



# Chartered Adjudicator

## Guidance for Applicants Autumn 2024

This guidance is designed to assist members who are considering applying for the award of Chartered Adjudicator status (C. Adj).

**Part One** comprises the requirements that need to be met in order to progress to a full application for Chartered Adjudicator status as well as the process for evaluating applications.

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

Three appendices include supplementary information that is crucial to the process of completing the application submissions.

**Appendix A** – The Chartered Adjudicator Excellence Framework.

**Appendix B** – Guidance relating to Character and Conduct matters.

**Appendix C** – List of Chartered Selection Group members as of July 2024.

**We strongly advise that you read both parts of this Guidance, along with the appendices, before you start your application.**

Please contact the Chartered Secretariat (the administrative team supporting the application process) with any queries:

Email: [chartered@ciarb.org](mailto:chartered@ciarb.org)

Telephone: +44 0207 421 7447

Applications for the Autumn 2024 application round can be **submitted between 1 October 2024 and 31 October 2024**. All applications must be received by the Chartered Secretariat by **23.59 pm GMT on Thursday, 31 October 2024** along with full payment. Late, incomplete

or applications not accompanied with the required documentation or payment will not be considered.

The Chartered application fee for 2024 is **£1,500 and is not refundable** if an applicant is unsuccessful.

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# Part One

## Requirements and Process for the award of Chartered Adjudicator status

### 1. Introduction

The standard for Chartered status was revised in 2023. The award of Chartered status represents excellence in dispute resolution practice as an Adjudicator and a new process for submitting and evaluating applications has been designed to assess applications, with this standard of practice now firmly embedded in the application process.

The application fee of £1,500 is **not refundable** if, following evaluation of the evidence submitted by the Chartered Selection Group, an applicant is unsuccessful. We therefore advise potential applicants to reflect critically on their experience themselves, and assess their readiness for Chartered status, before embarking on an application. Without being prescriptive we recommend the following three steps as a reasonable basis for self-assessment.

- First, consider carefully the extent to which you meet the **eligibility criteria** set out in Part One of this Guidance.
- Second, consider the extent to which you can **evidence the requirements** of the application set out in Part One of the Guidance.
- Third, make **use** of the **Self-Assessment template** in Section Four of the Application Form and the Excellence Framework in Appendix A of this Guidance, and reflect on the extent to which you can demonstrate and present the evidence of excellence in each of the competence areas, in your practice as an Adjudicator.

#### 1.1 The standard of excellence

It is important to understand that being able to meet the threshold criteria is not a guarantee of success in achieving Chartered status. The Chartered Selection Group (CSG) will make decisions as to whether excellence in practice has been demonstrated, consistently, by assessing the documentary evidence submitted by

the applicant; if invited for interview, by any interview with the candidate; and by considering the references obtained from the applicant's referees by the Chartered Secretariat.

The evaluation process is designed to identify excellence in practice, not any lesser standard. Paper qualification alone will not suffice. Applicants without experience of practice and without experience of handling difficult and complex issues, will not meet the criteria. It is not yet possible to provide an indication of success rates – but those considering applying should take note of the fact that applicants can and do fail in the pursuit of Chartered status at first attempt. The main reasons for failure to date are lack of experience and a failure to support, with appropriate evidence, the competency requirements of the application process.

If, following a critical self-appraisal, you feel confident that your practice is consistently excellent, it is important that you make the strongest case possible through your written submissions and supporting documentation by paying attention to the guidance for completing the application.

To be clear, the process of evaluation by the CSG involves (i) an assessment of whether the eligibility criteria have been met; and then (ii) an assessment of whether excellence in practice has been demonstrated through the evidence.

## 2. Eligibility – the threshold criteria

To be eligible to apply for Chartered Adjudicator status, an applicant must be an existing Ciarb Fellow and have:

- Experience of completing\* a minimum of twenty-five (25) difficult and complex\*\* cases as an Adjudicator; and
- A diverse range of experience as an Adjudicator. \*\*\*

Definitions:

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

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

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

### 2.1 Time Period

The CSG recognises that some applicants may have had a career break for part of the period concerned or may have other legitimate reasons for not being able to list twenty-five (25) adjudication cases over the last 10 years.

