applicable.

Applicants admitted to the Register will be required on an annual basis to

- demonstrate that they have satisfied the minimum Continuing Professional Development (CPD) requirements,
- have conducted sufficient referrals to justify remaining on the Register and
- continue to be a Fellow of the appropriate Institution.
- In the event that CPD records are not submitted or are inadequate the DRC may consider removal from the Register.

As part of the assessment the applicant will be assessed on their commitment to CPD both to date and on plans for the year ahead. CPD can best be demonstrated by regular use of planning and recording documents provided by the ICE or ICES as applicable.

5 yearly review

Members of the Institution of Civil Engineers Registers of Arbitrators and Adjudicators are required to undertake a review at 5 yearly intervals. In the event of adverse feedback, an upheld complaint or an unsatisfactory review, a Register Member may be required to undertake a review sooner than 5 years.

The scope of the review covers the activities of the Register Member in the discipline of dispute resolution covered by the relevant Register. A Register Member who is listed on more than one Register is required to provide only one Decision or Award for review, but all other information and the interview will be relevant to the Register, or Registers, for which there is no Decision or Award.

The purpose of the 5 yearly review isto

- provide assurance to users that the Register Member has kept up to date with developments in the law and the relevant discipline of dispute resolution and remains competent using a process which is robust but proportionate.
- consider feedback from parties and any judicial comment on the performance of the Register Member.
- provide support and guidance to the Register Member, identifying any areas for improvement, and
- learn lessons which could be applied for the benefit of all Register Members

Age requirement

The Disputes Resolution Committee have in place an Age requirement for all ICE Registered adjudicators, arbitrators and mediators aged 75 years reviewed the age distribution of existing members of the ICE Dispute resolution Registers and prompted by various issues including

1. comments from parties to ICE nominated members
2. five year reviews and
3. Succession management.

After due consideration, the DRP agreed at its meeting on 13th September 2016 that all ICE Registered adjudicators, arbitrators and mediators aged 75 years and above would cease to be eligible for nominations by the ICE Dispute Resolution Service. The Dispute Resolution Committee will not accept application from those who are aged 75 and over.

Dispute Resolution Register of Arbitrators requirements and application procedure

Introduction

This is a guide to applying for the ICE Register of Arbitrators, your application will be considered by the Dispute Resolution Committee (DRC) who meet quarterly each year.

The Institution of Civil Engineers (the ICE) acts as an arbitrators nominating body and maintains a Register of Arbitrators and Dispute resolvers for this purpose (the Register). Admission to the Register does not guarantee that any nominations will follow.

The Requirements within this procedure include the examinations which must be passed, qualifications which must be obtained and knowledge that must be demonstrated for acceptance onto the Register. Applicants who have not yet obtained all of these may still apply to DRC for a decision on whether they meet the other requirements. Exceptionally, candidates may be interviewed before all the requirements are met and provisionally accepted to onto the Register subject to obtaining the missing requirement or may be granted an exemption for any of the requirements at the DRC's discretion.

Those who wish to qualify for the Register but do not yet meet the requirements are invited to contact the Dispute Resolution Services for advice on training and support. Please email: disputes@ice.org.uk or contact us by telephone on: +44 (0)20 7665 2424

Admission requirements

Applicants must demonstrate sufficient knowledge of the relevant procedural and substantive law and of construction and engineering matters, and have sufficient skill and gravitas to conduct arbitrations to the high standards set by the ICE. **The DRS welcomes enquiries from potential candidates who consider they are suitable for admission to the Register but whose career path has been different to that described. The DRC seeks to actively promote equality, diversity, and inclusion in its Registers.**

The specific requirements are:

- be a Fellow of the Institution of Civil Engineers or the Chartered Institution of Civil Engineering Surveyors
- have passed the following examinations, unless granted exemption:
 - ICE's Law and Contract management examination, module 1 - Exemptions from this requirement will usually be granted to applicants who have obtained a degree in law or an MSc in Construction law, or passed the equivalent CI Arb examinations.

- ICE’s Law and Contract management examination, module 3; and
- CIArb Module 4 Award writing examination
- Having sufficient experience and seniority to discharge the duties of an arbitrator. This is usually only achieved by:
 - having managed, or supervised engineering or construction works for a period of at least 10 years
 - being a solicitor or barrister of over 20 years post qualification experience, who has specialised in construction law for over 10 years;
 - demonstrating a continuing involvement in engineering or construction matters at a senior level.
- Have detailed working knowledge of at least one or more of the following contracts:

NEC	IChemE	FIDIC
ICC	ACE	RIBA
PFI	MF/1	JCT
- Demonstrate a detailed knowledge of Arbitration Act 1996, and or Arbitration (Scotland) Act 2010
- Demonstrate an appreciation of
 - hazard and risk assessment,
 - the factors that affect construction costs,
 - investigations,
 - design,
 - construction and fabrication methods,
 - programming and
 - assessment of delay and associated costs.
- Provide information detailing their experience in arbitration and other dispute resolution.
- Provide two references to support their application.

Completing the online application

To apply for the ICE Register of Arbitrators, you must complete and submit all sections of the application form along with your CV and details of your Continuing Professional Development (CPD). Please send your completed application form to disputes@ice.org.uk

CV

Your CV should be more than 2 pages of A4 and should focus on your experience within a dispute resolver role. It should include details of your roles and personal responsibilities, the scale of your operations and team sizes. You should also add the scale and value of works for major projects, or areas for which you have or have had responsibility.

Continuing Professional Development (CPD)

Your CPD should highlight issues, including knowledge and understanding of adjudication procedures and evidence that you have passed the requisite courses and examination.

As part of the assessment the applicant will be assessed on their commitment to CPD both to date and on plans for the year ahead. CPD can best be demonstrated by regular use of planning and recording documents provided by the ICE or ICES as applicable.

Applicants admitted to the Register will be required on an annual basis to;

- demonstrate that they have satisfied the minimum Continuing Professional Development (CPD) requirements,
- have conducted sufficient referrals to justify remaining on the Register and
- continue to be a Fellow of the appropriate Institution.

Referees

Applicants must supply details of two referees to support their application. References will be contacted if the applicant is called for interview.

The referees will be asked by ICE, in advance of the Applicant's interview, to state their opinion as to whether, in the context of adjudication of construction-related disputes, the Applicant.

- is capable of fair and independent judgement,
- has achieved the necessary level of knowledge and experience of construction and dispute resolution and
- possesses the necessary personal management and communication skills to conduct adjudications.

After your application has been submitted

Each application will be considered initially by the Dispute Resolution Committee (DRC) who will decide who the applicant appears to meet the qualification, examination, and experience requirements or if any waiver should be granted. The DRC may decide either;

- that the Applicant appears to meet the qualification, examination, and experience requirements (or should be granted exemption from any requirement) and that the Applicant should be invited to attend an interview upon payment of the appropriate fee or
- that the Applicant has failed to satisfy the requirements. In this case the Applicant will be informed in what manner they appear to fail to meet the requirements, and how they might be able to make good those deficiencies.
- that an applicant should be invited to attend an interview prior to completing one or more requirements.

The Interview Process

If you are required to attend an interview you will be given approximately four weeks' notice of your interview date and the names of the interview board. A non-refundable administrative fee of **£150** will be required if you are invited to attend an interview.

The interview board will confirm that the information provided within your application form meets the requirements for admission to the Register and is supported by your responses to their questioning. If you have not demonstrated sufficient evidence of a particular aspect, the interview board may frame specific questions to try and draw out knowledge and experience in that area.

On the day of the interview, you must bring with you proof of identity. This must be an official document, such as a current passport or driver's license that includes your name, signature, and a photograph.

If on being notified you know a member of the interview board personally, or feel there may be conflict of interest, you should advise the Dispute Resolution Services at disputes@ice.org.uk

The Interview is designed to explore in depth the applicant's engineering experience and knowledge of contract law and procedures. The Applicant must satisfy the Interview Board that they can understand and identify the technical, financial, and legal issues which may arise in a reference for a major construction dispute and demonstrate an ability to conduct such a reference as a sole adjudicator.

After the Interview

Applicants will be notified of the outcome in a reasonable time.

