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Chartered Adjudicator Guidance for Applicants: spring 2024



Chartered Adjudicator

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This guidance is designed to assist those who are considering making an application for the decision of Chartered **Adjudicator** status (C.Adj).

Part One outlines the threshold requirements that need to be met in order to apply for Chartered Adjudicator Status as well as the process for evaluating applications.

Part Two provides more detailed guidance for completing the different sections of the application form.

Two appendices include supplementary information that are crucial to the process of completing the application submissions.

Appendix A - The Chartered Adjudicator Excellence Framework, and

Appendix B - Guidance relating to Character and Conduct matters.

We recommend that you read both parts of the guidance, along with the appendices, before you start to complete your application submissions.

Please contact the Chartered Secretariat with any queries.

Email: chartered@ciarb.org

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Applications can be **submitted between 1st April 2024 and 30th April 2024**. All applications must be received by the Chartered Secretariat by **5.00 pm GMT on Tuesday, 30th April 2024** along with full payment. Applications submitted beyond the stipulated deadline or without payment will not be considered.

The fee for 2024 is £1,500 and is not refundable in the event that an applicant is unsuccessful.

Part One

Requirements and Process for the decision of **Chartered Adjudicator** status

1. Introduction

The standard for Chartered status was revised in 2023 and a new process for submitting and evaluating applications has been in place since September 2023. The decision of Chartered status now represents excellence in dispute resolution practice.

We advise potential applicants to assess their readiness for Chartered status themselves, before embarking on completing the application form by:

- First, considering the extent to which they meet the threshold criteria;
- Then considering the extent to which they can fulfil all of the application evidence requirements; and
- Then, using the applicant self-assessment form in the Application Form, to reflect on their standard of work as an Adjudicator.

2. Eligibility – threshold criteria

To be eligible to apply, an applicant must:

- Be an existing Fellow; and
- Have experience of completing* a minimum of 25 difficult and complex** cases as an Adjudicator; and
- Have a diverse range of experience as an Adjudicator. ***

Definitions:

*A completed adjudication is defined as one that was concluded by a reasoned decision.

****Whether a case is difficult and complex is a matter for the Chartered Selection Group (CSG) to determine. Some illustrative examples of cases that are likely to be considered difficult and complex include: international construction disputes decided by dispute boards; those involving experts; those involving meetings, hearings or site visits; and those involving declaratory relief.

Whether

*** In considering diversity in the range of experience, the CSG is likely to look for experience across: different types of construction sector projects – e.g. infrastructure, building, sustainability and new energy projects; different contract types; the different categories of parties who can participate in adjudication in a jurisdiction; and across the most common claim heads within a jurisdiction.

3. Evidence requirements and submissions

3.1. Submissions from the applicant

The Chartered Selection Group (CSG) looks for evidence of excellent adjudication practice in difficult and complex cases from three sets of submissions provided by the applicant, as follows:

- (i) The **application form**, which invites applicant to provide:
- (a) A **list of 25** of complex and difficult **adjudications** (see Part Two for guidance) along with the following information provided for each case :
 - Type of construction (or other sector) dispute – engineering, building, sustainability etc.
 - The name (and contact details if known) of at least one party representative who can be approached by the office staff to provide a reference*.
 - The start and end date of the case.
 - Route to the case (appointed by an institution or by parties' agreement).
 - A brief explanation of the elements that make the case difficult and complex.
 - (b) A **narrative description** of your practice (1000 word maximum)
 - (c) A **self-assessment** against each of the competence areas in the **C.Adj Excellence Framework (Appendix A)** using examples from the cases listed (and other cases);
 - (d) A **record of your ongoing learning activities** (also known as Continuing Professional Development (CPD) or Continuing Legal Education (CLE)) in the last three (3) years; and
 - (e) A **declaration** relating to **Conduct and Character** .

*It is the applicant's responsibility to ensure that the referees listed can between them provide relevant evidence to demonstrate excellence from a range of perspectives.

- (ii) **Five (5) reasoned decisions** (redacted) written by the applicant which provide evidence of range, difficulty and complexity:
- (a) At least one **multi-issue** dispute.
 - (b) At least one decision that involved **significant legal arguments on a complex point** and/or a disputed matter of law.
 - (c) At least one **valuation** decision.
- (iii) **Five (5) sets of correspondence** from five (5) different cases that provide examples of range, difficulty and complexity and indicate the applicant's approach to.
- (a) Making **meeting arrangements** including agenda proposals.
 - (b) Managing a **timetable** and adjustments to the timetable.
 - (c) Addressing **jurisdictional challenges**.
 - (d) Dealing with **procedural issues** – e.g. requests to carry out a site visit or visit one party's premises to view financial (and the like) evidence; or to make further submissions,

3.2. Submissions from referees

A number of referees listed in the application form will be contacted by the Chartered Secretariat and invited to provide feedback about their experience of the applicant's arbitral practice relating to the competences set out in the Excellence Framework (Appendix A)

3.3. The standard of excellence

It is important to understand that being able to meet the threshold criteria is not a guarantee of success in achieving Chartered status. The CSG will make decisions as to whether excellence in practice has been demonstrated consistently by assessing the evidence submitted by the applicant, any interview with a candidate that may be conducted and the references sourced by the Chartered Secretariat.