Subject to the overriding need for the CSG to be satisfied that there is sufficient evidence of excellence in each of the overarching competences before awarding Chartered status, the CSG seeks to ensure a fair process which recognises individual circumstances. Applicants who believe they have extenuating circumstances and are unable to cite twenty-five (25) difficult and complex cases within the 10-year period, may do so and may accompany their submission with an explanation of the circumstances relied on. Applicants need to be aware though, that where references are being sought from referees' connected to the older cases, memories may have faded and there is a risk that any references will be generic in nature and less compelling in terms of peer support for the application.

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

### 3. Evidence submissions

The Chartered Selection Group evaluates written evidence submitted by applicants and by three referees.

#### 3.1 Submissions from the applicant

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

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



## 3.2 Submissions from referees

The referees listed in the application form will be contacted by the Chartered Secretariat and invited to provide feedback about their experience of the applicant's adjudication practice and with reference to the Chartered Adjudicator Excellence Framework (Appendix A). Applicants are advised to seek permission from the individuals concerned and to notify them that Ciarb will contact them within three (3) months of the submission of the application to provide a reference. Meaningful references speaking about the applicant's skills in relation to each of the key competences are an essential part of the application.

## 4. The assessment and decision-making process for the award of Chartered status

### 4.1 Assessment of submissions

Each applicant's submissions, along with the references secured, will be reviewed by two CSG members, who will establish a preliminary view on the evidence and decide whether the applicant should proceed to an interview. In borderline cases, the CSG may decide in its discretion to invite the applicant for interview to see if any shortcomings on the paper application can be made good in interview. The decision of the CSG on this first assessment is final. The invitation to interview, and the interview are not a formality and applicants should prepare accordingly. There is no guarantee that an applicant invited for interview will be awarded the status of Chartered Adjudicator but equally, only those applicants that the CSG assessors consider to have a prospect of being awarded Chartered status will be invited for interview.

Final decisions on the award of Chartered status are made by the CSG in plenary session after reviewing and discussing the recommendations made by the pairs of CSG assessors and, if different, the interviewers.

To be awarded Chartered Adjudicator status, applicants must demonstrate **evidence of excellence in each** of the following competences (see Appendix A, the Chartered Adjudicator Excellence Framework for examples and indicators of excellence):

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

The CSG considers evidence from the applicant’s submissions, from the references received and – for those applicants who are interviewed – from the interview.

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

## 4.2 Interviews

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

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

Applicants are invited to indicate a preferred time-zone for any interview (if applicable) on the application form. Interviews will be conducted using Zoom or Microsoft Teams. While applicant's wishes will be considered, we cannot guarantee the applicant's preference. While the applicant should make every effort to be available on the dates indicated for interview, if notified, we will try to avoid any dates on which the applicant has unbreakable other commitments..

### 4.3 Language of Assessment

The assessment of written submissions and the interview are conducted in English. Applicants should ensure that their command of spoken and written English is adequate for this purpose. It is the applicant's responsibility to ensure that their English language skills are at a Professional Working Proficiency level. It is recommended that candidates have achieved a standard that is, as a minimum, strong C1 in the European Framework Standards – see: [IELTS | News and Insights - Everything you need to know about IELTS...](#)

## 5. CSG member recusals

You should inform the Chartered Secretariat upon submitting your application if you consider that a member of the CSG should be recused from considering your application. Applicants' reasons for suggesting recusal will be carefully considered, but it is for the CSG as a whole to determine whether a member should be recused. If a matter arises in the course of the evaluation process which might make a recusal appropriate, please contact the Chartered Secretariat promptly. CSG members will also recuse themselves from dealing with a particular application if they feel it appropriate to do so by virtue of a close connection with an applicant being a personal friend, or through significant close contact in the course of their recent professional life.

## 6. Submitting an application

All application documents and the application fee must be received by the Chartered Secretariat via email to [chartered@ciarb.org](mailto:chartered@ciarb.org) by **23.59 pm GMT on Thursday, 31 October**

2024. The CSG will not consider applications received after this time, or those that are incomplete and/or without accompanying payment.

Detailed notes to support applicants in completing the application form are provided in Part Two of this Guidance. Payment options are available in the Application Form and Part Two of this Guidance.

