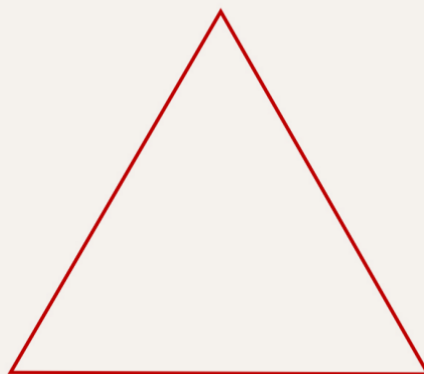
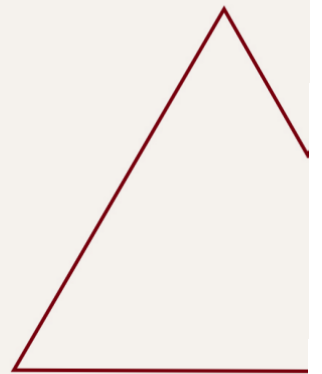


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The Guidance



2015 edition 5

THE GUIDANCE

2015 Edition 5

The Chartered Institute of Arbitrators

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Professor Dr Mair Coombes Davies BSc, BArch, Ph.D., RIBA, C.Arb, FHEA
Chartered Institute of Arbitrators Panels Management Group

II. PREFACE

Worldwide

1. The Chartered Institute of Arbitrators is a leading professional membership organisation representing the interests of alternative dispute practitioners worldwide in more than 120 countries. It supports the global promotion, facilitation and development of all forms of private dispute resolution
2. As a not for profit, UK registered charity, the Chartered Institute of Arbitrators works in the public interest through an international worldwide network of 37 branches. In addition to providing education and training for arbitrators, mediators and adjudicators, it acts as an international centre for practitioners, policy makers, academics and those in business concerned with the cost effective and early settlement of disputes. This gives users confidence that the very best people are helping to resolve their dispute.
3. Many regions or branches currently operate or aspire to operate panels or appointment systems which are unique to them.
4. The Chartered Institute of Arbitrators centrally operates panels of accredited arbitrators, adjudicators and mediators. The Institute administers the presidential appointments from panels in accordance with the Protocol to Govern Administration of the Presidential Appointment Process³.

Panels Management Group

5. The Panels Management Group (PMG) was established under the Royal Charter, Article 8.1(2)⁴ of 28 February 2005. Its responsibilities are to:
 - i. *Maintain the Institute's* central lists and panels of experienced practitioners.
 - ii. Establish principles for the management for other lists and panels operated by the Institute elsewhere.
 - iii. Establish procedures to enable practitioners to carry out their professional duties.
 - iv. Assist in supervising and monitoring the professional

³ *Protocol to Govern Administration of the Presidential Appointment Process*, 18 January 2007 approved by the Board of Management, the Chartered Institute of Arbitrators.

⁴ *The Chartered Institute of Arbitrators Byelaws* paragraph 17, regulation 11.

performance of practitioners through an independent and impartial system.

6. The PMG is also responsible for establishing and maintaining an effective and consistent process for the conduct of final assessment interviews for Fellowship and Chartered Arbitrator status. The PMG also has the remit⁵ to provide for the establishment and administration of a Panel Appointment Certificate Scheme (PACS) and of Peer Review Panels.

Panel Appointment Certificate

7. The purpose of the Panel Appointment Certificate Scheme is for members of the Chartered Institute of Arbitrators to demonstrate by holding a Panel Appointment Certificate that:
 - i. They are suitable and competent for consideration for appointment.
 - ii. They wish to be considered for appointment.

The Guidance

8. **The Guidance** sets out all the processes and procedures for which the Panels Management Group is responsible.
9. **The Guidance** also covers:
 - i. The effective operation of the Panel Appointment Certificate Scheme.
 - ii. The appointment of practitioners.
 - iii. Overseeing branch panels around the world by supervising and monitoring performance through an independent and impartial system.
 - iv. A code of ethical practice and quality.
10. This fifth edition of **The Guidance** updates the Panel Appointment Certificate Scheme for arbitrators, adjudicators, mediators, third party neutrals and experts. The most important changes are that an applicant needs to declare that they have conducted the required hours of CPD and professional activity relevant to the certificate which they are seeking to renew. The Panels Management Group may call for further information, require spot checks to be made or request the applicant to attend an interview.

⁵ **Royal Charter**, articles 6.1(2) and (3), 13(1) to (3).

III. THE GUIDANCE

1

Guidance 1

Code of Professional and Ethical Conduct

- 1.1 *Code relating to the conduct of members when serving on committees of the Chartered Institute of Arbitrators, acting for the Institute or making appointments as honorary officers of the Institute.*
- 1.2 *Code relating to the conduct of members when acting or seeking to act as neutrals.*

1. Code of professional and ethical conduct.

Introduction

- A *This Code of Professional and Ethical Conduct is published pursuant to the Bye-Laws of the Institute so that members may be reminded of the professional and moral principles which should at all times govern their conduct.*
- B *The Oxford English Dictionary defines, 'ethics', as moral principles or rules of conduct. A Code of Ethics provides a set of moral principles according to which one should conduct one's affairs. The Code sets out, in a number of Rules, the minimum standards of conduct that members should observe. A significant breach of the Code amounts to professional misconduct by virtue of Bye-Law 15.2.*
- C *The Code is in two parts but members should be cognisant of the entire code and should apply the principles, in whole or in part, as applicable to their dispute resolution practice.*
- D *The first part of the Code relates to the conduct of members, including honorary officers, in the carrying out of the functions, duties and responsibilities of the Institute. It governs the conduct of members when acting as members of the Board of Trustees, the Board of Management, or any committee of the Institute and applies also to the conduct of honorary officers of the Institute when appointing arbitrators, adjudicators, mediators and others to act as neutrals in alternative dispute resolution processes.*
- E *The second part of the Code relates to the conduct of members when acting or seeking to act as neutrals in alternative dispute resolution processes, wherever conducted, whether or not they have been appointed so to act by the Institute or any officer of the Institute and whether or not the process is conducted under the auspices of the Institute.*
- F *The purpose of adopting a Code of Ethics for neutrals involved in alternative dispute resolution is to serve not only as a guide but as a point of reference for users of the process and to promote public confidence in dispute resolution techniques. The Code itself is a reflection of internationally acceptable guidelines.*
- G *In some instances the ethics set down herein may be repeated in legislation governing the process, case law or rules which parties adopt. In many instances members will also be bound by other codes of practice or conduct imposed upon them by virtue of membership of primary professional organisations.*

1.1		Code relating to the conduct of members when serving on committees of the Institute, acting for the Institute or making appointments as honorary officers of the Institute.
1.1-	1 1.1	<p>Overriding obligation</p> <p>Members of the Institute (including its honorary officers) when conducting the business and affairs of the Institute and when serving on the Board of Trustees and on any board or committee established by the Institute have an overriding obligation to act at all times in a disinterested manner and to be faithful to the relationship of trust which exists between members and the Institute.</p>
1.1-	2 2.1	<p>Conflict of interest</p> <p>Members shall disclose any interest or relationship which is likely to affect, or may reasonably be thought likely to affect, their conduct. Members shall not without prior disclosure act, speak or vote in connection with a matter in which they have an interest or in which any person or body with which they are connected has an interest. Members shall not permit outside pressure, fear of criticism or any form of self interest to affect their conduct.</p>
1.1-	3 3.1	<p>Undisclosed personal advantage</p> <p>Members shall not knowingly gain or seek to gain any undisclosed personal advantage or profit from serving on the Board of Trustees or on any board or committee established by the Institute or from acting in any way on behalf of the Institute.</p>
1.1-	4 4.1 4.2 4.3	<p>Appointment</p> <p>Where the appointment of a third-party neutral falls to be made by the president or other <i>honorary officer of the Institute (the appointer)</i>, then the following shall apply.</p> <p>The overriding principle is that all appointments shall be made with a view to selecting, on objective criteria, a suitable person to fulfil the particular role in question and that the appointment shall not be affected by personal factors.</p> <p>The appointer should always take such steps as may be reasonable and practicable to satisfy themselves that persons suggested by the executive staff of the Institute as being suitable for appointment are in fact suitable persons to be appointed.</p>

1.2 Code relating to the conduct of members when acting or seeking to act as neutrals.

Introduction

- A This Code is subject to the overriding requirements that it shall not:
- i. Require a member to act in a way that is unethical or unlawful under any other Code or law applicable to the member;
 - ii. Form part of the rules of any dispute resolution process;
 - iii. Override or replace the rules or applicable laws of any dispute resolution process; nor
 - iv. Provide grounds for judicial review or other legal action.

1.2-

1

Behaviour

1.1

A member shall not behave in a manner which might reasonably be perceived as conduct unbecoming a member of the Institute.

1.2-

2

Integrity and fairness

2.1

A member shall maintain the integrity and fairness of the dispute resolution process and shall withdraw if this is no longer possible.

1.2-

3

Conflicts of interest

3.1

Both before and throughout the dispute resolution process a member shall disclose all interests, relationships and matters likely to affect the *member's independence or impartiality or which might reasonably be perceived as likely to do so.*

3.2

Where a member is or becomes aware that he or she is incapable of maintaining the required degree of independence or impartiality, the member shall promptly take such steps as may be required in the circumstances, which may include resignation or withdrawal from the process.

1.2-

4

Competence

4.1

A member shall accept an appointment or act only if appropriately qualified or experienced.

4.2

A member shall not make or allow to be made on *the member's* behalf any representation about the *member's experience or expertise which is misleading or deceptive or likely to mislead or deceive.*

1.2-

5

Information

5.1

Where appropriate and having regard to whether the parties are represented by professionals familiar with the dispute resolution process, the member shall ensure that the parties are informed of the procedural aspects of the process.

1.2-

6

Communication

6.1

A member shall communicate with those involved in the dispute resolution process only in the manner

appropriate to the process.

1.2-

7

Conduct of the process

7.1

Officers and those with appointing authority shall discharge their obligations in accordance with applicable law.

7.2

A member shall not be influenced by outside pressure or self interest.

7.3

A member shall not delegate any duty to decide to any other person unless permitted to do so by the parties or applicable law.

7.4

A member shall not unduly delay the completion of the dispute resolution process.

1.2-

8

Trust and confidence

8.1

A member shall abide by the relationship of trust which exists between those involved in the dispute and (unless otherwise agreed by all the parties, or permitted or required by applicable law), both during and after completion of the dispute resolution process, shall not disclose or use any confidential information acquired in the course of or for the purposes of the process.

1.2-

9

Fees

9.1

A member shall charge only reasonable fees and expenses having regard to all the circumstances and shall disclose beforehand and explain to the parties to the dispute resolution process the basis upon which the fees and expenses shall be calculated and charged.

2

Guidance 2

Procedures

- 2.1 Panel structures.
- 2.2 Convenors of the Chartered Institute of Arbitrators main panels
- 2.3 Performance monitoring.
- 2.4 Removal and suspension from a panel.⁶
- 2.5 Professional Conduct Committee power to request peer review

2.1

Panel structures.

Introduction

- A
- The objectives of the procedures for the appointment, monitoring and removal of specialist scheme panel practitioners are:
- o To provide an appropriately qualified panel of practitioners⁷ for each specialist scheme (where required).
 - o To maintain the quality and accuracy of awards, decisions or other outcomes.
 - o To maintain transparency, fairness and accountability of process.
 - o To enhance the reputation of the Chartered Institute of Arbitrators.

2.1-

1

1.1

Panels Management Group (PMG)⁸

The Panels Management Group is a committee of the Chartered Institute of Arbitrators. It is responsible for:

- i. Controlling the composition and operation of the Institute's main panels of practitioners in private dispute resolution, including the operation of the Panel Appointments Certificate Scheme⁹ worldwide and the monitoring of the work of panel members.
- ii. Establishing principles and protocols for the operation of other lists, panels or private dispute resolution schemes operated by the Institute and its Branches and the monitoring of such lists, panels or schemes.
- iii. Establishing procedures to enable practitioners to carry out their duties.
- iv. Establishing, operating and controlling Peer Review Panels worldwide.
- v. Recommending to the Board of Management the names of members to act as convenors of

⁶ **Appointment, Monitoring and Removal of Specialist Scheme Panel Practitioners.** 22 April 2005 endorsed by the Board of Management, the Chartered Institute of Arbitrators.

⁷ Practitioners are arbitrators, adjudicators, mediators or any other member of the Chartered Institute of Arbitrators who is eligible for appointment, by either the president or the Institute, by virtue of holding a Panel Appointment Certificate (PAC).

⁸ **Regulations.** May 2014. The Chartered Institute of Arbitrators.

See also **Guidance 9** Panels Management Group.

⁹ Known as, 'PACS'.

the Institute's main panels.

- vi. Establishing and maintaining an effective and consistent process for the conduct of final assessment interviews for Chartered Arbitrator status and for the conduct of the final assessment interviews for admission to the Presidential Panels for Adjudicators and Mediators.
- vii. Providing advice, guidance and support to the Professional Conduct Committee.
- viii. Advising and supporting the executive in the development of and requirements for private dispute resolution schemes.
- ix. Advising the Education and Membership Committee on those areas of performance by practitioners and other members which indicate a need for the provision of specific training or retraining.
- x. Carrying out such additional functions as the Board of Management may request.
- xi. Reporting its activities to the Board of Management.

2.1-

2

Conveners of the Institute's panels

2.1

The PMG will appoint conveners to the Chartered Institute of Arbitrators main panels, i.e. the Panel of Arbitrators, the Panel of Adjudicators and the Panel of Mediators¹⁰.

2.2

The PMG will appoint a suitably qualified and experienced panel member to be called the panel convener who will be required to provide guidance and supervision of professional practice for the panel members.

2.3

Normally an individual panel member will not be appointed to serve as convener of more than one panel concurrently, unless the PMG considers that it is desirable to allow concurrent appointments in order to support the maintenance of professional consistency in the work of the panel

2.4

The conveners of the Institute's panels are ex officio members of the PMG.

2.1-

3

Responsibilities

3.1

In accordance with the protocol to govern the administration of the presidential appointments process, the Institute is required to maintain auditable records of enquiries and requests for nominations or appointments and to maintain a searchable, secure database of all eligible Institute members.

¹⁰ Also known as the Panel of Chartered Arbitrators, the Panel of Construction Adjudicators and the Panel of Civil and Commercial Mediators.

2.2	Convenors of the Chartered Institute of Arbitrators main panels	
2.2-	1 1.1	<p>Eligibility for selection</p> <p>Candidates for the role of convener must be able to evidence appropriate management skills suitable for the role as both specialist adviser to the PMG for the work of the panel and to act as professional guide and mentor for other panel members.</p>
2.2-	2 2.1	<p>Role</p> <p>Convenors will be responsible for:</p> <ul style="list-style-type: none"> i. Conducting in a non-executive capacity the performance monitoring of the panel members assigned to their panel and reporting accordingly. ii. In consultation with the chairman of the PMG, considering whether or not any appropriately qualified member of the Institute should be appointed to membership of any panel. iii. Advising as appropriate on the development and publication of practice guidelines for the work of the panel members including the issue or awards or decisions as necessary. iv. Conducting panel meetings where required after consultation with the chairman of the PMG. v. Setting relevant practice standards for panel members after consultation with the chairman of the PMG. vi. Coordinating appropriate CPD events for panel members after consultation with the chairman of the PMG. vii. At the request of the chairman of the Board of Management or the chairman of the PMG assisting with the early resolution of any complaints about a panel member where such complaints may involve any question of professional performance or competence. iii. Complying with the performance criteria set out in this document for their work as a convener.

2.3	Performance monitoring	
2.3-	1 1.1	<p>Monitoring</p> <p><i>In regard to the Institute's panels, the PMG in consultation with the president of the Chartered Institute of Arbitrators (as the Institute's appointing officer):</i></p> <ul style="list-style-type: none"> i. Monitors and guides the professional performance of members appointed to the <i>Institute's panels</i>.

- ii. Advises and makes recommendations to the Board of Management where appropriate on areas where professional performance might be improved.
- iii. Maintains oversight of the appointments procedure as carried out by the Institute. In the event of any concerns arising as to the efficiency and effectiveness of performance of this role, the PMG will in the first instance inform the Director General who will seek to resolve such issues. In the event of the outcome being unsatisfactory the chairman of the PMG shall inform the chairman of the Board of Trustees.
- iv. Provides advice, guidance and support to the Professional Conduct Committee.

1.2 The PMG will monitor the work of panel members by a process of receiving and reviewing reports made by individual conveners. Conveners will conduct their monitoring role utilising a risk based approach which acknowledges what is already *known of a panel member's knowledge, skills and experience* and takes due account of the potential harm to users and the Institute arising from any potential for weakness or failure of a panel *member's working practices*. Conveners will also seek to identify common trends in performance, seeking always to promote best practice.

1.3 The PMG may, from time to time, undertake or request performance reviews of its panel practitioners.

2.3-

2 Feedback

2.1 In presidentially appointed cases, the PMG will:

- i. Request the Institute to distribute feedback forms to the parties.
- ii. Analyse returned forms and keep records regarding the performance of panel practitioners.
- iii. Send copies of the form to the appropriate practitioner, the relevant panel convenor(s) and one shall be kept on the individual practitioner's file.

2.2 The PMG will:

- i. Distribute feedback forms to individual customers and users.
- ii. Analyse returned forms or surveys and keep records regarding the performance of panel members, providing reports to the committee.
- iii. Send copies of returned feedback forms to the appropriate panel member and the relevant panel convenor. A copy will be placed on the individual *panel member's file*.

2.4 The PMG may conduct surveys of user schemes.

2.4 Removal and suspension from a panel

2.4-

1 Inactivity

1.1 Where a panel member consistently declines appointments or nominations offered by president of the Chartered Institute of Arbitrators then the panel member shall normally be considered as inactive and may be removed from the panel (or panels) by the PMG, on recommendation from the panel convenor. Such a panel member shall be notified and may submit to the PMG a justification to support an application that the panel member should continue to be considered as an active panel member.

1.2 Any appeal of a decision to remove a panel member for inactivity would be to the Board of management whose decision shall be final.

2.4-

2 Suspension from a panel

2.1 Serious weakness or failure in performance may result in the PMG suspending a panel member from a panel pending further investigation or review by either the convenor or the PMG. In making any such suspension the panel member will have the right of reply. Any such reply will be considered within the conduct of an investigation or review of the decision and the reasons for suspension. Any investigation or review will be completed, including a report and determination on a course of action within 3 months of the date of the original suspension.

2.2 Any appeal of a decision to suspend a panel member from a panel would be to the Board of Management whose decision shall be final.

2.4-

3 Removal from a panel

3.1 Consistent serious weakness or failure in performance may result in the PMG considering or ordering withdrawal of a panel member from a panel. Failure by a panel member to maintain the required performance standards may be evidenced by:

- i. Adverse feedback from the parties particularly when it occurs on a consistent basis; or
- ii. Adverse feedback following peer review or through routine management of the panel particularly when it occurs on a consistent basis; or
- iii. Serious failure of competence or consistently

poor professional practice reflected in a peer review or any other performance review by the convener or the PMG.

3.2 In the event of intended removal from a panel or panels arising from serious concerns about professional performance the panel member may appeal to the Board of Management whose decision shall be final.

2.4-

4 General right of reply

4.1 Whenever any user complaint, peer review or feedback procedure generates criticism of a panel member or causes concern about their professional performance, the PMG will formally seek comment from the panel member and will ensure that the convener or the PMG has their response available when the original complaint or report about the panel member is considered by the convener or the PMG.

4.2 If the convener or the PMG decides that the panel member should take corrective action in respect of professional practice, then the PMG will ensure a right of reply for the panel member.

4.3 In the event of any disagreement arising from any action or intended action by the PMG the panel member may appeal to the Board of Management whose decision shall be final.

2.5

Professional Conduct Committee power to request peer review

2.5-

1 Professional Conduct Committee power

1.1 Upon a complaint being made about a practitioner to the Professional Conduct Committee which the Professional Conduct Committee finds is justified but which falls short of professional misconduct, the Professional Conduct Committee has power to request the PMG that the practitioner be subject to review.

3

Guidance 3

Panel Appointment Certificate

- 3.1 Panel Appointment Certificate Scheme (PACS) for arbitrators, adjudicators, mediators, third party neutrals and experts.
- 3.2 Third party neutrals and experts.

3.1

Panel Appointment Certificate Scheme (PACS)¹¹ for arbitrators, adjudicators, mediators, third party neutrals and experts.

A

Introduction

The duty of the president in making appointments

The duty of the president, when appointing members as a third party neutral is set out in rule 4 of Part 1 of the Code of Ethical Conduct, dated 19 January 2007, or such amendments thereto which may from time to time be approved by the Trustees of the Chartered Institute of Arbitrators. Rule 4 sets out that:

'Where the appointment of a third-party neutral falls to be made by the President or other honorary officer of the Chartered Institute of Arbitrators ("the appointer"), then

1. *The overriding principle is that all appointments shall be made with a view to selecting, on objective criteria, a suitable person to fulfill the particular role in question and that the appointment shall not be affected by personal factors.*
2. *The appointer shall always take such steps as may be reasonable and practicable to satisfy himself or herself that persons suggested by the executive staff of the Chartered Institute of Arbitrators as being suitable for appointment are in fact suitable persons to be appointed.'*

The Panel Appointment Certificate Scheme (PACS) for arbitrators, adjudicators, mediators, third party neutrals and experts assists in fulfilling the president's duty.

3.1-

1
1.1

Purpose of the Panel Appointment Certificate Scheme

The purpose of the Panel Appointment Certificate Scheme is to enable eligible members to demonstrate voluntarily to the president that, in all respects and on a continuing basis, they are suitable and competent for consideration for appointment by the president as a practitioner and that they wish to be so considered. All members of the Chartered Institute of Arbitrators, who are qualified by the Chartered Institute of Arbitrators as a Chartered Arbitrator and/or an Accredited Adjudicator and/or an Accredited Mediator may hold a Panel Appointment

¹¹ **Panel Appointment Certificate Scheme 2003**, 24 June 2003 approved by Council, the Chartered Institute of Arbitrators.
As amended 2007 and 2013 Chartered Institute of Arbitrators Board of Trustees and by the **Chartered Institute of Arbitrators Regulations May 2014**.
Now known as the **Panel Appointment Certificate Scheme 2007 (PACS)**.

Certificate¹².

1.2 The PAC is intended to allow members to demonstrate publicly that they are achieving and maintaining ethical and competent standards of practice in their discipline or disciplines of dispute resolution at the level of qualification held. It is not intended to limit or restrict appointments of members of the Chartered Institute of Arbitrators made by other bodies, or by individuals, or by the parties in a dispute.

3.1-

2
2.1 **Award and renewal of a PAC**
A PAC shall be granted by the Panels Management Group¹³ to all newly qualified Chartered Arbitrators on application to the PMG, and to those selected for membership of a Chartered Institute of Arbitrators main panel upon such qualification or selection. It is voluntarily open to all suitably qualified practitioners, wherever they are domiciled, to apply for renewal of their initial PAC in accordance with the PAC Rules

2.2 An application for a PAC and renewal of a PAC applies to those members who wish to continue to be considered for appointment by the president or to those who are otherwise eligible and who may recognise the discipline value of a PAC and thus elect to maintain certification for personal or business reasons.

3.1-

3
3.1 **Peer Review Panels**
In creating the PPACS the Chartered Institute of Arbitrators recognises that a significant element of practice for any practitioner, particularly for arbitrators, is the relevant law within their jurisdiction and that good practice standards may also reflect cultural expectations. Therefore the system of awarding and monitoring a PAC shall reflect those facts and influences. A PAC may therefore be limited by jurisdiction if deemed appropriate.

3.2 Under the Scheme the PMG shall draw upon the knowledge and expertise of the relevant Peer Review Panels that shall be established in accordance with the Byelaws within the framework of the supervisory and disciplinary duties of the Chartered Institute of Arbitrators.

3.2 Third party neutrals and experts

¹² Referred to as a, 'PAC'.

¹³ Referred to as the, 'PMG'.

3.2-

1

1.1

PAC procedure

Unless otherwise approved by the PMG, the PAC procedure for a third party neutral or an expert shall be similar to that of an arbitrator (amended as appropriate).

4

Guidance 4

Peer Review Panels and Interview Panels

4.1 *Criteria for selection of Peer Review Panel members and Interview Panel members by the Panels Management Group.*

4.2 *Number of Peer Review Panel members.*

4.1	Criteria for selection of Peer Review Panel members and Interview Panel Members by the Panels Management Group.	
4.1-	1 1.1	Qualifications A member selected as a peer reviewer or an interviewer must be: <ul style="list-style-type: none">i. A Chartered Arbitrator, a suitably qualified Fellow, an Accredited Adjudicator or an Accredited Mediator with five or more years' experience within the Chartered Institute of Arbitrators.ii. Qualified and practicing in at least one of the disciplines of private dispute resolution or as an adviser.iii. A current member of the Chartered Institute of Arbitrators.
4.1-	2 2.1	Understanding Peer reviewers and interviewers must have a thorough understanding of: <ul style="list-style-type: none">i. The criteria for Chartered Arbitrator status and Fellowship; orii. The criteria for panel membership of the Panel of Adjudicators and the Panel of Mediators, as appropriate; andiii. The Code of Professional and Ethical Conduct and its application to practice.
4.1-	3 3.1	Professional credibility Peer reviewers and interviewers shall have: <ul style="list-style-type: none">i. Professional credibility in the eyes of their peers. This can be evidenced by individual, branch or regional references.ii. An appreciation of the Chartered Institute of Arbitrators professional development programmes and requirements.iii. Prior experience of interviewing, evidenced by reports, mentoring or conducting real interviews under tutelage of approved and experienced interviewers.

4.2 Number of Peer Review Panel members

4.2-

1

1.1

First instance Peer Review Panel

At first instance a Peer Review Panel shall not include a lay member as by definition a lay member may have little in depth knowledge of the particular discipline of the practitioner being peer reviewed, it would best be undertaken by peers of the practitioner. In other words, at first instance the Peer Review Panel shall comprise 3 practitioners of whom at least 1 and not more than 2 may be from the discipline of the practitioner.

5

Guidance 5

Peer review of arbitrators

- 5.1 *Peer Review Panel for an arbitrator.*
- 5.2 *Arbitrators' duty.*
- 5.3 *Renewal of a Panel Appointment Certificate.*
- 5.4 *Continuing Professional Development (CPD)*
- 5.5 *Fees for PAC renewal and interview.*
- 5.6 *Appeal procedure.*

5

Peer review of an arbitrator

Introduction

- A** *The basis of peer review of an arbitrator is to maintain the high standard of practice expected by the Chartered Institute of Arbitrators which through its president appoints arbitrators.*
- B** *The Institute maintains panels of members from which names are selected when an application is made for appointment of an arbitrator. To be included in a panel, a member has had to satisfy the Institute that they are appropriately qualified by training and experience. The president must have confidence that the person appointed will be fully able to conduct the process of arbitration in accordance with the high standards expected. To confirm that they have been admitted to the relevant panel, the individual will be given a Panel Appointment Certificate (PAC).*
- C** *Whilst the title of Chartered Arbitrator is normally permanent, the Panel Appointment Certificate and membership of the panels is limited in time to three years. At the end of that period, members are invited to apply for renewal. All correspondence with the arbitrator shall be sent from, and to, the Chartered Institute of Arbitrators executive.*
- D** *The renewal process is as set out below and the relevant forms are in **Guidance 10 Forms**. In summary, to qualify for renewal of a PAC members complete an application form. They are required to demonstrate that they have satisfied the relevant requirements of CPD and practical experience. If a member is unable to demonstrate compliance with those requirements the PAC will not normally be renewed. A member whose PAC has not been renewed may apply again for a PAC. The application will be considered on the same basis as a first application.*
- E** *PAC holders may comment that they have been unable to gain the required practical experience because they have not received appointments from the Institute. This is not a valid reason for any requirement to be waived. There is not any guarantee of any appointment in any time period. It is unlikely that any panel member will receive sufficient appointments from the Institute to maintain their practical skills. The purpose of the panels is not to provide its members with work but to ensure that the president has a large pool of suitably qualified and experienced practitioners with a wide range of professional skills.*

5.1**Peer Review Panel for an arbitrator****5.1-****1****Peer Review Panel**

1.1

The Peer Review Panel for an arbitrator shall comprise, at first instance, 3 practicing arbitrators of whom at least 1 and not more than 2 may be from the discipline of the practitioner.

