



Enhance your practical adjudication skills

Adjudication Competencies Programme

rics.org/adjcompetencies

Develop your knowledge and skills and discover the effective and practical approaches to adjudication that you will need to maintain standards and improve your reputation as an adjudicator.

Who is this suitable for?

This programme is open to you if you are an adjudication practitioner or studying the field of adjudication. These competencies will ensure that as a practising adjudicator, you are continuously improving your knowledge, skills and practical abilities. The programme also counts towards your CPD.

What core competencies will I develop?

These ten core competencies have been developed into a programme designed to train as well as test – each competency will present current practice and current thinking. Its purpose is to raise standards and hone existing skills to raise levels of practice and competence.

The competencies are:



Identifying and dealing with conflicts of interest



Professional negligence



Dealing with jurisdictional challenges



Finding fact and managing/weighing evidence



Efficient management of parties and their representatives



Providing clear and adequate reasons



Maintaining/controlling timetables



Drafting enforceable decisions



Principles and practice of contract interpretation



Dealing with issues around fees and costs.

Full learning outcomes for each competency are outlined on the pages 4-8.

Programme format

The programme takes shape in interactive workshops and online tests covering each competency. Each competency will be taught over a half-day, and two competencies will be delivered per day.

The programme of workshops will focus on practical issues, which adjudicators face daily. They will be 'practitioner' level and concerned with real-life problems.

Delegates will be encouraged to discuss issues with other participants and, where appropriate, challenge other adjudicators' approaches to how they would deal with practical problems.

All workshops will be interactive and require attendees to participate in discussions and problem-solving exercises relating to the competencies.





The appointment



Identifying and dealing with conflicts of interest

You will be able to:

- Clearly identify what is an involvement and/or a conflict
- Understand the difference between independence and impartiality
- Deal with a conflict pre-appointment and post appointment
- Understand the concept of bias and/or apparent bias
- Understand the current legal landscape on conflicts
- Understand when it is appropriate to resign.



Dealing with jurisdictional challenges

You will develop an understanding of:

- What a dispute is and when it arises
- When a claim is more than one dispute
- Whether the adjudicator has jurisdiction to deal with additional evidence and materials and experts reports produced for the first time in the referral
- Whether the adjudicator has jurisdiction to deal with causes of defence which appear for the first time in the response
- Whether the adjudicator has jurisdiction to value items in the response which are disputed but which have not been referred
- Whether a settlement agreement is a construction contract
- Whether there is jurisdiction over a counterclaim
- Whether there is jurisdiction to direct a payment to the responding party
- Whether there is jurisdiction to decide whether the contract exists at all.

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The process



Efficient management of parties and their representatives

Gain an understanding of:

- Procedure rules
- The concept of natural justice
- Timetabling
- Failure to consider evidence
- Adopting own expertise
- Avoid predetermination
- The scope of the dispute early in the process
- The need for clear directions and any revisions thereto
- The need for hearings/meetings
- The avoidance of creep
- Who is in charge.



Maintaining/controlling timetables (both adjudicator's and parties' time)

You will be able to:

- Understand the need to direct a suitable timetable commensurate to the dispute
- Recognise early if further time is required to deal with the dispute
- Recognise the need for further submissions
- Read submissions timeously to allow consideration of adjustments to directions/timetable.

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The law



Principles and practice of contract interpretation

You will be able to:

- Understand the rules of construction
- Understand the policy behind the recent change in emphasis
- Apply the rules
- Know when to and when not to apply the rules
- Understand that it is not for the tribunal to make a better bargain for the parties than the parties had negotiated.



Professional negligence

You will be able to answer the following:

- Do adjudicators have jurisdiction over claims against professionals for negligent services?
- Is expert evidence essential to support a claim of negligent services?
- Are collateral warranties construction contracts?
- What is the standard of care required of a surveyor or other construction professional?
- Is the standard of care lowered in the case of a low fee or free services?
- The measure of damages
- The heads of damages.

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Evidence and fact finding



Finding fact and managing/ weighing evidence

You will be able to:

- Understand the legal framework
- Establish relevant facts
- Recognise relevant evidence
- 'Weigh' relevant evidence
- Distinguish admissible from inadmissible evidence
- Efficiently and effectively manage the dispute documentation.



Providing clear and adequate reasons

You will be able to:

- Understand what adequate reasons are
- Understand what must be decided
- Provide adequate reasons
- Provide clarity
- Produce a clear and concise decision on issues.

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Enforceable decision and costs



Drafting enforceable decisions

You will be able to:

- Understand what an enforceable decision is
- Understand why enforceable is only the minimum
- Understand how little or how much is necessary for a good decision
- Understand structure and good communication skills

This competency will be structured around a decision that the candidates will write, submit 2 weeks prior, and bring to the session.



Dealing with issues around fees and costs

You will develop an understanding of:

- The current legal position on fees and costs
- Reasonable fees
- Entitlement to fees in situations of
 - Resignation
 - Completed decision
 - Jurisdictional challenges
 - Unenforceable decisions
- Party costs v legal costs.

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Assessment

Once enrolled on the programme, you will be given the opportunity to undertake an online assessment (MCT) at the end of each competency (with the exception of the decision-writing workshop), with a view to obtaining a certificate on successful completion.

The online assessments should be undertaken within 28 days of attending the corresponding workshop and you will be required to correctly answer 80% of MCT questions to pass. For the decision-writing workshop, you need to submit a draft Decision 2 weeks prior to the workshop, based on a case study provided.

Each workshop will be interactive and require you and your peers to participate in discussions and problem-solving exercises relating to the competencies.

What will I receive on successful completion of the programme?

Delegates receive a certificate for completing each competency.

Why choose RICS as your training provider?

RICS Dispute Resolution Service (DRS) training courses ensure that you are well equipped to respond to the changing demands of the market by enhancing your skills as a dispute resolution professional. With over 40 years providing support and guidance to the built environment sector, we are confident that we can support you with our immense pool of industry knowledge and experience.

How to enrol

If you would like to enrol on this course, please visit [rics.org/adjcompetencies](https://www.rics.org/adjcompetencies)

For further information please get in touch and our dedicated training team will be happy to assist you.

e drstraining@rics.org t 02476 868 584