If an applicant is unsuccessful, they will be advised of the reasons, further experience and /or qualifications required before they submission will be reconsidered. When resubmitting, they will have to satisfy the new interview board that they have demonstrated all the requirements and not just those that caused the original refusal. Applicants should prepare in the same way as they did for the original assessment, taking particular attention to show in the new submission how they have addressed the concerns of the original interview board

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- continue to be a Fellow of the appropriate Institution.
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As part of the assessment the applicant will be assessed on their commitment to CPD both to date and on plans for the year ahead. CPD can best be demonstrated by regular use of planning and recording documents provided by the ICE or ICES as applicable.

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- have conducted sufficient referrals to justify remaining on the Register and
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As part of the assessment the applicant will be assessed on their commitment to CPD both to date and on plans for the year ahead. CPD can best be demonstrated by regular use of planning and recording documents provided by the ICE or ICES as applicable.

5 yearly review

Members of the Institution of Civil Engineers Registers of Arbitrators and Adjudicators are required to undertake a review at 5 yearly intervals. In the event of adverse feedback, an upheld complaint or an unsatisfactory review, a Register Member may be required to undertake a review sooner than 5 years.

The scope of the review covers the activities of the Register Member in the discipline of dispute resolution covered by the relevant Register. A Register Member who is listed on more than one Register is required to provide only one Decision or Award for review, but all other information and the interview will be relevant to the Register, or Registers, for which there is no Decision or Award.

The purpose of the 5 yearly review isto

- provide assurance to users that the Register Member has kept up to date with developments in the law and the relevant discipline of dispute resolution and remains competent using a process which is robust but proportionate.
- consider feedback from parties and any judicial comment on the performance of the Register Member.
- provide support and guidance to the Register Member, identifying any areas for improvement, and
- learn lessons which could be applied for the benefit of all Register Members

Age requirement

The Disputes Resolution Committee have in place an Age requirement for all ICE Registered adjudicators, arbitrators and mediators aged 75 years reviewed the age distribution of existing members of the ICE Dispute resolution Registers and prompted by various issues including

1. comments from parties to ICE nominated members
2. five year reviews and
3. Succession management.

After due consideration, the DRP agreed at its meeting on 13th September 2016 that all ICE Registered adjudicators, arbitrators and mediators aged 75 years and above would cease to be eligible for nominations by the ICE Dispute Resolution Service. The Dispute Resolution Committee will not accept application from those who are aged 75 and over.

Dispute Resolution Register of Adjudicators requirements and application procedure

Introduction

This is a guide to applying for the ICE Register of Adjudicators, your application will be considered by the Dispute Resolution Committee (DRC) who meet quarterly each year.

The Institution of Civil Engineers (the ICE) acts as an adjudicator nominating body and maintains a Register of Adjudicators and Dispute resolvers for this purpose (the Register). The ICE has delegated responsibility for all decisions and exercises of discretion concerning admission to the Register to the DRC. Admission to the Register does not guarantee that any nominations will follow.

The Requirements within this procedure include the examinations which must be passed, qualifications which must be obtained and knowledge that must be demonstrated for acceptance onto the Register. Applicants who have not yet obtained all of these may still apply to DRC for a decision on whether they meet the other requirements. Exceptionally, candidates may be interviewed before all the requirements are met and provisionally accepted to onto the Register subject to obtaining the missing requirement or may be granted an exemption for any of the requirements at the DRC's discretion.

Those who wish to qualify for the Register but do not yet meet the requirements are invited to contact the Dispute Resolution Services for advice on training and support. Please email: disputes@ice.org.uk or contact us by telephone on: +44 (0)20 7665 2424

Admission requirements

Applicants must demonstrate sufficient knowledge of the relevant procedural and substantive law and of construction and engineering matters, and have sufficient skill and gravitas to conduct adjudications to the high standards set by the ICE. **The DRS welcomes enquiries from potential candidates who consider they are suitable for admission to the Register but whose career path has been different to that described. The DRP seeks to actively promote equality, diversity, and inclusion in its Registers.**

The specific requirements are:

- be a Fellow of the Institution of Civil Engineers or the Chartered Institution of Civil Engineering Surveyors
- have passed the following examinations, unless granted exemption:
 - ICE's Law and Contract management examination, module 1 - Exemptions from this requirement will usually be granted to applicants who have obtained a degree in law or an MSc in Construction law, or passed the equivalent CIARB examinations.

- ICE’s Law and Contract management examination, module 3; and
- ICE Qualifying examination (Parts 1 and 2) for Adjudicators
- Having sufficient experience and seniority to discharge the duties of an adjudicator. This is usually only achieved by:
 - having managed, or supervised engineering or construction works for a period of at least 10 years
 - being a solicitor or barrister of over 20 years post qualification experience, who has specialised in construction law for over 10 years;
 - demonstrating a continuing involvement in engineering or construction matters at a senior level.
- Have detailed working knowledge of at least one or more of the following contracts:

NEC	IChemE	FIDIC
ICC	ACE	RIBA
PFI	MF/1	JCT
- Demonstrate a detailed knowledge of statutory adjudication requirements and the ICE Adjudication procedure.
- Demonstrate an appreciation of
 - hazard and risk assessment,
 - the factors that affect construction costs,
 - investigations,
 - design,
 - construction and fabrication methods,
 - programming and
 - assessment of delay and associated costs.
- Provide information detailing their experience in adjudication and other dispute resolution.
- Provide two references to support their application.

Completing the online application

To apply for the ICE Register of Adjudicators, you must complete and submit all sections of the application form along with your CV and details of your Continuing Professional Development (CPD). Please send your completed application form to disputes@ice.org.uk

CV

Your CV should be more than 2 pages of A4 and should focus on your experience within a dispute resolver role. It should include details of your roles and personal responsibilities, the scale of your operations and team sizes. You should also add the scale and value of works for major projects, or areas for which you have or have had responsibility.

Continuing Professional Development (CPD)

Your CPD should highlight issues, including knowledge and understanding of adjudication procedures and evidence that you have passed the requisite courses and examination.

As part of the assessment the applicant will be assessed on their commitment to CPD both to date and on plans for the year ahead. CPD can best be demonstrated by regular use of planning and recording documents provided by the ICE or ICES as applicable.

Applicants admitted to the Register will be required on an annual basis to;

- demonstrate that they have satisfied the minimum Continuing Professional Development (CPD) requirements,
- have conducted sufficient referrals to justify remaining on the Register and
- continue to be a Fellow of the appropriate Institution.

Referees

Applicants must supply details of two referees to support their application. References will be contacted if the applicant is called for interview.

The referees will be asked by ICE, in advance of the Applicant's interview, to state their opinion as to whether, in the context of adjudication of construction-related disputes, the Applicant.

- is capable of fair and independent judgement,
- has achieved the necessary level of knowledge and experience of construction and dispute resolution and
- possesses the necessary personal management and communication skills to conduct adjudications.

After your application has been submitted

Each application will be considered initially by the Dispute Resolution Committee (DRC) who will decide who the applicant appears to meet the qualification, examination and experience requirements or if any waiver should be granted. The DRP may decide either;

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- that the Applicant has failed to satisfy the requirements. In this case the Applicant will be informed in what manner they appear to fail to meet the requirements, and how they might be able to make good those deficiencies.
- The DRP may agree that an applicant should be invited to attend an interview prior to completing one or more requirements.

The Interview Process

If you are required to attend an interview you will be given approximately four weeks' notice of your interview date and also the names of the interview board. A non-refundable administrative fee of **£150** will be required if you are invited to attend an interview.

The interview board will confirm that the information provided within your application form meets the requirements for admission to the Register and is supported by your responses to their questioning. If you have not demonstrated sufficient evidence of a particular aspect, the interview board may frame specific questions to try and draw out knowledge and experience in that area.

On the day of the interview you must bring with you proof of identity. This must be an official document, such as a current passport or driver's license that includes your name, signature and a photograph.

If on being notified you know a member of the interview board personally, or feel there may be conflict of interest, you should advise the Dispute Resolution Services at disputes@ice.org.uk

The Interview is designed to explore in depth the applicant's engineering experience and knowledge of contract law and procedures. The Applicant must satisfy the Interview Board that they can understand and identify the technical, financial and legal issues which may arise in a reference for a major construction dispute and demonstrate an ability to conduct such a reference as a sole adjudicator.

You will be asked to submit a redacted Decision as an example of your previous experience. For those who have not completed a Decision you will be asked to submit a Decision from recently completed mentoring and pupillage programme.