1.2

If any document requested for review is not available an explanation shall be provided to and considered by the Peer Review Panel.

1.3

The Peer Review Panel has power to act appropriately in all the circumstance where any document requested for the review is not available.

1.4

The Peer Review Panel will be given a copy of the application for renewal together with a copy of the CPD and professional practice records provided by the member (which may be a print out from digital information). The Peer Review Panel should discuss the information provided giving the member an opportunity to fill any apparent gaps. If they are unable to do so the Peer Review Panel will consider whether the member can nevertheless demonstrate a satisfactory continuing ability. A PAC will not be renewed unless they are able to do so.

1.5

The Peer Review Panel may make the following *recommendations concerning the member's PAC to the Panels Management Group*:

- i. The PAC **can** be renewed.
- ii. The PAC **may** be renewed because the member whilst not having fully satisfied the formal information requirements in their application form has nevertheless demonstrated a continuing ability to conduct the relevant process to the standard required for a PAC.
- iii. The PAC **may** be renewed because the CPD deficiency is marginal and the member has nonetheless done enough to keep their competence at a satisfactory level. It is recommended that in future the member ensures CPD is maintained.
- iv. The PAC **can** be renewed because the member has understated their experience in the application form and in fact the experience requirement has been satisfied.
- v. The PAC **can** be renewed but if there is little or no practical experience over the following three year period, an application for renewal is unlikely to be successful on the next occasion. The reason is because the member has not satisfied the experience requirement

but has been able to demonstrate in discussion with the Peer Review Panel that they retain a level of competence sufficient to achieve a PAC.

- vi. The PAC **should not** be renewed. The member has not satisfied the experience requirement and has not demonstrated that despite the lack of experience they retain a level of competence sufficient to achieve a PAC.

5.2 Arbitrators' duty

5.2-

1

Duty of a member

1.1

It is the responsibility of the member applying for PAC renewal to ensure that they comply with the requirements set out below.

1.2

Existing practitioners

Existing practitioners shall, upon the commencement of the Scheme, be granted, on application to the PMG, an initial PAC, for a period of either four years or five years in order to properly manage review resources

1.3

Newly appointed practitioner

Upon qualification as a chartered arbitrator and acceptance to the relevant Chartered Institute of Arbitrators Main Panel the member shall be granted, upon application to the PMG, an initial PAC valid for three years from the date of qualification.

5.3 Renewal of a Panel Appointment Certificate

5.3-

1

Renewal procedure

1.1

Upon expiry of a PAC, its renewal shall be conditional on the satisfactory completion by the member of the Chartered Institute of Arbitrators Continuing Professional Development (CPD) Scheme as laid down by the Institute from time to time and the demonstration of maintenance of continuing suitability for appointment, as evidenced by a record of appropriate activity as a neutral relevant to the PAC, or otherwise to the satisfaction of the PMG. Upon renewal, the PAC shall be valid for a period of up to three years.

1.2

A member seeking renewal of a PAC shall make an application for renewal to the chairman of the PMG through the executive on the form provided for this purpose and approved by the PMG from time to time. Applications for renewal should be submitted three months before the expiry of the

existing PAC. An application received out of time may result in it not being processed before the *expiry of the members existing PAC. In that case the PAC will be suspended at its expiry date until such time as the application has been processed.*

1.3 Panel members are required to complete a record of their CPD on the relevant on-line database or if unable to do so to submit an up to date CPD record in hard copy. The form to be completed shall include a declaration by the member that they have *undertaken the CPD required under the Institutes CPD Scheme as it applies to members of the Presidential Panels.*

1.4 The form shall also include a declaration by the member that since the granting or last renewal of their PAC they have carried out not less than 20 hours activity as an arbitrator. The activity shall be relevant to the PAC which they seek to renew. The member shall give brief details of the relevant activity. If the member is unable to make such declaration they shall set out any material information which they wish to be considered by the PMG when the application is processed.

1.5 Satisfactorily completed applications for renewal shall be processed as soon as possible and members shall be sent a new PAC valid for a period of up to three years.

1.6 In order to ensure the integrity of the renewal process, the executive of the Chartered Institute of Arbitrators (acting on behalf of the PMG) shall make further enquiries about the CPD undertaken by a number of members to be selected at random. The executive may seek the assistance of the PMG and/or Peer Review Panels on any aspect of the random sampling of CPD.

1.7 If in the opinion of the PMG (or members of the executive to whom it has delegated this function):

- i. The application for renewal has not been satisfactorily completed by the member; or
- ii. In the random sampling process the CPD undertaken does not appear satisfactory; or
- iii. The member has not been able to demonstrate the required amount of practical experience;

Then the PMG may seek more information, or may call the member for interview by the Peer Review Panel, or may decline to renew the PAC.

1.8 A member who fails to provide additional information or to attend an interview as required by the PMG may have their application for the renewal of a PAC declined.

1.9 If on receipt of a notice from the PMG that the PAC shall not be renewed, a member is aggrieved by such a decision then the member shall be entitled to follow the Appeals Procedure set out below.

5.4 Continuing Professional Development (CPD)¹⁴

5.4-

1

Mandatory requirement

1.1

Panel members are subject to a mandatory requirement to observe the terms of the Continuing Professional Development Scheme. All panel members are required to achieve 60 points over three years, at least 30 of which should be directly relevant to the area in which they receive appointments and a minimum of 20 to be attained each year but otherwise may achieve the CPD requirements as they see fit. A maximum of 20 points across the three years can be acquired through individual professional development activities.

1.2

In exceptional circumstances CPD points may be carried over into subsequent years.

2

CPD activities

2.1

Activities that can be counted for CPD purposes are:

- i. Face to face activities.
- ii. Individual professional development activities. Other activities which might be seen as suitable may be authorised. The Institute does not accredit *CPD providers. It is at the members discretion to determine whether the activity meets the specified criteria for the purposes of the Continuing Professional Development Scheme.*

2.2

Face to face activities (including any CPD activity that has been authorised by another like institution may be counted for CPD). One point is equivalent to one hour of activity.

- i. Lectures, seminars and workshops.
- ii. Relevant law conferences.
- iii. Training programmes.
- iv. Participation in the design and preparation for a CPD activity.
- v. Presenting at a Chartered Institute of Arbitrators CPD activity.
- vi. Presenting at any other CPD activity.
- vii. Presenting in the various arbitration, mediation and adjudication courses.

¹⁴ *Continuous Professional Development Scheme. BoT 37.13 Annex C. January 2013, Board of Trustees, the Chartered Institute of Arbitrators.*

- 2.3 Allocation of CPD points to individual professional development activities:
- i. For every hour of participation in coursework, postgraduate law programmes or for every hour of research in research based postgraduate programmes, one CPD point.
 - ii. For every hour of participation in formal discussion groups, one CPD point.
 - iii. For participation in distance education programmes, audio visual programmes and multimedia or web based programmes where there is no requirement for active involvement, 0.5 CPD point.
 - iv. For participation in such programmes where there is a requirement for significant active involvement, one CPD point.
 - v. For writing of legal articles, books on legal topics, case notes, practice notes, discussion papers prepared for the Institutes committees or law reform submissions, either one CPD point for every 1,000 words or for every hour spent researching and writing.
 - vi. For every hour of involvement in case reporting, one CPD point.
 - vii. For every hour of teaching or examining in an undergraduate or postgraduate law programme, one CPD point.
 - viii. For every hour of active participation in the Institutes committees dealing with substantive issues of law or practice, 0.5 CPD point.
 - ix. For every hour of formalised coaching or tutoring provided by a senior member to a more junior member, where the junior member sought such coaching or tutoring in order to broaden their areas of practice, one CPD point.

5.5 Fees for PAC renewal and interview

- | | | |
|------|-----|--|
| 5.5- | 1 | PAC renewal fee |
| | 1.1 | The cost of the renewal process shall be met by the member applying for renewal of the PAC at a figure determined by the PMG from time to time. The fee shall accompany the application failing which the application shall not be considered. |
| | 2 | PAC interview fee |

2.1 In the event that an interview is required, an additional fee may be imposed at a figure determined by the PMG from time to time.

5.6 Appeal procedure

5.6-

1 Procedure

1.1 An appeal lodged by a member against a refusal to renew a PAC, or against suspension, or withdrawal of a PAC following information received shall be heard and determined by an Appeal Committee consisting of two individuals drawn from the list of interviewers held by the PMG. Such individuals shall be appointed to the Appeal Committee by the chairman of the PMG. Neither individual of the Appeal Committee should have had any previous involvement with the member's application for renewal.

1.2 Representations by the member for renewal of their PAC shall be made in writing to the chairman of the PMG and, if required by the member or the Appeal Committee, shall be followed by an informal oral hearing. At the oral hearing the member may be represented if desired, make further oral representations and respond to questions put by the Appeal Committee.

1.3 The decision of the Appeal Committee shall be final and given in writing with reasons. The Appeal Committee shall have discretion to decide who shall bear the costs of the appeal if any.

1.4 If the Appeal Committee confirms the decision not to renew the PAC then the member may apply for reinstatement or apply afresh for a PAC. Such an application shall be subject to the member having addressed or remedied the reasons given for the suspension, withdrawal or nonrenewal of the PAC. It shall also be subject to the requirement to wait one year from the decision of the Appeal Committee in the case of the withdrawal or nonrenewal of a PAC.

6

Guidance 6

Peer review of adjudicators

- 6.1 *Peer Review Panel for an adjudicator.*
- 6.2 *Adjudicators' duty.*
- 6.3 *Renewal of a Panel Appointment Certificate.*
- 6.4 *Continuing Professional Development (CPD)*
- 6.5 *Fees for PAC renewal and interview.*
- 6.6 *Appeal procedure.*

6

Peer review of an adjudicator

Introduction

- A The basis of peer review of an adjudicator is to maintain the high standard of practice expected by the Chartered Institute of Arbitrators which through its president appoints adjudicators.*
- B The Institute maintains panels of members from which names are selected when an application is made for appointment of an adjudicator. To be included in a panel, a member has had to satisfy the Institute that they are appropriately qualified by training and experience. The president must have confidence that the person appointed will be fully able to conduct the process of adjudication in accordance with the high standards expected. To confirm that they have been admitted to the relevant panel, the individual will be given a Panel Appointment Certificate (PAC).*
- C The Panel Appointment Certificate and membership of the panels is limited in time to three years. At the end of that period, members are invited to apply for renewal. All correspondence with the adjudicator shall be sent from, and to, the Chartered Institute of Arbitrators executive.*
- D The renewal process is as set out below and the relevant forms are in **Guidance 10 Forms**. In summary, to qualify for renewal of a PAC members complete an application form. They are required to demonstrate that they have satisfied the relevant requirements of CPD and practical experience. If a member is unable to demonstrate compliance with those requirements the PAC will not normally be renewed. A member whose PAC has not been renewed may apply again for a PAC. The application will be considered on the same basis as a first application.*
- E PAC holders may comment that they have been unable to gain the required practical experience because they have not received appointments from the Institute. This is not a valid reason for any requirement to be waived. There is not any guarantee of any appointment in any time period. It is unlikely that any panel member will receive sufficient appointments from the Institute to maintain their practical skills. The purpose of the panels is not to provide its members with work but to ensure that the president has a large pool of suitably qualified and experienced practitioners with a wide range of professional skills.*

6.1 Peer Review Panel for an adjudicator

6.1-

1 Peer Review Panel

- 1.1 The Peer Review Panel for an adjudicator shall comprise, at first instance, 3 practicing adjudicators of whom at least 1 and not more than 2 may be from the discipline of the practitioner.
- 1.2 If any document requested for review is not available an explanation shall be provided to and considered by the Peer Review Panel.
- 1.3 The Peer Review Panel has power to act appropriately in all the circumstance where any document requested for the review is not available.
- 1.4 The Peer Review Panel will be given a copy of the application for renewal together with a copy of the CPD and professional practice records provided by the member (which may be a print out from digital information). The Peer Review Panel should discuss the information provided giving the member an opportunity to fill any apparent gaps. If they are unable to do so the Peer Review Panel will consider whether the member can nevertheless demonstrate a satisfactory continuing ability. A PAC will not be renewed unless they are able to do so.
- 1.5 The Peer Review Panel may make the following *recommendations concerning the member's PAC to the Panels Management Group*:
 - i. The PAC **can** be renewed.
 - ii. The PAC **may** be renewed because the member whilst not having fully satisfied the formal information requirements in their application form has nevertheless demonstrated a continuing ability to conduct the relevant process to the standard required for a PAC.
 - iii. The PAC **may** be renewed because the CPD deficiency is marginal and the member has nonetheless done enough to keep their competence at a satisfactory level. It is recommended that in future the member ensures CPD is maintained.
 - iv. The PAC **can** be renewed because the member has understated their experience in the application form and in fact the experience requirement has been satisfied.
 - v. The PAC **can** be renewed but if there is little or no practical experience over the following three year period, an application for renewal is unlikely to be successful on the next occasion. The reason is because the member has not satisfied the experience requirement

but has been able to demonstrate in discussion with the Peer Review Panel that they retain a level of competence sufficient to achieve a PAC.

- vi. The PAC **should not** be renewed. The member has not satisfied the experience requirement and has not demonstrated that despite the lack of experience they retain a level of competence sufficient to achieve a PAC.

6.2 Adjudicators duty

6.2-

1

Duty of a member

1.1

It is the responsibility of the member applying for PAC renewal to ensure that they comply with the requirements set out below.

1.2

Existing practitioners

Existing practitioners shall, upon the commencement of the Scheme, be granted, on application to the PMG, an initial PAC, for a period of either four years or five years in order to properly manage review resources

1.3

Newly appointed practitioner

Upon qualification as an accredited adjudicator and acceptance to the relevant Chartered Institute of Arbitrators main panel the member shall be granted, upon application to the PMG, an initial PAC valid for three years from the date of qualification.

6.3 Renewal of a Panel Appointment Certificate

6.3-

1

Renewal procedure

1.1

Upon expiry of a PAC, its renewal shall be conditional on the satisfactory completion by the member of the Chartered Institute of Arbitrators Continuing Professional Development (CPD) Scheme as laid down by the Institute from time to time and the demonstration of maintenance of continuing suitability for appointment, as evidenced by a record of appropriate activity as a neutral relevant to the PAC, or otherwise to the satisfaction of the PMG. Upon renewal, the PAC shall be valid for a period of up to three years.

1.2

A member seeking renewal of a PAC shall make an application for renewal to the chairman of the PMG through the executive on the form provided for this purpose and approved by the PMG from time to time. Applications for renewal should be submitted three months before the expiry of the existing PAC. An application received out of time

may result in it not being processed before the *expiry of the members existing PAC*. In that case the PAC will be suspended at its expiry date until such time as the application has been processed.

1.3 Panel members are required to complete a record of their CPD on the relevant on-line database or if unable to do so to submit an up to date CPD record in hard copy. The form to be completed shall include a declaration by the member that they have *undertaken the CPD required under the Institute's CPD Scheme* as it applies to members of the Presidential Panels.

1.4 The form shall also include a declaration by the member that since the granting or last renewal of their PAC they have carried out not less than 20 hours activity as an adjudicator. The activity shall be relevant to the PAC which they seek to renew. The member shall give brief details of the relevant activity. If the member is unable to make such declaration they shall set out any material information which they wish to be considered by the PMG when the application is processed.

1.5 Satisfactorily completed applications for renewal shall be processed as soon as possible and members shall be sent a new PAC valid for a period of up to three years.

1.6 In order to ensure the integrity of the renewal process, the executive of the Chartered Institute of Arbitrators (acting on behalf of the PMG) shall make further enquiries about the CPD undertaken by a number of members to be selected at random. The executive may seek the assistance of the PMG and/or Peer Review Panels on any aspect of the random sampling of CPD.

1.7 If in the opinion of the PMG (or members of the executive to whom it has delegated this function):
i. The application for renewal has not been satisfactorily completed by the member; or
ii. In the random sampling process the CPD undertaken does not appear satisfactory; or
iii. The member has not been able to demonstrate the required amount of practical experience;
Then the PMG may seek more information, or may call the member for interview by the Peer Review Panel, or may decline to renew the PAC.

1.8 A member who fails to provide additional information or to attend an interview as required by the PMG may have their application for the renewal of a PAC declined.

1.9 If on receipt of a notice from the PMG that the

PAC shall not be renewed, a member is aggrieved by such a decision then the member shall be entitled to follow the Appeals Procedure set out below.

6.4 Continuing Professional Development (CPD)¹⁵

6.4-

1

Mandatory requirement

1.1

Panel members are subject to a mandatory requirement to observe the terms of the Continuing Professional Development Scheme, All panel members are required to achieve 60 points over three years, at least 30 of which should be directly relevant to the area in which they receive appointments and a minimum of 20 to be attained each year but otherwise may achieve the CPD requirements as they see fit. A maximum of 20 points across the three years can be acquired through individual professional development activities.

1.2

In exceptional circumstances CPD points may be carried over into subsequent years.

2

CPD activities

2.1

Activities that can be counted for CPD purposes are:

- i. Face to face activities.
- ii. Individual professional development activities. Other activities which might be seen as suitable may be authorised. The Institute does not accredit *CPD providers. It is at the members discretion to determine whether the activity meets the specified criteria for the purposes of the Continuing Professional Development Scheme.*

2.2

Face to face activities (including any CPD activity that has been authorised by another like institution may be counted for CPD). One point is equivalent to one hour of activity.

- i. Lectures, seminars and workshops.
- ii. Relevant law conferences.
- iii. Training programmes.
- iv. Participation in the design and preparation for a CPD activity.
- v. Presenting at a Chartered Institute of Arbitrators CPD activity.
- vi. Presenting at any other CPD activity.
- vii. Presenting in the various arbitration, mediation and adjudication courses.

¹⁵ *Continuous Professional Development Scheme. BoT 37.13 Annex C. January 2013, Board of Trustees, the Chartered Institute of Arbitrators.*

2.3

Allocation of CPD points to individual professional development activities):

- i. For every hour of participation in coursework, postgraduate law programmes or for every hour of research in research based postgraduate programmes, one CPD point.
- ii. For every hour of participation in formal discussion groups, one CPD point.
- iii. For participation in distance education programmes, audio visual programmes and multimedia or web based programmes where there is no requirement for active involvement, 0.5 CPD point.
- iv. For participation in such programmes where there is a requirement for significant active involvement, one CPD point.
- v. For writing of legal articles, books on legal topics, case notes, practice notes, discussion papers prepared for the Institutes committees or law reform submissions, either one CPD point for every 1,000 words or for every hour spent researching and writing.
- vi. For every hour of involvement in case reporting, one CPD point.
- vii. For every hour of teaching or examining in an undergraduate or postgraduate law programme, one CPD point.
- viii. For every hour of active participation in the Institutes committees dealing with substantive issues of law or practice, 0.5 CPD point.
- ix. For every hour of formalised coaching or tutoring provided by a senior member to a more junior member, where the junior member sought such coaching or tutoring in order to broaden their areas of practice, one CPD point.

6.5

Fees for PAC renewal and interview

6.5-

1

PAC renewal fee

1.1

The cost of the renewal process shall be met by the member applying for renewal of the PAC at a figure determined by the PMG from time to time. The fee shall accompany the application failing which the application shall not be considered.

2

PAC interview fee

2.1

In the event that an interview is required, an additional fee may be imposed at a figure

determined by the PMG from time to time.

6.6 Appeal procedure

6.6-

1

Procedure

1.1

An appeal lodged by a member against a refusal to renew a PAC, or against suspension or withdrawal of a PAC following information received, shall be heard and determined by an Appeal Committee consisting of two individuals drawn from the list of interviewers held by the PMG. Such individuals shall be appointed to the Appeal Committee by the chairman of the PMG. Neither individual of the Appeal Committee should have had any previous *involvement with the member's application for renewal.*

1.2

Representations by the member for renewal of their PAC shall be made in writing to the chairman of the PMG and, if required by the member or the Appeal Committee, shall be followed by an informal oral hearing. At the oral hearing the member may be represented if desired, make further oral representations and respond to questions put by the Appeal Committee.

1.3

The decision of the Appeal Committee shall be final and given in writing with reasons. The Appeal Committee shall have discretion to decide who shall bear the costs of the appeal if any.

1.4

If the Appeal Committee confirms the decision not to renew the PAC then the member may apply for reinstatement or apply afresh for a PAC. Such an application shall be subject to the member having addressed or remedied the reasons given for the suspension, withdrawal or nonrenewal of the PAC. It shall also be subject to the requirement to wait one year from the decision of the Appeal Committee in the case of the withdrawal or nonrenewal of a PAC.

7

Guidance 7

- 7.1
- 7.2
- 7.3
- 7.4
- 7.5
- 7.6

Peer review of mediators

- Peer Review Panel for a mediator.*
- Mediators' duty.*
- Renewal of a Panel Appointment Certificate.*
- Continuing Professional Development (CPD).*
- Fees for PAC renewal and interview.*
- Appeal procedure.*

7

Peer review of mediators

Introduction

- A** *The basis of peer review of a mediator is to maintain the high standard of practice expected by the Chartered Institute of Arbitrators which through its president appoints mediators.*
- B** *The Institute maintains panels of members from which names are selected when an application is made for appointment of a mediator. To be included in a panel, a member has had to satisfy the Institute that they are appropriately qualified by training and experience. The president must have confidence that the person appointed will be fully able to conduct the process of mediation in accordance with the high standards expected. To confirm that they have been admitted to the relevant panel, the individual will be given a Panel Appointment Certificate (PAC).*
- C** *The Panel Appointment Certificate and membership of the panels is limited in time to three years. At the end of that period, members are invited to apply for renewal. All correspondence with the mediator shall be sent from and to the Chartered Institute of Arbitrators executive.*
- D** *The renewal process is as set out below and the relevant forms are in **Guidance 10 Forms**. In summary, to qualify for renewal of a PAC members complete an application form. They are required to demonstrate that they have satisfied the relevant requirements of CPD and practical experience. If a member is unable to demonstrate compliance with those requirements the PAC will not normally be renewed. A member whose PAC has not been renewed may apply again for a PAC. The application will be considered on the same basis as a first application.*
- E** *PAC holders may comment that they have been unable to gain the required practical experience because they have not received appointments from the Institute. This is not a valid reason for any requirement to be waived. There is not any guarantee of any appointment in any time period. It is unlikely that any panel member will receive sufficient appointments from the Institute to maintain their practical skills. The purpose of the panels is not to provide its members with work but to ensure that the president has a large pool of suitably qualified and experienced practitioners with a wide range of professional skills.*

7.1**Peer Review Panel for a mediator****7.1-****1****Peer Review Panel**

1.1

The Peer Review Panel for a mediator shall comprise, at first instance, 3 practicing mediators of whom at least 1 and not more than 2 may be from the discipline of the practitioner.

1.2

If any document requested for review is not available an explanation shall be provided to and considered by the Peer Review Panel.

1.3

The Peer Review Panel has power to act appropriately in all the circumstance where any document requested for the review is not available.

1.4

The Peer Review Panel will be given a copy of the application for renewal together with a copy of the CPD and professional practice records provided by the member (which may be a print out from digital information). The Peer Review Panel should discuss the information provided giving the member an opportunity to fill any apparent gaps. If they are unable to do so the Peer Review Panel will consider whether the member can nevertheless demonstrate a satisfactory continuing ability. A PAC will not be renewed unless they are able to do so.

1.5

The Peer Review Panel may make the following *recommendations concerning the member's PAC to the Panels Management Group*:

- i. The PAC **can** be renewed.
- ii. The PAC **may** be renewed because the member whilst not having fully satisfied the formal information requirements in their application form has nevertheless demonstrated a continuing ability to conduct the relevant process to the standard required for a PAC.
- iii. The PAC **may** be renewed because the CPD deficiency is marginal and the member has nonetheless done enough to keep their competence at a satisfactory level. It is recommended that in future the member ensures CPD is maintained.
- iv. The PAC **can** be renewed because the member has understated their experience in the application form and in fact the experience requirement has been satisfied.
- v. The PAC **can** be renewed but if there is little or no practical experience over the following three year period, an application for renewal is unlikely to be successful on the next occasion. The reason is because the member has not satisfied the experience requirement

but has been able to demonstrate in discussion with the Peer Review Panel that they retain a level of competence sufficient to achieve a PAC.

- vi. The PAC **should not** be renewed. The member has not satisfied the experience requirement and has not demonstrated that despite the lack of experience they retain a level of competence sufficient to achieve a PAC.

7.2

Mediators duty

7.2-

1

Duty of a member

1.1

It is the responsibility of the member applying for PAC renewal to ensure that they comply with the requirements set out below.

1.2

Existing practitioners

Existing practitioners shall, upon the commencement of the Scheme, be granted, on application to the PMG, an initial PAC, for a period of either four years or five years in order to properly manage review resources

1.3

Newly appointed practitioner

Upon qualification as an accredited mediator and acceptance to the relevant Chartered Institute of Arbitrators main panel the member shall be granted, upon application to the PMG, an initial PAC valid for three years from the date of qualification.

7.3

Renewal of a Panel Appointment Certificate

7.3-

1

Renewal procedure

1.1

Upon expiry of a PAC, its renewal shall be conditional on the satisfactory completion by the member of the Chartered Institute of Arbitrators Continuing Professional Development (CPD) Scheme as laid down by the Institute from time to time and the demonstration of maintenance of continuing suitability for appointment, as evidenced by a record of appropriate activity as a neutral relevant to the PAC, or otherwise to the satisfaction of the PMG. Upon renewal, the PAC shall be valid for a period of up to three years.

1.2

A member seeking renewal of a PAC shall make an application for renewal to the chairman of the PMG through the executive on the form provided for this purpose and approved by the PMG from time to time. Applications for renewal should be submitted three months before the expiry of the existing PAC. An application received out of time

may result in it not being processed before the expiry of the members existing PAC. In that case the PAC will be suspended at its expiry date until such time as the application has been processed.