4. The selection process for the decision of Chartered Adjudicator (C.Adj) status

Each applicant's submissions, along with the references secured, will be reviewed by two CSG members who will establish a preliminary view on the evidence and decide whether or not the applicant should proceed to an interview. Only those applicants whom the CSG pairs consider have a reasonable chance of being decisioned Chartered status will be invited to interview. The remaining applicants will be notified that they have been unsuccessful. Final decisions on the decision of Chartered status are made by the CSG in plenary after reviewing and discussing the recommendations made by pairs of CSG assessors and with regard to the evidence.

In order to be awarded Chartered status, applicants must show evidence of excellence in each of the following competences (see Appendix A):

- **Competence A: Process and Procedure** - Plans, manages, and concludes the adjudication procedure actively and efficiently, in accordance with applicable procedural rules and principles, to maximise the opportunity for a legally sound and uncontested decision.
- **Competence B: People and Communication** - Enables and enforces an environment of safe, fair, inclusive, and procedurally appropriate interaction.
- **Competence C: Outcomes** - Deploys sector expertise and understanding of the relevant legal framework, and weights evidence fairly, to develop a view on the case; and structures and writes a decision congruent with relevant rules, principles and ethical standards that withstand scrutiny.
- **Competence D: Equality, Diversity, and Inclusion (EDI)** - Demonstrates cultural sensitivity and understanding of EDI issues; and takes steps to promote diversity, equality, and inclusion through adjudication proceedings and/or within the dispute resolution sector more broadly.

- **Competence E: Professional Conduct and Practice Standards** – Complies with ethical and practice standards and engages in reflective practice.

The CSG considers evidence from the applicant's self-assessment, from the references received from referees and – for those applicants who are interviewed – from the interview.

CSG members will avoid personal contact with applicants regarding their application once the application has been submitted. Applicants should raise any enquiries through the Chartered Secretariat via email at chartered@ciarb.org

4.1 Panel Interviews

If an applicant is invited for an interview, the interview will be conducted by two members of the CSG. The purpose of the interview is to seek further evidence to add to, or to help the CSG assess, the information already available from the applicant's submission and references obtained from referees.

The CSG will probe for examples of excellence across the range of competences in the Excellence Framework. The interview provides a further opportunity for an applicant to expand on the evidence. It is not a final-stage assessment on its own but instead contributes additional evidence. The CSG will consider all the evidence gathered in reaching a final decision.

You are invited to indicate your preferred time-zone for any interview (if applicable) on the application form. Interviews will be conducted using Zoom or Microsoft Teams. While your wishes will be considered, we cannot guarantee your preference. We will try to avoid any dates on which you have unbreakable other commitments, but we cannot guarantee to do so.

5. Submitting an application

All application documents and the application fee must be received by the Chartered Secretariat via email to chartered@ciarb.org by **5.00 pm GMT on Tuesday, 30th April 2024**. The CSG will not consider applications received after this time or those without accompanying payment. Detailed notes to support applicants in completing the application form are provided in Part Two of this guidance. Payment options and details are available in the application form and Part Two of this guidance.

6. Contact details

Chartered Adjudicator certificates are issued by Ciarb to successful applicants. Please note that the surname and forename(s) which you have provided through your annual renewal will be used for these purposes.

We will use the forename(s) and surname and the email supplied in the application form for the purposes of Chartered applications. If any of these details change during the course of the application process, please inform us via email to chartered@ciarb.org immediately.

If you telephone or write to us, it will help if you state your Ciarb membership number as well as your name.

Ensure that the **email address** you wish to use is regularly monitored and check your junk / spam folder. We will use this when we need to contact you, for example to arrange an interview or to give information from time to time. You may also wish to ensure that chartered@ciarb.org is set as a 'safe sender'.

7. Equal Treatment of Applicants

The CSG is committed to the principles of equality, diversity, and inclusion. Applicants who meet the standard of excellence required will be decisioned Chartered status on merit, regardless of age, disability (including mental health), gender reassignment, marriage and civil partnership, pregnancy and maternity, race (including ethnic or national origins, colour and nationality) religion or belief (including lack of belief), sex, or sexual orientation or any other extraneous factor such as educational background, political affiliations, carer responsibilities, career breaks, part-time working or earnings.

Applicants who have a disability and who have particular needs should contact the Chartered Secretariat, who will make every effort to assist in making any reasonable adjustments.

All applicants are judged individually against a standard of excellence and using the evidence submitted.

8. Handling of information

We will process applicants' details and other information provided about them, in a fair and lawful manner. We will use any personal data provided by you in accordance with our [Privacy Policy](#) which we may update from time to time. Ciarb will use the personal data provided in this form to:

- Manage and assess your application (and eligibility to become a Chartered Adjudicator and/or join our Panels);
- If successful, manage your membership on the Panel. This includes but isn't limited to:
 - Publishing your status as a Chartered Adjudicator and / or membership of our panels in our online directory, on our website, via our social media and other channels.
 - Notifying you about new opportunities and appointments; and
 - Sharing your details with the President, parties and their representatives for potential appointments;
- Notify you of updates to the rules, requirements, or any other information required to be a Chartered Adjudicator and/or receive appointments, and be on panels;
- Notify you about new opportunities, training or events;

- Monitor quality control and for audit purposes;
- Collect, analyse and publish data on the diversity and demographics of our Chartered Adjudicators and/or panels. This may include special category data. We will use this to identify and keep under review the existence or absence of equality of opportunity or treatment, with a view to enabling equality to be promoted or maintained. We may also use it to take positive action to improve opportunities, access, and representation of our Chartered Adjudicators and panels; and
- Contact you about offering mentoring, shadowing, or offering other support to Ciarb members.
- We may pass your details onto our branch network, regional office network, parties and representatives, and selected third parties, in accordance with our [Privacy Policy](#).