The ICE offer a mentoring a pupillage scheme please contacts the ICE Dispute Resolution Service for more information disputes@ice.org.uk

Annual Continuing Professional Development (CPD)

Applicants admitted to the Register will be required on an annual basis to

- demonstrate that they have satisfied the minimum Continuing Professional Development (CPD) requirements,
- have conducted sufficient referrals to justify remaining on the Register and
- continue to be a Fellow of the appropriate Institution.
- In the event that CPD records are not submitted or are inadequate the DRP may consider removal from the Register.

As part of the assessment the applicant will be assessed on their commitment to CPD both to date and on plans for the year ahead. CPD can best be demonstrated by regular use of planning and recording documents provided by the ICE or ICES as applicable.

5 yearly review

Members of the Institution of Civil Engineers Registers of Arbitrators and Adjudicators are required to undertake a review at 5 yearly intervals. In the event of adverse feedback, an upheld complaint or an unsatisfactory review, a Register Member may be required to undertake a review sooner than 5 years.

The scope of the review covers the activities of the Register Member in the discipline of dispute resolution covered by the relevant Register. A Register Member who is listed on more than one Register is required to provide only one Decision or Award for review, but all other information and the interview will be relevant to the Register, or Registers, for which there is no Decision or Award.

The purpose of the 5 yearly review isto

- provide assurance to users that the Register Member has kept up to date with developments in the law and the relevant discipline of dispute resolution, and remains competent using a process which is robust but proportionate.

- consider feedback from parties and any judicial comment on the performance of the Register Member;
- provide support and guidance to the Register Member, identifying any areas for improvement, and
- learn lessons which could be applied for the benefit of all Register Members.

Age requirement

The Disputes Resolution Committee have in place an Age requirement for all ICE Registered adjudicators, arbitrators and mediators aged 75 years reviewed the age distribution of existing members of the ICE Dispute resolution Registers and prompted by various issues including

1. comments from parties to ICE nominated members
2. five year reviews and
3. Succession management.

After due consideration, the DRP agreed at its meeting on 13th September 2016 that all ICE Registered adjudicators, arbitrators and mediators aged 75 years and above would cease to be eligible for nominations by the ICE Dispute Resolution Service. The Dispute Resolution Committee will not accept application from those who are aged 75 and over.

Dispute Resolution Register of Conciliator/Construction Mediator requirements and application procedure

Introduction

This is a guide to applying for the ICE Register of Conciliator/Construction Mediator Register, your application will be considered by the Dispute Resolution Committee (DRC) who meet quarterly each year.

The Institution of Civil Engineers (the ICE) acts as a Conciliator/Construction Mediator nominating body and maintains a Register of Conciliator/Construction Mediator and Dispute resolvers for this purpose (the Register). Admission to the Register does not guarantee that any nominations will follow.

The Requirements within this procedure include the examinations which must be passed, qualifications which must be obtained and knowledge that must be demonstrated for acceptance onto the Register. Applicants who have not yet obtained all of these may still apply to DRC for a decision on whether they meet the other requirements. Exceptionally, candidates may be interviewed before all the requirements are met and provisionally accepted to onto the Register subject to obtaining the missing requirement or may be granted an exemption for any of the requirements at the DRC's discretion.

Those who wish to qualify for the Register but do not yet meet the requirements are invited to contact the Dispute Resolution Services for advice on training and support. Please email: disputes@ice.org.uk or contact us by telephone on: +44 (0)20 7665 2424

Admission requirements

Applicants must demonstrate sufficient knowledge of the relevant procedural and substantive law and of construction and engineering matters, and have sufficient skill and gravitas to conduct Conciliator/Construction Mediation to the high standards set by the ICE. **The DRS welcomes enquiries from potential candidates who consider they are suitable for admission to the Register but whose career path has been different to that described. The DRC seeks to actively promote equality, diversity, and inclusion in its Registers.**

The specific requirements are:

- be a Fellow of the Institution of Civil Engineers or the Chartered Institution of Civil Engineering Surveyors
- have passed the following examinations, unless granted exemption:
 - ICE's Law and Contract management examination, module 1 - Exemptions from this requirement will usually be granted to applicants who have obtained a degree in law or an MSc in Construction law.

- ICE’s Law and Contract management examination, module 3; and
- Mediation training course recognized by the Civil Mediation Council
- Having sufficient experience and seniority to discharge the duties of a Conciliator/Construction Mediator. This is usually only achieved by:
 - having managed, or supervised engineering or construction works for a period of at least 10 years
 - Applicants must provide the names of projects, dates and positions held.
 - Applicants must also demonstrate that they have subsequently maintained a continuing involvement in engineering or construction works at a senior professional level and provide examples of dispute experience.
- Have detailed working knowledge of at least one or more of the following contracts:

NEC	IChemE	FIDIC
ICC	ACE	RIBA
PFI	MF/1	JCT
- Demonstrate a detailed knowledge of statutory Conciliator/Construction Mediator requirements and the ICE Conciliator/Construction Mediator Procedure.
- Demonstrate an appreciation of
 - hazard and risk assessment,
 - the factors that affect construction costs,
 - investigations,
 - design,
 - construction and fabrication methods,
 - programming and
 - assessment of delay and associated costs.
- Provide two references to support their application.
- Provide information detailing their experience in Conciliator/Construction Mediation and other dispute resolution.

Completing the online application

To apply for the ICE Register of ICE Conciliator/Construction Mediators, you must complete and submit all sections of the application form along with your CV and details of your Continuing Professional Development (CPD). Please send your completed application form to disputes@ice.org.uk

CV

Your CV should be more than 2 pages of A4 and should focus on your experience within a dispute resolver role. It should include details of your roles and personal responsibilities, the scale of your operations and team sizes. You should also add the scale and value of works for major projects, or areas for which you have or have had responsibility.

Continuing Professional Development (CPD)

Your CPD should highlight issues, including knowledge and understanding of adjudication procedures and evidence that you have passed the requisite courses and examination.

As part of the assessment the applicant will be assessed on their commitment to CPD both to date and on plans for the year ahead. CPD can best be demonstrated by regular use of planning and recording documents provided by the ICE or ICES as applicable.

Applicants admitted to the Register will be required on an annual basis to;

- demonstrate that they have satisfied the minimum Continuing Professional Development (CPD) requirements,
- have conducted sufficient referrals to justify remaining on the Register and
- continue to be a Fellow of the appropriate Institution.

In the event that CPD records are not submitted or are inadequate the DRC may consider removal from the Register.

Referees

Applicants must supply details of two referees to support their application. References will be contacted if the applicant is called for interview.

The referees will be asked by ICE, in advance of the Applicant's interview, to state their opinion as to whether, in the context of adjudication of construction-related disputes, the Applicant.

- is capable of fair and independent judgement,
- has achieved the necessary level of knowledge and experience of construction and dispute resolution and
- possesses the necessary personal management and communication skills to conduct adjudications.

After your application has been submitted

Each application will be considered initially by the Dispute Resolution Committee (DRC) who will decide who the applicant appears to meet the qualification, examination, and experience requirements or if any waiver should be granted. The DRC may decide either;

- that the Applicant appears to meet the qualification, examination, and experience requirements (or should be granted exemption from any requirement) and that the Applicant should be invited to attend an interview upon payment of the appropriate fee or
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The Interview Process

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On the day of the interview, you must bring with you proof of identity. This must be an official document, such as a current passport or driver's license that includes your name, signature, and a photograph.

If on being notified you know a member of the interview board personally, or feel there may be conflict of interest, you should advise the Dispute Resolution Services at disputes@ice.org.uk

The Interview is designed to explore in depth the applicant's engineering experience and knowledge of contract law and procedures. The Applicant must satisfy the Interview Board that they can understand and identify the technical, financial, and legal issues which may arise in a reference for a major construction dispute and demonstrate an ability to conduct such a reference as a sole Conciliator/Construction Mediator

After the Interview

Applicants will be notified of the outcome in a reasonable time.

If an applicant is unsuccessful, they will be advised of the reasons, further experience and /or qualifications required before they submission will be reconsidered. When resubmitting, they will have to satisfy the new interview board that they have demonstrated all the requirements and not just those that caused the original refusal. Applicants should prepare in the same way as they did for the original assessment, taking particular attention to show in the new submission how they have addressed the concerns of the original interview board

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As part of the assessment the applicant will be assessed on their commitment to CPD both to date and on plans for the year ahead. CPD can best be demonstrated by regular use of planning and recording documents provided by the ICE or ICES as applicable.