- 1.3 Panel members are required to complete a record of their CPD on the relevant on-line database or if unable to do so to submit an up to date CPD record in hard copy. The form to be completed shall include a declaration by the member that they have undertaken the CPD required under the Institute's CPD Scheme as it applies to members of the Presidential Panels.
- 1.4 The form shall also include a declaration by the member that since the granting or last renewal of their PAC they have carried out not less than 20 hours activity as a mediator. The activity shall be relevant to the PAC which they seek to renew. The member shall give brief details of the relevant activity. If the member is unable to make such declaration they shall set out any material information which they wish to be considered by the PMG when the application is processed.
- 1.5 Satisfactorily completed applications for renewal shall be processed as soon as possible and members shall be sent a new PAC valid for a period of up to three years.
- 1.6 In order to ensure the integrity of the renewal process, the executive of the Chartered Institute of Arbitrators (acting on behalf of the PMG) shall make further enquiries about the CPD undertaken by a number of members to be selected at random. The executive may seek the assistance of the PMG and/or Peer Review Panels on any aspect of the random sampling of CPD.
- 1.7 If in the opinion of the PMG (or members of the executive to whom it has delegated this function):
- i. The application for renewal has not been satisfactorily completed by the member; or
 - ii. In the random sampling process the CPD undertaken does not appear satisfactory; or
 - iii. The member has not been able to demonstrate the required amount of practical experience;
- Then the PMG may seek more information, or may call the member for interview by the Peer Review Panel, or may decline to renew the PAC.
- 1.8 A member who fails to provide additional information or to attend an interview as required by the PMG may have their application for the renewal of a PAC declined.
- 1.9 If on receipt of a notice from the PMG that the

PAC shall not be renewed, a member is aggrieved by such a decision then the member shall be entitled to follow the Appeals Procedure set out below.

7.4 Continuing Professional Development (CPD)¹⁶

7.4-

- 1 **Mandatory requirement**
 - 1.1 Panel members are subject to a mandatory requirement to observe the terms of the Continuing Professional Development Scheme, All panel members are required to achieve 60 points over three years, at least 30 of which should be directly relevant to the area in which they receive appointments and a minimum of 20 to be attained each year but otherwise may achieve the CPD requirements as they see fit. A maximum of 20 points across the three years can be acquired through individual professional development activities.
 - 1.2 In exceptional circumstances CPD points may be carried over into subsequent years.
- 2 **CPD activities**
 - 2.1 Activities that can be counted for CPD purposes are:
 - i. Face to face activities.
 - ii. Individual professional development activities. Other activities which might be seen as suitable may be authorised. The Institute does not accredit *CPD providers. It is at the members* discretion to determine whether the activity meets the specified criteria for the purposes of the Continuing Professional Development Scheme.
 - 2.2 Face to face activities (including any CPD activity that has been authorised by another like institution may be counted for CPD). One point is equivalent to one hour of activity.
 - i. Lectures, seminars and workshops.
 - ii. Relevant law conferences.
 - iii. Training programmes.
 - iv. Participation in the design and preparation for a CPD activity.
 - v. Presenting at a Chartered Institute of Arbitrators CPD activity.
 - vi. Presenting at any other CPD activity.
 - vii. Presenting in the various arbitration, mediation and adjudication courses.
 - 2.3 Allocation of CPD points to individual professional

¹⁶ *Continuous Professional Development Scheme. BoT 37.13 Annex C. January 2013, Board of Trustees, the Chartered Institute of Arbitrators.*

development activities):

- i. For every hour of participation in coursework, postgraduate law programmes or for every hour of research in research based postgraduate programmes, one CPD point.
- ii. For every hour of participation in formal discussion groups, one CPD point.
- iii. For participation in distance education programmes, audio visual programmes and multimedia or web based programmes where there is no requirement for active involvement, 0.5 CPD point.
- iv. For participation in such programmes where there is a requirement for significant active involvement, one CPD point.
- v. For writing of legal articles, books on legal topics, case notes, practice notes, discussion papers prepared for the Institutes committees or law reform submissions, either one CPD point for every 1,000 words or for every hour spent researching and writing.
- vi. For every hour of involvement in case reporting, one CPD point.
- vii. For every hour of teaching or examining in an undergraduate or postgraduate law programme, one CPD point.
- viii. For every hour of active participation in the Institutes committees dealing with substantive issues of law or practice, 0.5 CPD point.
- ix. For every hour of formalised coaching or tutoring provided by a senior member to a more junior member, where the junior member sought such coaching or tutoring in order to broaden their areas of practice, one CPD point.

7.5 Fees for PAC renewal and interview

7.5-

1

PAC renewal fee

1.1

The cost of the renewal process shall be met by the member applying for renewal of the PAC at a figure determined by the PMG from time to time. The fee shall accompany the application failing which the application shall not be considered.

2

PAC interview fee

2.1

In the event that an interview is required, an additional fee may be imposed at a figure determined by the PMG from time to time.

7.6

Appeal procedure

Procedure

An appeal lodged by a member against a refusal to renew a PAC, or against suspension or withdrawal of a PAC following information received, shall be heard and determined by an Appeal Committee consisting of two individuals drawn from the list of interviewers held by the PMG. Such individuals shall be appointed to the Appeal Committee by the chairman of the PMG. Neither individual of the Appeal Committee should have had any previous *involvement with the member's application for renewal.*

Representations by the member for renewal of their PAC shall be made in writing to the chairman of the PMG and, if required by the member or the Appeal Committee, shall be followed by an informal oral hearing. At the oral hearing the member may be represented if desired, make further oral representations and respond to questions put by the Appeal Committee.

The decision of the Appeal Committee shall be final and given in writing with reasons. The Appeal Committee shall have discretion to decide who shall bear the costs of the appeal if any.

If the Appeal Committee confirms the decision not to renew the PAC then the member may apply for reinstatement or apply afresh for a PAC. Such an application shall be subject to the member having addressed or remedied the reasons given for the suspension, withdrawal or nonrenewal of the PAC. It shall also be subject to the requirement to wait one year from the decision of the Appeal Committee in the case of the withdrawal or nonrenewal of a PAC.

8

Guidance 8 8.1

Public domain *Panel appointment certificates list in public domain.*

8.1

Panel appointment certificates list in public domain.

A

Introduction

There is significant potential for the growth of both domestic and overseas arbitration, adjudication and mediation schemes. These shall benefit members local to a scheme by providing a greater regional/branch resource offering the opportunity of appointments for those who hold a Panel Appointments Certificate. Opportunities generally for appointment would be strengthened by placing in the public domain, for example on the Chartered Institute of Arbitrators web site, a list of those holding a Panel Appointments Certificate.

8.1-

1
1.1

List

A list of those holding a Panel Appointments Certificate shall be placed in the public domain.

9

Guidance 9

Panels Management Group

- 9.1 *Role and responsibilities of Panels Management Group.*¹⁷
- 9.2 *Board of Management appoints Panels Management Group.*
- 9.3 *Criteria for membership of Panels Management Group.*¹⁸

9.

Panels Management Group.

Introduction

A In accordance with the Institute's Charter Article 5, the Panels Management Group was created to:

- Establish lists and panels of experienced practitioners.
- Provide for the appointment of practitioners and the establishment of procedures to enable them to carry out their professional duties.
- In conjunction and liaison with the Professional Conduct Committee, to assist in supervising and monitoring the performance and, if necessary, the discipline of any member through an independent and impartial system.

B [The future role of the PMG was summarised in the PMG paper approved by the Board of Management on 8 July 2005:](#)

['...the PMG has a greatly extended role encompassing the composition, operation and control of the Peer Review Panels and the Panel Appointments Certificate Scheme, advising and supporting the development of private dispute resolution schemes, and advising on specific training or retraining on an international basis.](#)

[In order to undertake both its global and expanded roles the PMG needs to be reconstituted with an international membership to reflect the interests and activities of the various regions and the requirement for uniform standards. Within the scope of the revamped PMG, regional PMG's \(suitably named\) to be organised to meet local needs, but within the framework of agreed consistent standards...'](#)

9.1

Role and responsibilities of Panels Management Group

9.1-

1

Role

1.1

The role of the PMG is focused on the encouragement and development of panels across the Institute's worldwide regions other than in the jurisdiction of England and Wales and to be the mechanism for transferring experience and information on the management of panels.

1.2

Responsibilities

The PMG is responsible for:

¹⁷ *Paper for Board of Management on the Panels Management Group.* 8 July 2005 approved by the Board of Management, the [Chartered Institute of Arbitrators](#).

¹⁸ *Discussion Paper for the Board of Management on Membership of the PMG.* 22 April 2005 Director of Operations, the [Chartered Institute of Arbitrators](#).

- i. Controlling the composition and operation of *the Institute's main panels* of practitioners in private dispute resolution, including the operation of the Panel Appointments Certificate Scheme (PACS), worldwide and the monitoring of the work of panel members.
- ii. Establishing principles and protocols for the operation of other lists, panels or private dispute resolution schemes operated by the Institute and its branches and the monitoring of such lists, panels or schemes.
- iii. Establishing procedures to enable practitioners to carry out their duties.
- iv. Establishing, operating and controlling Peer Review Panels worldwide.
- v. Recommending to the Board of Management the names of members to act as convenors of *the Institute's* main panels.
- vi. Establishing and maintaining an effective and consistent process for the conduct of final assessment interviews for Chartered Arbitrator status, and for the conduct of the final assessment interviews for admission to the Presidential Panels for Adjudicators and Mediators.
- vii. Providing advice, guidance and support to the Professional Conduct Committee.
- viii. Advising and supporting the executive in the development of and requirements for private dispute resolution schemes.
- ix. Advising the Education and Membership Committee on those areas of performance by practitioners and other members which indicate a need for the provision of specific training or retraining.
- x. Carrying out such additional functions as the Board of Management may request.
- xi. Reporting its activities to the Board of Management.

9.2

Board of Management appoints Panels Management Group.

9.2-

1

1.1

Appointment

To reflect adequately the interests and activities of the various worldwide regions of the Chartered Institute of Arbitrators and their different jurisdictional and cultural structures the Board of Management shall appoint all the members of the Panels Management Group from among volunteers drawn by the Chartered Institute of Arbitrators from its global membership.

Criteria

To encourage development, the transfer of experience and information about panels management in an open and transparent manner throughout the Chartered Institute of Arbitrators, the membership of the Panels Management Group shall meet the following criteria:

- i. At least 50% may be drawn from England and Wales as this is where the majority of current experience of organising dispute resolution schemes has traditionally resided.
- ii. The remainder shall reflect the different jurisdictional, cultural and regional interests of the Chartered Institute of Arbitrators with each region being represented by at least 1 member.
- ii. It shall include the conveners of the Chartered Institute of Arbitrators main panels, *the editor of, The Guidance*, and the conveners of the regions.
- v. The membership of the Panels Management Group shall provide an appropriate reflection of all the primary disciplines within which the Chartered Institute of Arbitrators operates i.e. arbitration, adjudication and mediation.

10

Guidance 10

Forms

Panel Appointments Certificate Scheme¹⁹ 2007 (as amended)

- 10.1 PAC Renewal. Information Letter to Applicants
- 10.2 PAC Renewal. Application (Arbitration Panel)
- 10.3 PAC Renewal. Application (Adjudication Panel)
- 10.4 PAC Renewal. Application (Mediation Panel)
- 10.5 Peer Review Panel. Information for Interviewers
- 10.6 Peer Review Panel. Interview Assessment Form
- 10.7 Peer Review Panel. Interview Feedback Form

Arbitrators

- 10.8 Chartered Arbitrator Status Information for Applicants
- 10.9 Chartered Arbitrator Status Interview Registration Form
- 10.10 Chartered Arbitrator Status Information for Interviewers
- 10.11 Chartered Arbitrator Status Interviewer's Checklist for Arbitrators Awards, Orders and Directions
- 10.11 Appendix 1 Chartered Arbitrator Status Interviewer's Guidance for Arbitrator's Awards
- 10.12 Chartered Arbitrator Status Interview Assessment Form
- 10.13 Chartered Arbitrator Status Interview Feedback Form

Adjudicators

- 10.14 Panel of Construction Adjudicators Information for Applicants
- 10.15 Panel of Construction Adjudicators Interview Registration Form
- 10.16 Panel of Construction Adjudicators Information for Interviewers
- 10.17 Panel of Construction Adjudicators Interviewer's Checklist for Adjudicators' Decisions and Directions
- 10.18 Panel of Construction Adjudicators Interview Assessment Form
- 10.19 Panel of Construction Adjudicators Interview Feedback Form

Mediators

- 10.20 Panel of Experienced Civil and Commercial Mediators Information for Applicants
- 10.21 Panel of Experienced Civil and Commercial Mediators Interview Registration Form
- 10.22 Panel of Experienced Civil and Commercial Mediators Information for Interviewers
- 10.23 Panel of Experienced Civil and Commercial Mediators Interview Assessment Form
- 10.23 Appendix 1 Panel of Experienced Civil and Commercial Mediators Interviewer's Checklist for Mediators Detailed Understanding of the Process of Mediation
- 10.24 Panel of Experienced Civil and Commercial Mediators Interview Feedback Form

Appointment

- 10.25 Letter to proposed arbitrator
- 10.26 Letter to proposed adjudicator
- 10.27 Letter to proposed mediator

¹⁹ PACS.

**PANEL APPOINTMENT CERTIFICATE SCHEME 2007 (AS AMENDED)
PAC RENEWAL
INFORMATION LETTER TO APPLICANTS**

..... (Name of applicant)
..... (Address of applicant)
.....
.....
.....
..... (Date)

Dear Panel Member,

RENEWAL OF PANEL APPOINTMENT CERTIFICATES

The renewal application process is now open for those panelists whose panel appointment certificates (PAC) expire in ... As you fall within this category an application form for renewing certificates for the Arbitration, Mediation and Adjudication Panels is attached to this letter.

Please complete the relevant form for each certificate you hold that you would like to renew, and return it with your fee. Details of how you can pay are given on the form.

Please note:

1. You will need to declare that you have completed the required Continuous Professional Development (CPD). You can find details of the current CPD Scheme including the particular requirements for Presidential Panel Members at www.ciarb.org. You will also find on the Chartered Institute of Arbitrators website details of available courses which may be helpful to you in fulfilling the CPD requirements. CPD activity will be assessed against the rules of the CPD scheme in force at the relevant time.
2. You may submit your CPD record either as a document with your application form, or through the, 'My CI Arb', section of the Institute's web site. You should log in, click, 'Update my profile', and then complete the form on the CPD tab, remembering to click, 'Save changes', before you move to another tab. Please also ensure that you resolve any error messages and save changes before adding new entries or going into a different page or tab, failing to do this may result in the loss of data.
3. You will also need to declare that you have conducted at least 20 hours of

activity as a neutral relevant to the certificate which you are seeking to renew. If you are unable to make this declaration, you should submit, in Box B on the form, any information which you would like the PMG to take into account in considering your application for renewal.

4. The PMG may call for further information, require spot checks to be made or request an applicant to attend an interview.
5. An appeals procedure exists for an unsuccessful applicant.

Please return your completed application form(s) to the Chartered Institute of Arbitrators as soon as possible and in any event by 1700 GMT on ...

If you have any queries please e-mail us and we will respond by e-mail or telephone as soon as possible.

Yours faithfully,

Director General

**PANEL APPOINTMENT CERTIFICATE²⁰ SCHEME 2007 (AS AMENDED)
PAC RENEWAL APPLICATION
ARBITRATION PANEL²¹**

Please complete all sections in BLOCK CAPITALS and return your completed form to:

The Chartered Institute of Arbitrators
Legal Services
12 Bloomsbury Square
London
WC1A 2LP
United Kingdom

Phone: +44 (0)20 7421 7428 **Fax:** +44 (0)20 7404 4023 **Email:**
memberservices@ciarb.org

Your Details	
Surname:	First Name:
Suffix:	Title:
CIArb Membership Number:	
Address:	
Postcode:	Country:
Tel:	Email:

²⁰ Referred to as, 'PAC'.

²¹ A separate form should be completed for each Panel Appointment Certificate sought to be renewed.

Fee

The fee for applying for the renewal of a *Panel Appointment Certificate* is ...
 This must be paid at the time of application.
 Payment must be made before an application can be considered.

 Debit / Credit Card

Please debit my: Visa MasterCard Maestro / Switch

Amount:	Issue number:	Valid from:	Expiry date:
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Name on card:

Card number:	Security number:
--------------	------------------

Signature:

 Cheque

Please find enclosed a cheque payable to CI Arb for the amount of

 Bank transfer

I would like to pay by bank transfer. I understand that payment must be made before my application can be considered.

Please quote your membership number and ref: PAC renewal when you make your transfer to:

Sort Code: 40-05-03
 Account Number: 31288784
 Account Name: Chartered Institute of Arbitrators
 SWIFT: MIDLGB22
 IBAN: GB38MIDL40050331288784

Applicant's Signature

I certify that the information provided is accurate to the best of my knowledge.

Signature:	Date:
------------	-------

Please check to ensure the following have been carried out before the form is sent to the Chartered Institute of Arbitrators:

- All sections of the form have been completed.
- You have complied with the criteria.
- You have provided the relevant supporting documentation.
- The correct fee is enclosed.
- You have signed and dated the form.

Panel Appointment Certificate Renewal Requirements

Please tick the appropriate box(s) to indicate that you meet each of the criteria.

- I confirm that I am completing this form in relation to the certificate I hold for the **ARBITRATION** panel.
- I have achieved at least 60 CPD points in the past three years, of which at least 30 have been relevant to arbitration.
- I have achieved at least 20 CPD points per year for each of the last three years.
- I have completed my CPD record on-line: or
- I attach a copy of my CPD record with this form.

Activity as an arbitrator

Please tick the appropriate box.

I have carried out not less than 20 hours' activity as an arbitrator during the period of the certificate I am applying to renew.
Please give brief details in **Box A** below of the activity you have carried out; you do not need to provide details of more than 20 hours' activity.

OR

I have not carried out 20 hours or more activity as an arbitrator during the period of the certificate I am applying to renew but would like the Panels Management Group to take into account the information provided below.
Please give brief details in **Box B** below of any material information which you wish the Panels Management Group to take into account in support of your application for renewal.

BOX A: Activity as an arbitrator

<i>Date</i>	<i>Nature of activity e.g. sole arbitrator, oral hearing leading to award</i>	<i>Total number of hours spent</i>

BOX B: Information to be taken into account in support of your application for renewal.

Empty box for providing information in support of the application for renewal.

CPD Points	Date of event <i>(Please set out in chronological order)</i>	Number of hours	Title of event	Title of sponsoring organisation

Declaration

I understand that the Chartered Institute of Arbitrators may:

- Check any of the information referred to above; and/or
- Ask me to provide further information about my CPD record; and/or
- Ask me to attend an interview with a Peer Review Panel to discuss my application for renewal in greater detail; and/or
- Approach CPD course providers for further information about my declared CPD.

I declare that the information given in this form is true to the best of my knowledge and belief.

I understand that if I make any false statements or submit false information, this may amount to a breach of the Code of Professional and Ethical Conduct and bye laws of the Institute, with potential disciplinary consequences.

Signature: Date:

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Form 10.3

PANEL APPOINTMENT CERTIFICATE²² SCHEME 2007 (AS AMENDED)
PAC RENEWAL APPLICATION
ADJUDICATION PANEL²³

Please complete all sections in BLOCK CAPITALS and return your completed form to:

The Chartered Institute of Arbitrators
 Legal Services
 12 Bloomsbury Square
 London
 WC1A 2LP
 United Kingdom

Phone: +44 (0)20 7421 7428 **Fax:** +44 (0)20 7404 4023 **Email:**
memberservices@ciarb.org

Your Details	
Surname:	First Name:
Suffix:	Title:
CI Arb Membership Number:	
Address:	
Postcode:	Country:
Tel:	Email:

²² Referred to as, 'PAC'.

²³ A separate form should be completed for each Panel Appointment Certificate sought to be renewed.

Fee

The fee for applying for the renewal of a Panel Appointment Certificate is ...

This must be paid at the time of application.

Payment must be made before an application can be considered.

 Debit / Credit Card

Please debit my: Visa MasterCard Maestro / Switch

Amount:	Issue number:	Valid from:	Expiry date:
---------	---------------	-------------	--------------

Name on card:

Card number:	Security number:
--------------	------------------

Signature:

 Cheque

Please find enclosed a cheque payable to CI Arb for the amount of

 Bank transfer

I would like to pay by bank transfer. I understand that payment must be made before my application can be considered.

Please quote your membership number and ref: PAC renewal when you make your transfer to:

Sort Code: 40-05-03
 Account Number: 31288784
 Account Name: Chartered Institute of Arbitrators
 SWIFT: MIDLGB22
 IBAN: GB38MIDL40050331288784

Applicant's Signature

I certify that the information provided is accurate to the best of my knowledge.

Signature:	Date:
------------	-------

Please check to ensure the following have been carried out before the form is sent to the Chartered Institute of Arbitrators:

- All sections of the form have been completed.
- You have complied with the criteria.
- You have provided the relevant supporting documentation.
- The correct fee is enclosed.
- You have signed and dated the form.

Panel Appointment Certificate Renewal Requirements

Please tick the appropriate box(s) to indicate that you meet each of the criteria.

- I confirm that I am completing this form in relation to the certificate I hold for the **ADJUDICATION** panel.
- I have achieved at least 60 CPD points in the past three years, of which at least 30 have been relevant to adjudication.
- I have achieved at least 20 CPD points per year for each of the last three years.
- I have completed my CPD record on-line: or
- I attach a copy of my CPD record with this form.

Activity as an adjudicator

Please tick the appropriate box.

- I have carried out not less than 20 hours' activity as an adjudicator during the period of the certificate I am applying to renew.
Please give brief details in **Box A** below of the activity you have carried out; you do not need to provide details of more than 20 hours' activity.

OR

- I have not carried out 20 hours or more activity as an adjudicator during the period of the certificate I am applying to renew but would like the Panels Management Group to take into account the information provided below.
Please give brief details in **Box B** below of any material information which you wish the Panels Management Group to take into account in support of your application for renewal.

BOX A: Activity as an adjudicator

<i>Date</i>	<i>Nature of activity e.g. hearing leading to decision.</i>	<i>Total number of hours spent</i>

BOX B: Information to be taken into account in support of your application for renewal.

Empty box for providing information in support of the application for renewal.

CPD Points	Date of event <i>(Please set out in chronological order)</i>	Number of hours	Title of event	Title of sponsoring organisation

Declaration

I understand that the Chartered Institute of Arbitrators may:

- Check any of the information referred to above; and/or
- Ask me to provide further information about my CPD record; and/or
- Ask me to attend an interview with a Peer Review Panel to discuss my application for renewal in greater detail; and/or
- Approach CPD course providers for further information about my declared CPD.

I declare that the information given in this form is true to the best of my knowledge and belief.

I understand that if I make any false statements or submit false information, this may amount to a breach of the Code of Professional and Ethical Conduct and bye laws of the Institute, with potential disciplinary consequences.

Signature:

Date:

**PANEL APPOINTMENT CERTIFICATE²⁴ SCHEME 2007 (AS AMENDED)
PAC RENEWAL APPLICATION
MEDIATION PANEL²⁵**

Please complete all sections in BLOCK CAPITALS and return your completed form to:

The Chartered Institute of Arbitrators
Legal Services
12 Bloomsbury Square
London
WC1A 2LP
United Kingdom

Phone: +44 (0)20 7421 7428 **Fax:** +44 (0)20 7404 4023 **Email:**
memberservices@ciarb.org

Your Details	
Surname:	First Name:
Suffix:	Title:
CIArb Membership Number:	
Address:	
Postcode:	Country:
Tel:	Email:

²⁴ Referred to as, 'PAC'.

²⁵ A separate form should be completed for each Panel Appointment Certificate sought to be renewed.

Fee

The fee for applying for the renewal of a Panel Appointment Certificate is ...

This must be paid at the time of application.

Payment must be made before an application can be considered.

 Debit / Credit Card

Please debit my: Visa MasterCard Maestro / Switch

Amount:	Issue number:	Valid from:	Expiry date:
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Name on card:

Card number:	Security number:
--------------	------------------

Signature:

 Cheque

Please find enclosed a cheque payable to CI Arb for the amount of

 Bank transfer

I would like to pay by bank transfer. I understand that payment must be made before my application can be considered.

Please quote your membership number and ref: PAC renewal when you make your transfer to:

Sort Code: 40-05-03
 Account Number: 31288784
 Account Name: Chartered Institute of Arbitrators
 SWIFT: MIDLGB22
 IBAN: GB38MIDL40050331288784

Applicant's Signature

I certify that the information provided is accurate to the best of my knowledge.

Signature:	Date:
------------	-------

Please check to ensure the following have been carried out before the form is sent to the Chartered Institute of Arbitrators:

- All sections of the form have been completed.
- You have complied with the criteria.
- You have provided the relevant supporting documentation.
- The correct fee is enclosed.
- You have signed and dated the form.

Panel Appointment Certificate Renewal Requirements

Please tick the appropriate box(s) to indicate that you meet each of the criteria.

- I confirm that I am completing this form in relation to the certificate I hold for the **MEDIATION** panel.
- I have achieved at least 60 CPD points in the past three years, of which at least 30 have been relevant to mediation.
- I have achieved at least 20 CPD points per year for each of the last three years.
- I have completed my CPD record on-line: or
- I attach a copy of my CPD record with this form.

Activity as a mediator

Please tick the appropriate box.

I have carried out not less than 20 hours' activity as a mediator during the period of the certificate I am applying to renew.
Please give brief details in **Box A** below of the activity you have carried out; you do not need to provide details of more than 20 hours' activity.

OR

I have not carried out 20 hours or more activity as a mediator during the period of the certificate I am applying to renew but would like the Panels Management Group to take into account the information provided below.
Please give brief details in **Box B** below of any material information which you wish the Panels Management Group to take into account in support of your application for renewal.

BOX A: Activity as a mediator

<i>Date</i>	<i>Nature of activity e.g. face to face mediation, telephone mediation.</i>	<i>Total number of hours spent</i>

BOX B: Information to be taken into account in support of your application for renewal.

Empty box for providing information in support of the application for renewal.

CPD Points	Date of event <i>(Please set out in chronological order)</i>	Number of hours	Title of event	Title of sponsoring organisation

Declaration
I understand that the Chartered Institute of Arbitrators may:

- Check any of the information referred to above; and/or
- Ask me to provide further information about my CPD record; and/or
- Ask me to attend an interview with a Peer Review Panel to discuss my application for renewal in greater detail; and/or
- Approach CPD course providers for further information about my declared CPD.

I declare that the information given in this form is true to the best of my knowledge and belief.
I understand that if I make any false statements or submit false information, this may amount to a breach of

the Code of Professional and Ethical Conduct and bye laws of the Institute, with potential disciplinary consequences.

Signature:

Date:

The Guidance 2015 Edition 5

Form 10.5

**PANEL APPOINTMENT CERTIFICATE SCHEME 2007 (AS AMENDED)
PEER REVIEW PANEL
INFORMATION FOR INTERVIEWERS**

Background

The Chartered Institute of Arbitrators maintains panels of members from which names are selected when an application is made for the appointment of an arbitrator, an adjudicator or a mediator. To be included in the panel a member has had to satisfy the Institute that they are appropriately qualified by training and experience. The president must have confidence that the person appointed will be fully able to conduct the process of arbitration, adjudication or mediation in accordance with the high standards that the Institute and the parties are entitled to expect.

To confirm that they have been admitted to the relevant panel, the member will be given a Panel Appointment Certificate (PAC).

CPD and practical experience

The Panel Appointment Certificate and membership of the panels is limited in time to 3 years. At the end of that period, members are invited to apply for renewal. In order to qualify for renewal of the PAC, a member is required to demonstrate that they have satisfied the relevant requirements of CPD and practical experience. Those requirements are:

CPD

- 60 points over the preceding three year period.
- At least 30 of those 60 points must be directly relevant to the panel, that is, arbitration, adjudication or mediation.
- At least 20 of the 60 points must have been achieved in each of the three years.