## 7. Contact details

All applicants will be notified in writing of the outcome of their application. Chartered Adjudicator certificates will be issued by Ciarb to successful applicants.

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

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

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

## 8. Equal Treatment of Applicants

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

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

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

## 9. Handling of information

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

- Manage and assess your application (and eligibility to become a Chartered Adjudicator and/or join our Panels);
- If successful, manage your membership on the Panel. This includes but is not limited to:
  - Publishing your status as a Chartered Adjudicator and / or membership of our panels in our online directory, on our website, via our social media and other channels.
  - Letting you know about new opportunities and appointments; and
  - Sharing your details with the President, parties and their representatives for potential appointments;
- Let you know of updates to the rules, requirements, or any other information required to be a Chartered Adjudicator and/or receive appointments, and be on panels;
- Let you know about new opportunities, training or events;
- Monitor quality control and for audit purposes;
- Collect, analyse and publish data on the diversity and demographics of our Chartered Adjudicators and/or panels. This may include special category data. We will use this to identify and keep under review the existence or absence of equality of opportunity or treatment, with a view to enabling equality to be promoted or maintained. We may also use it to take positive action to improve opportunities, access, and representation of our Chartered Adjudicators and Panels; and

- Contact you about offering mentoring, shadowing, or offering other support to Ciarb members.
- We may pass your details onto our Branch network, parties and representatives, and selected third parties, in accordance with our [Privacy Policy](#).

Ciarb may, at any time:

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

Once the evaluation process has been completed and decisions have been formalised, the submissions will generally be retained for twelve (12) months then destroyed.

## 10. Timetable

The duration of the process depends on the number of applications received in any application round. Applicants who are invited to an interview are likely to be informed within two (2) months of the submission deadline. For the Autumn 2024 application round, interviews are likely to take place through January 2025 and February 2025.

There is no set date on which results will be communicated but we expect to communicate outcomes by April 2025. The Chartered Secretariat will inform applicants of the outcome of their application. If there are significant delays to the timings outlined in this section, the Chartered Secretariat will update candidates.

## 11. Problems or Complaints

A problem or complaint relating to the submission process or staff handling of the application process should be addressed for the attention of Head of Membership Services in the first instance via email to [chartered@ciarb.org](mailto:chartered@ciarb.org).

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

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

## 12. Improving the Process

We value feedback on the application form, this Guidance document, and on the operation of the process. The Chartered Secretariat will take all feedback into consideration and, where necessary, provide the CSG in anonymous form. Please send feedback to [chartered@ciarb.org](mailto:chartered@ciarb.org).

## 13. Further assistance and information

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

**Telephone:** +44 0207 421 7447

**Email:** [chartered@ciarb.org](mailto:chartered@ciarb.org)

## Part Two

# Guidance on completing submissions

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

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

### 1. Completing the Application Form

Please read this section thoroughly before beginning to complete your application.

The Application Form is divided into eight sections, all of which must be completed.

- **Section One** – Personal information.



- **Section Two** – Narrative **description of the applicant’s professional practice** over the last ten (10) years (some flexibility relating to the period may be possible, please see section 1.2 below).
- **Section Three** – List of **twenty-five (25) difficult and complex cases** completed in the last ten (10) years, along with specific information about each case.
  - Type of construction (or other sector) dispute – engineering, building, sustainability etc.
  - The start and end date of the case.
  - Route to the case (appointed by an institution or by parties’ agreement).
  - A brief explanation of the elements that make the case difficult and complex.
- **Section Four** – **Self-assessment** against the Ciarb Excellence Framework for Chartered Adjudicator status.
- **Section Five**– A record of the applicant’s **ongoing learning** activity (also referred to as continuing professional development (CPD) or Continuing Legal Education (CLE)) activity over the last three (3) years.
- **Section Six** – The names and contact details of three (3) **referees** who can provide references.
- **Section Seven** – **Declaration** relating to applicant conduct and character.
- **Section Eight** – Preferred payment method for application fee.