5 yearly review

Members of the Institution of Civil Engineers Registers of Conciliator/Construction Mediators are required to undertake a review at 5 yearly intervals. In the event of adverse feedback, an upheld complaint or an unsatisfactory review, a Register Member may be required to undertake a review sooner than 5 years.

The scope of the review covers the activities of the Register Member in the discipline of dispute resolution covered by the relevant Register. A Register Member who is listed on more than one Register is required to provide only one Decision or Award for review, but all other information and the interview will be relevant to the Register, or Registers, for which there is no Decision or Award.

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- consider feedback from parties and any judicial comment on the performance of the Register Member.
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- learn lessons which could be applied for the benefit of all Register Members.

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1. comments from parties to ICE nominated members
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3. Succession management.

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ADJUDICATION AND ARBITRATION 5 YEARLY CPD REVIEW PROCEDURE

1.0 Introduction

- 1.1 Members of the Institution of Civil Engineers ('ICE') Registers of Arbitrators and Adjudicators ("Register Members") are required to undertake a review at 5 yearly intervals. In the event of adverse feedback, an upheld complaint or an unsatisfactory review, a Register Member may be required to undertake a review sooner than 5 years.
- 1.2 The scope of the review covers the activities of the Register Member in the discipline of dispute resolution covered by the relevant Register. A Register Member who is listed on more than one Register is required to provide only one Decision or Award for review, but all other information and the interview will be relevant to the Register, or Registers, for which there is no Decision or Award.

The purpose of the 5 yearly review is to

- provide assurance to users that the Register Member has kept up to date with developments in the law and the relevant discipline of dispute resolution, and remains competent using a process which is robust but proportionate;
- consider feedback from parties and any judicial comment on the performance of the Register Member;
- provide support and guidance to the Register Member, identifying any areas for improvement, and
- learn lessons which could be applied for the benefit of all Register Members
- to provide a mechanism for review for registered members to move from the Low Value Dispute Register to the ICE Adjudication Register

The process of review involves

- consideration of an anonymised version of a reasoned Decision or Award published by the Register Member in a recent dispute, within the last two years (together with the relevant Notice of adjudication or arbitration).

- consideration of professional development returns submitted by the Register Member over the five-year period
- consideration of judicial comments on any Decision or Award published by the Register Member within the past five years,
- consideration of any feedback, including any complaints upheld or pending, received by DRS from parties or representatives within the past five years, and
- a review meeting with the Register Member.

1.3 A review will be carried out by a group of three Monitors, who are selected by the ICE Dispute Resolution Service (“DRS”) in consultation with the Chair of the ICE Dispute Resolution Committee (“DRC”), normally drawn from members of the CPD Committee (“CPDC”). DRS will also check that there is no conflict of interest as between the Monitors and the Register Member under review.

1.4 The Monitors will produce a 5 Year Review Report, for submission to CPDC for affirmation or further action, as described below. Any recommendation that a Register Member should be suspended or removed from a Register will be subject to ratification by DRC.

1.5 Correspondence with the Register Member in respect of a review will be sent from, and to the DRS. The DRS will be responsible for coordinating the administrative procedure to complete a review

2.0 Review Process

DRS will write to the Register Member in the applicable year.

- 2.1 The Register Member is asked to submit a copy of an anonymised Decision or Award with reasons, delivered within the previous two years, together with the relevant Notice of arbitration or adjudication, also anonymised. The names of the parties must be blanked out from the documents or disguised by substituting fictitious alternatives before submission. Any other information, such as a specific site name or location, likely to identify the parties must also to be blanked out or disguised. All aspects of the dispute resolution proceedings are kept confidential.
- 2.2 The Register Member is also asked to provide a report on any court cases, of which he or she is aware, relating to the member’s Decisions or Awards within the past 5 years, giving details of any judicial comment published in relation to any dispute in which the Register member was appointed.
- 2.3 A Register Member who has not made a reasoned Decision or Award within the previous two years must explain why and return one from within the previous five years for consideration by the Monitors. If a reasoned Decision or Award has not been made within the previous five years the Register Member must provide an explanation which will be reviewed at the next CPDC meeting. In the absence of an explanation that the CPDC considers is satisfactory, the CPDC will recommend to the DRC that the Register Member should automatically be suspended from

the relevant Register until the Register Member has undertaken the training deemed necessary by the CPDC before being re-admitted to the Register.

- 2.4 The Register Member must provide the anonymised Decision or Award and Notice, and any reports of court cases or explanations of inactivity, within four weeks of being requested to do so by DRS.

3.0 The Monitors

- 3.1 DRS will ask members of CPDC to confirm their availability to act as Monitors and advise if they are willing to act as chair at the interview. Where insufficient CPDC members are available at the time, one or more DRC members may be co-opted. DRS releases the names of the Monitors and the Register Member to each other to check for conflict of interest. If a perceived or actual conflict of interest is identified, the relevant Monitor must stand down and take no part in the review.
- 3.2 Persons appointed to act as Monitors must consider if there is an actual or potential conflict of interest, whether for actual or perceived lack of independence or neutrality or of bias. This includes (but is not limited to) circumstances where a Monitor is connected with the Register Member as a friend, family member, business partner or associate, or where the Monitor is involved in any matter involving the Register Member.
- 3.3 Once three Monitors with no conflict of interest confirm their availability, DRS will nominate one Monitor as chair and issue each Monitor with a copy of the following documents:
- the anonymised Notice and Decision or Award (if available) together with a copy of this Procedure;
 - feedback received by DRS from parties or representatives, including any complaints upheld and pending within the past five years;
 - the annual CPD reviews for the five year period in question (or since admission to the Register if less) or, if appropriate a statement from the Register Member explaining the lack of a recent Decision or Award, and

the report on court cases, if any, relating to the Register Member's Decisions or Awards within the past five years.

- 3.4 Only DRS and the Monitors receive copies of the anonymised Notice and Decision or Award. Monitors give a deemed undertaking not to copy or disclose any details of any Decision to be reviewed. Reviews will remain strictly confidential except on appeal by the Register Member and those involved in the review and members of CPDC and DRC. In the event of a recommendation to suspend or remove a Register Member from the Register, the anonymised Notice and Decision or Award may also be made available to DRC members considering whether to ratify the recommendation.

- 3.5 Before each yearly review cycle, the chair of CPDC arranges for the briefing of persons who are likely to be appointed as chair of Monitors' groups in order to refresh them on the Procedure, with a view to maintaining the consistency of its application. So far as is reasonably practicable, the briefing will take place in one session. Before an interview is held by a group of Monitors, the appointed chair must brief the Monitors on the contents of the Procedure and the process and criteria to be adopted at the interview.

4.0 The Monitors review procedure

- 4.1 The Monitors review the anonymised Notice and Decision or Award for evidence of the process adopted in the dispute resolution, considering the content (including factual errors), presentation, enforceability and overall quality of the Decision or Award itself. The assessment criteria to be considered in reviewing the Decision or Award are set out in Appendix A to this document. The Monitors must not substitute their own reasoning for those of the Register Member.
- 4.2 Following their initial assessment of the documents the Monitors will interview the Register Member.
- 4.3 At the interview the Monitors may raise points arising from their review of the documents and any other matters of concern or interest to enable them to consider the relevant criteria for assessment in Appendix A.
- 4.4 On completion of the interview the Monitors must complete and sign the 5 Year Review Report. The chair must record the consensus or majority view as to the Register Member's overall performance over the five years as "Satisfactory" or "Not Satisfactory". Where appropriate, the chair will set out the consensus or majority view as to any recommended action to be taken in the event of a "Not Satisfactory" conclusion which may include a recommendation that the Register Member should be suspended or removed from a Register.
- 4.5 The Monitors may make comments in their report to provide guidance to the Register Member in relation to their future conduct and handling of disputes. These comments will be communicated separately to the Register Member. Copies of the 5 Year Review Report are not normally provided to the Register Member

5.0 The Monitors review procedure

- 5.1 The CPDC considers the 5 Year Review Report for each Register Member. A member of CPDC leaves the meeting if their own report is being considered. The CPDC then:
- accepts a Register Member's performance overall in the 5 Year Review as "Satisfactory" and informs the Register Member accordingly, or
 - informs the Register Member of a "Not Satisfactory" report, enclosing a summary of the reasons provided by the Monitors, as amended by CPDC as appropriate, and asks the Register Member to respond. The Register Member may submit a response but no later than

4 weeks of the date of the invitation to respond, including any additional documents in support of the response. Without prejudice to the Register Member's right to appeal in accordance with section 6.0 the ICE will not nominate any Register Member whose performance at the 5 year review has been found "Not Satisfactory" until the DRC has issued its decision pursuant to paragraph 6.5.