Ciarb may, at any time:

- Check any of the information referred to in your application; and/or
- Ask you to provide further information (for example, about your CPD records or activities as an Adjudicator); and/or
- Ask you to attend an interview to discuss your application in greater detail; and/or
- Approach CPD course providers, referees and others for further information or to verify information in your application.

Once the selection process has been completed the submissions will generally be retained for 12 months then destroyed.

9. Timetable

The duration of the process depends on the number of applications received in any application round. Those applicants who are invited to an interview are likely to be informed within 1 to 2 months of the submission deadline. For the spring application round, Interviews are likely to take place through June 2024 and July 2024. There is no set date on which results will be communicated but we expect to communicate outcomes by October 2024. The Chartered Secretariat will inform applicants of the outcome of their application.

10. Problems or Complaints

A problem or complaint relating to the submission process or staff handling of the administration relating to the application process should be addressed for the attention of Head of Membership Services in the first instance, using the chartered support email chartered@ciarb.org.

The decisions of the CSG relating to the decision of Chartered Status are final and there is no right of appeal. Complaints and correspondence relating to concerns that the CSG has not applied its procedures properly will be considered at the end of the relevant application assessment cycle and must be submitted in writing within thirty (30) days of receiving an outcome from the CSG's deliberations. Any correspondence relating to concerns or complaints about the CSG's approach will not be dealt with until after the assessment process has been completed.

Complaints will be handled in line with Ciarb's complaints policy.

11. Improving the Process

We value feedback on the application form, this guidance document, and on the operation of the process. The Chartered Secretariat will take all feedback into consideration and, where necessary, provide to the CSG in anonymous form.

12. Further assistance and information

Any prospective applicant with queries, or who would like further information regarding the application form or the decisions process, should contact the Chartered Secretariat:

Telephone: +44 0207 421 7447

Email: chartered@ciarb.org

Part Two

Guidance for applicants on completing submissions for

C.Adj status

Applicants must submit the following sets of evidence relating to their practice as an Adjudicator.

1. The completed application form.
2. Five (5) reasoned (redacted) decisions written by the applicant.
3. Five (5) sets of correspondence (redacted) written by the applicant from five different cases listed.

This guidance is designed to assist you with completing the application form and submitting your evidence for consideration by the Chartered Selection Group (CSG).

1. The Application Form

The application is divided into the following sections:

- Personal information
- **Section One – List of twenty-five (25) cases** completed in the last 10 years, along with specific information about each case, including names of individuals who can be contacted for references.
- **Section Two – Narrative description** of your professional practice.
- **Section Three – Self-assessment** against the Ciarb **Excellence Framework** for Chartered Adjudicator Status (see Appendix A).
- **Section Four – Record of your ongoing learning activity** (continuing professional development (CPD) or Continuing Legal Education (CLE)) activity over the last three (3) years.
- **Section Five – Declaration** relating to conduct and character.
- Payment method

1.1. Application Form: Personal Information section

If you have a disability and wish the CSG to take this into account in considering your application, you should include in this section information about the impact of your disability on your practice as well as information about the adjustments which could mitigate this impact. You

can withdraw your consent to the use of any information about disability you provide, at any time.

1.2. Application Form, Section One: List of Important Cases

In this section, you should provide a list of twenty-five (25) adjudication cases that you have completed in the past ten years, that are difficult and complex, and which provide the best evidence of excellence in your arbitral practice.

1.2.1. Definitions

Completed adjudication: a completed adjudication is defined as one that was concluded by a reasoned decision.

Difficulty and complexity: whether a case is difficult and complex is a matter for the CSG to determine. Some illustrative examples of cases that are likely to be considered difficult and complex include: international construction disputes decided by dispute boards; those involving experts; those involving meetings, hearings or site visits; and those involving declaratory relief.

Diversity in the range of experience: in considering diversity in the range of experience, the CSG is likely to look for experience across: different types of construction sector projects – for example, infrastructure, building, sustainability and new energy projects; different contract types; the different categories of parties who can participate in adjudication in a jurisdiction; and across the most common claim heads within a jurisdiction.

1.2.2. Listing cases

For each case listed, you will need to provide the following information.

- (a) Case name or reference.
- (b) Type of construction or (other sector) dispute (for example, engineering, building etc)
- (c) How you were appointed to the case (through an arbitral institution, nominated by a party, or through parties' agreement, or selected by co-Adjudicator).
- (d) Start and completion dates.
- (e) A description of the case that would enable the referee(s) listed to identify it and recall their interactions with you but that does not breach the principles of privacy and confidentiality that apply to private dispute resolution. The description must enable the CSG to be clear when you are referring to that case in other evidence submissions. The descriptions should briefly explain the nature of the case, including any elements that were especially difficult and challenging.