Practical experience

- During the preceding three year period the member has been actively engaged in at least 20 hours of work relevant to their PAC i.e. as an arbitrator, an adjudicator or mediator (hours spent engaged in work as an arbitrator, adjudicator or mediator do not count towards the CPD requirement).

If a member is unable to demonstrate compliance with the above requirements the PAC will not normally be renewed. A member whose PAC has not been renewed may apply again for a PAC. The application will be considered on the same basis as a first application.

If an application gives rise to some doubt as to whether the requirements are satisfied then the member will be offered the opportunity to attend a Peer Review Panel interview with a view to satisfying the interview panel that they remain fully able to justify their inclusion on the relevant panel. The Panels Management Group does not wish to exclude members from panels who are able to demonstrate that they are fully able to conduct the relevant process.

Conduct of interviews

The Peer Review Panel will be given a copy of the application for renewal together with a copy of the CPD and practical experience records provided by the member (which may be a print out from digital information).

If any document requested for review is not available an explanation shall be provided to and considered by the Peer Review Panel. The Peer Review Panel shall act appropriately in all the circumstance where any document requested for the review is not available.

The Peer Review Panel should:

- Discuss the information provided with the member giving them an opportunity to fill any apparent gaps and to clarify how the recorded CPD and practical experience is relevant to arbitration, adjudication or mediation (depending on the PAC being renewed). If they are unable to do so the panel should consider whether the member can nevertheless demonstrate a satisfactory continuing ability. A PAC will not be renewed unless they are able to do so.
- Consider whether a deficiency is marginal, the panel may feel that the member has nonetheless done enough to keep their competence at a satisfactory level. The member should be encouraged to ensure that in future CPD and practical experience are maintained.
- *Having discussed the member's experience over the past three years, the panel may conclude that the member has understated their experience in the application form and that in fact the experience requirement has been satisfied. The panel may recommend the PAC can be renewed.*
- The member has not satisfied the experience requirement but has been able to demonstrate in discussion with the panel that they retain a level of competence sufficient to achieve a PAC. In such circumstances the panel may recommend that the PAC be renewed, but it should be made absolutely clear to the member that if there is little or no practical experience over the following three-year period, an application for renewal is unlikely to be successful on the next occasion. This outcome is consistent with the discretion given to all peer review interview panels to recommend clear remedial action in appropriate circumstances.
- The member has not satisfied the experience requirement and has not demonstrated that despite the lack of experience they retain a level of competence sufficient to achieve a PAC. The panel may recommend that the PAC should not be renewed.

As a chartered body, the Chartered Institute of Arbitrators is obliged to act in a non-discriminatory manner. Therefore, the Peer Review Panel should conduct interviews fairly, transparently, impartially and without bias.

Guidelines for the conduct of interviews are:

- The objective of the interview is to obtain information about the applicant (not the views of the interviewers themselves).
- The interview should be conducted in a courteous and professional manner.
- Inappropriate questions should not be posed.
- Each member of the Peer Review Panel should ask questions. No one member should dominate the questions.
- The panel should aim to have the candidate talking for 70% - 80% of the time.
- In order to advance the above, questions should be of an open nature which are designed to encourage the applicant to talk.
- Closed questions which only encourage one or two word answers should be avoided.
- Leading questions which suggest the expected answer should also be avoided.
- The use of hypothetical questions is recommended.
- The ultimate purpose of the interview is to satisfy the Peer Review Panel that the applicant demonstrates they have the appropriate CPD and, if they should be appointed as a neutral, they will be fully able to conduct the process of arbitration, adjudication or mediation in accordance with the high standards that the Institute and the parties are entitled to expect.

Comments

PAC holders may comment that:

- They have been unable to gain the required practical experience because they have not received appointments from the Chartered Institute of Arbitrators. This may be correct but it is not valid reason for any requirement to be waived. Whilst the number of presidential appointments has grown considerably over recent years there is not and never has been any guarantee of any appointment in any time period. It is unlikely that any panel member will receive sufficient appointments from the Chartered Institute of Arbitrators to maintain their practical skills. The purpose of the panels is not to provide its members with work but to ensure that the president has a large pool of suitably qualified and experienced practitioners with a wide range of professional skills.
- They are concerned that there may be a very limited number of panel members who receive appointments in any one year, with some PAC holders being given multiple appointments. The Peer Review Panel should be aware that the PMG has monitored the Disputes Appointment Service (DAS) to satisfy itself that individual PAC holders are not receiving a disproportionate share of the appointments and that multiple appointments only occur in exceptional circumstances.

The Peer Review Panel

The Peer Review Panel for an arbitrator shall comprise, at first instance, 3 practicing arbitrators, for an adjudicator 3 practicing adjudicators and for a mediator 3 practicing mediators of whom at least 1 and not more than 2 may be from the discipline of the practitioner. They are drawn from the list approved by the Panels Management Group. The administration advises the members of the list at the earliest possible time of dates when it is proposed to hold interviews and invites those on the list to indicate their availability. From those available the administration selects 3 interviewers.

Once selected:

- An interviewer is expected to take all reasonable steps to ensure that the interviewer remains available.
- An interviewer who becomes aware of a conflict of interest shall immediately advise the administration and withdraw.
- An interviewer who becomes aware of unexpected circumstances preventing attendance shall immediately advise the administration.

Upon being advised that a selected interviewer is unable to attend, the administration shall endeavour to obtain a substitute. Should this not be possible applicants are advised and given the option of withdrawing and attending at no extra cost on a different date when three interviewers are available.

If an interviewer fails to attend or if a conflict of interest does not come to light until the interview day the applicants are, or the affected applicant is (as the case may be), offered the choice of proceeding with two interviewers or postponing the interview to another date at no extra cost.

If a Peer Review Panel fails an applicant no-one from that panel shall interview the applicant again should the applicant re-apply.

Duration of the interview

The time allowed for each interview is 1 hour. The actual duration of the interview is approximately 45 minutes.

The Peer Review Panel assembles 30 minutes before the first interview to provide an opportunity for discussion on any matters appertaining to the applications. The panel selects one of its members to be Chairman. The same person does not necessarily act as Chairman in respect of all the interviews to be conducted.

The first interview is timed for 10.00 am and no more than 5 interviews are scheduled for any one day. There is a break of 1 hour between 1.00 pm and 2.00 pm.

Result of the interview

Following each interview the Peer Review Panel completes the assessment and feedback forms. All members of the panel sign these documents and the Chairman is responsible for ensuring they are returned to the administration.

The Peer Review Panel may make the following recommendations concerning the *member's PAC* to the Panels Management Group:

- The PAC **can** be renewed.
- The PAC **may** be renewed because the member whilst not having fully satisfied the formal information requirements in their application form has nevertheless

demonstrated a continuing ability to conduct the relevant process to the standard required for a PAC.

- The PAC **may** be renewed because the CPD deficiency is marginal and the member has nonetheless done enough to keep their competence at a satisfactory level. It is recommended that in future the member ensures CPD is maintained.
- The PAC **can** be renewed because the member has understated their practical experience in the application form and in fact the practical experience requirement has been satisfied.
- The PAC **can** be renewed but if there is little or no practical experience over the following three year period, an application for renewal is unlikely to be successful on the next occasion. The reason is because the member has not satisfied the practical experience requirement but has been able to demonstrate in discussion with the Peer Review Panel that they retain a level of competence sufficient to achieve a PAC.
- The PAC **should not** be renewed. The member has not satisfied the practical experience requirement and has not demonstrated that despite the lack of practical experience they retain a level of competence sufficient to achieve a PAC.

The member is advised of the outcome of the interview. A copy of the feedback form only is sent to the member at the same time.

**PANEL APPOINTMENT CERTIFICATE²⁶ SCHEME 2007 (AS AMENDED)
PEER REVIEW PANEL
INTERVIEW ASSESSMENT FORM**

Interview assessment for:	Arbitration PAC	Adjudication PAC	Mediation PAC
<i>(Delete as appropriate. A separate form must be completed for each PAC).</i>			
Reference number		
Name of applicant		
Date of interview		
Peer Review Panel	Chairman(Signature)	
	Member(Signature)	
	Member(Signature)	

In addition to the interview assessment form the panel must complete the interview feedback form for all applicants.

In order to qualify for renewal of an Arbitration PAC, Adjudication PAC or Mediation PAC a member must demonstrate that they have satisfied the relevant requirements of CPD and practical experience. Those requirements are:

CPD

- 60 points over the preceding 3 year period.
- At least 30 of those 60 points must be directly relevant to the panel i.e. arbitration, adjudication or mediation.
- At least 20 of the 60 points must have been achieved in each of the 3 years.

Practical experience

- During the preceding 3 year period the member has been actively engaged in at least 20 hours of work relevant to their PAC i.e. as an arbitrator, an adjudicator or mediator (hours spent engaged in work as an arbitrator, adjudicator or mediator do not count towards the CPD requirement).

Each criterion on the interview assessment form should be graded as satisfactory or unsatisfactory. The recommendation of the Peer Review Panel should be clearly indicated.

²⁶ Referred to as, 'PAC'.

No.	Item	Satisfactory (Tick as appropriate)	Unsatisfactory (Tick as appropriate)	Reasons for being unsatisfactory
	CPD			
1	Quality of CPD.			
2	Quantity of CPD.			
3	Relevance of CPD to the Panel Appointment Certificate being applied for.			
	Practical experience			
4	Quality of practical experience.			
5	Quantity of practical experience.			
6	Relevance of practical experience to the Panel Appointment Certificate being applied for.			
	Recommendation	Yes (Tick as appropriate)	Comment	
7	The PAC can be renewed.			
8	The PAC may be renewed because the member whilst not having fully satisfied the formal information requirements in their application form has nevertheless demonstrated a continuing ability to conduct the relevant process to the standard required for a PAC.			
9	The PAC may be renewed because the CPD deficiency is marginal and the member has nonetheless done enough to keep their competence at a satisfactory level. It is recommended that in future the member ensures CPD is maintained.			
10	The PAC can be renewed because the member has understated their experience in the application form and in fact the experience requirement has been satisfied.			
11	The PAC can be renewed but if there is little or no practical experience over the following three year period, an application for renewal is unlikely to be successful on the next occasion. The reason is because the member has not satisfied the experience requirement but has been able to demonstrate in discussion with the Peer Review Panel that they retain a level of competence sufficient to achieve a PAC.			
12	The PAC should not be renewed. The member has not satisfied the experience requirement and has not demonstrated that despite the lack of experience they retain a level of competence sufficient to achieve			

No.	Item	Satisfactory <i>(Tick as appropriate)</i>	Unsatisfactory <i>(Tick as appropriate)</i>	Reasons for being unsatisfactory
	α PAC.			

**PANEL APPOINTMENT CERTIFICATE SCHEME 2007 (AS AMENDED)
PEER REVIEW PANEL
INTERVIEW FEEDBACK FORM**

Interview feedback for: **Arbitration PAC** **Adjudication PAC** **Mediation PAC**
*(Delete as appropriate.
A separate form must be
completed for each PAC).*

Reference number

Name of applicant

Date of interview

Peer Review Panel **Chairman**(Signature)

Member(Signature)

Member(Signature)

Where the Peer Review Panel recommends, based on the criteria, that the *applicant's* PAC:

- Should be renewed; or
- May be renewed; then

This should be noted on the interview feedback form. The feedback should draw any areas of strength or scope for further progress to the attention of the applicant.

Where the Peer Review Panel recommends, based on the criteria, that the *applicant's* PAC should not be renewed:

- Reasons must be given for not renewing the PAC. These reasons should be clear, objective, and unambiguous. They should refer to the criteria.
- The panel should also give clear advice to the applicant to allow the applicant to address the weaknesses evident from the interview.
- The feedback should also comment upon any strengths and where appropriate should be encouraging and supportive.

No.	Item		
	Recommendation	Yes <i>(Tick as appropriate)</i>	No <i>(Tick as appropriate)</i>
1.	The PAC can be renewed.		
2.	The PAC may be renewed.		
3.	The PAC should not be renewed.		
	Feedback		
4.			

CHARTERED ARBITRATOR STATUS INFORMATION FOR APPLICANTS

What is a Chartered Arbitrator?

A chartered arbitrator is a Fellow of the Chartered Institute of Arbitrators who has demonstrated to an interview panel advanced knowledge and understanding of arbitration and its practical application, evidencing a professional approach to parties and the public interest.

Against what standard will an applicant be judged?

The standard to which the candidate will be judged is competence to serve the public as an arbitrator in an ethical manner.

Who may apply?

Applications will be accepted from Fellows of the Chartered Institute of Arbitrators. The following table sets out the evidence required which are pre-requisites for interview (unless otherwise agreed with the Chartered Institute of Arbitrators, an English translation should be included if the original document is in a language other than English).

No.	Pre-requisite for interview	Evidence required	Evidence submitted	
			Yes	No
1	Evidence of Fellowship.	A copy of the Fellowship Certificate / membership number.		
2	Detailed understanding of the Arbitration Act 1996 , or equivalent, and ability to research, understand and apply legal principles.	• Award of Fellowship following success in <i>the Institutes (or other approved body's) examinations; or</i>		
		• Published works on arbitration; or		
		• Copies of directions and awards made.		
3	Suitable experience or expertise in the <i>candidate's chosen area</i> or profession.	• Professional qualifications.		
		• Curriculum Vitae		
		• Two business references.		
4	Ability to give directions.	A total of 20 points accumulated from a combination of the following: <ul style="list-style-type: none"> • Directions issued in arbitration proceedings by the candidate as sole arbitrator or tribunal chairman. Where the candidate was not sole arbitrator or 		

No.	Pre-requisite for interview	Evidence required	Evidence submitted	
			Yes	No
		<p>chairman but actually drafted the directions then written confirmation from the chairman that the <i>direction was primarily the candidate's own work.</i> 5 points.</p>		
		<p>Note, not more than 10 points can be accumulated under the following categories:</p> <ul style="list-style-type: none"> Directions written by the candidate while acting as a construction adjudicator. 5 points. 		
		<ul style="list-style-type: none"> Directions written by the candidate while acting as a sole member or chairman of a recognised legal or quasi legal tribunal. 2 points. 		
5	Ability to write an award.	<p>A total of 20 points accumulated from a combination of the following:</p> <ul style="list-style-type: none"> A reasoned award written by the candidate as sole arbitrator or tribunal chairman in respect of a jurisdictional challenge, preliminary issue or substantive issue. 10 points. 		
		<p>Note, not more than 10 points can be accumulated under the following categories:</p> <ul style="list-style-type: none"> A reasoned award written by the candidate together with feedback written following a mock hearing organised by the Institute. 5 points. 		
		<ul style="list-style-type: none"> A reasoned, <i>shadow</i>, award written by the candidate as a pupil together with feedback. 5 points. 		
		<ul style="list-style-type: none"> A reasoned decision written by the candidate in construction adjudication. 5 points. 		
		<ul style="list-style-type: none"> A reasoned decision, determinations or similar written by the candidate while acting as a sole member or chairman of a recognised legal or quasi legal tribunal, other forms of adjudication other than construction adjudication, acting as an independent expert in a contractual dispute (not a court expert) or similar. 2 points. 		
6	Actual conduct of an arbitration.	<p>A total of 20 points accumulated from a combination of the following:</p> <ul style="list-style-type: none"> Acted as sole arbitrator or chairman in an arbitration which has proceeded to a hearing and an award on the substantive dispute or a significant part thereof. 10 points. 		
		<p>Note, not more than 10 points can be accumulated under the following categories:</p> <ul style="list-style-type: none"> Acted as sole arbitrator or chairman in an arbitration which did not proceed to an award, but where directions were given. 4 points. 		
		<ul style="list-style-type: none"> Acted as sole arbitrator in a documents only arbitration which proceeded to an award on a substantive issue. 2 points. 		

No.	Pre-requisite for interview	Evidence required	Evidence submitted	
			Yes	No
		<ul style="list-style-type: none"> Acted as a party appointed arbitrator (i.e. not as chairman) in an arbitration which proceeded to a hearing and award on the substantive dispute or a significant part thereof. 5 points. 		
		<ul style="list-style-type: none"> Acted as a party appointed arbitrator (i.e. not as chairman) in an arbitration which did not proceed to an award, but where directions were given. 2 points. 		
		<ul style="list-style-type: none"> Acted as sole member or chairman of a recognised legal or quasi legal tribunal, such as construction adjudication, other forms of adjudication, acting as an independent expert in a contractual dispute (not a court expert) or similar. 2 points. 		
7	Understanding of ethical issues relating to arbitration and personal commitment to ethical action, fair dealing, and ability to respect people from all walks of life.	Questioning at the interview.		
8	Fulfilled CPD requirements in past three years	Evidence of compliance with the <i>Institutes</i> relevant Continuing Professional Development requirements in the three years preceding the application for interview.		

The interview

The purpose of the interview is to assess the relevant knowledge, skills and attitude of an applicant. Applicants presenting themselves for interview should be prepared to answer probing questions from the interview panel which will test the reality of their knowledge and experience including:

- The depth and breadth of core knowledge and relevant specialist knowledge in order to judge the ability of the applicant to reflect their knowledge by drawing on their practical experience.
- The reality of any experience claimed.
- Attitude towards ethical and practical conduct of arbitrations.

The criteria

An applicant must be able to satisfy an interview panel that the applicant has the required knowledge, skills, attitudes and experience as described in the following criteria and is, in all respects, a suitable person to be a Chartered Arbitrator.

- Assessment criteria.*
An applicant must demonstrate advanced knowledge and understanding of arbitration and its practical application, evidencing a professional approach to parties and the public interest.
- Knowledge assessment criteria.*
The applicant must be able to demonstrate:
 - An understanding of the legal framework within which arbitration operates.

- A detailed understanding of the relevant law of arbitration and its practical application including the duties, powers and obligations of an arbitrator.
 - A practical understanding of the practice and procedure of arbitration.
 - Knowledge of the relevant law of contract, tort and evidence.
 - *Technical and legal knowledge in the applicant's specialist field of expertise (if applicable).*
 - Awareness of the practical application of the Chartered Institute of Arbitrators Code of Professional and Ethical Conduct for Members.
- *Skills assessment criteria.*
The applicant must be able to demonstrate the ability to:
 - Manage meetings and proceedings effectively.
 - Act impartially and fairly.
 - Accurately identify the issues and the interests of the parties in the dispute.
 - Come to sensible, logical conclusions reached thorough analysis.
 - To make reasoned decisions.
 - Communicate effectively both in writing and orally.
- *Attitude assessment criteria.*
The applicant must be able to demonstrate:
 - The capacity to inspire the parties to have confidence in the process and the tribunal.
 - A capacity and willingness to respond decisively both in the context of arbitration proceedings and the interview.
 - The capacity and willingness of the applicant to conduct themselves in a manner that would establish and maintain the independence and authority of the arbitrator.

Interview fee

The fee for interview, which is non-refundable, must accompany the application.

The amount of the current fee can be obtained from the Chartered Institute of Arbitrators Membership Services on +44 (0)20 7421 7428, email memberservices@ciarb.org or on the web site www.ciarb.org.

How to apply

To apply for Chartered Arbitrator status an application form must be completed and returned to:

The Chartered Institute of Arbitrators
Membership Services
12 Bloomsbury Square
London
WC1A 2LP
United Kingdom

Phone: +44 (0)20 7421 7428 **Fax:** +44 (0)20 7404 4023 **Email:**
memberservices@ciarb.org

- Ability to give directions.
- Ability to write an award.
- Actual conduct of an arbitration.
- Fulfilled CPD requirements in past three years.

Attachments

Please ensure you attach the following documents in triplicate (unless otherwise agreed with the Chartered Institute of Arbitrators, an English translation should be included if the original document is in a language other than English).

- A copy of the Fellowship Certificate / membership number.
- A current Curriculum Vitae.
- Two business references.
- Copies of sufficient orders for directions to accumulate at least 20 points.
- Copies of sufficient reasoned awards to accumulate at least 20 points.
- A schedule of appointments as arbitrator undertaken within the last three years.
- A schedule of CPD activities undertaken over the past three years.

Fee

Please ensure that the interview fee of accompanies this form.

Debit / Credit Card

Please debit my: Visa MasterCard Maestro / Switch

Amount:	Issue number:	Valid from:	Expiry date:
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Name on card:

Card number:	Security number:
--------------	------------------

Signature:

Cheque

Please find enclosed a cheque payable to CI Arb'f for the amount of

Bank transfer

Please quote your membership number and ref: PAC renewal when you make your transfer to:
 Sort Code: 40-05-03
 Account Number: 31288784
 Account Name: Chartered Institute of Arbitrators
 SWIFT: MIDLGB22
 IBAN: GB38MIDL40050331288784

Applicant's Signature

I certify that the information provided is accurate to the best of my knowledge.

Signature:	Date:
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Checklist

Please check to ensure the following have been carried out before the form is sent to the Chartered

Institute of Arbitrators:

- All sections of the form have been completed.
- You have complied with the criteria.
- You have provided the relevant supporting documentation.
- The correct fee is enclosed.
- You have signed and dated the form.

CHARTERED ARBITRATOR STATUS INFORMATION FOR INTERVIEWERS

Conduct of interviews

As a chartered body, the Chartered Institute of Arbitrators is obliged to act in a non-discriminatory manner. Therefore, interviewers should conduct interviews fairly, transparently, impartially and without bias. Guidelines for the conduct of interviews are:

- The objective of the interview is to obtain information about the candidate (not the views of the interviewers themselves).
- The interview should be conducted in a courteous and professional manner.
- Inappropriate questions should not be posed.
- Each member of the interview panel should ask questions. No one member should dominate the questions.
- The panel should aim to have the candidate talking for 70% - 80% of the time.
- In order to advance the above, questions should be of an open nature which are designed to encourage the candidate to talk.
- Closed questions which only encourage one or two word answers should be avoided.
- Leading questions which suggest the expected answer should also be avoided.
- The use of hypothetical questions is recommended. These can be used to elicit by extrapolation how applicants expect to conduct themselves as arbitrators.
- The ultimate purpose of the interview is to satisfy the interviewer that the applicant demonstrates advanced knowledge and understanding of arbitration and its practical application, evidencing a professional approach to parties and the public interest.

Questions

Examples of questions which may be used at interview include:

General

- Why do you want to be an arbitrator?

- What do you see as the principal differences between arbitration and adjudication / mediation / litigation?
- What is your understanding of the term, 'arbitration'?
- How do you view the arbitration process?
- What do you see as being the most important qualities of an arbitrator?

Detail

- What do you see as being the principal restraints on you as arbitrator?
- How much information do you think is necessary to arbitrate?
- What is your understanding of section ... in the ... Act as interpreted by the court in the case of ...?
- What is your understanding of the arbitration provisions in ... (example)?

The interview panel

An interview panel consists of three experienced arbitrators drawn from the list approved by the Panel Management Group and includes one member who is legally qualified. The administration advises the members of the list at the earliest possible time of dates when it is proposed to hold interviews and invites those on the list to indicate their availability. From those available the administration selects three interviewers.

In making its selection the administration takes note of the professions of the applicants on any day and selects, where possible, at least one panellist from each profession. If there is no-one on the list from the same profession or no-one is available a panellist from the closest related profession is chosen. If an applicant operates in the international field the panel includes at least one member experienced in international arbitration.

Once selected:

- An interviewer is expected to take all reasonable steps to ensure that the interviewer remains available.
- An interviewer who becomes aware of a conflict of interest shall immediately advise the administration and withdraw.
- An interviewer who becomes aware of unexpected circumstances preventing attendance shall immediately advise the administration.

Upon being advised that a selected interviewer is unable to attend, the administration shall endeavour to obtain a substitute. Should this not be possible applicants are advised and given the option of withdrawing and attending at no extra cost on a different date when three interviewers are available.

If an interviewer fails to attend or if a conflict of interest does not come to light until the interview day the applicants are, or the affected applicant is (as the case may be), offered the choice of proceeding with two interviewers or postponing the interview to another date at no extra cost.

If a panel fails an applicant no-one from that panel shall interview the applicant again should the applicant re-apply.

Duration of the interview

The time allowed for each interview is 1 hour. The actual duration of the interview is approximately 45 minutes.

The interview panel assembles 30 minutes before the first interview to provide an opportunity for discussion on any matters appertaining to the applications. The panel selects one of its members to be Chairman. The same person does not necessarily act as Chairman in respect of all the interviews to be conducted.

The first interview is timed for 10.00 am and no more than 5 interviews are scheduled for any one day. There is a break of 1 hour between 1.00 pm and 2.00 pm.

Result of the interview

Following each interview the panel completes the assessment and feedback forms. All members of the interview panel sign these documents and the Chairman is responsible for ensuring they are returned to the administration.

An applicant is advised of the outcome of the interview within 2 weeks of the interview date. A copy of the feedback form only is sent to the applicant at the same time.

**CHARTERED ARBITRATOR STATUS
INTERVIEWER'S CHECKLIST FOR
ARBITRATORS AWARDS, ORDERS AND DIRECTIONS**

Reference number

Interviewer(Signature)
(Signature)
(Signature)

Date

Document being reviewed Award, order, direction *(delete as appropriate)*

The style and presentation of a written award / order / direction will vary between arbitrators but certain information should always be included²⁷. Therefore they shall be reviewed in respect of three key aspects, as follows:

- Content.
- Presentation.
- Quality.

No.	Item <i>(Apply as appropriate for award, order, direction)</i>	Satisfactory <i>(Tick as appropriate)</i>	Not satisfactory <i>(Tick as appropriate)</i>	Reasons <i>(Give brief reasons for any item which is not satisfactory)</i>
Introduction				
1	Parties' details.			
2	Contract and contract conditions.			
3	Contract arbitration procedure or scheme rules.			
4	Method of appointment, date of acceptance and seat of the arbitration.			
5	Issues and redress sought.			
Jurisdiction				

²⁷ See Appendix 1 to this form for a draft arbitration award by way of guidance. It is to be read in conjunction with this form.

No.	Item (Apply as appropriate for award, order, direction)	Satisfactory (Tick as appropriate)	Not satisfactory (Tick as appropriate)	Reasons (Give brief reasons for any item which is not satisfactory)
6	Details of any challenge to jurisdiction.			
7	Arbitrator's conclusion.			
The arbitration process				
8	Dates of pleadings and any awards, orders, directions.			
9	Date of any hearing or meeting.			
10	Details of any information obtained through a third party.			
11	Details of any time for making the award, order, direction.			
12	Details of any particular procedural problems.			
Body of the award, order, direction²⁸				
13	The reiteration of evidence and the arguments of the parties shall be limited to the extent that is necessary to enable the parties and any independent third party e.g. reviewer or judge, to understand how the arbitrator reached his conclusions. The parties are already aware of each other's submissions. The reiteration of party submissions on a, but and past e, process does not constitute reasons.			
14	Whatever is written shall be set down in an orderly and logical sequence.			
15	If there is more than one issue or group of issues the evidence and argument relating to each and the conclusions reached shall be separately identified.			
The award proper²⁹				
16	Conclusions reached on various issues shall be collected and reiterated under a separate heading. It is unhelpful and confusing for awards on the various issues to be scattered throughout the written award.			
17	Any requirement for either party to do something shall be accompanied by a timescale. This, where appropriate, shall be in accordance with any contractual provision.			
18	Sums of money are generally exclusive of VAT and this must be stated and			

²⁸ The following elements of the checklist will be dictated by the type and number of the issues, the extent and nature of evidence, complexity, etc. and the personal style of the arbitrator.

²⁹ Apply as appropriate for an order or direction.