## 1.1 Section One: Personal Information

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

## 1.2 Section Two: Narrative description of professional practice

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

You should seek to address the following points in your statement:

- Why you consider the twenty-five (25) cases you have selected to be particularly relevant.
- The context for your practice as an adjudicator, for example: other neutral work (mediator or arbitrator) undertaken (and rough proportion spent on adjudication); the extent to which neutral work is combined with other professional work within or outside dispute resolution, including the nature of that activity and an estimate of working time spent on neutral work.
- Details of any significant contributions to the field of adjudication, for example: research and publications; providing shadowing opportunities or mentoring for early-career-stage members; or developing and delivering training to others.
- If you need to go back further than the last ten (10) years to name your adjudication (25) important cases, please provide a brief explanation for this.
- Any reasons why your practice in the last few years may have been atypical.
- Any other relevant information.

Please **do not** include in this section.

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

### 1.3 Section Three: List of twenty-five (25) adjudication cases

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

#### 1.3.1 Definitions

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

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

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

### 1.3.2 Listing Cases

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

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

### 1.3.3 Timeframe for cases

The CSG recognises that some applicants may have had a career break for part of the period concerned or may have other legitimate reasons for not being able to list twenty-five (25) adjudication cases over the last 10 years.

Subject to the overriding need for the CSG to be satisfied that there is sufficient evidence of excellence in each of the competences before awarding Chartered status, the CSG seeks to ensure a fair process which recognises individual circumstances. Applicants who believe they have extenuating circumstances and are unable to cite twenty-five (25) difficult and complex cases within the 10-year period, may do so and may accompany their submission with an explanation of the circumstances relied on.. Applicants need to be aware though, that where references are being sought from referees' connected to the older cases, memories may have faded and there is a risk that any references will be generic in nature and less compelling in terms of peer support for the application.

Applicants may also list a case which is more than ten years old (at the applicant's own risk as to the memory of the referees listed in respect of the case) if the case provides particularly powerful evidence of adjudication skills in a difficult and complex case which are not readily discernible from a more recent case.

## 1.4 Section Four: Self-Assessment against the Excellence Framework

To be awarded Chartered status, you must demonstrate evidence of excellence across all five competences in Ciarb's Excellence Framework for Adjudicators (Appendix A of this Guidance). The Framework provides examples and indicators of excellence in practice for each the areas. Please assess your experience as an adjudicator using the Excellence Framework as a guide along with the advice provided in this section.

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

In completing this part of the Application Form, it is important that you do not simply re-state the competences and assert that you are excellent or that one or more of the indicators provided is your common practice. You are expected to demonstrate your

abilities and attributes using specific examples from your experience, and the cases you have listed in Section Three of the Application Form (and others if helpful), that best exemplify one or more of the indicators of excellence. Assertions of excellence and references to your reputation or the opinion of others are not helpful.

The key to completing this section persuasively, is to be as specific as possible. For example:

- Under Competence A, you could focus on a novel solution you identified to adapt to an unusual set of circumstances in a specific case.
- Under Competence B, you could describe a particularly difficult situation, how you handled it and what the outcome was.
- For Competence E, reflect on the trickiest ethical dilemmas you have faced, what you weighed up in deciding on your approach and what happened as a result.

Consider using the **STAR** approach to think through and explain your evidence. STAR is a tool to help with articulating evidence in the context of demonstrating competences.

The acronym is shorthand for the following:

- What was the **Situation** or **Task** you faced in a case?
- What **Action** did you take?
- What was the **Result** – that is, what flowed from the Action, such as avoidance of a harm or achievement of a better outcome that might have been expected had you not acted that way you did. If at all possible, provide an objective measure (for example, amount of time or cost saved).

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

It is extremely important that applicants distinguish between competent practice (taking an approach, or doing something, that is reasonably expected of an adjudicator) and excellent practice (doing something or taking an approach that sets an applicant apart, or taking steps that go above and beyond the norm). You may

wish to compare the Excellence Framework in Appendix A with the [competence framework for Fellowship](#).

Completed self-assessments will not be shown to referees.

## 1.5 Section Five: Record of ongoing learning

Applicants for Chartered status are required to list the ongoing learning activities they have undertaken in the last three years. To be clear, there is currently no mandatory requirement for members of Ciarb relating to ongoing learning activities unless a member is appointed to one of Ciarb's dispute appointment panels. There is, however, an expectation that those seeking Ciarb's highest status understand the importance of ongoing development, can demonstrate their commitment to that and that ongoing learning activity is not seen as a 'tick-box' exercise.