1.2.3. Time period

Ciarb recognises that some applicants may have had a career break for part of the period concerned or may have other legitimate reasons for not being able to list 25 adjudication cases over the last 10 years. We wish to ensure that applicants in these categories are not disadvantaged, subject to the overriding need for the CSG to be satisfied that there is sufficient evidence of excellence in each of the competences before decisioning Chartered status. For that purpose, applicants who provide an explanation of extenuating circumstances may list cases which were concluded more than ten years ago when they would otherwise be unable to list 25 difficult and complex cases. Applicants need to be aware, though, that referees' memories from much older cases may have faded.

Applicants may also list a case which is more than ten years old (at applicants' own risk as to the memory of the referees listed in respect of the case) if the case provides particularly powerful evidence of adjudication skills in a difficult and complex case which cannot readily be replicated by a more recent case.

1.2.4. Listing referees in section one of the application form

The CSG will seek to secure three references. It is important that you provide contact names across the range of participants. References will only be accepted in English.

Applicants should aim to list at least one referee in each case.

Where for any reason the CSG is not able to obtain sufficient references, the applicant is likely to be at a disadvantage.

1.2.5. Role of Referees

Referees are being asked to give evidence as to how the applicant has demonstrated excellence within the competences, from their perspective of engaging with the applicant through one or more adjudications.

Referees will be selected from among those listed by the applicant. Apart from the provisions set out in Section 1.6 of this guidance and Appendix B relating to checks with the professional bodies about disciplinary matters, the CSG will not seek, and would not consider, any input from any other source.

All references will be sought on the basis that they are confidential to the referee. No applicant will be entitled to see any reference, or to be informed of the names of those who have provided references, whether or not the application is successful. Ciarb regards it as improper for applicants to ask referees for sight of any reference the referee may provide on them.

Referees will be asked to provide a written, confidential and objective assessment of the applicant's performance using the excellence framework and the case(s) listed on the application form. They will also be asked to draw on any other first-hand experience they may have of your performance as an adjudicator. A copy of the Reference Form and the Guidance for Referees will be available on the Ciarb website. References will be accepted only in response to a request from Ciarb; unsolicited references and testimonials will not be accepted.

1.2.6. Informing your Referees

There is no need to seek a referee's permission before listing them on the form. You are required to provide the name of at least one referee for each case listed. We suggest that once you have submitted your application, you might let referees know that you have listed them as a potential referee. You should not lobby referees for support. Ciarb regards it as improper for applicants to seek to influence referees' views, including by providing suggested wording for a referee to use in a reference. Referees will be asked to inform us if they receive any approaches of that sort.

Please do not chase referees to check whether they have been asked for, or have provided, a reference. Ciarb will carry out any necessary chasing of referees. However, if you become aware after submitting your application that the contact details for a referee have changed you should notify the Chartered Secretariat immediately.

1.2.7. Other considerations in relation to Referees

You should not list as a referee:

- Any current or former family member or partner.
- Any person whom you know would be unable to give a reference for reasons of ill health.
- People with whom you have a close personal relationship. If you consider it is necessary to list such a person, because of their role in relation to the listed cases do so, you should state the nature of the relationship.
- A member of the CSG who is dealing with the spring 2024 application round unless there is no alternative. A CSG member who provides a reference for an applicant in the competition will play no part in the CSG's discussions or decision making about the applicant concerned.

You should indicate whether a prospective referee has or has had a close professional relationship with you.

We normally contact referees by email but may need to use other means. If you know postal address and telephone details of the names identified, please provide these wherever possible.

1.2.8. Nominated Referees

You can nominate three preferred referees. The Chartered Secretariat will seek to secure one reference from your nominations.

Other referees will be chosen from among those listed on the application form.

1.2.9. Information provided by Ciarb to Referees

Ciarb will provide the case description information you include on the application form to the referee to help them recall their experience of your work. This is the only information from the application form that the referee will see.

1.3. Application Form, Section Two: Narrative Description of Practice

The summary description of practice should help the CSG to understand the context in which it is considering your readiness for Chartered Status. This is your opportunity to provide the CSG with a rounded picture of your practice.

You should include:

- Why you consider the 25 cases you have selected to be particularly relevant.
- What you consider your specialism(s) to be, if any
- The context for your adjudication practice for example: other neutral work (mediator or arbitrator) undertaken (and rough proportion spent on adjudication); the extent to which neutral work is combined with other professional work within or outside dispute resolution, including the nature of that activity and an estimate of working time spent on neutral work.
- Details of any contribution to the field of adjudication, for example: providing pupillages, shadowing opportunities, or mentoring for early-career stage members; and contributing to the creation or ongoing development of dispute resolution provider institutions.
- A brief explanation if you need to go back further than the last ten years to name your 25 important cases.
- Any reasons why your practice in the last few years may have been atypical.
- Any other relevant factual information.

Please do not include in this section.

- References to you in legal directories or similar.
- Assertions about your standing or reputation in the profession.
- Details of your earnings.