- 5.2 In the case of a "Not Satisfactory" report, the CPDC will consider the Register Member's response, if any, and may seek the views of the Monitors. The CPDC may decide to:
- a) accept the Register Member's response, issue a report of "Satisfactory" and inform the Register Member that the explanation has been accepted; or
 - b) require that within a time period decided by the CPDC the Register Member takes remedial action, and may recommend to the DRC the suspension of the Register Member from a Register until the specified remedial actions have been completed and the Register Member has satisfactorily completed a further review under this procedure; or
 - c) recommend to the DRC that the Register Member should be removed from a Register.

6.0 . The Monitors review procedure

- 6.1 A recommendation of the CPDC that a Register Member should be suspended or removed from a Register following a Not Satisfactory report must be reviewed by the DRC.
- 6.2 Subject to paragraph 6.1 the DRS will provide the Register Member with a summary of the reasons for any recommendation by the CPDC that the Register Member should be suspended or removed from a Register. The Registered Member will be invited to make a written submission to the DRC as part of the appeal procedure why the DRC should not accept the recommendation of the CPDC which must be submitted within 4 weeks of the invitation to make a submission.
- 6.3 In the absence of a written submission by the Registered Member the DRC will endorse the recommendation of the CPDC subject to such recommendation not being obviously irregular or erroneous. The DRC will be entitled to see the anonymised Notice and Decision or Award.
- 6.4 Upon receipt of the Register Member's submission the DRC will review the recommendation of the CPDC, the reasons for the recommendation and such written submissions provided by the Register Member,

The DRC will notify the Register Member of its decision, with reasons, that

- a) the Register Member will not be suspended or removed from the Register but that any other actions required by the CPDC must be completed; or
- b) the Register Member will be suspended from the Register until the remedial actions

decided by the CPDC are completed and the Register Member has satisfactorily completed a further review under this procedure; or

- c) the Register Member will be removed from the Register

7.0 Unsatisfactory performance

- 7.1 Any remedial action which the Register Member is required to take following a “Not Satisfactory” review may include undertaking further training, passing appropriate examinations, producing a satisfactory decision on a case study or undertaking pupillage.
- 7.2 A Register Member who has been suspended may apply for reinstatement following completion of any required training or other activity, and has been accepted as Satisfactory in a subsequent review. This review takes place during the first review cycle after completing the remedial actions.
- 7.3 A Register Member whose name has been removed from the Register may make a new application for inclusion on the Register after passing the Part 3 examination and undertaking a pupillage and interview

ICE Dispute Resolution Committee

DRC-03.01



ICE Dispute Resolution Registers Annual CPD Return: Period from 1st July - 30th June for :-

Name

Introduction

It is important that those who have qualified for inclusion on one or more of the ICE Dispute Resolution Registers maintain their knowledge and experience and keep up to date with developments in the law affecting dispute resolution and general best practice in the field. It is essential for the wellbeing of the engineering and construction industry as well as for the reputation of the Institution itself that the ICE maintains the highest quality of expertise on its registers.

To maintain this expertise ICE requires a minimum level of CPD to be undertaken by those wishing to remain on one or more of the registers. The level of CPD has been determined and is regularly reviewed by the ICE Dispute Resolution Committee on behalf of the ICE.

Regulations

The annual Dispute Resolution CPD review is conducted by the CPD Review Committee which is a sub panel of the ICE Dispute Resolution Committee

Failure to comply with the annual CPD requirements may result in the register member being suspended or removed from the register/s.

Failure to submit CPD returns on time will result in the register member being ineligible for nomination through the ICE until their returns are submitted and reviewed by the relevant panel.

The CPD period is from the 1 July until the 30 June.

Forms must be returned by 30 July each year by email to: cpdreturn@ice.org.uk



ICE Dispute Resolution Committee - CPD Requirements

DRC-03.01



CPD Year 1 July 2022 to 30 June 2023

Name:

Dispute Resolution Register: Please X against the registers you wish your name to remain on.

Adjudicator

Arbitrator

Conciliator

Mediator

A minimum of 24 hours CPD is required for each registered member each year. This falls into 2 categories.

Please complete each section with sufficient information to identify what you did, when and what you achieved by it including full details of CPD activity, date, time spent, key learning points, benefits and further comments.

1. Practical Dispute Resolution experience consists of a minimum of 8 hours (only 4 of which may be claimed for advising parties):

- a) **Acting** as Adjudicator, Arbitrator, Mediator, Conciliator or Dispute Board Member in construction disputes for which CPD will be awarded as the number of charged hours spent up to a **maximum of 8 hours per reference**. Mere nomination to a dispute resolution position such as a dispute board member or as an adjudicator, will not count towards CPD.
- b) **Advising and/or representing a party** in adjudication, arbitration, mediation, conciliation or expert determination for which CPD will be accepted as the number of fee hours spent up to a **maximum of 4 hours per case**.
- c) **Pupillage in any dispute resolution forum; maximum of 4 hours.**

2. Training consists of a minimum of 16 hours and includes other appropriate CPD elements

- a) Appropriate refresher course covering construction dispute resolution topics, Attendance at the ICE ADR Workshop (once every 3 years as a minimum) or surgeries covering construction dispute resolution topics
- b) Attendance at meetings/workshops on updates in construction law and development of communication skills.
- c) Reading publications covering dispute resolution and construction law topics. (A maximum of 5 hours can be claimed for this)
- d) Lecturing on construction law and construction dispute resolution including preparation.
- e) Technical authorship on construction dispute resolution.
- f) Service on committees or panels concerned with dispute resolution.
- g) Relevant training courses / attendance at meetings covering dispute resolution

NB: Examples are given in each section of the type of information that is required.

Reviewer's Comments:



ICE Dispute Resolution Committee

DRC-03.01



Parties	Form of Contract	Appointing Body	Date	Description of Dispute	Decision Date	Hours recorded	Hours claimed
<i>Employer v Main Contractor</i>	<i>NEC3</i>	<i>ICE</i>	<i>20/10/1900</i>	<i>Amended Completion Date and Final Account</i>	<i>17/11/1900</i>	<i>45</i>	<i>8</i>
Adjudication							
Arbitration / Dispute Board Member / Mediator / Conciliator/Dispute Board Member, as per CPD Requirements							
Advising and/or representing a party, as per CPD Requirements							
Pupillage, as per CPD Requirements							
						Total hours claimed	

Reviewer's Comments:



ICE Dispute Resolution Shadowing and Mentor Schemes

The ICE Shadowing and Mentoring schemes are open to prospective ICE Adjudicators (both at the pre-exam stage and post the admission to the register) who are looking to further their experience in Adjudication and to meet the standards required of ICE Adjudicators. The Schemes place prospective Pupils in touch with a member of the ICE Register of Adjudicators, this aims to fill the gap of further study through experience and for the prospective Adjudicators to develop the key necessary skills. The Scheme is divided into the following two sections:

ICE Dispute Resolution Shadowing Scheme

For pupils looking to complete the ICE Adjudicators exam within the next 1-2 years and with a demonstrable background of training, education or qualification in adjudication or a related subject.

Role of the Mentor:

- Engage with the Pupil confirming their suitability for the Shadowing scheme, with the expectation that the Pupil will sit the ICE Adjudicators exam within the next 12-24 months.
- Identify a suitable adjudication seeking approval from the parties, confirming whether they have any objections to the Pupil shadowing the Mentor.
- Once the parties have confirmed their approval, the Mentor will follow these steps:
 - o The Mentor will forward all correspondence onto the Pupil together with the Mentor's responses and asking the Pupil for thoughts This will include but is not limited to the following steps:
 - Initial enquiry from the nominating body
 - The confirmation of appointment
 - The referral
 - Any directions
 - Sharing any jurisdictional challenges and or any relevant correspondence the Mentor has received
 - The Pupil will attend any hearings and site inspection as an observer only
 - The adjudicator's decision, after the Pupil has written their own decision.