No.	Item (Apply as appropriate for award, order, direction)	Satisfactory (Tick as appropriate)	Not satisfactory (Tick as appropriate)	Reasons (Give brief reasons for any item which is not satisfactory)
	explained if appropriate.			
19	Interest shall be dealt with.			
	The arbitrator's costs shall be allocated.			
20	<i>The matter of the parties' costs shall be addressed.</i>			
21	The document must be proof read, signed and dated.			
	Presentation			
22	Tidily set down in a professional manner and flow logically.			
23	Grammatically correct.			
24	Free of clerical errors, clerical inconsistencies such as the haphazard use of upper and lower case and paragraph numbering errors.			
25	Refrain from the use of words such as, <i>Claimant, and, Respondent, except to the extent that it is necessary.</i>			
26	Avoid repetition except to the extent that it is necessary for understanding or clarity.			
27	Not be written on company headed paper or paper with the company or partnership logo.			
	Quality			
28	Have all the issues been decided?			
29	Have any issues not been decided?			
30	Has all evidence and argument submitted by the parties been properly considered and reviewed?			
31	Are the conclusions justified by the evidence and argument?			
32	Does the award follow logically from the conclusions?			

**CHARTERED ARBITRATOR STATUS
INTERVIEWER'S GUIDANCE FOR
ARBITRATORS AWARDS**

By way of guidance only there follows a draft arbitration award. It is to be read in conjunction with the above form, 'Chartered Arbitrator Status. Interviewer's Checklist for Arbitrators Awards, Orders and Directions'.

<u>ARBITRATION REFERENCE: ...</u>	
<u>IN THE MATTER OF THE ARBITRATION ACT 1996</u> <u>AND IN THE MATTER OF AN ARBITRATION</u> BETWEEN:	
C*** (insert name in full)	<u>Claimant</u>
and	
R*** (insert name in full)	<u>Respondent</u>
AWARD *** (e.g. Award Number 1 on Jurisdiction, Award Number 2 on Liability and Quantum, Award Number 3 on Costs, Interim Award, Final Award)	
Contract	
1. A contract was entered into by C***, a *** (insert profession or description), on *** (insert date) for the *** (insert brief contract description) for R*** for £** (insert contract price).	
Reference to arbitration	
2. The contract provides that: *** (insert arbitration clause e.g. Any dispute or difference between the parties arising out of or in connection with this project shall be referred to arbitration and the arbitrator shall be appointed by the President or Vice President of the Chartered Institute of Arbitrators).	
3. A dispute or difference arose between C*** and R***. A Notice of Arbitration dated *** (insert date) was given by C*** to R*** to refer the dispute or difference to arbitration.	
4. I, *** (insert arbitrator's name in full), was appointed arbitrator by *** (insert appointing body) on *** (insert date). I accepted the appointment on *** (insert date).	
Seat of the arbitration	
5. The seat of the arbitration is *** (e.g. England).	
Procedure	
6. The *** Arbitration Rules (insert full title of any applicable arbitration rules) apply to the arbitration.	
7. In accordance with those rules the arbitration has proceeded on the basis of *** (e.g. documents only, written argument and oral evidence).	

8. *** (insert details of any relevant order about this award e.g. 'By consent Order for Directions No. *** dated *** was made that there shall be a final award on all issues', and any particularly important procedural point).

Submissions

9. The submissions of the parties were made as follows:
- i. *** (insert details of pleadings e.g. Points of Claim dated *** and supporting documents on behalf of C***).
 - ii. Points of Defence dated *** and supporting documents on behalf of R***.
 - iii. Points of Reply dated *** on behalf of C***.

Dispute and redress

10. In the Points of Claim C*** indicates that the dispute concerns *** (summarise dispute). The claim is for *** (insert redress sought by C for example, damages of £***, interest and costs).
11. In the Points of Defence R*** denies liability asserting that *** (summarise R's position including any counterclaim and redress counterclaimed).
12. In the Points of Reply C*** asserts that *** (summarise C's position).

Main Issues

13. The main issues in this arbitration are (for example):
- i. Whether R*** has broken a term of the contract or failed in its duty of care.
 - ii. Whether the reasons given by C*** are sufficient to justify the claim.

Jurisdiction (if appropriate)

14. R*** has raised the issue of jurisdiction in its Points of Defence and maintains that there is no jurisdiction *** (summarise R's position on jurisdiction).
15. C*** asserts that there is jurisdiction *** (summarise C's position on jurisdiction).
16. I find that there is jurisdiction because:
- i. *** (give clear and concise reasons for arriving at this conclusion).
 - ii. ***.

Reasons

17. The Reasons upon which this award is based are set out and annexed to the award and form part of the award³⁰.

Award

18. **NOW I, *** (insert full name of arbitrator), HAVING CAREFULLY CONSIDERED THE EVIDENCE AND WRITTEN SUBMISSIONS OF THE PARTIES HEREBY AWARD AND DIRECT AS FOLLOWS:**
- i. *** (insert a clear and concise award e.g. 'R** shall pay to C*** within *** days of the date of this award £***').
 - ii. R*** shall pay C***'s costs of £** (or as the case may be).
 - iii. R*** shall pay simple interest on the said sum due to C*** at the rate of *** % from *** (insert date) to the date of payment.
 - iv. My fees of this arbitration together with the VAT thereon are £and shall be paid by *** (insert name of paying party) within *** days of the date of this award. If more than such amount has been paid by one party then that party shall be entitled to recover payment from the other.

DATED ***

*** (Arbitrator's signature)

*** (Arbitrator's name and letters)

Arbitrator

³⁰ The reasons which in this example are set out below can be inserted here (and the wording amended appropriately) particularly if it is a simple dispute or there are few issues.

IN THE MATTER OF THE ARBITRATION ACT 1996
AND IN THE MATTER OF AN ARBITRATION
 BETWEEN:

C*** (insert name in full)

Claimant

and

R*** (insert name in full)

Respondent

REASONS

1. These reasons are given with and form part of the Award.

Background information (amend as appropriate)

2. In order to succeed in a claim against the Respondent, the Claimant must prove on a balance of probabilities that the Respondent has broken some term express or implied of the agreement which existed between them, or failed in the duty of care which the Respondent owed to the Claimant and that as a result of this breach the Claimant has suffered loss. If no such breach or loss is proved the Respondent will not be liable to compensate the Claimant however disappointed or upset the Claimant is.
3. The Claimant and the Respondent are aware of the facts of this case. I do not propose to recount all the facts in the same manner and order as the parties have done in their documents except where it is necessary for the purposes of this award. I have carefully considered all of the documents submitted by the parties in support of their submissions and presented to me. The parties should also be reassured that if I have not referred to a particular document or matter specifically, this should not be taken to mean that I have not considered it in reaching my award.

Events

4. The key dates include (set out a brief summary of the key events in chronological order):

<i>Date</i>	<i>Event</i>
***	***
***	Notice of Arbitration.

Issue 1 *** (e.g. Breach of contract or duty of care)

5. C***'s position is that *** (summarize C's position on this issue).
6. R***'s position is that *** (summarize R's position on this issue).
7. I find that *** (succinctly state the conclusion on this issue e.g., 'R*** has acted in breach of its duty of care to C***') because:
- *** (give clear and concise reasons for arriving at this conclusion).
 - ***

Issue 2 *** (continue in a similar manner to Issue 1 for every other issue)

8. ***

Conclusion on the main issues

9. My conclusion on the main issues, as set out above, is that: (gather together the conclusions on each issue e.g.
- R*** has failed in its duty of care to C***.
 - The reasons given by C*** are sufficient to justify the claim).
10. Therefore I find that C*** has succeeded in the claim and R*** shall:
- Pay to C*** within *** days of the date of this award £*** (or as the case may be).

Costs

11. *** (summarise the position of the parties on costs e.g. C*** claims the costs of the arbitration of £*** which is denied by R***).
12. I find that *** (succinctly state the conclusion on costs e.g. R*** shall pay C***'s costs of £***) because:
- i. *** (give clear and concise reasons for arriving at this conclusion).
 - ii. ***.

Interest

13. *** (summarise the position of each of the parties on interest).
14. I find that *** (succinctly state the conclusion on interest e.g. R*** shall pay simple interest on £*** at the rate of ***% from *** to the date of payment) because:
- i. *** (give clear and concise reasons for arriving at this conclusion).
 - ii. ***.

Arbitrator's costs

15. *** (summarise the position of the parties on the arbitrator's costs and mention any relevant rules in the arbitration on arbitrator's costs).
16. I find that my fees of this arbitration together with the VAT thereon are £** and shall be paid by the *** (insert name of the paying party) within *** days of the date of this award, if more than such amount has been paid by one party then that party shall be entitled to recover payment from the other, because:
- i. *** (give clear and concise reasons for arriving at this conclusion).
 - ii. ***.

**CHARTERED ARBITRATOR STATUS
INTERVIEW ASSESSMENT FORM**

Reference number

Name of candidate

Date of interview

Interview panel

Chairman(Signature)

Member(Signature)

Member(Signature)

The panel must complete the feedback form for all applicants.

Each criterion on the assessment form should be graded as good, satisfactory or unsatisfactory.

Where the panel decides, based on the criteria, that the applicant has passed this should be noted on the interview assessment form. The feedback should draw any areas of strength or scope for further progress to the attention of the applicant.

Where the panel decides based on the criteria that the applicant has failed:

- Reasons must be given for the failure. These reasons should be clear, objective and unambiguous.
- In giving reasons for failure, reference should be made to the criteria.
- The panel should also give clear advice to the applicant to allow the applicant to address the weaknesses evident from the interview.
- The feedback should also comment upon any strengths and where appropriate should be encouraging and supportive.

In exceptional circumstances, where the panel decides based on the criteria that the applicant requires mentoring then reasons and feedback should be given for the assistance of the applicant and mentor (at the end of the period of mentoring the mentor shall prepare a report for review by the Panels Management Group). The reasons and feedback should include:

- Reasons must be given for mentoring. These reasons should be clear, objective and unambiguous.
- In giving reasons for mentoring, reference should be made to the criteria.

- The panel should also give clear advice to the applicant to allow the applicant to address the weaknesses evident from the interview and which will assist the mentor in mentoring the candidate.
- The feedback should also comment upon any strengths and where appropriate should be encouraging and supportive.

No.	Item	Good (Tick as appropriate)	Satisfactory (Tick as appropriate)	Unsatisfactory (Tick as appropriate)
	Assessment criteria. The applicant must be able to demonstrate advanced knowledge and understanding of arbitration and its practical application, evidencing a professional approach to parties and the public interest. The standard to which the applicant will be judged is competence to serve the public as an arbitrator in an ethical manner.			
	Knowledge The applicant must be able to demonstrate:			
1	An understanding of the legal framework within which arbitration operates.			
2	A detailed understanding of the relevant law of arbitration and its practical application including the duties, powers and obligations of an arbitrator.			
3	A practical understanding of the practice and procedure of arbitration.			
4	Knowledge of the relevant law of contract, tort and evidence.			
5	Technical and legal knowledge in the <i>applicant's specialist field of expertise</i> (if applicable).			
6	Awareness of the practical application of the Chartered Institute of Arbitrators Code of Professional and Ethical Conduct for Members.			
	Skills The applicant must be able to demonstrate:			
7	Manage meetings and proceedings effectively.			
8	Act impartially and fairly.			
9	Accurately identify the issues and the interests of the parties in the dispute.			
10	Come to sensible, logical conclusions reached thorough analysis.			
11	To make reasoned decisions.			
12	Communicate effectively both in writing and orally.			
	Attitude The applicant must be able to demonstrate:			
13	The capacity to inspire the parties to have confidence in the process and the tribunal.			

No.	Item	Good <i>(Tick as appropriate)</i>	Satisfactory <i>(Tick as appropriate)</i>	Unsatisfactory <i>(Tick as appropriate)</i>
14	A capacity and willingness to respond decisively both in the context of arbitration proceedings and the interview.			
15	The capacity and willingness of the applicant to conduct themselves in a manner that would establish and maintain the independence and authority of the arbitrator.			
Generally				
16	To your satisfaction, has the candidate demonstrated advanced knowledge and understanding of arbitration and its practical application, evidencing a professional approach to the parties and the public interest?	Yes		No
Decision				
17				

No.	Item	Good <i>(Tick as appropriate)</i>	Satisfactory <i>(Tick as appropriate)</i>	Unsatisfactory <i>(Tick as appropriate)</i>

**CHARTERED ARBITRATOR STATUS
INTERVIEW FEEDBACK FORM**

Reference number

Name of candidate

Date of interview

Interview panel

Chairman(Signature)

Member(Signature)

Member(Signature)

The panel must complete the feedback form for all applicants. Where an applicant has passed, the feedback should draw any areas of strength or scope for further progress to the attention of the applicant.

Where the panel decides, based on the criteria that the applicant has failed:

- Reasons must be given for the failure. These reasons should be clear, objective and unambiguous.
- In giving reasons for failure, reference should be made to the criteria.
- The panel should also give clear advice to the applicant to allow the applicant to address the weaknesses evident from the interview.
- The feedback should also comment upon any strengths and where appropriate should be encouraging and supportive.

In exceptional circumstances, where the panel decides based on the criteria that the applicant requires mentoring then reasons and feedback should be given for the assistance of the applicant and mentor (at the end of the period of mentoring the mentor shall prepare a report for review by the Panels Management Group). The reasons and feedback should include:

- Reasons must be given for mentoring. These reasons should be clear, objective and unambiguous.
- In giving reasons for mentoring, reference should be made to the criteria.
- The panel should also give clear advice to the applicant to allow the applicant to address the weaknesses evident from the interview and which will assist the mentor in mentoring the applicant.
- The feedback should also comment upon any strengths and where appropriate should be encouraging and supportive.

No.	Item		
	Result	Yes	No
1	The applicant has passed.		
2	The applicant has failed.		
3.	The circumstances are exceptional and the applicant requires mentoring.		
	Feedback		
4.			

No.	Item

**PANEL OF CONSTRUCTION ADJUDICATORS
INFORMATION FOR APPLICANTS**

What is a Construction Adjudicator?

A construction adjudicator must be a Fellow of the Chartered Institute of Arbitrators who has demonstrated to an interview panel advanced knowledge and understanding of construction adjudication and its practical application, evidencing a professional approach to parties and the public interest.

Against what standard will an applicant be judged?

The standard to which an applicant will be judged is competence to serve the public as a construction adjudicator in an ethical manner.

Who may apply?

Applications will be accepted from Fellows of the Chartered Institute of Arbitrators. The following table sets out the documents which an applicant must provide (unless otherwise agreed with the Chartered Institute of Arbitrators, an English translation should be included if the original document is in a language other than English).

No.	Pre-requisite for interview	Evidence required	Evidence submitted	
			Yes	No
1	Evidence of Fellowship.	A copy of the Fellowship Certificate / membership number.		
2	A current Curriculum Vitae.			
3	Fulfilled CPD requirements in past three years	Evidence of compliance with the Institute's relevant Continuing Professional Development requirements in the three years preceding the application for interview.		
4	If you have acted as an adjudicator, a schedule of appointments undertaken within the last three years.	If you have acted as an adjudicator, the schedule should give details of: i. Nature of the parties. ii. Nature of the dispute. iii. The amount in dispute (if applicable). iv. Date of appointment. v. How appointed. vi. The date of the decision and an indication whether it was by consent, a settlement or the case is still in progress.		
5	Copies of decision(s) and/or direction(s)	Either: - one (1) decision and/or one (1) direction as an adjudicator; or - one (1) draft direction and/or one (1) draft decision, which were prepared and assessed as part of a recognised training course; - or - two (2) pupillage decisions as part of a formal pupillage.		

The interview

The purpose of the interview is to assess the relevant knowledge, skills and attitude of an applicant. Applicants presenting themselves for interview should be prepared to answer probing questions from the interview panel which will test the reality of their knowledge and experience including:

- The depth and breadth of core knowledge and relevant specialist knowledge in order to judge the ability of the applicant to reflect their knowledge by drawing on their practical experience.
- The reality of any experience claimed.
- Attitude towards ethical and practical conduct of adjudications.

The criteria

An applicant must be able to satisfy an interview panel that the applicant has the required knowledge, skills, attitudes and experience as described in the following criteria and is, in all respects, a suitable person for inclusion on the Panel of Construction Industry Adjudicators.

- **Assessment criteria.**
An applicant must demonstrate advanced knowledge and understanding of adjudication and its practical application, evidencing a professional approach to parties and the public interest.
- **Knowledge assessment criteria.**
The applicant must be able to demonstrate:
 - An understanding of the legal framework within which adjudication operates.
 - A detailed understanding of the relevant law of adjudication and its practical application including the duties, powers and obligations of an adjudicator.
 - A practical understanding of the practice and procedure of adjudication.
 - Knowledge of the relevant law of contract, tort and evidence.
 - *Technical and legal knowledge in the applicant's specialist field of expertise (if applicable).*
 - Awareness of the practical application of the Chartered Institute of Arbitrators Code of Professional and Ethical Conduct for Members.
- **Skills assessment criteria.**
The applicant must be able to demonstrate the ability to:
 - Manage meetings and proceedings effectively.
 - Act impartially and fairly.
 - Accurately identify the issues and the interests of the parties in the dispute.
 - Come to sensible, logical conclusions reached thorough analysis.
 - To make reasoned decisions.
 - Communicate effectively both in writing and orally.
- **Attitude assessment criteria.**
The applicant must be able to demonstrate:
 - The capacity to inspire the parties to have confidence in the process and the tribunal.
 - A capacity and willingness to respond decisively both in the context of adjudication proceedings and the interview.
 - The capacity and willingness of the applicant to conduct themselves in a manner that would establish and maintain the independence and authority of the adjudicator.

Interview fee

The fee for interview, which is non-refundable, must accompany the application.

The amount of the current fee can be obtained from the Chartered Institute of Arbitrators Membership Services on +44 (0)20 7421 7428, email memberservices@ciarb.org or on the web site www.ciarb.org.

How to apply

To apply to the Panel of Construction Adjudicators an application form must be completed and returned to:

The Chartered Institute of Arbitrators
Membership Services
12 Bloomsbury Square
London
WC1A 2LP
United Kingdom

Phone: +44 (0)20 7421 7428 **Fax:** +44 (0)20 7404 4023

Email: memberservices@ciarb.org

**PANEL OF CONSTRUCTION ADJUDICATORS
INTERVIEW REGISTRATION FORM**

Please complete all sections in BLOCK CAPITALS and return your completed form to:

The Chartered Institute of Arbitrators
Membership Services
12 Bloomsbury Square
London
WC1A 2LP
United Kingdom

Phone: +44 (0)20 7421 7428 **Fax:** +44 (0)20 7404 4023

Email: memberservices@ciarb.org

Your Details

Surname:	First Name:
Suffix:	Title:
CI Arb Membership Number:	
Address:	
Postcode:	Country:
Tel:	Email:

Panel of Construction Adjudicators Requirements
Please tick the appropriate box(s) to indicate that you meet each of the criteria for admission on the Panel.

<input type="checkbox"/> Admitted as Fellow (adjudication) of CI Arb _____/_____/_____	Date _____/_____/_____
Having passed: CI Arb Module 3 Adjudication and CI Arb Module 4 Adjudication	Date _____/_____/_____ Date _____/_____/_____

OR

Having successfully completed a
Recognised course on adjudication: Date _____/_____/_____

- Detailed understanding of the relevant law of adjudication and its practical application including the duties powers and obligations of an adjudicator.
- Suit able experience, technical and legal knowledge in the applicant's specialist field of expertise.*
- Ability to give directions.
- Ability to write a decision.
- Ability to manage adjudication proceedings.
- Fulfilled CPD requirements in past three years.

Attachments

Please ensure you attach the following documents in triplicate.

1. A copy of the Fellowship Certificate / membership number.
2. A current Curriculum Vitae.
3. Either:
 - a. one (1) decision and/or one (1) direction as an adjudicator; **or**
 - b. one (1) draft direction and/or one (1) draft decision, which were prepared and assessed as part of a recognised training course; or
 - c. two (2) pupillage decisions as part of a formal pupillage.

Fee

Please ensure that the interview fee of accompanies this form.

Debit / Credit Card

Please debit my: Visa MasterCard Maestro / Switch

Amount:	Issue number:	Valid from:	Expiry date:
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Name on card:

Card number:	Security number:
--------------	------------------

Signature:

Cheque

Please find enclosed a cheque payable to CI Arb'for the amount of

Bank transfer

Please quote your membership number and ref: PAC renewal when you make your transfer to:
Sort Code: 40-05-03
Account Number: 31288784
Account Name: Chartered Institute of Arbitrators
SWIFT: MIDLGB22
IBAN: GB38MIDL40050331288784

Applicant's Signature

I certify that the information provided is accurate to the best of my knowledge.

Signature:	Date:
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Checklist

Please check to ensure the following have been carried out before the form is sent to the Chartered Institute of Arbitrators:

- All sections of the form have been completed.
- You have complied with the criteria.
- You have provided the relevant supporting documentation.
- The correct fee is enclosed.
- You have signed and dated the form.

The Guidance 2015 Edition 5

Form 10.16

PANEL OF CONSTRUCTION ADJUDICATORS INFORMATION FOR INTERVIEWERS

Conduct of interviews

As a chartered body, the Chartered Institute of Arbitrators is obliged to act in a non-discriminatory manner. Therefore, interviewers should conduct interviews fairly, transparently, impartially and without bias. Guidelines for the conduct of interviews are:

- The objective of the interview is to obtain information about the candidate (not the views of the interviewers themselves).
- The interview should be conducted in a courteous and professional manner.
- Inappropriate questions should not be posed.
- Each member of the interview panel should ask questions. No one member should dominate the questions.
- The panel should aim to have the candidate talking for 70% - 80% of the time.
- In order to advance the above, questions should be of an open nature which are designed to encourage the candidate to talk.
- Closed questions which only encourage one or two word answers should be avoided.
- Leading questions which suggest the expected answer should also be avoided.
- The use of hypothetical questions is recommended. These can be used to elicit by extrapolation how applicants expect to conduct themselves as adjudicators.
- The ultimate purpose of the interview is to satisfy the interviewer that the applicant demonstrates advanced knowledge and understanding of

adjudication and its practical application, evidencing a professional approach to parties and the public interest.

Questions

Examples of questions which may be used at interview include:

General

- Why do you want to be an adjudicator?
- What do you see as the principal differences between adjudication and arbitration / mediation / litigation?
- What is your understanding of the term, 'adjudication'?
- How do you view the adjudication process?
- What do you see as being the most important qualities of an adjudicator?

Detail

- What do you see as being the principal restraints on you as adjudicator?
- How much information do you think is necessary to adjudicate?
- What is your understanding of section ... in the Act as interpreted by the court in the case of ...?
- What is your understanding of the adjudication provisions in the ... (standard form of construction contract)?

The interview panel

An interview panel consists of three experienced adjudicators drawn from the list approved by the Panel Management Group and includes one member who is legally qualified. The administration advises the members of the list at the earliest possible time of dates when it is proposed to hold interviews and invites those on the list to indicate their availability. From those available the administration selects three interviewers.

In making its selection the administration takes note of the professions of the applicants on any day and selects, where possible, at least one panellist from each profession. If there is no-one on the list from the same profession or no-one is available a panellist from the closest related profession is chosen. If an applicant operates in the international field the panel includes at least one member experienced in international adjudication.

Once selected:

- An interviewer is expected to take all reasonable steps to ensure that the interviewer remains available.
- An interviewer who becomes aware of a conflict of interest shall immediately advise the administration and withdraw.
- An interviewer who becomes aware of unexpected circumstances preventing attendance shall immediately advise the administration.

Upon being advised that a selected interviewer is unable to attend, the administration shall endeavour to obtain a substitute. Should this not be possible

applicants are advised and given the option of withdrawing and attending at no extra cost on a different date when three interviewers are available.

If an interviewer fails to attend or if a conflict of interest does not come to light until the interview day the applicants are, or the affected applicant is (as the case may be), offered the choice of proceeding with two interviewers or postponing the interview to another date at no extra cost.

If a panel fails an applicant no-one from that panel shall interview the applicant again should the applicant re-apply.

Duration of the interview

The time allowed for each interview is 1 hour. The actual duration of the interview is approximately 45 minutes.

The interview panel assembles 30 minutes before the first interview to provide an opportunity for discussion on any matters appertaining to the applications. The panel selects one of its members to be Chairman. The same person does not necessarily act as Chairman in respect of all the interviews to be conducted.

The first interview is timed for 10.00 am and no more than 5 interviews are scheduled for any one day. There is a break of 1 hour between 1.00 pm and 2.00 pm.

Result of the interview

Following each interview the panel completes the assessment and feedback forms. All members of the interview panel sign these documents and the Chairman is responsible for ensuring they are returned to the administration.

An applicant is advised of the outcome of the interview within 2 weeks of the interview date. A copy of the feedback form only is sent to the applicant at the same time.

**PANEL OF CONSTRUCTION ADJUDICATORS
INTERVIEWER'S CHECKLIST FOR
ADJUDICATORS' DECISIONS AND DIRECTIONS**

Reference number

Interviewer(Signature)
(Signature)
(Signature)

Date

Document being reviewed **Decision, direction** (*delete as appropriate*)

The style and presentation of a written decision / direction will vary between adjudicators but certain information should always be included. Therefore they shall be reviewed in respect of three key aspects, as follows:

- Content.
- Presentation.
- Quality.

No.	Item <i>(Apply as appropriate for decision, direction)</i>	Satisfactory <i>(Tick as appropriate)</i>	Not satisfactory <i>(Tick as appropriate)</i>	Reasons <i>(Give brief reasons for any item which is not satisfactory)</i>
	Introduction			
1	<i>Parties' details.</i>			
2	Contract and contract conditions.			
3	Contract adjudication procedure or scheme.			
4	Date of Notice of Adjudication.			
5	Method of nomination and date of acceptance.			
6	Date of Referral (hence date for Decision).			

No.	Item (Apply as appropriate for decision, direction)	Satisfactory (Tick as appropriate)	Not satisfactory (Tick as appropriate)	Reasons (Give brief reasons for any item which is not satisfactory)
7	Issues referred and redress sought.			
Jurisdiction				
8	Details of any challenge to jurisdiction.			
9	Adjudicator's conclusion.			
The adjudication process				
10	Dates of Response and any Reply.			
11	Date of any hearing or meeting.			
12	Details of any information obtained through direct contact with either party or a third party.			
13	Details of any extension of time for making the Decision.			
14	Details of any particular procedural problems.			
Body of the decision				
15	<p>The reiteration of evidence and the arguments of the parties shall be limited to the extent that is necessary to enable the parties and any independent third party [e.g. peer reviewer, judge, etc] to understand how the adjudicator reached his conclusions. The parties are already aware of each other's submissions.</p> <p>Even though reasons as such may or may not be given there shall be sufficient commentary to indicate to the parties and any independent third party [e.g. peer reviewer, judge, etc] how the adjudicator has reached his Decision.</p> <p>If reasons are required, the reiteration of party submissions on a 'cut and paste', process does not constitute reasons.</p>			
16	Whatever is written shall be set down in an orderly and logical sequence.			
17	If there is more than one issue or group of issues the evidence and argument relating to each and the conclusions reached shall be separately identified.			
The Decision proper				
18	Conclusions reached on various issues shall be collected and reiterated under a separate heading. It is unhelpful and confusing for decisions on the various issues to be scattered throughout the written Decision.			

