



Construction Industry Council Adjudication Appointment Service Complaints Procedure

January 2024

1. Definitions

Adjudicator means a person who has been appointed by CIC to determine a dispute in which the Complainant is or was involved.

Adjudication Board means the CIC Adjudication Board, which governs the appointment of adjudicators.

ANB means an Adjudicator Nominating Body.

Appeals Tribunal means a tribunal appointed to consider appeals against a decision of a Review Panel.

CIC means the Construction Industry Council.

Complainant means the person who, or body which, submits a complaint to CIC.

CPD means Continuing Professional Development.

Register means the register of Adjudicators maintained by CIC.

Registrar means the person appointed by CIC to maintain the Register and arrange the appointment of Adjudicators.

Review Panel means a panel appointed to consider complaints against Adjudicators submitted to CIC.

Qualifying ANB means an ANB, other than CIC, on whose register an Adjudicator is included.

2. Overview

The Construction Industry Council (CIC) is the representative forum for the professional bodies, research organisations and specialist business associations in the UK construction industry. Through its collective membership of 500,000 individual professionals and more than 25,000 firms of construction consultants, the CIC has a key role in the industry providing a single voice for professionals in all sectors of the built environment.

The CIC in its role as an Adjudicator Nominating Body (ANB) maintains a Register of

Adjudicators deemed to have the knowledge and skills to act as adjudicators because they have been assessed as suitable to act by another Qualifying ANB. Once an adjudicator has been listed on the Register of Adjudicators, the adjudicator is required to keep up to date on adjudication law, practice and procedure through Continuing Professional Development (CPD).

The CIC's ADR Management Board is one of the specialist committees and panels maintained by the CIC, and is independent of the CIC Executive. The ADR Management Board acts as the reference point within CIC for all issues and matters relating to adjudication that affect CIC's members. This includes maintaining the Register of Adjudicators, and making adjudicator nominations when requested to do so.

This Complaints Procedure has been established to set out the procedure that will be followed when a complaint has been received by CIC about one or more of its ADR services or about an Adjudicator appointed by CIC. The Complaints Procedure regulates the consideration of any complaint made to the CIC about its nomination process, its appointment of an Adjudicator and the quality of its customer service in the course of its role as an ANB.

The CIC will not consider complaints about or against an Adjudicator where there is ongoing arbitration or litigation in respect of the relevant adjudication until those proceedings have been completed.

In providing adjudication nomination services, CIC acts in an administrative capacity and not a judicial capacity. Therefore, when investigating complaints about Adjudicators who it has nominated, CIC cannot entertain challenges to, or appeals from, the decisions of Adjudicators. CIC is unable to require an adjudicator to undertake any action that interferes with the discretion they have in their role as an Adjudicator. The outcome of this Complaints Procedure will not result in compensation to the Complainant or amendment of an Adjudicator's decision.

3. What can CIC consider?

CIC can consider complaints about CIC services and concerns relating to the nomination of an Adjudicator. For example:

- concerns about the Adjudicator nomination process performed by the CIC;
- delays in nominating an Adjudicator;
- poor quality of customer service provided by CIC, including but not limited to the quality of the assistance, advice and support provided by CIC.

4. What can CIC not consider?

The CIC acts solely in an administrative capacity as the ANB and has no judicial function. This means that the CIC cannot consider complaints about the merits of an Adjudicator's decision or the conduct of an individual Adjudicator, which must always be a matter for the courts (or arbitration where applicable).

The CIC cannot not consider complaints related to:

- The content or outcome of a decision made by an Adjudicator, including their reasoning or weight given to evidence;
- The professional conduct of an Adjudicator during an adjudication;
- Concerns about the nomination process in an adjudication that is subject to ongoing arbitration or litigation proceedings, unless those proceedings have been completed,

abandoned, stayed or suspended.

All complaints related to the Adjudicator's professional conduct should be referred to the Adjudicator's professional body for investigation as the appropriate regulatory body. Further details are set out at section 7 below.

5. Submitting a complaint

In the first instance, complaints should be made in writing and sent to

adjudication@cic.org.uk or

Adjudication Registrar
Construction Industry Council ANB
26 Store Street,
London
WC1E 7BT

In making a complaint, the Complainant should be clear not only about the nature of the complaint, that is the issues the Complainant wishes CIC to investigate, but also what the Complainant would like the CIC to do about it.

The Complainant must submit the complaint within six months of the date on which CIC nominated the Adjudicator.

6. Reviewing the complaint

The complaint will be acknowledged by the CIC and referred to a member of the ADR Board ("the Reviewer") for consideration.

The Reviewer will have 25 working days in which to investigate the complaint and provide a written response.

If the complaint cannot be investigated for one or more of the reasons set out at section 4 above, the CIC will write to the Complainant to advise that the complaint does not fall within the scope of the Procedure. The decision that the complaint does not fall within the scope of the Procedure is final and not open to appeal.

7. Potential outcomes

The Reviewer can advise the Complainant that the complaint will be closed with no further action and provide reasons for their decision.

If shortfalls are identified, the Reviewer can direct one or more of the following outcomes at their discretion:

- That feedback is provided to CIC staff to avoid similar complaints;
- That the CIC provide the Complainant with an apology;
- That the nomination fee is refunded to the Complainant if serious shortfalls have been identified.

Complaints that are about an Adjudicator's decision and/or the competencies reasonably expected of an individual nominated as an Adjudicator, will be referred to their primary professional body. CIC will advise the Complainant which professional body the Complainant should contact.

8. Escalating your complaint

Should the Complainant remain dissatisfied upon receipt of the Reviewer's response, they may request, within 15 working days of receiving the Reviewer's response, that the complaint is escalated to the Chair of the ADR Board for further review. The Chair will not have been involved in the initial review of the complaint carried out by the Reviewer.

The Chair will then review the complaint and the Reviewer's response. and will respond accordingly.

If the Chair is unable to review the complaint for any reason, they will nominate another member of the ADR Board to conduct the escalated review on their behalf. This nominated Board member will not have been involved in the initial review of the complaint carried out by the Reviewer.

When a Complainant requests to escalate a complaint to the Chair, they will be required to provide clear and concise reasoning for the request and what they would like to achieve from this review. If the Complainant does not set out reasoning for the request, and simply disagrees with the Reviewer, this will not be sufficient for the complaint to be escalated to the Chair. In those circumstances, the CIC will write to the Complainant to advise them that the matter will not proceed.

A Complainant cannot escalate a complaint to the Chair if the CIC has already decided that the complaint falls outside the scope of the Procedure.

There is no further escalation beyond the Chair's review and no right of appeal.

9. Costs

The Complaints Procedure will be provided at no cost to the Complainant.