The Pupil and Mentor will hold a de brief session after delivery of the decision by the Mentor. In most instances the ICE will expect the Pupil to shadow the Mentor on three separate adjudications.

Role of the Pupil

- Engage with the Mentor, the process will be led by the Pupil, and they are encouraged to outline what they wish to gain from the mentorship.
- Take responsibility for their own personal development
- Be open to feedback and suggestions to improve their decision writing.
- Willing to go outside their comfort zone to learn new skills

ICE Dispute Resolution Mentoring Scheme

For pupils who have completed the ICE Adjudicators' exam.

Role of the Mentor:

- Engage with the Pupil confirming their suitability for the Mentoring scheme.
- Identify a suitable adjudication seeking approval from the parties, confirming whether they have any objections to the Pupil shadowing the Mentor.
- Once the parties have confirmed their approval, the Mentor will follow these steps:
 - o The Mentor will forward all correspondence onto the Pupil asking them to respond to the Mentor as if they were the intended party. This will include but is not limited to the following documents:
 - Initial enquiry from the nominating body
 - The confirmation of appointment; asking the Pupil to draft a first response
 - The referral; asking the Pupil to draft any directions
 - Sharing any jurisdictional challenges and or any relevant correspondence the Mentor has received, asking the Pupil to respond to the Mentor as if they were the parties
 - The Pupil will attend any hearings and site inspection as an observer only

To conclude the Pupil will prepare a decision, the Pupil and Mentor will exchange decisions when the time for expiry of corrections of errors has expired. The Mentor will provide feedback and complete the process. In most instances the ICE will expect the Pupil and the Mentor to work on three separate adjudications.

Expectations for the Mentor:

- Ensure they have sufficient time available to commit to a Pupil
- Respond to the Pupil's emails within a reasonable amount of time
- Engage with the Pupil and work through the decisions produced by the Pupil, helping the Pupil to focus and stay on track
- Ask the Pupil what they wish to gain from the mentorship, managing expectations and setting out your role within this process
- Support the Pupil and help to deal with challenges during the decision writing. Giving them both constructive and useful feedback
- Advising the Pupil, sharing their knowledge of Adjudication sharing their experiences, to facilitate the Pupils development

The Pupil is encouraged to lead the process and it is their responsibility to set communications and meetings with their assigned Mentor to get the most for this Mentorship. The Mentor will need to complete a journal, detailing the meetings undertaken by themselves and the Pupil and the Pupils progress as they work through the mentorship. To benefit from this process the Pupil should take on board any advice given by their Mentor and look to add the suggested improvements into their next decisions. The goal of this scheme is to build the Pupil's experience and confidence within the dispute resolution process.

Following the completion of the mentorship the Mentor may if they wish act as in a supportive role, as an advisor and an expert source of professional knowledge.

Role of the Pupil

- Engage with the Mentor, the process will be led by the pupil, and they are encouraged to outline what they wish to gain from the mentorship.
- Take responsibility for their own personal development
- Be open to feedback and suggestions to improve their decision writing.
- Willing to go outside their comfort zone to learn new skills

Next Steps under either Scheme

The Pupil will need to register their interest with the ICE Dispute Resolution Service who will match the Pupil with an appropriate Mentor. Please contact disputes@ice.org.uk

Once matched to a Mentor the Pupil is responsible for contacting the Mentor and organising the subsequent meetings. It is advised that an introductory meeting take place first, typically via video call to establish the Pupils aims of the mentorship, manage expectations and discuss over what period of time the Pupil is expected to produce three decisions. Following this initial discussion both parties will agree to meet again once the Pupil has completed their first decision.

Confidentiality

Parties to adjudications rightly have expectations of confidentiality in their dealings with adjudicators and pupils. In the shadowing scheme the Mentor must seek written confirmation from the parties that the parties are willing for the Pupil to be involved. In addition the Mentor must confirm with the parties the role of the Pupil and ensure that all proceedings are confidential Pupils will also be required to commit to treating all information as confidential under both Schemes. There will be no charge to the parties for the involvement of the Pupil in the shadowing scheme nor the Mentor in the mentoring scheme.

Ending the Mentorship?

We recognise that in some instances the mentorship may not be suitable for either party, as this is an informal process the mentorship can be ended by either party for any reason. Here are some examples:

- The matching is unsuitable
- Either the Pupil or the Mentor are unable to commit the suitable amount time need for the scheme.
- The Pupil is not receiving the support they expected
- The Pupil has completed all decisions and therefore the mentorship has ended

COMPLAINTS PROCEDURE

1. Introduction

1.1. This is the ICE Dispute Resolution Committee complaints procedure. It is to be used for all complaints made in connection with Neutrals nominated by or on the ICE's Registers.

Definitions

1.2. Definitions for the purpose of this Procedure

- "ICE" means the Institution of Civil Engineers.
- "DRC" means the ICE Dispute Resolution Committee having charge of: the ICE Register of Arbitrators; the ICE Register of Experts; the ICE Register of Adjudicators; the ICE Register of Conciliators/Construction Mediators; and the ICE Register of Members for Dispute Boards
- "Chair" means the member of the DRC who is its Chair.
- "Board" means a tribunal comprising three suitably qualified and experienced people. Usually these are members of the DRC nominated by the Chair, but may in exceptional circumstances be other people nominated by Chair. If the complaint concerns a member of the DRC, that is an exceptional circumstance.
- "Complainant" means the person or entity who submits a complaint to the ICE or notifies the ICE of an issue.
- "Dispute Resolution Service" or "DRS" means the department of the ICE Secretariat charged with administering dispute resolution services.
- "Neutral" means a person whose name appears in one of the ICE's Registers who is the subject of a complaint.
- "Procedure" means this Complaints Procedure.
- "CPD" means Continuing Professional Development.

Aim and scope of the Procedure

- 1.3. The Institution of Civil Engineers publishes Registers of Arbitrators, Adjudicators, Construction Mediators/Conciliators and Dispute Boards. ("the Registers"). All these Registers are available for the convenience of parties in dispute. The ICE or its President is also often asked to make appointments of a neutral on the parties' behalf and will normally look to the appropriate Register for that purpose.
- 1.4. Maintenance of the Registers is the responsibility of the DRC. Before inclusion on any Register a candidate's knowledge and experience both in the construction industry and in the relevant mode of dispute resolution are tested and assessed and only those whose suitability and aptitude are deemed to be sufficiently high are permitted onto the Registers.
- 1.5. All people admitted onto the Registers are required to maintain those standards including undertaking appropriate CPD. Their diligence in so doing and their performance in actual dispute resolution (so far as may be ascertainable in the light of the over-riding requirement of confidentiality) are monitored. The Dispute Resolution Panel is committed to maintaining the highest standard in its Neutrals and it welcomes comments on both its performance and those of the Neutrals it allows on its Registers. It takes criticism of the conduct of those on its Registers seriously.

- 1.6.** This procedure allows:
- 1.6.1. Complaints to be considered such that the users of the ICE Dispute Resolution Service can continue to use the service with confidence;
 - 1.6.2. Issues with individual Neutrals to be identified, investigated and appropriate action taken to maintain the highest standards in the Neutrals on the Registers;
 - 1.6.3. Neutrals to be protected from vexatious or frivolous criticism; and
 - 1.6.4. Lessons on best practice in the resolution of disputes to be identified and learned by the ICE and those on its Registers.
- 1.7.** This Procedure is for the sole purpose of maintaining the standards of practice of those on the ICE Registers. This Procedure can be varied at the discretion of the Chair. Decisions made pursuant to this Procedure are at the absolute discretion of the ICE. No action or inaction of the ICE pursuant to this Procedure shall give rise to any liability on the part of the ICE. The ICE has absolute discretion as to the membership of its Registers, and as to nominations made from them.
- 1.8.** The DRC will uphold a complaint if it is satisfied that a Neutral's conduct falls below the high standards expected of those included on its Registers, taking into account the requirements for membership of the relevant Register, any provisions as to conduct agreed by the Neutral in dealing with the particular dispute and/or any applicable code of conduct. This might include a code of conduct that specifically applies to the relevant Register, such as the ICE Adjudicator's Code of Conduct, and any professional code of conduct that applies to the Neutral at the date of their appointment, such as the ICE's Code of Professional Conduct, or that of another professional body to which the Neutral professes to belong.
- 1.9.** This Procedure is not intended to be a means of providing a remedy to the Complainant or to assist the Complainant in any subsequent dispute resolution process. Consequently:
- 1.9.1 The ICE will only disclose the outcome of any complaint to the Complainant on the condition that the Complainant gives a written undertaking that it will (1) keep the outcome confidential; (2) will not use the outcome in any action against the Neutral or the ICE; and (3) will not reveal or seek to rely on the results in any enforcement action or further or other dispute resolution process concerning the dispute and/or the Neutral's conduct and/or decision.
 - 1.9.2 The DRC will usually dismiss complaints about, or that it considers are effectively about, the substantive result of any dispute resolution procedure.
- 1.10.** In following the Procedure neither the ICE, its representatives or its panels are carrying out any judicial function.
- 1.11.** The ICE will not normally investigate any complaint until any current litigation or other dispute resolution process concerning it has been concluded and will not communicate the outcome to the Complainant until the Complainant has provided an undertaking to this effect.