No.	Item (Apply as appropriate for decision, direction)	Satisfactory (Tick as appropriate)	Not satisfactory (Tick as appropriate)	Reasons (Give brief reasons for any item which is not satisfactory)
19	Any requirement for either party to do something shall be accompanied by a timescale. This, where appropriate, shall be in accordance with any contractual provision.			
20	Sums of money are generally exclusive of VAT and this must be stated and explained if appropriate.			
21	Interest shall be dealt with if it has been raised by either party.			
22	<i>The adjudicator's costs shall be allocated.</i>			
23	<i>The matter of the parties' costs shall be addressed if it has been raised by either party.</i>			
24	The document must be proof read, signed and dated.			
	Presentation			
25	Tidily set down in a professional manner and flow logically.			
26	Grammatically correct.			
27	Free of clerical errors, clerical inconsistencies such as the haphazard use of upper and lower case and paragraph numbering errors.			
28	Refrain from the use of words such as, Claimant, Referring Party, Respondent or Responding Party except to the extent that it is necessary.			
29	Avoid repetition except to the extent that it is necessary for understanding or clarity.			
30	Not be written on company headed paper or paper with the company or partnership logo.			
	Quality			
31	Have all the matters referred been decided?			
32	Have any matters referred not been decided?			
33	Has all evidence and argument submitted by the parties been properly considered and reviewed?			
34	Are the conclusions justified by the evidence and argument?			

No.	Item <i>(Apply as appropriate for decision, direction)</i>	Satisfactory <i>(Tick as appropriate)</i>	Not satisfactory <i>(Tick as appropriate)</i>	Reasons <i>(Give brief reasons for any item which is not satisfactory)</i>
35	Does the decision follow logically from the conclusions?			

**PANEL OF CONSTRUCTION ADJUDICATORS
INTERVIEW ASSESSMENT FORM**

Reference number

Name of candidate

Date of interview

Interview panel

Chairman(Signature)

Member(Signature)

Member(Signature)

Each criterion on the assessment form should be graded as good, satisfactory or unsatisfactory.

Where the panel decides, based on the criteria, that the applicant has passed, this should be noted on the interview assessment form.

The panel must complete the feedback form for all applicants. Where an applicant has passed, the feedback should draw any areas of strength or scope for further progress to the attention of the applicant.

Where the panel decides based on the criteria that the applicant has failed:

- Reasons must be given for the failure. These reasons should be clear, objective and unambiguous.
- In giving reasons for failure, reference should be made to the criteria.
- The panel should also give clear advice to the applicant to allow the applicant to address the weaknesses evident from the interview.
- The feedback should also comment upon any strengths and where appropriate should be encouraging and supportive.

In exceptional circumstances, where the panel decides based on the criteria that the applicant requires mentoring then reasons and feedback should be given for the assistance of the applicant and mentor (at the end of the period of mentoring the mentor shall prepare a report for review by the Panels Management Group). The reasons and feedback should include:

- Reasons must be given for mentoring. These reasons should be clear, objective and unambiguous.
- In giving reasons for mentoring, reference should be made to the criteria.

- The panel should also give clear advice to the applicant to allow the applicant to address the weaknesses evident from the interview and which will assist the mentor in mentoring the applicant.
- The feedback should also comment upon any strengths and where appropriate should be encouraging and supportive.

No.	Item	Good (Tick as appropriate)	Satisfactory (Tick as appropriate)	Unsatisfactory (Tick as appropriate)
	Assessment criteria. The applicant must be able to demonstrate advanced knowledge and understanding of adjudication and its practical application, evidencing a professional approach to parties and the public interest. The standard to which the applicant will be judged is competence to serve the public as an adjudicator in an ethical manner.			
	Knowledge The applicant must be able to demonstrate:			
1	An understanding of the legal framework within which adjudication operates.			
2	A detailed understanding of the relevant law of adjudication and its practical application including the duties, powers and obligations of an adjudicator.			
3	A practical understanding of the practice and procedure of adjudication.			
4	Knowledge of the relevant law of contract, tort and evidence.			
5	Technical and legal knowledge in the <i>applicant's specialist field of expertise (if applicable)</i> .			
6	Awareness of the practical application of the Chartered Institute of Arbitrators Code of Professional and Ethical Conduct for Members.			
	Skills The applicant must be able to demonstrate:			
7	Manage meetings and proceedings effectively.			
8	Act impartially and fairly.			
9	Accurately identify the issues and the interests of the parties in the dispute.			
10	Come to sensible, logical conclusions reached thorough analysis.			
11	To make reasoned decisions.			
12	Communicate effectively both in writing and orally.			
	Attitude The applicant must be able to demonstrate:			
13	The capacity to inspire the parties to have confidence in the process and the tribunal.			
14	A capacity and willingness to respond decisively both in the context of adjudication proceedings and the interview.			

No.	Item	Good <i>(Tick as appropriate)</i>	Satisfactory <i>(Tick as appropriate)</i>	Unsatisfactory <i>(Tick as appropriate)</i>
15	The capacity and willingness of the applicant to conduct themselves in a manner that would establish and maintain the independence and authority of the adjudicator.			
	Generally			
16	To your satisfaction, has the candidate demonstrated advanced knowledge and understanding of adjudication and its practical application, evidencing a professional approach to the parties and the public interest?	Yes	No	
	Decision			
17				

No.	Item	Good <i>(Tick as appropriate)</i>	Satisfactory <i>(Tick as appropriate)</i>	Unsatisfactory <i>(Tick as appropriate)</i>

**PANEL OF CONSTRUCTION ADJUDICATORS
INTERVIEW FEEDBACK FORM**

Reference number

Name of candidate

Date of interview

Interview panel

Chairman(Signature)

Member(Signature)

Member(Signature)

The panel must complete the feedback form for all applicants. Where an applicant has passed, the feedback should draw any areas of strength or scope for further progress to the attention of the applicant.

Where the panel decides, based on the criteria that the applicant has failed:

- Reasons must be given for the failure. These reasons should be clear, objective and unambiguous.
- In giving reasons for failure, reference should be made to the criteria.
- The panel should also give clear advice to the applicant to allow the applicant to address the weaknesses evident from the interview.
- The feedback should also comment upon any strengths and where appropriate should be encouraging and supportive.

In exceptional circumstances, where the panel decides based on the criteria that the applicant requires mentoring then reasons and feedback should be given for the assistance of the applicant and mentor (at the end of the period of mentoring the mentor shall prepare a report for review by the Panels Management Group). The reasons and feedback should include:

- Reasons must be given for mentoring. These reasons should be clear, objective and unambiguous.
- In giving reasons for mentoring, reference should be made to the criteria.
- The panel should also give clear advice to the applicant to allow the applicant to address the weaknesses evident from the interview and which will assist the mentor in mentoring the applicant.
- The feedback should also comment upon any strengths and where appropriate should be encouraging and supportive.

No.	Item		
	Result	Yes	No
1	The applicant has passed.		
2	The applicant has failed.		
3	The circumstances are exceptional and the applicant requires mentoring.		
	Feedback		
4			

No.	Item

**PANEL OF EXPERIENCED CIVIL AND COMMERCIAL MEDIATORS
INFORMATION FOR APPLICANTS**

What is an Experienced Civil and Commercial Mediator?

An experienced civil or commercial mediator must be a Fellow of the Chartered Institute of Arbitrators who has demonstrated to an interview panel advanced knowledge and understanding of mediation and its practical application, evidencing a professional approach to parties and the public interest.

Against what standard will an applicant be judged?

The standard to which an applicant will be judged is competence to serve the public as a mediator in an ethical manner.

Who may apply?

Applications will be accepted from Fellows of the Chartered Institute of Arbitrators. The following table sets out the documents which an applicant must provide (unless otherwise agreed with the Chartered Institute of Arbitrators, an English translation should be included if the original document is in a language other than English).

No.	Pre-requisite for interview	Evidence required	Evidence submitted	
			Yes	No
1	Evidence of membership	A copy of the Fellowship Certificate/Membership Number.		
2	Details of experience as mediator.	This evidence must include experience as a lead mediator in at least three mediations, following a programme of mentored experience.		
3	Proof of recognised accreditations.	Candidates must submit evidence of achievement of one of the following mediation accreditation programmes: i. The Chartered Institute of Arbitrators. ii. CEDR. iii. Academy of Experts. iv. ADR Group. v. Global Mediation Services. vi. Core Mediation.		
4	References.	Three written references from parties or legal advisers <i>as to the applicant's competence and skill as a mediator in mediations undertaken.</i>		
5	Curriculum vitae.			
6.	Fulfilled CPD requirements in past three years	<i>Evidence of compliance with the Institute's relevant Continuing Professional Development requirements in the three years preceding the application for interview.</i>		

The interview

The purpose of the interview is to assess the relevant knowledge, skills and attitude of an applicant. Applicants presenting themselves for interview should be prepared to answer probing questions from the interview panel which will test the reality of their knowledge and experience including:

- The depth and breadth of core knowledge of the mediation process, people skills to apply that knowledge in the conduct of mediation in a civil or commercial environment and the ability to demonstrate their knowledge and skills by drawing on their practice experience.
- The reality of any experience claimed.
- Attitude towards ethical and practical conduct of mediations.

The criteria

An applicant must be able to satisfy an interview panel that the applicant has the required knowledge, skills, attitudes and experience as described in the following criteria and is, in all respects, a suitable person for inclusion on the Panel of Experienced Civil and Commercial Mediators:

- *Assessment criteria.*
An applicant must demonstrate advanced knowledge and understanding of civil or commercial mediation and its practical application, evidencing a professional approach to parties and the public interest.
- *Knowledge assessment criteria.*
The applicant must be able to demonstrate:
 - An understanding of the legal framework within which mediation operates.
 - A detailed understanding of the process of mediation and of the law relevant to mediation and the practical application of both, including the duties, powers and obligations of a mediator.
 - A practical understanding of the practice and procedure of mediation.
 - Awareness of the practical application of the Chartered Institute of Arbitrators' Code of Professional and Ethical Conduct for Members.
- *Skills assessment criteria.*
The applicant must be able to demonstrate the ability to:
 - Manage the mediation process effectively.
 - Act impartially and fairly.
 - Build rapport.
 - Create an environment in which the parties feel safe to explore possible settlements.
 - Encourage understanding between the parties.
 - Listen carefully, accurately identify the issues and the interest of the parties and have a quick understanding and grasp of problems.
 - Come to sensible, logical conclusions reached through analysis.
 - Communicate effectively orally.
 - Not to get flustered or be indecisive.
- *Attitude assessment criteria.*
The applicant must be able to demonstrate:
 - The capacity to inspire the parties to have confidence in the process of mediation and the mediator.
 - The capacity to discretely demonstrate personal authority, to be firm but courteous and to conduct themselves in a manner that would establish and maintain the independence and authority of the mediator.

Interview fee

The fee for interview, which is non-refundable, must accompany the application.

The amount of the current fee can be obtained from the Chartered Institute of Arbitrators Membership Services on +44 (0)20 7421 7428, email memberservices@ciarb.org or on the web site www.ciarb.org.

How to apply

To apply to the Panel of Experienced Civil and Commercial Mediators an application form must be completed and returned to:

The Chartered Institute of Arbitrators
Membership Services
12 Bloomsbury Square
London
WC1A 2LP
United Kingdom

Phone: +44 (0)20 7421 7428 **Fax:** +44 (0)20 7404 4023

Email: memberservices@ciarb.org

**PANEL OF EXPERIENCED CIVIL AND COMMERCIAL MEDIATORS
INTERVIEW REGISTRATION FORM**

Please complete all sections in BLOCK CAPITALS and return your completed form to:

The Chartered Institute of Arbitrators
Membership Services
12 Bloomsbury Square
London
WC1A 2LP
United Kingdom

Phone: +44 (0)20 7421 7428 **Fax:** +44 (0)20 7404 4023 **Email:**
memberservices@ciarb.org

Your Details	
Surname:	First Name:
Suffix:	Title:
CIArb Membership Number:	
Address:	
Postcode:	Country:
Tel:	Email:
Panel of Experienced Civil And Commercial Mediators Requirements	
Please tick the appropriate box(s) to indicate that you meet each of the criteria for admission on the Panel.	
<input type="checkbox"/> Admitted as Fellow (Mediation) of CIArb Date _____/_____/_____	
<input type="checkbox"/> Mediation accreditation in one of the following:	
Chartered Institute of Arbitrators Date _____/_____/_____	

CEDR	Date _____/_____/_____
Academy of Experts	Date _____/_____/_____
ADR Group	Date _____/_____/_____
Global Mediation Services	Date _____/_____/_____
Core Mediation	Date _____/_____/_____

- Detailed understanding of the process of mediation and of the law relevant to mediation and the practical application of both including the duties, powers and obligations of a mediator.
- Suitable experience as a lead mediator in at least three mediations following a programme of mentored experience.
- Ability to manage the mediation process effectively.
- Fulfilled CPD requirements in past three years.

Attachments
Please ensure you attach the following documents in triplicate.

- A copy of the Fellowship Certificate/Membership number.
- Schedule of experience as lead mediator in at least three mediations following mentored experience.
- Mediation accreditation certificate.
- Three written references from parties or legal advisers in mediations undertaken.
- A current Curriculum Vitae.
- A schedule of CPD activities undertaken over the past three years.

Fee
Please ensure that the interview fee of accompanies this form.

Debit / Credit Card

Please debit my: Visa MasterCard Maestro / Switch

Amount:	Issue number:	Valid from:	Expiry date:
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Name on card:

Card number:	Security number:
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Signature:

Cheque

Please find enclosed a cheque payable to CI Arb for the amount of

Bank transfer

Please quote your membership number and ref: PAC renewal when you make your transfer to:
 Sort Code: 40-05-03
 Account Number: 31288784
 Account Name: Chartered Institute of Arbitrators
 SWIFT: MIDLGB22
 IBAN: GB38MIDL40050331288784

Applicant's Signature

I certify that the information provided is accurate to the best of my knowledge.

Signature:

Date:

Checklist

Please check to ensure the following have been carried out before the form is sent to the Chartered Institute of Arbitrators:

- All sections of the form have been completed.
- You have complied with the criteria.
- You have provided the relevant supporting documentation.
- The correct fee is enclosed.
- You have signed and dated the form.

PANEL OF EXPERIENCED CIVIL AND COMMERCIAL MEDIATORS INFORMATION FOR INTERVIEWERS

Conduct of interviews

As a chartered body, the Chartered Institute of Arbitrators is obliged to act in a non-discriminatory manner. Therefore, interviewers should conduct interviews fairly, transparently, impartially and without bias. Guidelines for the conduct of interviews are:

- The objective of the interview is to obtain information about the candidate (not the views of the interviewers themselves).
- The interview should be conducted in a courteous and professional manner.
- Inappropriate questions should not be posed.
- Each member of the interview panel should ask questions. No one member should dominate the questions.
- The panel should aim to have the candidate talking for 70% - 80% of the time.
- In order to advance the above, questions should be of an open nature which are designed to encourage the candidate to talk.
- Closed questions which only encourage one or two word answers should be avoided.
- Leading questions which suggest the expected answer should also be avoided.
- The use of hypothetical questions is recommended. These can be used to elicit by extrapolation how applicants expect to conduct themselves as adjudicators.
- The ultimate purpose of the interview is to satisfy the interviewer that the applicant demonstrates advanced knowledge and understanding of mediation and its practical application, evidencing a professional approach to parties and the public interest.

Questions

Examples of questions which may be used at interview include:

General

- Why do you want to be a mediator?

- What do you see as the principal differences between mediation and arbitration / adjudication / litigation?
- What is your understanding of the term, '*mediation*'?
- How do you view the mediation process?
- What do you see as being the most important qualities of a mediator?

Detail

- What do you see as being the principal restraints on you as mediator?
- How much information do you think is necessary to mediate?
- What is your understanding of section ... in the ... Act as interpreted by the court in the case of ...?
- What is your understanding of the mediation provisions in ... (example)?

The interview panel

An interview panel consists of three experienced mediators drawn from the list approved by the Panel Management Group and includes one member who is legally qualified. The administration advises the members of the list at the earliest possible time of dates when it is proposed to hold interviews and invites those on the list to indicate their availability. From those available the administration selects three interviewers.

In making its selection the administration takes note of the professions of the applicants on any day and selects, where possible, at least one panellist from each profession. If there is no-one on the list from the same profession or no-one is available a panellist from the closest related profession is chosen. If an applicant operates in the international field the panel includes at least one member experienced in international mediation.

Once selected:

- An interviewer is expected to take all reasonable steps to ensure that the interviewer remains available.
- An interviewer who becomes aware of a conflict of interest shall immediately advise the administration and withdraw.
- An interviewer who becomes aware of unexpected circumstances preventing attendance shall immediately advise the administration.

Upon being advised that a selected interviewer is unable to attend, the administration shall endeavour to obtain a substitute. Should this not be possible applicants are advised and given the option of withdrawing and attending at no extra cost on a different date when three interviewers are available.

If an interviewer fails to attend or if a conflict of interest does not come to light until the interview day the applicants are, or the affected applicant is (as the case may be), offered the choice of proceeding with two interviewers or postponing the interview to another date at no extra cost.

If a panel fails an applicant no-one from that panel shall interview the applicant again should the applicant re-apply.

Duration of the interview

The time allowed for each interview is 1 hour. The actual duration of the interview is approximately 45 minutes.

The interview panel assembles 30 minutes before the first interview to provide an opportunity for discussion on any matters appertaining to the applications. The panel selects one of its members to be Chairman. The same person does not necessarily act as Chairman in respect of all the interviews to be conducted.

The first interview is timed for 10.00 am and no more than 5 interviews are scheduled for any one day. There is a break of 1 hour between 1.00 pm and 2.00 pm.

Result of the interview

Following each interview the panel completes the assessment and feedback forms. All members of the interview panel sign these documents and the Chairman is responsible for ensuring they are returned to the administration.

An applicant is advised of the outcome of the interview within 2 weeks of the interview date. A copy of the feedback form only is sent to the applicant at the same time.

**PANEL OF EXPERIENCED CIVIL AND COMMERCIAL MEDIATORS
INTERVIEW ASSESSMENT FORM**

Reference number

Name of candidate

Date of interview

Interview panel

Chairman(Signature)

Member(Signature)

Member(Signature)

Each criterion on the assessment form should be graded as good, satisfactory or unsatisfactory.

Where the panel decides, based on the criteria, that the applicant has passed, this should be noted on the interview assessment form.

The panel must complete the feedback form for all applicants. Where an applicant has passed, the feedback should draw any areas of strength or scope for further progress to the attention of the applicant.

Where the panel decides based on the criteria that the applicant has failed:

- Reasons must be given for the failure. These reasons should be clear, objective and unambiguous.
- In giving reasons for failure, reference should be made to the criteria.
- The panel should also give clear advice to the candidate to allow the candidate to address the weaknesses evident from the interview.
- The feedback should also comment upon any strengths and where appropriate should be encouraging and supportive.

In exceptional circumstances, where the panel decides based on the criteria that the applicant requires mentoring then reasons and feedback should be given for the assistance of the applicant and mentor (at the end of the period of mentoring the mentor shall prepare a report for review by the Panels Management Group). The reasons and feedback should include:

- Reasons must be given for mentoring. These reasons should be clear, objective and unambiguous.
- In giving reasons for mentoring, reference should be made to the criteria.

- The panel should also give clear advice to the applicant to allow the applicant to address the weaknesses evident from the interview and which will assist the mentor in mentoring the applicant.
- The feedback should also comment upon any strengths and where appropriate should be encouraging and supportive.

No.	Item	Good (Tick as appropriate)	Satisfactory (Tick as appropriate)	Unsatisfactory (Tick as appropriate)
	Assessment criteria. The applicant must be able to demonstrate advanced knowledge and understanding of mediation and its practical application, evidencing a professional approach to parties and the public interest. The standard to which the applicant will be judged is competence to serve the public as a mediator in an ethical manner.			
	Knowledge The applicant must be able to demonstrate:			
1	An understanding of the legal framework within which mediation operates.			
2	An understanding of the legal framework within which mediation operates.			
3	<u>A detailed understanding of the process of mediation</u> ³¹ and of the law relevant to mediation and the practical application of both, including the duties, powers and obligations of a mediator.			
4	A practical understanding of the practice and procedure of mediation.			
5	Awareness of the practical application of the <i>Chartered Institute of Arbitrators' Code of Professional and Ethical Conduct for Members</i> .			
	Skills The applicant must be able to demonstrate:			
6	Manage the mediation process effectively.			
7	Act impartially and fairly.			
8	Build rapport.			
9	Create an environment in which the parties feel safe to explore possible settlements.			
10	Encourage understanding between the parties.			
11	Listen carefully, accurately identify the issues and the interest of the parties and have a quick understanding and grasp of problems.			
12	Come to sensible, logical conclusions reached through analysis.			
13	Communicate effectively orally.			

³¹ See Appendix 1 to this form, *Interviewer's Checklist for a Mediator's Detailed Understanding of the Process of Mediation*.

No.	Item	Good <i>(Tick as appropriate)</i>	Satisfactory <i>(Tick as appropriate)</i>	Unsatisfactory <i>(Tick as appropriate)</i>
14	Not to get flustered or be indecisive.			
	Attitude The applicant must be able to demonstrate:			
15	The capacity to inspire the parties to have confidence in the process of mediation and the mediator.			
16	The capacity to discretely demonstrate personal authority, to be firm but courteous and to conduct themselves in a manner that would establish and maintain the independence and authority of the mediator.			
	Generally			
17	To your satisfaction, has the candidate demonstrated advanced knowledge and understanding of mediation and its practical application, evidencing a professional approach to the parties and the public interest?	Yes		No
	Decision			

No.	Item	Good <i>(Tick as appropriate)</i>	Satisfactory <i>(Tick as appropriate)</i>	Unsatisfactory <i>(Tick as appropriate)</i>



Chartered
Institute of
Arbitrators

CIArb

**PANEL OF EXPERIENCED CIVIL AND COMMERCIAL MEDIATORS
INTERVIEWER'S CHECKLIST FOR
MEDIATORS DETAILED UNDERSTANDING OF THE PROCESS OF MEDIATION³²**

Reference number

Interviewer(Signature)

.....(Signature)

.....(Signature)

Date

No.	Item (Apply as appropriate)	Satisfactory (Tick as appropriate)	Not satisfactory (Tick as appropriate)	Reasons (Give brief reasons for any item which is not satisfactory)
Pre mediation preparation: professional paperwork				
1	Terms and conditions.			
2	Pre-mediation agreement refers to: <ul style="list-style-type: none"> o Authority to settle. o Mediator immunity as a witness. o Confidentiality and without prejudice. o Exceptions to the rule of confidentiality. o Termination of the mediation. 			
3	Professional indemnity insurance: <ul style="list-style-type: none"> o Adequate and appropriate. 			
4	Fee scale.			
Pre-mediation contact				
5	Making initial contact with parties by telephone or in person: <ul style="list-style-type: none"> o Brief understanding of nature of dispute. 			

³² This form is to be read in conjunction with the, **Panel of Experienced Civil and Commercial Mediators. Interview Assessment Form.**

No.	Item (Apply as appropriate)	Satisfactory (Tick as appropriate)	Not satisfactory (Tick as appropriate)	Reasons (Give brief reasons for any item which is not satisfactory)
	<ul style="list-style-type: none"> ○ Checks for any conflict of interest. ○ Applicability of mediation to the dispute. ○ Brief explanation of mediation. ○ Addresses party questions or concerns. ○ Estimate of time required. ○ Commitment to send mediators terms and conditions, quotation to parties. 			
6	Request for submissions: <ul style="list-style-type: none"> ○ Evidence of telephone calls, e-mails, letters, faxes etc. 			
7	Reading of submissions: <ul style="list-style-type: none"> ○ Pinpoints key issues but works to maintain an open mind. ○ Identifies the need for further information if necessary. 			
8	Request for further information: <ul style="list-style-type: none"> ○ Evidence of telephone calls, e-mails, letters, faxes etc. 			
9	Meeting logistics: <ul style="list-style-type: none"> ○ Who shall attend (starts to note any power imbalances and attempts to redress them, encourages all key players to attend). ○ Allows adequate time. ○ Location (is alive to any sensitivities concerning location). ○ Refreshments. ○ Directions to parties. 			
10	Copy of pre-mediation agreement to parties: <ul style="list-style-type: none"> ○ Deals with any concerns or changes to the agreement. 			
Mediation meeting: preparation				
11	Prepares the physical environment to promote safety and productivity: <ul style="list-style-type: none"> ○ Arranges room to promote communication and prevent adversarial behaviour. 			
12	Welcomes the parties and helps them settle: <ul style="list-style-type: none"> ○ Continues to build rapport. ○ Is aware of and responds to concerns or questions. 			
13	Ensures completion of the pre-mediation agreement.			
Mediation meeting: opening meeting				
14	Seats the parties.			
15	<i>Mediators' opening:</i> <ul style="list-style-type: none"> ○ Introductions. ○ Explanation of mediation. ○ <i>Explanation of mediators' role.</i> 			

No.	Item (Apply as appropriate)	Satisfactory (Tick as appropriate)	Not satisfactory (Tick as appropriate)	Reasons (Give brief reasons for any item which is not satisfactory)
	<ul style="list-style-type: none"> ○ Explanation of parties' roles. ○ Format for the day. ○ Ground rules. ○ Questions. 			
16	Party openings: <ul style="list-style-type: none"> ○ Effectively manages who goes first. ○ Passive listening. ○ Has open body language. ○ Takes appropriate quantity of notes. ○ Summarises and reframes. ○ Asks clarification questions. 			
Mediation meeting: general				
17	Helps the parties to identify and explore the issues: <ul style="list-style-type: none"> ○ Open questions. ○ Checks understanding by self and other party. 			
18	Identifies common ground: <ul style="list-style-type: none"> ○ Mutualises problems. 			
19	Identifies and deals with emotional issues.			
20	Identifies and addresses any power imbalances.			
21	Helps overcome resistance, misunderstandings and blocks to progress: <ul style="list-style-type: none"> ○ Reality tests. ○ Challenges positions. ○ Encourages communication and mutual understanding. ○ Remains positive and encouraging. 			
22	Handles inappropriate behaviour: <ul style="list-style-type: none"> ○ Utilises appropriate intervention skills. ○ Is appropriately assertive. 			
23	Acts impartially, non-judgementally and respectfully to all parties.			
24	Empowers parties to accept responsibility for the dispute and its settlement: <ul style="list-style-type: none"> ○ Moves parties into the settlement zone at an appropriate time. ○ Coaches parties in principled negotiation skills. ○ Helps them to explore options creatively. ○ Encourages parties to openly discuss settlement options. ○ Uses hypothetical questions to test solutions. ○ Avoids giving advice or solutions. 			
25	Is aware of time.			