### 1.5.1 The meaning of 'ongoing learning'

Ciarb uses the term 'ongoing learning' as a catch-all term embracing, for example, Continuing Professional Development (CPD, in the UK) and Continuing Legal Education (CLE, in the Americas) and any other terms used in different professions and jurisdictions to capture post-qualification learning and development activity. Broadly, this encompasses activity focused on: keeping up to date with practice developments; expanding knowledge and understanding; and moving from competence to mastery of skills and attributes.

Ongoing learning activities can be formal or informal. Formal approaches tend to include courses with set curricula and learning objectives and outcomes and are often accredited with CPD/CLE points by professional bodies or other training organisations. Informal approaches cover independent learning such as reading and learning from engaging with colleagues on specific topics or through collaborations. Some illustrative examples of formal and informal ongoing learning activities are provided below.

#### Formal ongoing learning activity examples include:

- Professional courses, seminars, webinars and conferences, where there are clear objectives and learning outcomes and supporting evidence – e.g. certificates – can be provided.

- Leading a webinar on a technical topic for which there are one or more learning outcomes.
- Formal training within a firm or organisation on a specific topic.
- Providing formal training, including setting clear learning objectives and outcomes to others.
- Self-managed learning through an online course with a clear learning outcome linked to development needs, which may be certified.

Informal ongoing learning activity examples include:

- Development of skills through shadowing or delivering or receiving coaching.
- Participating in structured discussions with experts.
- Facilitating workshops or discussion sessions at a conference or through a webinar.
- Participating in the work of professional boards and committees and exchanging ideas and information.

It is likely that activities that an applicant might include in their description of their professional practice, relating to contributions to the field, would also provide opportunities for ongoing learning.

### 1.5.2 Reflecting on ongoing learning undertaken

The CSG does not necessarily require an exhaustive list of every activity undertaken in the last three years that counts as ongoing learning and development. If, for example, you have undertaken a substantial amount of ongoing learning activity in the period (that would, for example, result in entering hundreds of items), you are advised to focus on the activities that you consider have been most useful to your development over the period.

This section of the Application Form is not a tick-box exercise. The CSG is looking for evidence that you are committed to ongoing learning and development and that your practice has benefited from the ongoing learning activity that you have undertaken.

## 1.6 Section Six: Referees

Applicants are required to provide the names and contact details of three (3) individuals who have given their permission to be named as referees and who agree

to be contacted by the Secretariat team to provide a reference. Referees must be individuals with first-hand experience of the applicant's adjudication practice.

References will only be accepted in English.

For each referee named, you are required to indicate which one, or more, of the 25 cases listed in the application the referee is familiar with. If you provide the name of referee who is not linked to any of the cases listed in the application form, please explain the context that enables the individual to provide an objective view of your performance as an adjudicator.

### **1.6.1 Role of referees**

Referees will be asked to give evidence as to how the applicant has demonstrated excellence against the Excellence Framework (Appendix A), from their perspective of engaging with the applicant through one or more adjudication matters.

Apart from the provisions set out in Section 1.7 of this Guidance and Appendix B relating to checks with the professional bodies about disciplinary matters, the CSG will not seek, and would not consider, any input from any other source.

All references will be sought by the Chartered Secretariat on the basis that they are confidential to the referee. Applicants will not be entitled to see any reference under any circumstances. The CSG regards it as improper for applicants to ask referees for sight of any reference the referee may provide relating to the applicant.

Referees will be asked to provide a written, confidential and objective assessment of the applicant's performance using the Excellence Framework. They will also be asked to draw on any other first-hand experience they may have of your performance as an Adjudicator. A copy of the Reference Form and the Guidance for Referees will be available on the Ciarb website.

References will be accepted only in response to a request from Ciarb; unsolicited references and testimonials will not be accepted.

### **1.6.2 Informing nominated referees**



Applicants are advised to seek a referee's permission before listing them on the form but should not seek to influence referees' views, including by providing suggested wording for a referee to use in a reference. Referees will be asked to inform the Secretariat if they receive any approaches of that sort.