2. Process

Commencing the Procedure

- 2.1. All complaints relating to a Neutral or the DRS received by ICE are passed to the DRS through which all subsequent correspondence is conducted.
- 2.2. The procedure is commenced when the DRS is informed of a complaint or issue concerning its performance or that of a Neutral.
- 2.3. On receipt of a complaint and an undertaking in the terms required by paragraph 1.9.1 above, the DRS sends an acknowledgement to the Complainant. If a complaint is received but is not accompanied by the undertaking in the required form, the DRS asks the Complainant to provide the undertaking and warns it that it will not disclose the outcome of the complaint until such an undertaking is received.
- 2.4. DRS copies the complaint received (including any endorsements or attachments and the source of the complaint if it is not clear from the foregoing) to the Chair and the Neutral.

Establishing if investigation is merited

- 2.5. Within one week¹ of receipt of the Complaint, the Chair (or, if the Chair is unavailable or unable to act, a member of the DRC nominated by the Chair) forms a view as to whether:
 - 2.5.1. The complaint should be dismissed without further investigation, in which case the Chair recommends this to the DRC; or
 - 2.5.2. The complaint should be investigated, in which case the Chair establishes a Board to investigate the complaint.

Initial Investigation

- 2.6. On commencing the investigation, the Board may:
 - 2.6.1. Recommend to the DRC that the complaint is dismissed;
 - 2.6.2. Request further information from the Complainant, the Neutral and/or any other party that it considers it may wish to receive information from.
- 2.7. Having received further information, the Board may:
 - 2.7.1. Recommend to the DRC that the complaint is dismissed;
 - 2.7.2. Recommend to the DRC that the investigation is paused to a later date. The Board may suggest a later date which is a set date or a date fixed by the occurrence of an event such as the conclusion of litigation. The DRS brings any investigations paused by DRC to the Chair's attention on the date to which it is paused; or
 - 2.7.3. Decide to investigate the complaint further.
- 2.8. The Board will undertake the steps in paragraphs 2.6 and 2.7 within 5 weeks of commencing the investigation². Replies to any requests for information by the Board are to be given within any timescale stated by the Board, which is likely to be one week. Replies received later may be disregarded;

¹ See paragraph 3.7

² *ibid*

Further investigation of the Complaint

2.9 If the Board decides to investigate the complaint further, the Board proceeds in whatever manner its members consider appropriate. Without limiting how it may otherwise conduct the investigation, the Board may:

- 2.9.1 invite the Neutral to comment further on the complaint;
- 2.9.2 seek further particulars and/or answers to specific questions from the Neutral, the Complainant and/or anyone else it deems appropriate (the time for replies in paragraph 2.8 applies); and/or
- 2.9.3 invite the Neutral to an interview with the Board to discuss the complaint at the ICE's premises, at another suitable location, or through a remote meeting platform.

2.10 The Board reaches its conclusion on the complaint within eight weeks³ of receipt of the complaint. The Board informs the DRS of its conclusions with reasons and provides its recommendations. The potential recommendations include (but are not limited to):

- 2.10.1 dismissing the complaint in whole or in part;
- 2.10.2 upholding the complaint in whole or in part;
- 2.10.3 providing comments or advice to the Neutral;
- 2.10.4 any recommendations for sanctions, restrictions, or further actions required by the Neutral; and
- 2.10.5 wider lessons to be learned from the complaint and what those lessons are.

Sanctions and restrictions may include suspension from one or more Registers for a fixed period, or removal from one or more Registers.

2.11 If the Board's conclusion includes that the complaint should be upheld in whole or in part, and/or any recommendations for sanctions, restrictions or further actions required of the Neutral, the DRS informs the Neutral of:

- 2.11.1 those parts of the complaint which the Board recommends are upheld and those which it recommends are dismissed; and
- 2.11.2 the recommendations and/or any comments from the Board in relating to sanctions, restrictions or further actions required from the Neutral.

2.12 The DRS invites the Neutral to comment on the findings and recommendations. Replies to requests for comments are to be given within any timescale stated by the DRS, which is likely to be one week. Replies received later may be disregarded.

Decision by the DRC where there has been a Further Investigation

2.13 At the next available meeting (or sooner if directed by the Chair), the DRS informs the DRC of:

- 2.13.1 the complaint and of the Board's conclusions and recommendations (if any);
- 2.13.2 any further information, including recommendations for action from the Board and/or comments from anyone invited to comment by the Board pursuant to paragraph 3.13 of this procedure; and
- 2.13.3 any comments from the Neutral.

³ *ibid*

2.14 The DRC reviews this information and decides and advises the DRS:

- that the complaint is dismissed in whole or in part;
- that the complaint is upheld in whole or in part;
- that the recommendations of the Board have been accepted in whole or part, and/or any amendments to the Board's recommendations decided by the DRC;
- of any further action the DRC decides the Neutral is to take. This may include those recommended by the Board or otherwise;
- any restrictions to be imposed on the Neutral (including suspension from one or more Registers or any constraints on nominations) until recommendations have been completed;
- the Neutral be removed from one or more of the Registers;
- whether the Dispute Resolution Service should consider making a complaint about the Neutral pursuant to the disciplinary procedures of their professional institution;
- what steps it has decided need to be taken to stop a recurrence;
- of any general lessons which have been learned from the investigation and how those lessons should be promulgated;
- what is to be communicated to the Complainant. This will usually include informing the Complainant of the parts of the complaint that have been upheld or dismissed. Reasons are not usually provided, and the steps taken or to be taken by the Neutral are not usually identified to the Complainant unless the circumstances are exceptional and the DRC specifically directs it.

2.15 Actions to be taken by the Neutral may include (but are not limited to):

- 2.15.1 undertaking further training;
- 2.15.2 passing appropriate examinations;
- 2.15.3 producing a satisfactory decision on a case study;
- 2.15.4 undertaking pupillage;
- 2.15.5 completing a 5 year review, either at the scheduled time or earlier;
- 2.15.6 satisfactorily passing an interview including an interview equivalent to a 5-year review; and/or
- 2.15.7 providing further information to satisfy any criteria stated by the DRC.

Compliance by the Neutral of any required action is monitored the DRS, which can include through the CPD review procedure, unless otherwise directed by the DRC.

Decision by the DRC where there has been a recommendation by the Chair or Board to dismiss the complaint or to pause

2.16 At the next available meeting (or sooner if directed by the Chair), the DRS informs the DRC of the complaint, the recommendation made and any comments from the Neutral.

2.17 The DRC reviews this information and decides and advises the DRS:

1. That the complaint is dismissed;
2. That the complaint or part of it is to be referred back to the Chair or the Board (whichever made the recommendation to dismiss the complaint) for further consideration in accordance with this Procedure;

3. That the Procedure is to be paused, and until when; or
4. Its decision on the complaint, which can include accepting the recommendation provided to it, or any other decision it sees fit.

Concluding the Procedure

2.18 When the DRC has reached a decision on the complaint the DRS advises the Neutral of the DRC's decision. The DRS informs the Complainant of DRC's decision. Once this is done the complaint procedure is completed.