1.4. Application Form, Section Three: Self-Assessment against C.Adj Excellence Framework

In order to be awarded Chartered status, you must demonstrate evidence of excellence across all of the competences in Ciarb's Excellence Framework for Adjudicators at **Appendix A**. The Framework provides examples and indicators of excellence in practice for each of the five competence areas. Please assess your adjudication experience using the Framework as a guide.

The CSG reaches its conclusions on the evidence of the degree to which excellence in each competence is demonstrated. Your self-assessment forms part of the evidence the CSG will consider in determining the outcome of your application.

It is important that you do not just re-state the competences and assert that you have done what is set out in the indicators. You are expected to demonstrate your abilities and attributes using specific examples from your experience that best reflect the indicators of excellence. Simply stating that you are excellent at something or making reference to your reputation or the opinion of others is not helpful. Consider using the STAR approach - what was the **S**ituation or **T**ask you faced in a case? what **A**ction did you take? What was the **R**esult - to think through and explain your evidence.

The CSG is conscious that opportunities to address equality, diversity and inclusion (EDI) issues within a process may be limited. Applicants are encouraged to reflect on their wider professional experience (employment, other dispute resolution experience, volunteer work, board roles etc) to demonstrate cultural sensitivity and awareness of EDI issues. It is important that examples are drawn from your own experience rather than citing an employer's EDI policy or activity, for example.

The self-assessment will not be shown to referees.

1.5. Application Form, Section Four: Record of Ongoing Learning activity

Applicants for Chartered Status are required to submit a record of their ongoing learning activity over the last three years. We use 'ongoing learning' as a catch-all term embracing, for example, Continuing Professional Development (CPD, in the UK) and Continuing Legal Education (CLE, in the Americas) and any other terms used in different professions and jurisdictions to capture post-

qualification professional learning and development activity that is focused on keeping up to date with practice developments, areas of knowledge and mastering skills and attributes. To be clear, there is no mandatory requirement for members of Ciarb relating to ongoing learning activities unless a member is appointed to one of Ciarb's dispute appointment panels. There is, however, an expectation that those seeking Ciarb's highest status understand the importance of ongoing development and can demonstrate their commitment to that.

This section of the guidance outlines, for illustrative purposes, the types of activity that commonly count as ongoing learning and development. The CSG embraces formal and informal approaches to your development as an adjudicator. The list provided below is not exhaustive list and if you have undertaken an activity that you think has furthered your understanding and development as an adjudicator and that is not included in the list, please in add to the form.

1.5.1. Attending events with formal CPD or CLE credits and those without, such as:

- Lectures, seminars, workshops on adjudication.
- Relevant conferences.
- Training programmes.

1.5.2. Participating in delivery of relevant training and education courses and events.

- Participation in the design and preparation for a CPD or CLE output organised by another professional body.
- Presenting CPD or CLE output organised by another professional body.
- Contributing to the design and development of the various Ciarb adjudicator/mediation/arbitration qualification courses and assessments.
- Shadowing Ciarb approved faculty as part of the process for becoming Approved Faculty or delivering a Ciarb course or assessment for the first time (in the period).
- Participation in the design and preparation for a Ciarb Ongoing Learning activity.
- Presenting at Ciarb Ongoing Learning activity.

1.5.3. Research or private study such as:

- Postgraduate study leading to a certificate, diploma or degree that are relevant to dispute resolution practice.
- Research as part of programme of study.
- Studying for a qualification in another dispute resolution discipline or to deepen sector-specific knowledge.
- Writing articles, books, case notes, practice notes relating to adjudication.
- Teaching in an undergraduate or postgraduate dispute resolution programme.
- Examining in an undergraduate or postgraduate dispute resolution programme.

1.5.4. Participation in the governance and delivery of Ciarb services to members:

- Active participation in Ciarb committees or working groups dealing with substantive issues of arbitral practice or developing thought leadership content.
- Sole or major authorship of discussion papers prepared for Ciarb committees or Board.

1.6. Application Form, Section Five: Declaration

1.6.1. Conduct and Character Issues

Those awarded Chartered status are expected to conduct themselves at all times in their personal and professional lives in a manner that will maintain public confidence. Section Five requires you to declare any findings or pending matters relating to unspent criminal convictions, complaints of professional misconduct, or other similar issues.

The CSG may take any such matters into account together with the evidence available to it. You should inform the Chartered Secretariat as soon as the prospect of criminal proceedings, a complaint, or another issue arises. You should state whether there is anything in your personal or professional background which, if brought into the public domain, could affect your suitability for Chartered Adjudicator status or bring adjudication practice or Ciarb into disrepute.

Please be aware that if you fail to declare something which later comes to light, and could have had a bearing on its decision, the CSG may need to consider whether to recommend to Ciarb Board of Trustees the removal of Chartered Adjudicator status.

Before completing Section Five, you should read Appendix B, which sets out the CSG 's approach to handling issues of character and conduct.

1.6.2. Criminal Convictions

With regard to criminal convictions, the following principles apply:

- Minor motoring offences where the applicant was not obliged to appear in court should be disregarded. However, any motoring offence resulting in disqualification, should be disclosed.
- Any conviction for an offence of dishonesty or resulting in a term of imprisonment will be of serious concern and is likely to preclude decision.
- Any other convictions will be considered on its individual merits.
- You do not need to include spent convictions (i.e. where there is legislation in your jurisdiction permitting those convictions to be removed after a certain period of time; and (ii) that period has passed).

