

Are we all biased? ICE, ICE maybe?

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On 22 January 2026, I had the privilege of attending and speaking at the [Institution of Civil Engineers \(ICE\) Alternative Dispute Resolution Conference](#) at One Great George Street. The conference is held at the end of January every year, and is open to members and non-members of the ICE. Also, you do not have to be a practising dispute resolver, you may just be starting out on the training path or even just interested in dispute resolution. All are welcome. In fact, it was attending this conference, which gave me some direction along the path to becoming an adjudicator, which I discussed almost 12 months ago during my first [MCMS Blog](#). In this blog, I am going to look at two aspects of the conference; the first is my main learning point and the second is the information, which I helped to share.

The theme of the conference this year was back to the basics of fairness associated with dispute resolution. As adjudicators, we pride ourselves on applying procedural fairness at all times, and not being biased. So, it came as quite a shock when Mr Michael Wheeler KC and Mr Andrew Kearney started their presentation with the words: “*we are all biased*”. They went on to explain the title of their presentation, which was “*It’s bias Jim, but not as we know it!*”.

We all know the definition of bias which can be defined as “the action of supporting or opposing a particular person or thing in an unfair way, because of allowing personal opinions to influence your judgement.” We are also aware of the test for bias established in *Porter v Magill*, which is whether the fair-minded observer, having considered the facts, would conclude that there was a real possibility of bias. As adjudicators, we consider carefully any possible conflicts of interest to ensure that there is no chance that a fair minded observer would conclude that there was a possibility of bias. There is some good discussion about bias or perceived bias in the chapter entitled “The Appointment” in Matt and Jonathan’s book, *Adjudicating Construction and Engineering Disputes*.

However, as the speakers then went on to explain, while we can apply as many check and balances as we like, the human brain is wired such that we are often influenced by our own set of personal beliefs and experiences. This is defined as cognitive bias.

Cognitive Bias Codex

They went on to explain the Cognitive Bias Codex, which is worth exploring in more detail to understand your own potential vulnerabilities. I will look at a couple of issues, which I am sure we all face as adjudicators.

One of the main issues, which we can face is too much information. The Codex states that this can lead us to behaviours such as noticing things which are already primed in our memory or are repeated often, which can result in omission bias. Alternatively, we can be drawn to details to confirm our own existing beliefs, resulting in confirmation bias.

Another issue which we face as adjudicators is the need to act fast to stay within the time limits. The need to act quickly can lead us to favour options that appear simple and supported by complete information, rather than those that are complex or ambiguous. This, in turn, can result in belief bias, information bias, or ambiguity bias.

We are all different as humans and our brains work in different ways, so I would recommend looking at the Cognitive Bias Codex to work out how you may have biased tendencies without even knowing it. So, are Mr Wheeler KC and Mr Kearney correct, and are we all actually biased, but without actually knowing it? Certainly something for us all to think about.

How to join the ICE Panel

In the afternoon sessions at the conference, I presented Workshop 3 entitled: '*Is Adjudication for You? How to Join the ICE Panel*' with Mr Suryen Nullatamby. I was pleased to see that there were experienced adjudicators, who are already on a number of registers/panels, as well as numerous people who are just starting out on their journey to become an adjudicator, were interested in joining the ICE Register. I have summarised the content of the workshop below.

The ICE Register of Adjudicators is open at all times, but in order to apply there are strict entry requirements. Details of how to apply can be found on the [ICE website](#). Firstly, you have to be a Fellow of the Institution of Civil Engineers or the Chartered Institute of Civil Engineering Surveyors. It is recommended that you obtain one of these qualifications before advancing to the next stage. The next stage in the process is to pass the ICE Law & Contracts Module 1 exam, ICE Advanced Law & Contracts Module 3 exam and the Adjudicators Qualifying exam. The details of these exams are also available on the [ICE website](#).

The Adjudicators Qualifying exam is well-renowned for being difficult. It comprises two papers - Paper 1 involves the preparation of an enforceable Decision in 3 hours and paper 2 is a 2-hour paper, which involves answering four questions on procedural issues, which you may encounter as an adjudicator. The questions are all based on adjudicators real life experiences. The next dates for the Adjudicators Qualifying exam are 24th February 2026 for Paper 1 and 3rd March 2026 for Paper 2. Myself and fellow adjudicator, Nigel Davies are facilitating [an exam preparation webinar](#) on 5th February 2026 where we will be giving practical tips on exam technique and Decision writing. The Contract Law exams are then held in June.

The final part of the application is to attend an interview. Prior to the interview you will need to submit Decisions, either your own or mentored. Therefore, it is important that during this process you undertake a pupillage with a mentor. If you are having difficulty finding a mentor, then do contact Samantha Wood or Natasha de la Rosa at disputes@ice.co.uk who will be able to provide assistance to pair you with a mentor.

Concluding thoughts

This year's ICE Alternative Dispute Resolution Conference was a timely reminder that fairness in adjudication is not just about rules, processes and declarations of independence, but also about self-awareness. Procedural safeguards are obviously essential, but the discussion on cognitive bias highlighted to me that true fairness requires us to recognise our own human limitations and actively challenge them. Understanding how and when cognitive bias may influence our thinking is not a weakness; but a professional strength.

The conference also reinforced the importance of investing in the next generation of adjudicators. The strong interest shown in the workshop on joining the ICE Register demonstrated a real appetite for adjudication from those at all stages of their careers. With the right preparation, mentoring and commitment to high standards, adjudication can be a rewarding and intellectually rigorous path and certainly something we all feel strongly about at MCMS.

Overall, the conference delivered exactly what it promised: a return to basics, thoughtful challenge and practical guidance and I am already looking forward to continuing the conversation at the ICE Conference on 21st January 2027.



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