3. Other Provisions

- 3.1.** In the event of any concern on the part of the DRS as to whether any sanction imposed on a Neutral has been complied with, that question will be referred to the DRC for decision.
- 3.2.** If a Neutral has been suspended from any Register and the process for the Neutral's reinstatement was not provided for by the DRC at the time of the decision to suspend, reinstatement to the register will be subject to the decision of the DRC. In reaching that decision the DRC will take into account whether there has been (a) satisfactory compliance with any term of the sanction, and (b) satisfactory maintenance of the continuous professional development requirements for the Register.
- 3.3.** A Neutral who has been removed from any Register may make a new application for inclusion on the Register.
- 3.4.** The decision of the DRC on the complaint and any actions required of the Neutral is final and not subject to appeal.
- 3.5.** The ICE will not consider an appeal from this complaints process, including:
 - the rejection of a complaint;
 - a recommendation of the Board;
 - a decision of DRC requiring additional action to be taken by the Neutral; or
 - any other decision made by the DRC pursuant to this Procedure.
- 3.6.** Information provided by the Neutral during the process and the deliberations of the Board and the DRC are confidential to the ICE and those authorised by this procedure. They are not to be disclosed to anyone else except in accordance with this procedure.
- 3.7.** The timescales in this Procedure are the targets that the ICE will endeavour to achieve. The Chair has the discretion to extend the timescales stated in the Procedure, and may authorise the Board to extend the stated timescales.
- 3.8.** The Board may consult with anyone it deems appropriate before its final recommendations are put to the DRC. If it consults with the Chair or any other member of the DRC, it may share any information it has concerning the complaint with them. If it consults with anyone else, it may share any information that it has concerning the complaint in a way which protects the confidentiality of the complaint.

APPLICATION FOR DISPUTE RESOLUTION APPOINTMENT

Please email the completed application form and relevant notice to disputes@ice.org.uk

The administrative cost for an application for an ICE adjudicator, arbitrator or mediator/conciliator is **£ 350 + VAT @ 20% = £420.00.**

The administrative cost for an application for a Low Value Dispute adjudicator is **£ 250 + VAT @ 20% = £300.00.**

Payment details will be supplied upon receipt of application.



Application for the selection of (please tick as appropriate):

- Adjudicator Low Value Dispute adjudicator Arbitrator Mediator/Conciliator
- Dispute Adjudication Boards
- Please tick if the works are part of the Crossrail project

If this is a Crossrail project using the ICE Crossrail panel of adjudicators, please note that each party has the right to identify one member of the Crossrail panel of adjudicators who is not to be nominated to conduct the adjudication. Please list the name below and if possible, please also provide the responding party's choice. The names of the Crossrail adjudicators are available on the ICE website.

.....

The dispute and/or difference described below has arisen and, since a/an has not been agreed between the Parties, I/we hereby apply to you to select a/an

I/we agree to meet all the reasonable costs incurred by the person selected by you if I/we am/are not entitled to make this Application in accordance with the agreement between the parties.

In respect of the charge made by the Institution towards the administrative cost in connection with this Application. I/we understand that due to the requirement to make an appointment in the shortest possible time the appointment fee is not refundable.

I/we am/are duly authorised by the Referring Party to make this Application.

For and on behalf of the Referring Party:

Signature: Date:

Name

Address.....

.....

E-mail

Telephone.....

Conditions

1. The administration cost for this application is £350.00+VAT@20% = £420.00

Payment can be made by bank transfer or card payment. Details of how to make payment will be supplied upon receipt of application

2. The ICE will make a selection upon the Application of any person. The validity of the Application will not be investigated.
3. In making this Application the Applicant undertakes to meet the reasonable charges of the person selected by the ICE pursuant to this Application should the adjudication not proceed.
4. If the validity of the Application is challenged then the person selected and the parties involved must resolve the challenge.
5. Neither the ICE nor its servants or agents nor its members are liable to any party for any act omission or misconduct in connection with any selection or appointment made or any adjudication conducted in consequence of this Application.
6. If the application relates to a new dispute on a contract where an adjudicator has previously been appointed, the ICE may reappoint the same adjudicator unless both parties are in agreement not to reappoint. Evidence of any such agreement must be attached to the application.
7. If either party raises objections to the appointment of any particular adjudicator, valid reasons must be put forward. The ICE can overrule the objection.



Contacts

Referring Party *(if a representative has signed the Application)*

Name.....
Address.....
.....
E-mail.....
Telephone:.....

Other Party

Name.....
Address.....
.....
E-mail.....
Telephone:.....

Other Party's Representatives *(if known)*

Name.....
Address.....
.....
E-mail.....
Telephone:.....



The Appointment

Are any specific areas of experience necessary? Please tick or complete below:

- Bridgeworks Building Works Foundations/Substructures/Piling
- Geotechnical/Geo-environmental Demolition Marine/Waterways
- M & E Works Roadworks Structures
- Tunnelling/Boring Water/Drainage/Sewage Other

.....
.....

In the case of Adjudication, the Adjudication Procedure is.....

Does the Contract state who should make this selection? Yes / No

If "Yes", who is named as the person/body who should select.....

Does the contract require a notice to be served before appointment? Yes / No

If "Yes", a copy of the notice must be attached to this application

Are there current or previous dispute resolution proceedings between the Parties? Yes / No

If "Yes" was the selection by the ICE Yes / No

If "Yes" state the date of the selection.....

 Name of person appointed

 Type of dispute resolution.....

Institution of Civil Engineers & Thomas Telford Ltd Privacy Notice

This Privacy Notice has been issued by the Institution of Civil Engineers (ICE) and its wholly owned subsidiary Thomas Telford Limited (TTL), to comply with the General Data Protection Regulation (GDPR), May 2018. The Privacy Notice replaces any Fair Collection Notice issued under the Data Protection Act 1998.

Data Controller

The data controller can be contacted as follows:

The Institution of Civil Engineers

One Great George Street

Westminster

London

SW1P 3AA

Telephone 0207 665 2146

Email: dataprotection@ice.org.uk

Use, transfer and storage of personal data

We may hold any of the following items of personal information about you:

- Personal details including your name, ICE membership number, gender, date of birth, postal and email addresses and telephone number.
- Employee details.
- ICE membership grade.
- Details of professional journals that you may subscribe to.
- Details of your attendance at ICE events.
- Professional interests.
- Membership of professional committees.
- Details of knowledge products or services purchase from TTL.
- Details of voluntary donations made to the ICE Benevolent Fund, QUEST and/or the R&D fund.

The Institution of Civil Engineers and Thomas Telford Ltd maintain data on all members. We also maintain data on non-members who use our services. This will be used confidentially for normal purposes, including subscription and donation collection, mailing of publications, contract fulfilment when purchasing TTL products and services and notification of conferences and events. Your name and grade will be displayed on our online Members' Directory.

We also use this information to inform you of professional knowledge products that ICE and TTL provide such as training, books, journals and model engineering contracts.

The ICE may share your data with the Engineering Council, universities at which you are studying and your employer if you are on an ICE training scheme.

Overseas members may have their data transferred to International Country representatives for administration of local events in their country of residence. Member data will also be shared with the ICE Benevolent Fund.

Personal data relating to ICE membership may be stored securely in perpetuity for historical purposes. Personal data relating to non-members and/or TTL customers will only be held for as long as needed to fulfil the purpose for which it was collected.

Application for selection Dispute Resolution

Reviewed June 2023

Your rights in relation to your data

The purpose of this Privacy Notice is to fulfil your right to be informed about the use of your data. In addition:

- You have the right to access your personal data. If you wish to request copies of your personal data please contact the Data Protection Officer at the address above.
- You have the right to have your data rectified if it is inaccurate or incomplete.
- You have the right to have your personal data deleted or removed if there is no reason for its continued storage and processing.
- You have the right to object to your personal data being processed and to restrict the processing of your personal data in certain circumstances. While processing is restricted, the data controller is permitted to store the personal data to ensure the restriction is respected in future. You will be informed if a restriction on processing is lifted.
- You have the right to lodge a complaint about the data controller with the ICO.
-

Please note that if you choose to exercise your rights to withhold data or insist on its deletion, then ICE and TTL may not be able to perform their duties in relation to your professional membership or the fulfilment of contracts relating to products and services purchased.

Further details about GDPR and your rights under GDPR can be found at the ICO's website at <https://ico.org.uk>