1.6.3. Professional Negligence

The CSG will only consider cases of professional negligence where an applicant has been found to be at fault. Where a claim against you has been dismissed, it should not be disclosed. Where a claim has been settled, you should disclose the terms on which it was settled and indicate clearly whether and to what extent you have accepted liability.

Findings of negligence and cases where the applicant appears to have been at fault will be assessed taking into account the degree of loss and the importance of the matter to the client, along with any other relevant factors.

1.6.4. Findings or professional disciplinary fault

We seek your authority to check your disciplinary record with your professional regulator or other body. By submitting your application, you are providing that authority. If, as a result of these enquiries, a relevant professional regulator or other relevant body raises any matter of concern touching on integrity or professional conduct, you will be given an opportunity to provide an explanation before the matter is considered by the CSG.

Findings of professional disciplinary fault may be relevant as showing, in the first instance, a failure to honour professional codes. They will be treated on a case-by-case basis having regard to factors such as the penalty imposed; how recently the conduct occurred; and whether any person or business suffered loss or harm.

Complaints which have been referred to ADR institutions and nominating bodies that have resulted in an adverse decision against you should be disclosed.

If you are unsure whether or not to include a possible character issue, please contact the Chartered Secretariat via email to chartered@ciarb.org

1.6.5. Bankruptcy

A current or recent (i.e., within five years of discharge) formal bankruptcy order or insolvency event will be of concern. Full details will need to be submitted and the CSG will consider issues case by case.

1.6.6. Other potential character and conduct issues

You should disclose anything else, whether related to your professional or personal life, which could affect your standing or reputation, or could affect your suitability to be decisioned the Chartered status. This includes any matter not covered by the above categories but which a reasonable person would regard as material to your application.

1.6.7. CSG member recusals

You should inform the Chartered Secretariat upon submitting your application if you consider that a member of the CSG should be recused from considering your application. Applicants' reasons for suggesting recusal will be carefully considered, but it is for the Chair of the CSG to determine whether a member should be recused. If a matter arises in the course of the evaluation process which might make a recusal appropriate, please contact the Chartered Secretariat promptly.

CSG members will also recuse themselves from dealing with a particular application if they feel it appropriate to do so by virtue of a close connection with an applicant being a personal friend, or through significant close contact in the course of their recent professional life.

2. Other submissions: Decisions and Correspondence

As part of the application, you are required to submit examples of your decisions and correspondence as follows:

2.1. Five (5) redacted decisions that you have written.

The decision must have been written in full by the applicant. Choose the decisions that best reflect the indicators of excellence outlined in the Excellence Framework.

Please label your decision submissions according to the following format.

Decisions Submission

D-[MembershipNumber]-[Surname]-01

D-[MembershipNumber]-[Surname]-02

D-[MembershipNumber]-[Surname]-03

D-[MembershipNumber]-[Surname]-04

D-[MembershipNumber]-[Surname]-05

For example:

D-54321-Smith-01

2.2. Five (5) sets of correspondence five (5) different cases in the list.

Please label your correspondence submissions according to the following format.

Correspondence Submission

COR-[MembershipNumber]-[Surname]-01

COR-[MembershipNumber]-[Surname]-02

COR-[MembershipNumber]-[Surname]-03

COR-[MembershipNumber]-[Surname]-04

COR-[MembershipNumber]-[Surname]-05

For example:

COR-54321-Smith-01

3. Submitting an application

The CSG expects that the information you provide in your submitted application will be complete, true, and factually accurate. You are responsible for ensuring that the information is correct and complete.

Please use the checklist provided in the application form ensure that all elements of the application (the form, redacted decisions and redact correspondence) are complete and accurate before you submit your application. You will not be allowed to add to or amend your application form once the closing date has passed. However, if you subsequently become aware of any factual inaccuracies or changes to contact details, please notify the Chartered Secretariat as soon as possible and provide the amended details.

3.1. Documentation Format

All documents submitted (the completed application form, five adjudication decisions and five sets of correspondence) need to be in Portable Document Format (PDF). Once you have entered and finalised your information in the Microsoft Word application form, please then save the document into PDF, please refer to the guidance on this [LINK](#). With regard to the adjudication decisions and correspondence, please ensure that private and confidential information is redacted before saving as PDFs and submitting.

3.2. Submission Channel

For the Spring 2024 application round, we are only accepting applications via email. Please submit all elements of your application to chartered@ciarb.org. Please refrain from sending hardcopy applications to Ciarb office.

3.3. Large Files Submission

Should your submission files exceed 20MB, you may proceed to send an initial email indicating that you are applying for Chartered Adjudicator and request the Chartered Secretariat to provide you with a secure link for you to upload / submit your application form, five (5) reasoned decision and five (5) procedural order files.

3.4. Reasonable Adjustments

Our aim is to make this process accessible for all members. We will take steps to make reasonable adjustments needed because of a disability, including providing the form and guidance in an accessible format, or any request from you to provide your response in another format.

4. Payment Method

Your application must be accompanied by the fee of £1,500.

We prefer that you **pay online** via the MyCiarb portal. You will receive an email once the invoice is ready for payment. Only those applications received by the deadline, and for which payment has been received within 5 working days of the deadline, will be processed, and submitted to the CSG.

