

Module 3 – Construction Adjudication Drafting, Evidence and Decision Writing - Virtual Delivery

What is the aim of the course?

This module provides candidates with the knowledge of the main procedural elements of Construction Adjudication to enable them to understand and participate in such proceedings.

This module provides candidates with the knowledge required to understand and consider evidence, to weigh it up and analyse submissions, arrive at a conclusion and write a final, reasoned and enforceable Construction Adjudication Decision in compliance with the Housing Grants, Construction and Regeneration Act 1996.

This course focuses on the processes followed by a Construction Adjudicator in defining the issues that have to be decided by a Decision, dealing with the submissions made by the parties, analysing the appropriate law, evaluating the evidence, applying the law to that evidence, arriving at a conclusion and then writing a final, reasoned and enforceable Decision.

What are the learning outcomes?

On successful completion of this course, candidates will be able to demonstrate sound conceptual, technical and/or practical knowledge of:

- recognising and evaluating evidence,
- the issues that arise from the parties' submissions,
- being able to create structure and deal with all the issues that arise,
- deciding matters in dispute logically and in accordance with the law,
- the skills required to write Decisions correctly,
- the discursive and operative parts of the Adjudication Decision,
- being able to deal with the parties' costs and interest of a Decision.

What is covered within the syllabus?

- The Adjudication process in detail
- Issues in Adjudication
- Core and relevant principles of the law of Evidence
- Rules of evidence in Adjudication
- Rules of evidence in common and civil law jurisdictions
- Legal and substantive requirements
- Reasoning and decision making
- Structure and form of the decision
- Publishing the Decision

How is the course delivered?

The course is delivered over a period of three months, with a combination of private study and six virtual tutorials.

The course date advertised is the start date of the course when candidates will be required to start their private study of reading **NOT** when they attend tutorials. The virtual tutorial dates are listed on the Course Schedule.

How will I be assessed?

This assessment is completed via LearnADR, CI Arb's online learning platform. Candidates will be given 48 consecutive hours within a 5-day window to submit their decision online. Candidates must achieve 70% to pass the assessment.

This assessment is split into 2 parts:

Stage One

This consists of the papers in the case. They are sufficient to enable you to grasp the nature of the case and the likely legal problems. Most of the documents are extracts only. You should consider the introductory sections you intend to include and the matters of law and fact disputed by the parties.

Stage Two

This is the equivalent of the hearing stage. It includes your record of the meeting. This records the oral evidence and arguments the adjudicator has heard, as well as any other relevant documents. From all the evidence you must make findings of law and findings of fact. Different candidates will no doubt make different findings. This is of no consequence, except that it means there are a great many possible answers to the question. When you have made your finding, write the remaining parts of your Decision. It must be a final Decision as regards the issues you decide.

Stage One of the assessment is released via LearnADR 10 days before the assessment start date.

Stage Two is released at 12pm noon London Time on the assessment start date via LearnADR too.

Stage 2 will be available for 5 days from the assessment start date and within those 5 days, you will have 48 consecutive hours to submit your decision back onto LearnADR.

The assessment fee is not included in the course fee. It must be registered and paid for separately. The assessment fee is £408 inclusive of VAT.

Results are dispatched to candidates normally twelve weeks from the deadline date of the submission. Candidates will be informed of any delays.

What are the entry requirements?

In order to register for the course, candidates must:

- have successfully completed and passed the CI Arb Module 1 Law, Practice and Procedure,
- have successfully completed and passed the CI Arb Module 2 Law of Obligations or
- have been granted an exemption from the CI Arb Module 2 Law of Obligations.

English Language Competence - CI Arb training and assessment is carried out in English. It is therefore essential that candidates are proficient in both written and spoken English. Where English is not a candidate's first language, it is recommended that they have achieved a standard that is, as a minimum, equivalent to the International English Language Testing System (IELTS) level 7 or a score of 94-101 in the Test of English as a Foreign Language (TOEFL) system. CI Arb issues this advice as a guideline and, while it will not require any evidence of this standard prior to enrolment on a course, candidates who do not have this standard of English may be disadvantaged.

What is the course fee and what does it include?

The course fee is £1080 inclusive of VAT. The fee includes registration on the course, access to virtual classrooms and study materials.

What happens when I register for the course?

Upon successful registration on the course, candidates will receive confirmation they are booked on the course. Candidates will receive login details to access their course materials via LearnADR approximately 2 weeks before the course start date on the condition that 70% of the course fee has been received. The balance is payable before the course start date.

What is CI Arb's policy on cancellation of courses?

CI Arb reserves the right to cancel or change the date, venue or content of programmes and the names of speakers, lecturers and tutors. Candidates will be provided with adequate notice of any change. If CI Arb has to cancel a course, candidates will be provided with a full refund or the opportunity to transfer their registration to the next course. Should a candidate wish to cancel/defer their registration of a course, notification must be received in writing to education@ciarb.org. Deferral charges apply. Please refer to the Fee Terms and Conditions for full details.

What is my next step when I complete the course?

On successful completion of this course, candidates may schedule a Peer Interview with CI Arb's Membership department in order to apply for Fellow grade membership of CI Arb and take advantage of a range of educational and professional benefits.