Applicants are not required to chase referees to check if they have provided a reference. Ciarb will conduct any necessary follow-up. However, if an applicant becomes aware after submitting the application that the contact details for a referee have changed, the applicant should notify the Chartered Secretariat immediately.

### 1.6.3 Other considerations in relation to Referees

You should not list as a referee:

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

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

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

#### 1.6.4 Information provided by Ciarb to referees

Ciarb will provide the following information to referees:

- The summary description of the case or cases that are linked to the referee provided by the applicant in the application form to help them recall their experience of the applicant's work.
- The Reference Form for completion by the referee, which elicits their observations structured around the Excellence Framework.
- Guidance for Referees, which includes the Excellence Framework.

### 1.7 Section Seven: Declaration relating to Conduct and Character

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

Applicants must complete this section. If 'yes' is answered to any of the first five questions, applicants should provide brief details and clarification. Supporting documents can be submitted to provide the CSG with a better understanding of the matters.

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

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

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

### 1.7.1 Criminal Convictions

With regard to criminal convictions, the following principles apply:

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

### 1.7.2 Professional Negligence

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

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

### 1.7.3 Findings or professional disciplinary fault

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

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

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

If you are unsure whether or not to include a possible character issue, please contact the Chartered Secretariat via email at [chartered@ciarb.org](mailto:chartered@ciarb.org).

#### **1.7.4 Bankruptcy**

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

#### **1.7.5 Other potential character and conduct issues**

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

## **2. Document submission: Decisions and Correspondence**

As part of the application, you are required to submit examples of your Decisions and Correspondence.

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

It is important to refer to the Excellence Framework in Appendix A and select decisions that best reflect indicators of excellence. The five Decisions should, between them, provide evidence of range, difficulty and complexity and include:

- (a) At least one **multi-issue** dispute.
- (b) At least one decision that involved **significant legal arguments** on a **complex point** and/or a disputed matter of law.
- (c) At least one **valuation** decision.

### Decisions Submission

Please label your decision submissions according to the following format:

D-[MembershipNumber]-[Surname]-Case Number Listed in Section Three of the Application Form

#### For example:

D-54321-Smith-Case01

D-54321-Smith-Case03

D-54321-Smith-Case10

D-54321-Smith-Case12

D-54321-Smith-Case25

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

The five sets of correspondence from five (5) different cases must provide examples of range, difficulty and complexity and indicate the applicant's approach to:

- (a) Making **meeting arrangements** including agenda proposals.
- (b) Managing a **timetable** and adjustments to the timetable.
- (c) Addressing **jurisdictional challenges**.
- (d) Dealing with **procedural issues** – e.g. requests to carry out a site visit or visit one party's premises to view financial (and similar evidence; or to make further submissions.

### Correspondence Submission

Please label your correspondence submissions according to the following format:

COR-[MembershipNumber]-[Surname]-Case Number Listed in Section Three of the Application Form

For example:

COR-54321-Smith-Case01

COR-54321-Smith-Case02

COR-54321-Smith-Case07

COR-54321-Smith-Case14

COR-54321-Smith-Case23

### 3. Submitting the application

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

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

#### 3.1 Documentation format

All documents submitted (the completed Application Form, five Adjudication Decisions and five sets of Correspondence) need to be in Portable Document Format (PDF). Once you have entered and finalised your information in the Microsoft Word Application Form, please then save the document as a PDF. Regarding the adjudication awards and procedural orders, please ensure that private and confidential information is redacted before saving as PDFs and submitting.

#### 3.2 Submission channel

For the Autumn 2024 application round, we are only accepting applications via email. Please submit all elements of your application to [chartered@ciarb.org](mailto:chartered@ciarb.org). Please do not send hardcopy applications to Ciarb office.

### 3.3 Large files submission

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

## 4. Payment

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

Please note that a payment invoice will only be generated upon application submission. Applicants have seven (7) working days to complete the payment using their preferred payment method upon receipt of payment invoice. Applicants are required to email [chartered@ciarb.org](mailto:chartered@ciarb.org) once payment has been made. You should receive a VAT receipt for your fee, by email, once payment is confirmed. If payment is by bank transfer, it is likely to take a few days before the VAT receipt is sent.