No.	Item (Apply as appropriate)	Satisfactory (Tick as appropriate)	Not satisfactory (Tick as appropriate)	Reasons (Give brief reasons for any item which is not satisfactory)
Mediation meeting: caucus/private meeting				
26	Keeps confidentiality: <ul style="list-style-type: none"> o Explicitly checks confidentiality. o Requests permission to use discretion when using information. 			
27	Uses private meetings appropriately: <ul style="list-style-type: none"> o Reality checks. o Challenges positions. o Deals with emotions. o Uncovers underlying issues. o Challenges inappropriate behaviour. o Asks parties to see the other point of view. 			
Mediation meeting: agreement stage				
28	Carries out or supervises drafting of agreement: <ul style="list-style-type: none"> o Appropriate format e.g. Heads of agreement, Consent or Tomlin Order. o Involves all parties by drafting in an open meeting. 			
29	Logistics of agreement: <ul style="list-style-type: none"> o Mechanisms and dates for payment. o Confidentiality of terms. o Default clauses. o Status of preceding agreements. o Jurisdiction. o Authority to settle. o Future disputes. o Alive to any areas of possible future conflict and attempts to prevent these. 			
30	Reality checks terms of agreement in private.			
31	Congratulates parties on their achievement.			
	If no settlement: <ul style="list-style-type: none"> o Emphasises and congratulates the progress made. o Encourages parties to continue communicating and leaves door open for future assistance. 			
Mediator behaviour and personality				
32	Demonstrates friendliness and builds rapport: <ul style="list-style-type: none"> o Smiles and maintains eye contact. o Uses appropriate levels of humour. o Addresses parties by their first names. o Uses appropriate voice tone and pace. o Is alert to emotional needs. o Shows empathy. o Is encouraging and optimistic. o Is open and honest. 			
33	Demonstrates an appropriate manner:			

No.	Item (Apply as appropriate)	Satisfactory (Tick as appropriate)	Not satisfactory (Tick as appropriate)	Reasons (Give brief reasons for any item which is not satisfactory)
	<ul style="list-style-type: none"> ○ Dresses appropriately. ○ Shows appropriate non-verbal communication. ○ Demonstrates appropriate levels of authority. ○ Creates confidence in the parties. ○ Shows patience and consideration. 			
34	Demonstrates impartiality: <ul style="list-style-type: none"> ○ Shows respect to everyone. ○ Is aware of his/her own values and preferences and deals with these appropriately. ○ Values all contributions. ○ Is even handed in his/her treatment of the parties. ○ Never gives advice or an opinion. ○ Avoids placing blame. 			
35	Promotes a safe environment: <ul style="list-style-type: none"> ○ Where people can talk frankly. ○ Where people can be open and vulnerable. ○ Where people can express emotion. 			
36	Exhibits a wide range of mediatory skills and uses them appropriately: <ul style="list-style-type: none"> ○ Questioning –open, closed, challenging, and hypothetical. Avoids multiple and leading. ○ Makes use of silence. ○ Normalising. ○ Mutualising. ○ Reframing. ○ Summarising. ○ Empathising. ○ Matching and mismatching. ○ Challenging positions and reality testing. ○ Managing and timetabling meetings effectively. 			
Post mediation follow-up				
37	Makes contact with the parties after the mediation to: <ul style="list-style-type: none"> ○ Provide support and encouragement. ○ Check progress. ○ Facilitate changes to the agreement if required. ○ Provide further assistance if settlement was not reached. 			

**PANEL OF EXPERIENCED CIVIL AND COMMERCIAL MEDIATORS
INTERVIEW FEEDBACK FORM**

Reference number

Name of candidate

Date of interview

Interview panel

Chairman(Signature)

Member(Signature)

Member(Signature)

The panel must complete the feedback form for all applicants. Where an applicant has passed, the feedback should draw any areas of strength or scope for further progress to the attention of the applicant.

Where the panel decides, based on the criteria that the applicant has failed:

- Reasons must be given for the failure. These reasons should be clear, objective and unambiguous.
- In giving reasons for failure, reference should be made to the criteria.
- The panel should also give clear advice to the applicant to allow the applicant to address the weaknesses evident from the interview.
- The feedback should also comment upon any strengths and where appropriate should be encouraging and supportive.

In exceptional circumstances, where the panel decides based on the criteria that the applicant requires mentoring then reasons and feedback should be given for the assistance of the applicant and mentor (at the end of the period of mentoring the mentor shall prepare a report for review by the Panels Management Group). The reasons and feedback should include:

- Reasons must be given for mentoring. These reasons should be clear, objective and unambiguous.
- In giving reasons for mentoring, reference should be made to the criteria.
- The panel should also give clear advice to the applicant to allow the applicant to address the weaknesses evident from the interview and which will assist the mentor in mentoring the applicant.
- The feedback should also comment upon any strengths and where appropriate should be encouraging and supportive.

No.	Item		
	Result	Yes	No
1	The applicant has passed.		
2	The applicant has failed.		
3	The circumstances are exceptional and the applicant requires mentoring.		
	Feedback		
4			

No.	Item

LETTER TO PROPOSED ARBITRATOR

..... (Name of proposed arbitrator)
..... (Address of proposed arbitrator)
.....
.....
.....

..... (Date)

Dear (Name of proposed arbitrator)

Administration

Arbitration Case No: -v (Names of parties)

The Chartered Institute of Arbitrators has received a request to nominate an arbitrator. A copy of the application and notice of arbitration is enclosed. I am writing to enquire as to whether you would wish to be nominated in this case.

The Institute has a responsibility to ensure that neither party can reasonably object to the nominated arbitrator. **I must therefore ask you to disclose any involvement, however remote, but in particular an involvement you or your firm has (or has had in the last five years) with either party to this dispute.**

Please could you study the enclosed documentation closely and then confirm each of the following:

1. *'The subject matter of the dispute falls within the sphere for which I am appropriately qualified and experienced to act.*
2. *I will be able to undertake the task with reasonable expedition.*
3. *To the best of my knowledge I am not aware of any interests, relationships or other matters which are likely to affect my independence or impartiality or which might reasonably be perceived as likely to do so. If I become aware, at any future stage of the dispute resolution process, of any interests, relationships or other matters which are likely to affect my independence or impartiality, or might reasonably be perceived as likely to do so, I will disclose these to the parties (and to the Chartered Institute of Arbitrators if appropriate).*
4. *I comply with any special requirements of the contract, lease or other agreement between the parties.*

5. *I am not currently engaged in another case in any role where my duties to the parties would conflict with my duties to the parties in this dispute.*
6. *I have appropriate professional indemnity insurance.*
7. *I am in possession of a current valid Panel Appointment Certificate (PAC) for the Arbitration Panel of the Chartered Institute of Arbitrators.*
8. *I have kept myself up to date concerning arbitration matters through appropriate CPD and have complied with the CPD requirements of the Chartered Institute of Arbitrators for arbitrators which are currently in force.*
9. *I confirm that I have read and understood the Chartered Institute of Arbitrator's Code of Ethics'.*

Please note that in the event of any non-compliance the person being considered for appointment as arbitrator must disclose these in writing to the Chartered Institute of Arbitrators before being appointed.

I would emphasise that your letter should be signed personally and not on your behalf.

Yours sincerely

..... (Signature)

Case Administrator

Tel: Fax: Email:

LETTER TO PROPOSED ADJUDICATOR

..... (Name of proposed adjudicator)
..... (Address of proposed adjudicator)
.....
.....
.....

..... (Date)

Dear (Name of proposed adjudicator)

Administration

Adjudication Case No: -v (Names of parties)

The Chartered Institute of Arbitrators has received a request to nominate an adjudicator. A copy of the application and notice of adjudication is enclosed. I am writing to enquire as to whether you would wish to be nominated in this case.

The Institute has a responsibility to ensure that neither party can reasonably object to the nominated adjudicator. **I must therefore ask you to disclose any involvement, however remote, but in particular an involvement you or your firm has (or has had in the last five years) with either party to this dispute.**

Please could you study the enclosed documentation closely and then confirm each of the following:

1. *'The subject matter of the dispute falls within the sphere for which I am appropriately qualified and experienced to act.*
2. *I am able to undertake take this adjudication within the statutory time limits and/or those stated in the contract.*
3. *To the best of my knowledge I am not aware of any interests, relationships or other matters which are likely to affect my independence or impartiality or which might reasonably be perceived as likely to do so. If I become aware, at any future stage of the dispute resolution process, of any interests, relationships or other matters which are likely to affect my independence or impartiality, or might reasonably be perceived as likely to do so, I will disclose these to the parties (and to the Chartered Institute of Arbitrators if appropriate).*
4. *I comply with any special requirements of the contract or other agreement between the parties.*

5. *I am not currently engaged in another case in any role where my duties to the parties involved would conflict with my duties to the parties to this dispute.*

6. *I have appropriate professional indemnity insurance.*

7. *I am in possession of a current valid Panel Appointment Certificate (PAC) for the Construction Adjudication Panel of the Chartered Institute of Arbitrators.*

8. *I have kept myself up to date concerning adjudication matters through appropriate CPD and have complied with the CPD requirements of the Chartered Institute of Arbitrators for Adjudicators currently in force.*

9. *I confirm that I have read and understood the Chartered Institute of Arbitrator's Code of Ethics'.*

Please note that in the event of any non-compliance the person being considered for appointment as adjudicator must disclose these in writing to the Chartered Institute of Arbitrators before being appointed.

I would emphasise that your letter should be signed personally and not on your behalf.

Yours sincerely

..... (Signature)

Case Administrator

Tel: Fax: Email:

LETTER TO PROPOSED MEDIATOR

..... (Name of proposed mediator)
..... (Address of proposed mediator)
.....
.....
.....

..... (Date)

Dear (Name of proposed mediator)

Administration

Mediation Case No: -v (Names of parties)

The Chartered Institute of Arbitrators has received a request to nominate a mediator. A copy of the application is enclosed. I am writing to enquire as to whether you would wish to be nominated in this case.

The Institute has a responsibility to ensure that neither party can reasonably object to the nominated mediator. I must therefore ask you to disclose any involvement, however remote, but in particular an involvement you or your firm has (or has had in the last five years) with either party to this dispute.

Please could you study the enclosed documentation closely and then confirm each of the following:

- 1. 'The subject matter of the dispute falls within the sphere for which I am appropriately qualified and experienced to act.
2. I am available to undertake this mediation within a reasonable time to suit the parties.
3. To the best of my knowledge I am not aware of any interests, relationships or other matters which are likely to affect my independence or impartiality or which might reasonably be perceived as likely to do so.
4. I am not currently engaged in another case in any role where my duties to the parties involved would conflict with my duties as Mediator to the parties to this dispute.
5. I have appropriate professional indemnity insurance.

6. *I am in possession of a current valid Panel Appointment Certificate (PAC) for the Mediation Panel of the Chartered Institute of Arbitrators.*
7. *I have kept myself up to date concerning mediation matters through appropriate CPD and have complied with the CPD requirements of the Chartered Institute of Arbitrators for Mediators currently in force.*
8. *I confirm that I have read and understood the Chartered Institute of Arbitrator's Code of Ethics'.*

Please note that in the event of any non-compliance the person being considered for appointment as mediator must disclose these in writing to the Chartered Institute of Arbitrators before being appointed.

I would emphasise that your letter should be signed personally and not on your behalf.

Yours sincerely

..... (Signature)

Case Administrator

Tel: Fax: Email:

11

Guidance 11 Interview for Chartered Arbitrator Status

- 11.1 *Pre-requisites for interview.*
- 11.1.1 *Fellows and eminent applicants.*
- 11.1.2 *Pre-requisites for interview: evidence required.*
- 11.2 *Interview procedure for Chartered Arbitrator status.*
- 11.2.1 *Preparation for interview.*
- 11.2.2 *The interview.*
- 11.2.3 *The interview panel.*
- 11.2.4 *Duration of the interview.*
- 11.2.5 *Result of the interview.*
- 11.2.6 *Overseas applicants.*
- 11.2.7 *Eminent applicants.*

11

Chartered Arbitrator status.

Introduction

- A *From time to time alternative ways of progression to Fellow are devised and this Guidance may be extended to provide pre-requisites for Chartered Arbitrator interview appropriate to any new procedure.*
- B *In the past the same process was conducted for those applying for both Fellowship and Chartered Arbitrator status. Under current regulations the interview for potential Fellows has been replaced by a Peer Review. This procedure therefore applies to interviews for Chartered Arbitrator status only and to applications received after 1st May 2008.*
- C *Whilst taking part in mock arbitrations and producing mock arbitration awards are valuable, however, they do not replace practical experience of live arbitrations.*

11.1

Pre-requisites for interview

11.1-

1

Pre-requisites

- 1.1 An applicant must be a Fellow of the Chartered Institute of Arbitrators and must, with the exception of an eminent applicant, submit evidence of achievement of each element of the appropriate Chartered Arbitrator programme. An equivalent alternative to any element may, upon request, be granted at the discretion of two members of the panel of approved interviewers provided such request is made at the time the application documents are submitted by the applicant.
- 1.2 A complete waiver of any or all of the elements may be granted by the Panel Management Group but only to an eminent applicant.
- 1.3 The activities that a prospective applicant is required to have undertaken and the documentation to be provided depends on whether or not the applicant has had prior experience as arbitrator.

1.4 All applicants must provide written evidence that the applicant has read, understood and will comply with the Code of Ethics of the Chartered Institute of Arbitrators.

1.5 The appropriate interview fee must be paid in advance.

11.1-

2

Pre-requisites for interview: evidence required.

2.1

The following table sets out the evidence required which are pre-requisites for interview.

No.	Pre-requisite for interview	Evidence required
1	Evidence of Fellowship.	Membership number on application form.
2	Detailed understanding of the Arbitration Act 1996 , or equivalent, and ability to research, understand and apply legal principles.	<ul style="list-style-type: none"> • Award of Fellowship following success in <i>the Institutes (or other approved bodies)</i> examinations; or • Published works on arbitration; or • Copies of directions and awards made.
3	Suitable experience or expertise in the <i>candidate's chosen</i> area or profession.	<ul style="list-style-type: none"> • Professional qualifications. • CV. • Two business references.
4	Ability to give directions.	<p>A total of 20 points accumulated from a combination of the following:</p> <ul style="list-style-type: none"> • Directions issued in arbitration proceedings by the candidate as sole arbitrator or tribunal chairman. Where the candidate was not sole arbitrator or chairman but actually drafted the directions then written confirmation from the chairman that the direction was <i>primarily the candidate's own work</i>. 5 points. <p>Note, not more than 10 points can be accumulated under the following categories:</p> <ul style="list-style-type: none"> • Directions written by the candidate while acting as a construction adjudicator. 5 points. • Directions written by the candidate while acting as a sole member or chairman of a recognised legal or quasi legal tribunal. 2 points.
5	Ability to write an award.	<p>A total of 20 points accumulated from a combination of the following:</p> <ul style="list-style-type: none"> • A reasoned award written by the candidate as sole arbitrator or tribunal chairman in respect of a jurisdictional challenge, preliminary issue or substantive issue. 10 points. <p>Note, not more than 10 points can be accumulated under the following categories:</p>

		<ul style="list-style-type: none"> • A reasoned award written by the candidate together with feedback written following a mock hearing organised by the Institute. 5 points. • A <i>reasoned, shadow, award</i> written by the candidate as a pupil together with feedback. 5 points. • A reasoned decision written by the candidate in construction adjudication. 5 points. • A reasoned decision, determinations or similar written by the candidate while acting as a sole member or chairman of a recognised legal or quasi legal tribunal, other forms of adjudication other than construction adjudication, acting as an independent expert in a contractual dispute (not a court expert) or similar. 2 points.
6	Actual conduct of an arbitration.	<p>A total of 30 points accumulated from a combination of the following:</p> <ul style="list-style-type: none"> • Acted as sole arbitrator or chairman in at least two arbitrations in the last three years which have proceeded to a hearing and an award on the substantive dispute or a significant part thereof. 20 points. <p>Note, not more than 10 points can be accumulated under the following categories:</p> <ul style="list-style-type: none"> • Acted as sole arbitrator or chairman in an arbitration which did not proceed to an award, but where directions were given. 4 points. • Acted as sole arbitrator in a documents only arbitration which proceeded to an award on a substantive issue. 2 points. • Acted as a party appointed arbitrator (i.e. not as chairman) in an arbitration which proceeded to a hearing and award on the substantive dispute or a significant part thereof. 5 points. • Acted as a party appointed arbitrator (i.e. not as chairman) in an arbitration which did not proceed to an award, but where directions were given. 2 points. • Acted as sole member or chairman of a recognised legal or quasi legal tribunal, such as construction adjudication, other forms of adjudication, acting as an independent expert in a contractual dispute (not a court expert) or similar. 2 points.

7	Understanding of ethical issues relating to arbitration and personal commitment to ethical action, fair dealing, and ability to respect people from all walks of life.	Questioning at the interview.
8	Commitment to continuing professional development.	<i>Evidence of compliance with the Institutes CPD requirements in the three years preceding the application for interview.</i>

11.2 Interview procedure for Chartered Arbitrator status.

11.2-	1	Preparation for interview
	1.1	The administration may accept a request for interview at any time. Upon receipt of a request for interview the administration sends to the applicant the document, <i>Pre-requisites for interview for Chartered Arbitrator status</i> , together with a, 'tick box', form of check list. Instructions are given to the applicant regarding completion and return of documentation and the check list. The applicant is also notified that incomplete documentation may lead to a refusal of an interview.
	1.2	The applicant submits the documentation together with the completed check list. Upon receipt of the documentation the administration checks to ensure it is complete. Any omissions or deficiencies are drawn to the attention of the applicant within 1 week and the applicant informed that these are required to be rectified not later than 2 months prior to the interview date.
	1.3	An applicant wishing to rely on alternative experience to that laid down clearly states this at the time of submission of documentation for interview. If the administration is uncertain as to whether an alternative offered by an applicant is acceptable the matter is immediately referred to the interview panel members (if already in place) or to two members from the list of interviewers with a request to decide whether: <ul style="list-style-type: none"> i. To refuse the alternative; or ii. To accept it unconditionally. The appointed panel or the two members selected advise the administration of their decision within one week of a request and the applicant is immediately informed: <ul style="list-style-type: none"> i. If the alternative is refused the interview does not proceed. ii. If the alternative is accepted unconditionally this is noted on the copies of the documentation sent to the interview panel prior to interview.
	1.4	No actual waiver of any of the training or experience requirements or alternatives is permitted except in respect of eminent applicants.

1.5	Those on the list of interviewers undertake to respond promptly to any request from the administration for advice or comment relating to interviews to be conducted.
1.6	When the documentation is complete the applicant is advised that the applicant has satisfied the Chartered Institute of Arbitrators requirements for interview and the interview date is confirmed. If a date has yet to be set the applicant is advised to this effect.
1.7	If for reasons which are the responsibility of the applicant the completed documentation is not received by the administration 4 weeks prior to the interview date the applicant is advised that the interview will not proceed at that time.
1.8	Documentation from each applicant, together with information relating to any accepted alternative training or experience, is despatched to the members of the interview panel not later than 10 days prior to the interview date.
1.9	If an applicant has failed a previous interview the interview panel is advised and copies of the assessment and feedback forms relating to the previous interview are included with the applicant's documentation.
11.2-	2
	The interview ³³
2.1	The purpose of the interview is to assess the relevant knowledge, skills and attitude of an applicant.
2.2	Applicants presenting themselves for interview should be prepared to answer probing questions from the interview panel which will test the reality of their knowledge and experience. The interview panel will probe by questioning: <ul style="list-style-type: none"> i. The depth and breadth of core knowledge and relevant specialist knowledge in order to judge the ability of the applicant to reflect their knowledge by drawing on their practical experience. ii. The reality of any experience claimed. iii. Attitude towards ethical and practical conduct of arbitrations.
2.3	Assessment criteria. An applicant must demonstrate advanced knowledge and understanding of arbitration and its practical application, evidencing a professional approach to parties and the public interest. The standard to which the applicant will be judged is: <ul style="list-style-type: none"> i. Competence to serve the public as an arbitrator in an ethical manner.

³³ *Person Specification for Interviewers and Peer Reviewers, November 2008 Panels Management Group. Guidance Notes for Interview Applicants. November 2008 Panels Management Group. Guidelines for the Completion of the Assessment Forms, November 2008 Panels Management Group. Procedure in respect of Interviews for Chartered Arbitrator Status, November 2008 Panels Management Group. Guidelines for Interview Panels, November 2008 Panels Management Group.*

- 2.4 Knowledge assessment criteria. The applicant must be able to demonstrate:
- i. An understanding of the legal framework within which arbitration operates.
 - ii. A detailed understanding of the relevant law of arbitration and its practical application including the duties, powers and obligations of an arbitrator.
 - iii. A practical understanding of the practice and procedure of arbitration.
 - iv. Knowledge of the relevant law of contract, tort and evidence.
 - v. *Technical and legal knowledge in the applicant's specialist field of expertise (if applicable).*
 - vi. Awareness of the practical application of the Chartered Institute of Arbitrators Code of Professional and Ethical Conduct for Members.
- 2.5 Skills assessment criteria. The applicant must be able to demonstrate the ability to:
- i. Manage meetings and proceedings effectively.
 - ii. Act impartially and fairly.
 - iii. Accurately identify the issues and the interests of the parties in the dispute.
 - iv. Come to sensible, logical conclusions reached thorough analysis.
 - v. To make reasoned decisions.
 - vi. Communicate effectively both in writing and orally.
- 2.6 Attitude assessment criteria. The applicant must be able to demonstrate:
- i. The capacity to inspire the parties to have confidence in the process and the tribunal.
 - ii. A capacity and willingness to respond decisively both in the context of arbitration proceedings and the interview.
 - iii. The capacity and willingness of the applicant to conduct themselves in a manner that would establish and maintain the independence and authority of the arbitrator.
- 2.7 As a chartered body, the Chartered Institute of Arbitrators is obliged to act in a non-discriminatory manner. Therefore, interviewers should conduct interviews fairly, transparently, impartially and without bias. Guidelines for the conduct of interviews are:
- i. The objective of the interview is to obtain information about the candidate (not the views of the interviewers themselves).
 - ii. The interview should be conducted in a courteous and professional manner.
 - iii. Inappropriate questions should not be posed.
 - iv. Each member of the interview panel should ask questions. No one member should dominate the questions.
 - v. The panel should aim to have the candidate talking for 70% - 80% of the time.
 - vi. In order to advance the above, questions should be of an open nature which are designed to encourage the candidate to talk.
 - vii. Closed questions which only encourage one or two word answers should be avoided.

- viii. Leading questions which suggest the expected answer should also be avoided.
- ix. The use of hypothetical questions is recommended. These can be used to elicit by extrapolation how applicants expect to conduct themselves as arbitrators.
- x. The ultimate purpose of the interview is to satisfy the interviewer that the applicant demonstrates advanced knowledge and understanding of arbitration and its practical application, evidencing a professional approach to parties and the public interest.

11.2-

3

The interview panel

3.1

An interview panel consists of three experienced arbitrators drawn from the list approved by the Panel Management Group and includes one member who is legally qualified. The administration advises the members of the list at the earliest possible time of dates when it is proposed to hold interviews and invites those on the list to indicate their availability. From those available the administration selects three interviewers.

3.2

In making its selection the administration takes note of the professions of the applicants on any day and selects, where possible, at least one panellist from each profession. If there is no-one on the list from the same profession or no-one is available a panellist from the closest related profession is chosen. If an applicant operates in the international field the panel includes at least one member experienced in international arbitration.

3.3

Once selected an interviewer is expected to take all reasonable steps to ensure that the interviewer remains available. In the event that a member of the selected panel becomes aware of a conflict of interest and wishes to withdraw from a particular interview, or unexpected circumstances arise preventing attendance, then the interviewer advises the administration immediately and it endeavours to obtain a substitute. Should this not be possible applicants are advised and given the option of withdrawing and attending at no extra cost on a different date when three interviewers are available.

3.4

If an interviewer fails to attend or if a conflict of interest does not come to light until the interview day the applicants are, or the affected applicant is (as the case may be), offered the choice of proceeding with two interviewers or postponing the interview to another date at no extra cost.

3.5

If a panel fails an applicant no-one from that panel shall interview the applicant again should the applicant re-apply.

11.2-

4

Duration of the interview

4.1

The time allowed for each interview is 1 hour. The actual duration of the interview is approximately 45 minutes.

	4.2	The interview panel assembles 30 minutes before the first interview to provide an opportunity for discussion on any matters appertaining to the applications. The panel selects one of its members to be Chairman. The same person does not necessarily act as Chairman in respect of all the interviews to be conducted.
	4.3	The first interview is timed for 10.00 am and no more than 5 interviews are scheduled for any one day. There is a break of 1 hour between 1.00 pm and 2.00 pm.
11.2-	5	Result of the interview
	5.1	Following each interview the panel completes the assessment and feedback forms. All members of the interview panel sign these documents and the Chairman is responsible for ensuring they are returned to the administration.
	5.2	An applicant is advised of the outcome of the interview within 2 weeks of the interview date. A copy of the feedback form only is sent to the applicant at the same time.
11.2-	6	Overseas applicants
	6.1	Applicants domiciled outside England and Wales or any foreign nationals are considered as overseas applicants and are required to state at the time of application whether they wish to be interviewed: <ul style="list-style-type: none"> i. On the basis of (inter alia) an understanding of English law, in which case the applicant will be expected to be conversant with the Arbitration Act 1996; or ii. On an understanding of some other law to be stated.
	6.2	Applicants falling under 11.2-6.1.i, above, are treated the same as are those resident in the UK and will be expected to travel to the UK for interview.
	6.3	Applicants falling under 11.2-6.1.ii, above, will, so far as is possible, be interviewed in the region of their residence by a panel conversant with the relevant law. At least 1 of the panellists will have experience of interviewing in the UK or be otherwise specifically approved by the Panel Management Group as competent to maintain the common benchmark standard.
11.2-	7	Eminent applicants
	7.1	An eminent applicant is a person who would be accepted by the peers of the applicant as being of the highest standing in the field of arbitration, who has extensive experience as a practising arbitrator and who has an on-going involvement in arbitration matters.



7.2

If upon receiving an application the administration considers the applicant may be eminent it informs the Panel Management Group immediately which, if it considers that the applicant is eminent, advises the administration accordingly. The administration then makes appropriate arrangements regarding the constitution of the interview panel and, in particular, ensures that it includes a person of equal standing to the applicant.

7.3

The Panel Management Group may waive any or all of the prerequisites for interview as it deems appropriate except that the requirement to attend an interview is not waived.

12

Guidance 12

- 12.1
- 12.2
- 12.2.1
- 12.2.2
- 12.2.3
- 12.2.4
- 12.2.5
- 12.2.6
- 12.2.7

Interview for Construction Industry Adjudicator Panel

- Pre-requisites for interview.*
- Interview procedure.*
- Preparation for interview.*
- The interview.*
- The interview panel.*
- Duration of the interview.*
- Result of the interview.*
- Overseas applicants.*
- Eminent applicants.*

12

Interview for Construction Industry Adjudication Panel

Introduction

- A *The objective of an interview is for the interview panel to obtain information about the applicant, (not the views of the interviewers themselves). Each member of the interview panel should ask questions and one member of the panel should not dominate the questions. The aim should be to have the applicant talking about 70%-80% of the time and to ensure that the type of questions asked encourage this. Therefore the questions should be open in nature. Closed questions i.e. those which encourage one or two word answers should be avoided as should leading questions which suggest the expected answer. Hypothetical questions could be of great use as these tend to elicit by extrapolation how an applicant expects to conduct himself as adjudicator. It may be appropriate for at least one question to lead to a self-assessment.*
- B *The purpose of the interview is for the interview panel to obtain a view as to whether the applicant is likely to be a capable adjudicator.*
- C *It must not necessarily be assumed because the applicant has applied for interview that the requirements for inclusion on the Construction Industry Adjudication Panel have necessarily been fulfilled. Therefore, it would be appropriate for the interview panel to question the applicant as to whether the requirements have been met.*
- D *Questions should cover experience, training, aims, aspirations and a review of a decision of the applicant.*
- E *The purpose of questions on experience is for the interview panel to ascertain the nature of the applicant's experience prior to undertaking adjudication training The questions should cover:*
- i. *Technical (primary profession).*
 - ii. *Legal.*
 - iii. *Arbitrational.*
 - iv. *Other forms of dispute resolution.*
- F *The purpose of questions on training is for the interview panel to ascertain the nature of training undertaken by the applicant.*
- G *The purpose of questions on aims and aspirations is for the interview panel to gain a general feel for the reasons for the applicant's desire to become a construction industry adjudicator and what the applicant expects*

not only to receive but to give to the construction industry and to the recipients of adjudication as a service. The interview panel may ask the applicant what are the expectations of the applicant after attaining panel membership.

