

REGISTER OF ARBITRATORS

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1. Introduction

- 1.1 The Institution of Civil Engineers (the ICE) acts as an arbitrators nominating body and maintains a Register of Arbitrators for this purpose (the Register). Admission to the Register does not guarantee that any nominations as an arbitrator will follow.
- 1.2 People who wish to qualify for the Register but do not yet meet the requirements are invited to contact the ICE's Dispute Resolution Panel (DRP) and /or ICE Dispute Resolution Services for advice on training and support.
- 1.3 Requirement 2.1 outlines the examinations which have to be passed for acceptance onto the Register. Applicants who have not yet passed all of these examinations may apply to DRP for a decision on whether they meet requirements 2.2 - 2.9
- 1.4 Candidates must demonstrate to the DRP that they meet requirements 2.1- 2. 8 before being invited to attend an interview.
- 1.5 An interview board will be appointed by the DRP.
- 1.6 The interview board's recommendations will be put to the DRP at their next meeting where they will review the application and make a final decision on whether the application has been successful. The DRP meet quarterly.

2. Minimum requirements for admission

Applicants should;

2.1 Have passed

- ICE's Law and Contract management examination, module 1 or equivalent,
- ICE's Law and Contract management examination, module 3 and
- ICE Endorsement examination for Arbitrators and
- Chartered Institute of Arbitrators examination or been granted an exception.

2.2 Be a Fellow of the Institution of Civil Engineers or the Chartered Institution of Civil Engineering Surveyors.

2.3 Have 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.

2.4 Have detailed working knowledge of at least one, and preferably more, of

- NEC3 contracts and
- Infrastructure Conditions of Contract (formerly the ICE Conditions of Contract).

2.5 Demonstrate a detailed knowledge of statutory arbitration requirements and the ICE Arbitration procedure.

2.6 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.

2.7 Provide information detailing their experience in arbitration and other dispute resolution.

2.8 Provide two references to support their application.

2.9 At the interview, demonstrate that they

- are capable of fair and independent judgement,
- have achieved the necessary level of knowledge of construction and dispute resolution and
- possess the necessary personal management and have communication skills to conduct arbitration.

3. Application/assessment procedure

- 3.1** Applications should be submitted to the ICE Dispute Resolution Services using the ICE application form for inclusion on the Register of Arbitrators.
- 3.2** Applicants must supply all supporting documentation with the application form.
- 3.3** Any applicant who wishes the DRP to consider waiving the requirement for ICE's Law and Contract management examination, module 1 must state on the application form that they are applying for the waiver and provide reasons including any necessary supporting documents.
- 3.4** Each application will be considered by the DRP who will decide
- that the applicant appears to meet the minimum requirements or if any waiver should be granted; if so, the applicant will be invited to attend an interview upon payment of the appropriate fee or
 - that the applicant has failed to satisfy the requirements; if so 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.
- 3.5** The interview board will consist of a minimum of two people who will be members or past members of the DRP. 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 arbitrator.
- 3.6** The interview board will submit its recommendation to the DRP who will decide whether or not to admit the applicant. The decision of the DRP as to whether an applicant should or should not be admitted to the Register of Arbitrators is final except in respect of procedural error. If the DRP proposes to admit the applicant, reference will be taken up. A decision to admit will be dependent on satisfactory references

4. Continuing Professional Development (CPD)

- 4.1** Continuing Professional Development (CPD) is defined as the systematic maintenance, improvement and broadening of knowledge and skills, and the development of personal qualities necessary for the execution of professional and technical duties throughout the working life.
- 4.2** 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.
- 4.3** 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.
- 4.4** In the event that CPD records are not submitted or are inadequate the DRP may consider removal from the Register.

5. Revalidation of Registration

- 5.1** Register members undertake a five year review. For this, they will be required to submit a recent decision.

6. Professional Conduct

- 6.1** All members of the Register of Arbitrators
- will adhere to the requirements of the Professional Code of Conduct of the ICE or ICES as applicable,
 - will adhere to the ICE Code of Conduct for Arbitrators and
 - will uphold the standing of the ICE Register of Arbitrators.
- 6.2** Complaints made against members of the Register will be dealt with under the ICE Dispute Resolution Services Complaints Procedure.
- 6.3** If a complaint of misconduct is made against a member through the ICE Professional Conduct Panel or another professional body and the complaint is upheld they may be considered for removal from the Register.

Guidance

A1 Application process

A1.1 The assessment for inclusion on the ICE Register of Arbitrators requires submission of

- an application form,
- a concise CV and
- a record of CPD, in accordance with the requirements of the host institution. This should also include a plan for the year ahead and supporting documentation.

A1.2 Application form

You must complete and submit all sections of the application form.

A1.3 A concise CV

You must submit a concise CV outlining your career to date. This should be no more than two pages.

A1.4 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.

A2 Interviews

A2.1 A non-refundable administrative fee will be required if you are invited to attend an interview.

A2.2 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. 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 board are similarly advised of candidates' names.

A2.3 Interviews are arranged by the Dispute Resolution Services at a mutually agreed time and location to suit both your availability and that of the interview board.

A2.4 The interview board will be seeking to confirm that the evidence of competence that you have provided 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. However, it is your responsibility to demonstrate the achievement of competence as well as that of the interview board members to satisfy themselves.

A2.5 On the day of the interview you must bring with you proof of identity. This must be an

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official document, such as a current passport or driver's licence that includes your name, signature and a photograph.

A2.6 You may postpone your assessment without penalty if three weeks' notice is given.

A3 Assessment result

A3.1 You will be notified of your result in a reasonable time. The names of the successful applicants will be published at ice.org.uk.

A3.2 If an assessment results in a refusal, you will be advised of the reasons, further experience and /or qualifications required before your submission will be reconsidered. When resubmitting, you will have to satisfy the new interview board that you have demonstrated all the requirements and not just those that caused the original refusal. You should prepare in the same way as you did for the original assessment, taking particular attention to show in your new submission how you have addressed the concerns of the original interview board.

A3.3 In cases of procedural error there is a right of appeal. An appeal must be made in writing within one month of receiving notice of the assessment result. For full details contact disputes@ice.org.uk.

A3.4 To be valid, a non-refundable fee must accompany any appeal. For full details contact disputes@ice.org.uk.