If you are unable to pay online, you can choose to make a bank transfer or pay over the telephone with a credit card.

For a **bank transfer**, please follow these instructions.

Ciarb Bank Details

HSBC Bank, 31 Holborn, London, EC1N 2HR England

Sort Code: 40-05-03

Account Number: 31288784

International Bank Account Number (IBAN): GB75HBUK40050331288784)

Branch Identifier Code: HBUKGB4B

Please advise the Chartered Secretariat by emailing chartered@ciarb.org that you have used this method of payment, quoting a reference comprising: C.Adj. Surname. Membership number. For example, CArbSmith23131

You should receive a VAT receipt for your fee, by email, once payment is confirmed. If payment is by electronic transfer, it is likely to take a few days before the VAT receipt is sent.

To make a payment over the **telephone**:

Please telephone our Finance Department on +44 (0)20 7421 2010 and have your card to hand. Kindly quote your membership number and inform our Finance Department that you are applying for Chartered Adjudicator to expedite the process. We accept MasterCard, Visa or American Express.

If you experience any difficulty in making payment, please email chartered@ciarb.org or contact + 44 (0)20 7421 7447.

Appendix A

Chartered **Adjudicator** Excellence Framework

The Chartered Selection Group (CSG) will judge the extent to which an applicant meets each of the five competences described below, to a standard of excellence. The examples or indicators provided in the bullets below each competence are intended to assist applicants, referees, and others in formulating submissions and the CSG in making judgements in relation to the evidence submitted.

The examples are illustrative. Demonstration of a competence area is not limited to the examples listed and is not necessarily dependent on applicants and referees providing evidence or observations relating to each and every competence area and indicator. The CSG will take a holistic view of all evidence submitted in coming to decisions about whether or not each competence is met to the standard required.

Competence A: Process and Procedure

Plans, manages and concludes the adjudication procedure, actively and efficiently, in accordance with applicable procedural rules and principles.

Examples or indicators

- (i) Directs timetables to fit the requirements of the dispute.
- (ii) Plans own approach to managing and analysing evidence effectively and efficiently.
- (iii) Identifies and decides procedural issues promptly and fairly within the rules of natural justice.
- (iv) Uses case management skills effectively and expeditiously to move cases forward, manage the available time in the best interest of all parties and maintain control of the timetable.
- (v) Uses a flexible and fair style to adapt the process to each dispute rather than taking a one-size-fits-all approach.
- (vi) Uses, and facilitates the use of, digital tools and competence in the best interest of both the process and of participants and environmental sustainability.

Competence B: People and Communication

Enables and enforces an environment of safe, fair, inclusive and procedure-appropriate interaction.

Examples or indicators

- (i) Communicates clearly, confidently and authoritatively, with specific and directive language.
- (ii) Handles difficult situations confidently and effectively and preserves the integrity of the process.
- (iii) Acts reasonably and fairly in managing parties' non-compliance with directions.
- (iv) Takes action to address potential abuse of procedure by a party that is unfair.
- (v) Sets a tone and dynamic in proceedings that inspires trust and confidence, including from losing parties.

Competence C: Outcome

Deploys sector expertise and understanding of the relevant legal framework, and weights evidence fairly, to develop a view on the case; and structures and writes a decision congruent with relevant rules, principles and ethical standards that withstand scrutiny.

Examples or indicators:

Decision making:

- (i) Defines the issues in dispute accurately and clearly.
- (ii) Demonstrates good judgement in decision-making under time constraints.
- (iii) Demonstrates legal acumen in procedural decision-making and contract interpretation.
- (iv) Assimilates new information rapidly and accurately.
- (v) Gains and demonstrates an accurate understanding of complex and voluminous case material.
- (vi) Appreciates aspects of the case that are particularly important or difficult and responds accordingly.
- (vii) Appreciates the relative importance of each item of evidence and reflects this in their directions and decisions.

Decision writing:

- (viii) Takes personal responsibility for drafting.
- (ix) Drafts using clear, precise and determinative language.
- (x) Writes well-structured, concise decisions that reflect due process.
- (xi) Writes decisions that address the issues identified, are well reasoned and understood by the parties.
- (xii) Addresses ethical issues where appropriate and in a way that demonstrates best practice in adjudication.

Competence D: Equality, Diversity and Inclusion

Demonstrates cultural sensitivity and understanding of equality, diversity and inclusion (EDI) issues; and takes steps to promote diversity, equality and inclusion through adjudication proceedings and/or within the dispute resolution sector more broadly.

Examples or indicators

- (i) Is aware of the implications of the diverse needs and circumstances of all individuals involved in adjudication and acts and adapts accordingly.
- (ii) Acts as a role model for others in handling diversity and cultural issues in professional (and non-professional) contexts.
- (iii) Confronts discrimination and prejudice appropriately when observed in others.

Competence E: Professional Conduct and Practice Standards

Complies with ethical and practice standards and engages in reflective practice.

Examples or indicators

- (i) Recognises and manages ethical dilemmas appropriately.
- (ii) Recognises limits of own competence and takes action accordingly (for example, appointing a technical or legal adviser when appropriate).
- (iii) Deals with conflicts of interest with integrity – voluntarily discloses information, facts or circumstances that might give rise to an appearance of bias in the eyes of a party.
- (iv) Understands and adheres to Ciarb's Code of Professional and Ethical Conduct.
- (v) Reflects and engages in professional development and/or active engagement in relevant forums, to develop and foster ethical and practice standards in adjudication.