H The purpose of reviewing an adjudication decision made by the applicant is to give the interview panel a, 'handle', for the interview.

I There are a number of reasons why an applicant may fail the interview which could cover both personal and practical reasons.

J The personal reasons for the failure of an applicant may include:

- i. Not showing adequate personal qualities.
- ii. Not showing decisiveness.
- iii. Not showing an ability to recognise the issues raised by the questions put to him.
- iv. Not showing understanding of the problems posed by short time scales in construction adjudication.
- v. Not showing understanding of the problems posed by inadequacy of information.
- vi. Not showing a willingness to take initiative.
- vii. Not showing understanding of the expectation of the industry for adjudication as a new and radical dispute resolution process.
- viii. Not showing gravitas or personal presence.
- ix. Not showing the necessary confidence to carry out the task of adjudication.
- x. The applicant demonstrated a far too hesitant approach to adjudication.
- xi. The applicant seemed prone to reach conclusions too hastily, without logical thought or proper analysis.
- xii. The applicant failed to convince the interview panel that the applicant had a capacity for fair and independent judgment.
- xiii. The applicant demonstrated indecisiveness in the responses to questions put by the interview panel.

K The practical reasons for the failure of an applicant may include:

- i. Failed to demonstrate knowledge of relevant statutes.
- ii. Failed to demonstrate knowledge of contract procedure.
- iii. Failed to demonstrate knowledge of contract law.
- iv. Failed to demonstrate knowledge of the theory and practice of adjudication.
- v. Failed to demonstrate an adequate grasp of the law and practice of adjudication.
- vi. Failed to demonstrate a proper understanding of adjudication at a practical level.
- vii. Failed to deal with all the issues in his submitted decision.
- viii. Failed to demonstrate an appropriate ability to make an unqualified decision.
- ix. Failed to demonstrate to the interview panel a sufficient depth of knowledge of adjudication, leading to a lack of appreciation of the differences between adjudication and arbitration.
- x. Failed to demonstrate the necessary aptitude to deal with the adjudication process in a manner that would meet with statutory requirements and the expectations of the industry.
- xi. Demonstrated inadequacies in the submitted decision which was not clear or concise.
- xii. Demonstrated a lack of clarity and logical thought in the written decision.

12.1 Pre-requisites for interview

12.1-

1

1.1³⁴

Pre-requisites

An applicant must be a Fellow of the Chartered

³⁴ Paragraph 12.1-1 has been amended from that in *The Guidance* edition 2, 2009. The background to the amendment is as follows.

Prior to establishing the Panel of Adjudicators in 1996, the Chartered Institute of Arbitrators developed a three day training programme aimed primarily at those members who were already Fellows of the Institute. The only route to Fellowship at that stage was as Arbitrator which was deemed to effectively provide the knowledge of contract tort and evidence which was said to be required. Over time that training was refined. The precise composition of the course changed over the years but was essentially 2 days of training with a day of assessment and a requirement to write and submit an enforceable decision based on the post course material provided. It became a requirement (among others)

		<p>Institute of Arbitrators and must, with the exception of an eminent applicant, submit evidence of achievement of each element of the appropriate adjudication programme of the Chartered Institute of Arbitrators. An equivalent alternative to any element may, upon request, be granted at the discretion of two members of the panel of approved interviewers provided such request is made at the time the application documents are submitted by the applicant.</p>
	1.2	<p>A complete waiver of any or all of the elements may be granted by the Panel Management Group but only to an eminent applicant.</p>
	1.4	<p>All applicants must provide written evidence that the applicant has read, understood and will comply with the Institute's Code of Ethics of the Chartered Institute of Arbitrators.</p>
	1.5	<p>The appropriate interview fee must be paid in advance.</p>
	2	<p>Documents</p>
12.1-	2.1	<p>An applicant must provide:</p> <ol style="list-style-type: none"> i. A curriculum vitae. ii. A schedule of CPD activities undertaken over the last 3 years. The schedule should give details of: <ul style="list-style-type: none"> • The name of the activity e.g. the title of the lecture, course, seminar etc which was attended. • The date of the activity. • The name of the body which organised the activity.

that all members wishing to join the Panel of adjudicators must have successfully completed this training course (or an equivalent alternative). In due course the initial training was considered inadequate for those seeking membership of the Panel of Adjudicators and the requirement was amended such that applicants were required to have completed (or be exempt) from Module 1 (contract, tort and evidence) and Module 2 (law of adjudication) and also that they had completed the course then known as Accredited Adjudicator Assessment (or a recognised equivalent).

In 2007 the Chartered Institute of Arbitrators stated the training requirement thus, 'Have been accepted for and have satisfactorily completed the Chartered Institute of Arbitrators Accredited Adjudicator Assessment, or a recognised equivalent'.

In 2008, the Chartered Institute of Arbitrators re-named the existing to the "Accelerated Route to Fellowship for Adjudicators" to make the title of the course consistent with other courses. Module 3 for adjudicators was launched in October 2010 and Module 4 in 2011.

As to courses through Recognised Course Providers, there are a number of courses by which applicants can achieve Fellowship level training in adjudication. Applicants should make enquiries of the Chartered Institute of Arbitrators for further information.

The scheme and processes have been approved by the Education and Membership Committee whilst the he courses and institutions have been checked by the Education and Training Team of the Chartered Institute of Arbitrators. Further details of these courses can be seen on the Chartered Institute of Arbitrators website at www.ciarb.org.

On 17 November 2010 the Panels Management Group of the Chartered Institute of Arbitrators resolved, 'It was agreed that the criteria in the Guidance (Edition 1, 2009) needs to be amended so that anyone applying to come onto the panel is a Fellow through the Chartered Institute's Pathways on Adjudication or equivalent from other recognised bodies'. In passing this resolution, the Panels Management Group radically changed the existing requirements in relation to training. Previously it was only necessary for applicants to the Panel of Adjudicators to show that they had completed (or been exempted from) Module 1 and Module 2 (adjudication) and the approved adjudicator course.

- iii. A schedule of appointments as adjudicator undertaken within the last 3 years; the schedule should give details of:
 - Nature of the parties.
 - Nature of the dispute.
 - The amount in dispute (if applicable).
 - Date of appointment.
 - How appointed.
 - The date of the decision and an indication whether it was by consent, a settlement or the case is still in progress.
- iv. Copies of at least two directions issued as adjudicator.
- v. Copies of at least two decisions.
- vi. Evidence of the route to Fellowship which the applicant has undertaken.

12.2

Interview procedure

12.2-

1

Preparation for interview

1.1

The administration may accept a request for interview at any time. Upon receipt of a request for interview the administration sends to the applicant instructions regarding completion and return of documentation. The applicant is also notified that incomplete documentation may lead to a refusal of an interview.

1.2

The applicant submits the documentation. Upon receipt of the documentation the administration checks to ensure it is complete. Any omissions or deficiencies are drawn to the attention of the applicant within 1 week and the applicant informed that these are required to be rectified not later than 2 months prior to the interview date.

1.3

An applicant wishing to rely on alternative experience to that laid down clearly states this at the time of submission of documentation for interview. If the administration is uncertain as to whether an alternative offered by an applicant is acceptable the matter is immediately referred to the interview panel members (if already in place) or to two members from the list of interviewers with a request to decide whether:

- To refuse the alternative; or
- To accept it unconditionally.

The appointed panel or the two members selected advise the administration of their decision within one week of a request and the applicant is immediately informed:

- If the alternative is refused the interview does not proceed.
- If the alternative is accepted unconditionally this is noted on the copies of the

		documentation sent to the interview panel prior to interview.
	1.4	No actual waiver of any of the training or experience requirements or alternatives is permitted except in respect of eminent applicants.
	1.5	Those on the list of interviewers undertake to respond promptly to any request from the administration for advice or comment relating to interviews to be conducted.
	1.6	When the documentation is complete the applicant is advised that the applicant has satisfied the <i>Chartered Institute of Arbitrators requirements</i> for interview and the interview date is confirmed. If a date has yet to be set the applicant is advised to this effect.
	1.7	If for reasons which are the responsibility of the applicant the completed documentation is not received by the administration 4 weeks prior to the interview date the applicant is advised that the interview will not proceed at that time.
	1.8	Documentation from each applicant, together with information relating to any accepted alternative training or experience, is despatched to the members of the interview panel not later than 10 days prior to the interview date.
	1.9	If an applicant has failed a previous interview the interview panel is advised and copies of the assessment and feedback forms relating to the previous interview are included with the applicant's documentation.
12.2-	2	The interview ³⁵
	2.1	The purpose of the interview is to assess the relevant knowledge, skills and attitude of an applicant.
	2.2	Applicants presenting themselves for interview should be prepared to answer probing questions from the interview panel which will test the reality of their knowledge and experience. The interview panel will probe by questioning: <ul style="list-style-type: none"> i. The depth and breadth of core knowledge and relevant specialist knowledge in order to judge

³⁵ Relevant information and guidance in respect of the conduct of interviews may be published from time to time by the Chartered Institute of Arbitrators C.f.: **Person Specification for Interviewers and Peer Reviewers**, November 2008 Panels Management Group. **Guidance Notes for Interview Applicants**, November 2008 Panels Management Group. **Guidelines for the Completion of the Assessment Forms**, November 2008 Panels Management Group. **Procedure in respect of Interviews for Chartered Arbitrator Status**, November 2008 Panels Management Group. **Guidelines for Interview Panels**, November 2008 Panels Management Group.

the ability of the applicant to reflect their knowledge by drawing on their practical experience.

- ii. The reality of any experience claimed.
- iii. Attitude towards ethical and practical conduct of adjudications.

2.3 Assessment criteria. An applicant must demonstrate advanced knowledge and understanding of adjudication and its practical application, evidencing a professional approach to parties and the public interest. The standard to which the applicant will be judged is:

- i. Competence to serve the public as an adjudicator in an ethical manner.

2.4 Knowledge assessment criteria. The applicant must be able to demonstrate:

- i. An understanding of the legal framework within which adjudication operates.
- ii. A detailed understanding of the relevant law of adjudication and its practical application including the duties, powers and obligations of an adjudicator.
- iii. A practical understanding of the practice and procedure of adjudication.
- iv. Knowledge of the relevant law of contract, tort and evidence.
- v. *Technical and legal knowledge in the applicant's specialist field of expertise (if applicable).*
- vi. Awareness of the practical application of the Chartered Institute of Arbitrators Code of Professional and Ethical Conduct for Members.

2.5 Skills assessment criteria. The applicant must be able to demonstrate the ability to:

- i. Manage meetings and proceedings effectively.
- ii. Act impartially and fairly.
- iii. Accurately identify the issues and the interests of the parties in the dispute.
- iv. Come to sensible, logical conclusions reached thorough analysis.
- v. To make reasoned decisions.
- vi. Communicate effectively both in writing and orally.

2.6 Attitude assessment criteria. The applicant must be able to demonstrate:

- i. The capacity to inspire the parties to have confidence in the process and the tribunal.
- ii. A capacity and willingness to respond decisively both in the context of adjudication proceedings and the interview.
- iii. The capacity and willingness of the applicant to conduct themselves in a manner that would establish and maintain the independence and authority of the adjudicator.

2.7	<p>As a chartered body, the Chartered Institute of Arbitrators is obliged to act in a non-discriminatory manner. Therefore, interviewers should conduct interviews fairly, transparently, impartially and without bias. Guidelines for the conduct of interviews are:</p> <ol style="list-style-type: none"> i. The objective of the interview is to obtain information about the candidate (not the views of the interviewers themselves). ii. The interview should be conducted in a courteous and professional manner. iii. Inappropriate questions should not be posed. iv. Each member of the interview panel should ask questions. No one member should dominate the questions. v. The panel should aim to have the candidate talking for 70% - 80% of the time. vi. In order to advance the above, questions should be of an open nature which is designed to encourage the candidate to talk. vii. Closed questions which only encourage one or two word answers should be avoided. viii. Leading questions which suggest the expected answer should also be avoided. ix. The use of hypothetical questions is recommended. These can be used to elicit by extrapolation how applicants expect to conduct themselves as adjudicators. x. The ultimate purpose of the interview is to satisfy the interviewer that the applicant demonstrates advanced knowledge and understanding of adjudication and its practical application, evidencing a professional approach to parties and the public interest.
12.2-	
3	The interview panel
3.1	<p>An interview panel consists of three experienced adjudicators drawn from the list approved by the Panel Management Group and includes one member who is legally qualified. The administration advises the members of the list at the earliest possible time of dates when it is proposed to hold interviews and invites those on the list to indicate their availability. From those available the administration selects three interviewers.</p>
3.2	<p>In making its selection the administration takes note of the professions of the applicants on any day and selects, where possible, at least one panellist from each profession. If there is no-one on the list from the same profession or no-one is available a panellist from the closest related profession is chosen. If an applicant operates in the international field the panel includes at least one member experienced in international adjudication.</p>
3.3	<p>Once selected an interviewer is expected to take</p>

all reasonable steps to ensure that the interviewer remains available. In the event that a member of the selected panel becomes aware of a conflict of interest and wishes to withdraw from a particular interview, or unexpected circumstances arise preventing attendance, then the interviewer advises the administration immediately and it endeavours to obtain a substitute. Should this not be possible applicants are advised and given the option of withdrawing and attending at no extra cost on a different date when three interviewers are available.

3.4 If an interviewer fails to attend or if a conflict of interest does not come to light until the interview day the applicants are, or the affected applicant is (as the case may be) offered the choice of proceeding with two interviewers or postponing the interview to another date at no extra cost.

3.5 If a panel fails an applicant no-one from that panel shall interview the applicant again should the applicant re-apply.

12.2-

4 **Duration of the interview**

4.1 The time allowed for each interview is 1 hour. The actual duration of the interview is approximately 45 minutes.

4.2 The interview panel assembles 30 minutes before the first interview to provide an opportunity for discussion on any matters appertaining to the applications. The panel selects one of its members to be Chairman. The same person does not necessarily act as Chairman in respect of all the interviews to be conducted.

4.3 The first interview is timed for 10.00 am and no more than 5 interviews are scheduled for any one day. There is a break of 1 hour between 1.00 pm and 2.00 pm.

12.2-

5 **Result of the interview**

5.1 Following each interview the panel completes the assessment and feedback forms. All members of the interview panel sign these documents and the Chairman is responsible for ensuring they are returned to the administration.

5.2 An applicant is advised of the outcome of the interview within two weeks of the interview date. A copy of the feedback form only is sent to the

applicant at the same time.

12.2-

6

Overseas applicants

6.1

Applicants domiciled outside England and Wales or any foreign nationals are considered as overseas applicants and are required to state at the time of application whether they wish to be interviewed:

- i. On the basis of (inter alia) an understanding of English law, in which case the applicant will be expected to be conversant with ***The Housing Grants, Construction and Regeneration Act 1996***; or
- ii. On an understanding of some other law to be stated.

6.2

Applicants falling under 11.2-6.1.i, above, are treated the same as are those resident in the UK and will be expected to travel to the UK for interview.

6.3

Applicants falling under 11.2-6.1.ii, above, will, so far as is possible, be interviewed in the region of their residence by a panel conversant with the relevant law. At least 1 of the panellists will have experience of interviewing in the UK or be otherwise specifically approved by the Panel Management Group as competent to maintain the common benchmark standard.

12.2-

7

Eminent applicants

7.1

An eminent applicant is a person who would be accepted by the peers of the applicant as being of the highest standing in the field of adjudication, who has extensive experience as a practising adjudicator and who has an on-going involvement in adjudication matters.

7.2

If upon receiving an application the administration considers the applicant may be eminent it informs the Panel Management Group immediately which, if it considers that the applicant is eminent, advises the administration accordingly. The administration then makes appropriate arrangements regarding the constitution of the interview panel and, in particular, ensures that it includes a person of equal standing to the applicant.

7.3

The Panel Management Group may waive any or all of the pre-requisites for interview as it deems appropriate except that the requirement to attend an interview is not waived.

13

Guidance 13 Interview for Panel of Experienced Civil and Commercial Mediators

13.1	<i>Pre-requisites for interview.</i>
13.2	<i>Interview procedure.</i>
13.2.1	<i>Preparation for interview.</i>
13.2.2	<i>The interview.</i>
13.2.3	<i>The interview panel.</i>
13.2.4	<i>Duration of the interview.</i>
13.2.5	<i>Result of the interview.</i>
13.2.6	<i>Overseas applicants.</i>
13.2.7	<i>Eminent applicants.</i>

13.1	Pre-requisites for interview
13.1-	1
	1.1
	1.2
	1.4
	1.5
13.1-	2
	2.1
	2.1

Pre-requisites

An applicant must, with the exception of an eminent applicant, submit evidence of achievement of the Chartered Institute of Arbitrators mediation accreditation programme or of recognised exemptions. An equivalent alternative to any element may, upon request, be granted at the discretion of two members of the panel of approved interviewers provided such request is made at the time the application documents are submitted by the applicant.

A complete waiver of any or all of the elements may be granted by the Panel Management Group but only to an eminent applicant.

All applicants must provide written evidence that the applicant has read, understood and will comply with the Institute's Code of Ethics.

The appropriate interview fee must be paid in advance.

Documents

An applicant with experience as a civil or commercial mediator must provide:

- Details of experience as mediator including evidence of experience as lead mediator in at least three mediations, following a programme of mentored experience.

- ii. Proof of recognised accreditations³⁶.
- iii. Three written references (not referees) from *parties or legal advisers as to the applicant's* competence and skill as a mediator in mediations undertaken.
- iv. A curriculum vitae.
- v. Evidence of Continuing Professional Development meeting the Chartered Institute of Arbitrators relevant policy.

13.2 Interview procedure

13.2-

- 1 Preparation for interview**
- 1.1 The administration may accept a request for interview at any time. Upon receipt of a request for interview the administration sends to the applicant instructions regarding completion and return of documentation. The applicant is also notified that incomplete documentation may lead to a refusal of an interview.
- 1.2 The applicant submits the documentation together with the completed check list. Upon receipt of the documentation the administration checks to ensure it is complete. Any omissions or deficiencies are drawn to the attention of the applicant within 1 week and the applicant informed that these are required to be rectified not later than 2 months prior to the interview date.
- 1.3 An applicant wishing to rely on alternative experience to that laid down clearly states this at the time of submission of documentation for interview. If the administration is uncertain as to whether an alternative offered by an applicant is acceptable the matter is immediately referred to the interview panel members (if already in place) or to two members from the list of interviewers with a request to decide whether:
- i. To refuse the alternative; or
 - ii. To accept it unconditionally.
- The appointed panel or the two members selected advise the administration of their decision within one week of a request and the applicant is immediately informed:
- i. If the alternative is refused the interview does not proceed.
 - ii. If the alternative is accepted unconditionally this is noted on the copies of the documentation sent to the interview panel prior to interview.

³⁶ The accreditations from the Chartered Institute of Arbitrators, CEDR, the Academy of Experts, the ADR Group, Global Mediation Services or Core Mediation.

1.4	No actual waiver of any of the training or experience requirements or alternatives is permitted except in respect of eminent applicants.
1.5	Those on the list of interviewers undertake to respond promptly to any request from the administration for advice or comment relating to interviews to be conducted.
1.6	When the documentation is complete the applicant is advised that the applicant has satisfied the <i>Chartered Institute of Arbitrators</i> requirements for interview and the interview date is confirmed. If a date has yet to be set the applicant is advised to this effect.
1.7	If for reasons which are the responsibility of the applicant the completed documentation is not received by the administration 4 weeks prior to the interview date the applicant is advised that the interview will not proceed at that time.
1.8	Documentation from each applicant, together with information relating to any accepted alternative training or experience, is despatched to the members of the interview panel not later than 10 days prior to the interview date.
1.9	If an applicant has failed a previous interview the interview panel is advised and copies of the assessment and feedback forms relating to the previous interview are included with the applicant's documentation.
13.2-	2
2.1	The interview³⁷. The purpose of the interview is to assess the relevant knowledge, skills and attitude of an applicant.
2.2	Applicants presenting themselves for interview should be prepared to answer probing questions from the interview panel which will test the reality of their knowledge and experience. The interview panel will probe by questioning: i. The depth and breadth of core knowledge of the mediation process, people skills to apply that knowledge in the conduct of mediation in a civil or commercial environment and the

³⁷ Relevant information and guidance in respect of the conduct of interviews may be published from time to time by the Chartered Institute of Arbitrators. C.f.: **Person Specification for Interviewers and Peer Reviewers**, November 2008 Panels Management Group. **Guidance Notes for Interview Applicants**, November 2008 Panels Management Group. **Guidelines for the Completion of the Assessment Forms**, November 2008 Panels Management Group. **Procedure in respect of Interviews for Chartered Arbitrator Status**, November 2008 Panels Management Group. **Guidelines for Interview Panels**, November 2008 Panels Management Group.

relevant specialist knowledge in order to judge *the applicant's ability to demonstrate his/her* knowledge and skills by drawing on his/her practice experience.

- ii. The reality of any experience claimed.
- iii. Attitude towards ethical and practical conduct of mediations.

2.3 Assessment criteria. An applicant must demonstrate advanced knowledge and understanding of mediation and its practical application, evidencing a professional approach to parties and the public interest. The standard to which the applicant will be judged is:

- i. Competence to serve the public as a mediator in an ethical manner.

2.4 Knowledge assessment criteria. The applicant must be able to demonstrate:

- i. An understanding of the legal framework within which mediation operates.
- ii. A detailed understanding of the process of mediation and of the law relevant to mediation and the practical application of both, including the duties, powers and obligations of a mediator.
- iii. A practical understanding of the practice and procedure of mediation.
- iv. Awareness of the practical application of the *Chartered Institute of Arbitrators' Code of Professional and Ethical Conduct for Members*.

2.5 Skills assessment criteria. The applicant must be able to demonstrate the ability to:

- i. Manage the mediation process effectively.
- ii. Act impartially and fairly.
- iii. Build rapport.
- iv. Create an environment in which the parties feel safe to explore possible settlements.
- v. Encourage understanding between the parties.
- vi. Listen carefully, accurately identify the issues and the interest of the parties and have a quick understanding and grasp of problems.
- vii. Come to sensible, logical conclusions reached through analysis.
- viii. Communicate effectively orally.
- ix. Not to get flustered or be indecisive.

2.6 Attitude assessment criteria. The applicant must be able to demonstrate:

- i. The capacity to inspire the parties to have confidence in the process of mediation and the mediator.
- ii. The capacity to discretely demonstrate personal authority, to be firm but courteous and to conduct themselves in a manner that would establish and maintain the independence and authority of the mediator.

2.7

As a chartered body, the Chartered Institute of Arbitrators is obliged to act in a non-discriminatory manner. Therefore, interviewers should conduct interviews fairly, transparently, impartially and without bias. Guidelines for the conduct of interviews are:

- i. The objective of the interview is to obtain information about the candidate (not the views of the interviewers themselves).
- ii. The interview should be conducted in a courteous and professional manner.
- iii. Inappropriate questions should not be posed.
- iv. Each member of the interview panel should ask questions. No one member should dominate the questions.
- v. The panel should aim to have the candidate talking for 70% - 80% of the time.
- vi. In order to advance the above, questions should be of an open nature which are designed to encourage the candidate to talk.
- vii. Closed questions which only encourage one or two word answers should be avoided.
- viii. Leading questions which suggest the expected answer should also be avoided.
- ix. The use of hypothetical questions is recommended. These can be used to elicit by extrapolation how applicants expect to conduct themselves as arbitrators.
- x. The ultimate purpose of the interview is to satisfy the interviewer that the applicant demonstrates advanced knowledge and understanding of mediation and its practical application, evidencing a professional approach to parties and the public interest.

13.2-

3

The interview panel

3.1

An interview panel consists of three experienced mediators drawn from the list approved by the Panel Management Group and includes one member who is legally qualified. The administration advises the members of the list at the earliest possible time of dates when it is proposed to hold interviews and invites those on the list to indicate their availability. From those available the administration selects three interviewers.

3.2

In making its selection the administration takes note of the professions of the applicants on any day and selects, where possible, at least one panellist from each profession. If there is no-one on the list from the same profession or no-one is available a panellist from the closest related profession is chosen. If an applicant operates in the international field the panel includes at least one member

experienced in international mediation.

- 3.3 Once selected an interviewer is expected to take all reasonable steps to ensure that the interviewer remains available. In the event that a member of the selected panel becomes aware of a conflict of interest and wishes to withdraw from a particular interview, or unexpected circumstances arise preventing attendance, then the interviewer advises the administration immediately and it endeavours to obtain a substitute. Should this not be possible applicants are advised and given the option of withdrawing and attending at no extra cost on a different date when three interviewers are available.
- 3.4 If an interviewer fails to attend or if a conflict of interest does not come to light until the interview day the applicants are, or the affected applicant is (as the case may be), offered the choice of proceeding with two interviewers or postponing the interview to another date at no extra cost.
- 3.5 If a panel fails an applicant no-one from that panel shall interview the applicant again should the applicant re-apply.

13.2-

- 4 Duration of the interview**
- 4.1 The time allowed for each interview is 1 hour. The actual duration of the interview is approximately 45 minutes.
- 4.2 The interview panel assembles 30 minutes before the first interview to provide an opportunity for discussion on any matters appertaining to the applications. The panel selects one of its members to be Chairman. The same person does not necessarily act as Chairman in respect of all the interviews to be conducted.
- 4.3 The first interview is timed for 10.00 am and no more than 5 interviews are scheduled for any one day. There is a break of 1 hour between 1.00 pm and 2.00 pm.

13.2-

- 5 Result of the interview**
- 5.1 Following each interview the panel completes the assessment and feedback forms. All members of the interview panel sign these documents and the Chairman is responsible for ensuring they are returned to the administration.
- 5.2 An applicant is advised of the outcome of the

interview within two weeks of the interview date. A copy of the feedback form only is sent to the applicant at the same time.

13.2-

6

Overseas applicants

6.1

Applicants domiciled outside England and Wales or any foreign nationals are considered as overseas applicants and are required to state at the time of application whether they wish to be interviewed:

- i. On the basis of (inter alia) an understanding of English law, or
- ii. On an understanding of some other law to be stated.

6.2

Applicants falling under 13.2-6.1.i, above, are treated the same as are those resident in the UK and will be expected to travel to the UK for interview.

6.3

Applicants falling under 13.2-6.1.ii, above, will, so far as is possible, be interviewed in the region of their residence by a panel conversant with the relevant law. At least 1 of the panellists will have experience of interviewing in the UK or be otherwise specifically approved by the Panel Management Group as competent to maintain the common benchmark standard.

13.2-

7

Eminent applicants

7.1

An eminent applicant is a person who would be accepted by the peers of the applicant as being of the highest standing in the field of mediation, who has extensive experience as a practising mediator and who has an on-going involvement in mediation matters.

7.2

If upon receiving an application the administration considers the applicant may be eminent it informs the Panel Management Group immediately which, if it considers that the applicant is eminent, advises the administration accordingly. The administration then makes appropriate arrangements regarding the constitution of the interview panel and, in particular, ensures that it includes a person of equal standing to the applicant.

7.3

The Panel Management Group may waive any or all of the pre-requisites for interview as it deems appropriate except that the requirement to attend an interview is not waived.

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