Applicants have the following options to make the payment.

#### 4.1 Online payment through MyCiarb (Credit Card)

An email will be sent once the payment invoice is generated in the system. To make the payment, log in to your MyCiarb account and proceed to the 'basket' option available at the top right corner. We accept MasterCard, Visa or American Express.

#### 4.2 Bank Transfer

An email will be sent once the payment invoice is ready for payment. Upon receipt of the invoice, please proceed with the transfer of funds to the account below:

Ciarb Bank Details

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

Sort Code: 40-05-03

Account Number: 31288784

International Bank Account Number (IBAN): GB75HBUK40050331288784

Branch Identifier/Swift Code: HBUKGB4B

Please use the following format: 'CArb', your surname, and your membership number when submitting the payment. For example, CAdjSmith23131.

#### 4.3 Telephone (Credit Card)

An email will be sent once the payment invoice is ready for payment. Please contact our Finance Department on (+44) 020 7421 2010 and have your payment card to hand to make the payment. Kindly quote your membership number and inform our Finance Department that you are applying for Chartered Adjudicator status to expedite the process. We accept MasterCard, Visa or American Express.



# Appendix A

## Chartered Adjudicator Excellence Framework

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

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

### Competence A: Process and Procedure

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

#### *Examples or indicators*

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

## Competence B: People and Communication

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

### *Examples or indicators*

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

## Competence C: Outcome

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

### *Examples or indicators:*

#### Decision making:

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

#### Decision writing:

- (viii) Takes personal responsibility for drafting.

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

## Competence D: Equality, Diversity and Inclusion

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

### *Examples or indicators*

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

## Competence E: Professional Conduct and Practice Standards

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

### *Examples or indicators*

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

# Appendix B

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

### 1. Introduction

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

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

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

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

### 2. How conduct and character issues are handled

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

Only issues which the sub-group considers to be of such seriousness as having the potential to influence any eventual recommendation will be brought to the full CSG's attention in relation to an applicant. This will normally be done prior to the CSG making decisions as to whether each applicant has demonstrated the competences sufficiently to be invited to an interview. Where the sub-group concludes that an issue related to an (anonymised) applicant is not sufficiently serious to influence any eventual decision on the application, the CSG will not be made aware of the matter when considering whether the applicant concerned should be interviewed or recommended for decision.

Only if it appears that a character issue is sufficiently serious to have an influence on any eventual decision relating to the decision of Chartered status will the CSG be made aware of an issue of character regarding a particular applicant. The CSG will consider an issue of character, in plenary, only where it could influence the decision whether to award the Chartered status. The CSG will assess your application based on the self-assessment, summary description of practice, references and (where applicable) interview alone, without regard to any matter disclosed by you in Section Seven of the application form or otherwise, or in response to the professional conduct check.

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

### **3. Professional conduct and integrity checks**

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

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

Any matters relating to character and conduct raised by referees will be treated as confidential. If you are called for an interview, the interviewers will seek to give you the opportunity to address any concerns arising from a comment of that sort from a referee, providing that can be done without breaching the confidentiality owed to the referee.

## 4. Consideration in determining issues of character

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

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

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

In the case of pending criminal proceedings, complaints and professional negligence claims, or other pending matters, the sub-group will consider whether the complaint or

claim, if substantiated, would be of sufficient seriousness to provide grounds for the CSG to wish to defer any decision.

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

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

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



# Appendix C

## List of Chartered Selection Group members as of July 2024

Olufunke Adekoya SAN C.Arb FCIArb	Nigeria
Professor Lawrence Boo C.Arb FCIArb	Singapore
Charles Brown C.Arb FCIArb	United Kingdom
John Cock C.Arb FCIArb	Hong Kong
Karen Gough C.Arb FCIArb	United Kingdom
David Haigh KC C.Arb FCIArb	Canada
Professor Douglas Jones AO C.Arb FCIArb	Australia
Patricia Peterson C.Arb FCIArb	France
Robert Sliwinski C.Arb FCIArb	United Arab Emirates
Michael Tonkin C.Arb FCIArb	United Arab Emirates
Professor Janet Walker CM C.Arb FCIArb	Canada

\* The list is arranged in alphabetical order by surname.