Appendix B

The Chartered Selection Group's approach to issues of character and conduct

1. Introduction

This Appendix provides guidance as to how the matters referred to in Section Five of the application form (Character and Conduct) will be handled by the CSG. You should read this before completing that section. It will help you to decide whether an issue is material to your application and needs to be disclosed.

If, having read this Appendix, you are still in doubt as to whether to disclose a matter, you should do so. If you fail to declare something which later comes to light, and could have had a bearing on its decision, the CSG may need to consider whether to recommend the removal of Chartered Status.

The Chartered Secretariat should be notified immediately of any change of circumstances in relation to matters of character in the course of the competition. This includes:

- Where any complaint against you is dismissed;
- Where a finding is made against you;
- Where a new issue arises (e.g. a complaint);
- Where other action is being considered against you or is likely to be (such as criminal proceedings, bankruptcy or voluntary arrangement, or any kind of investigation by any professional, or regulatory authority).

2. How to conduct and character issues are handled

Where a character issue is reported (including self-reported) in respect of any applicant then the relevant part of the application form and/or correspondence (with any details identifying the applicant removed) is placed before a sub-group of the CSG. The sub-group, reporting to the full CSG, will then form a view as to whether the issue is serious enough potentially to influence any eventual decision to recommend an applicant who otherwise appears suitable for decision. If the sub-group requires further information or clarification from the applicant, it will ask the Chartered Secretariat to write to him or her. The subgroup will reach its conclusions independently of the CSG's consideration of the other evidence relating to each applicant.

Only issues which the subgroup considers to be of such seriousness as having the potential to influence any eventual recommendation will be brought to the full CSG's attention in relation to

an applicant. This will normally be done prior to the CSG making decisions as to whether each applicant has demonstrated the competences sufficiently to be invited to an interview. Where the CSG concludes that an issue on an (anonymised) applicant is not sufficiently serious to influence any eventual decision on the application, the CSG will not be made aware of the matter when considering whether the applicant concerned should be interviewed or recommended for decision.

The CSG will consider an issue of character, in plenary, only where it could influence the decision whether or not to decision C.Adj. The CSG will generally assess your application based on the self-assessment, summary description of practice, references and (where applicable) interview alone, without regard to any matter disclosed by you in Section Five of the application form or otherwise, or in response to the professional conduct check. Only if it appears that a character issue is sufficiently serious to have an influence on any eventual decision relating to the decision of Chartered status will the CSG be made aware of an issue of character regarding a particular applicant.

If an applicant is invited for interview, the interviewers will not generally be aware of any character issue that may have been disclosed and there is therefore no need for you to mention such a matter during the interview, unless raised by the interviewers.

3. Professional conduct and integrity checks

The Chartered Secretariat will contact relevant professional or regulatory bodies with responsibility for professional conduct. **For this reason, we seek your authority to check your disciplinary record with your professional regulator or other body. By submitting your application, you are providing that authority.**

If checks with the professional bodies reveal that you are or have been subject to a disciplinary finding or pending matter, the Chartered Secretariat will contact you for a full explanation, unless you have already given a full explanation in the application form or otherwise. If any matters of concern are identified in this way, they will be put to you in writing by the Chartered Secretariat on behalf of the CSG, so that you have an opportunity to provide an explanation. If a finding or complaint is reported which you have not disclosed in your application form, the Chartered Secretariat will write to you to give you an opportunity to address in writing (a) the question of non-disclosure and (b) the materiality of the finding or complaint to your application.

If referees raise any matters relating to character and conduct those will be treated as confidential. If you are called for an interview, the interviewers will seek to give you the opportunity

to address any concerns arising from a comment of that sort from a referee, providing that can be done without breaching the confidentiality owed to the referee.

4. Consideration in determining issues of character.

Character is considered as a whole. If more than one issue is presented by an applicant, then the CSG will consider:

- a) Whether any one issue by itself is or may be of concern; or if not
- b) Whether all issues taken together are or may be of concern, disregarding any that may not be taken into account.

One relatively minor instance may not be considered serious enough to be a bar to Chartered status, but the subgroup will consider whether there is evidence of a pattern of behaviour that the full CSG needs to take into account.

In the case of pending criminal proceedings, complaints and professional negligence claims, or other pending matters, the subgroup will consider whether the complaint or claim, if substantiated, would be of sufficient seriousness to provide grounds for the CSG to wish to defer any decision.

Nondisclosure of an issue by an applicant may be treated as being of sufficient seriousness to require consideration by the full CSG, unless the applicant has provided a satisfactory explanation in correspondence,

Subject to other factors described in this Appendix, character issues will be assessed by the CSG in the light of the following criteria:

- a) Seriousness,
- b) Time elapsed since the incident occurred,
- c) Relevance of the incident to the Excellence Competence Framework,
- d) Any other feature that might cause concern, e.g. as potentially bringing the position of C.Adj into disrepute, having an adverse impact on the client, or failure to disclose a finding or pending matter of professional disciplinary fault.

