

“I think I want to be a Construction Adjudicator”

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This was the thought that went through my head one day in 2012, following the settlement of a dispute between a small engineering consultancy (of which I was one of the Directors), and a large national Contractor. Documents had been prepared to refer the dispute to adjudication and we were just about to approach the Adjudicator Nominating Body (ANB) (which was the [Institution of Civil Engineers \(ICE\)](#)) for a nomination, when the Contractor made an offer and we decided to settle. Whilst this experience ignited my interest in adjudication, it also highlighted to me the risk which I had exposed the company to. So, I set about looking into how to improve my knowledge in contract law, as well as “how to become a construction adjudicator”.

You would think that this would be very easy to do, but actually it quickly became clear that, whilst there were a significant number of courses and degrees, each professional body seemed to work very individually. I decided to undertake an MSc in Construction Law and Dispute Resolution at the University of Central Lancashire, because I thought this would give me a good grounding in the construction law beyond the scope of adjudication, which would help with the business. I completed my MSc in December 2018.

Since the MSc course had an adjudication module, which included writing a Decision and was accredited by the [CIArb](#) and [RICS](#), I assumed I would be ready to apply to Panels. Oh no no no! All the various Institutions have their own processes and exams, which must be passed in order to get onto their Registers or Panels.

Whilst my MSc did give me exemptions to some of the exams, not all! So, in 2019, I set about preparing for and sitting the CIArb Module 3 – Decision writing exam, which I passed in March 2020.

In January 2020, I attended the ICE Dispute Resolution Conference. I wish I had seen this training event at the start of my journey since excellent advice was available. However, it still meant more exams – Module 3 Advanced Contract Law and the Adjudicators Qualifying Exam. Depending on your experience you may also have to sit Module 1 – Contract Law. Luckily my MSc gave me an exemption to this. At the same time Covid-19 hit the world and all 2020 exams were cancelled.

However, in April 2020, following passing the CIArb Module 3 – Decision Writing exam, Matt agreed to take me on as a pupil. I shadowed him undertaking three adjudications. I believe it was this experience, which allowed me to pass the ICE Adjudicators Qualifying Exam in September 2021, because I was exposed to writing “real” decisions, dealing with jurisdictional challenges and being exposed to the behaviour of parties. All things which are difficult to teach in a classroom.

It was also at this time that the way in which an adjudication was conducted changed forever. Following the decision by the courts that Covid-19 should not stop adjudication proceedings, the electronic transfer of documents became the norm instead of the paper bundles. I learnt a lot seeing how Matt dealt with timetabling in a difficult time when access to information was restricted due to limited access into workplaces. Nowadays working from home is standard practice, but in March 2020 it certainly was not.

Unfortunately, due to personal reasons I was not able to sit the ICE Module 3 exam in 2021. Since the next date for the exam was 12 months later, I felt that I needed to keep gaining experience. I was on the CIArb Low-Value Disputes Panel, however no nominations had been forthcoming at this stage. So, to do this, another experienced adjudicator, Patrick Waterhouse, invited me to shadow him for an adjudication. The adjudication involved the NEC4 contract, and so provided excellent experience ready for my Module 3 exam in June 2022.

I cannot stress the importance of getting a mentor. The guidance and experience they provide you with gives you the confidence to issue effective directions and to deal with the parties, both skills which are exceptionally difficult to teach in a classroom environment. Hence this experience is invaluable. You will also need to provide references with your applications - depending on your background, getting good references for experience in the adjudication arena can be difficult without having had a mentor.

I am now a mentor myself, which is very rewarding. It is also interesting and a great continuing learning process, especially when mentoring people from different professional backgrounds.

In September 2022 I passed the ICE Module 3 exam, and then my interview. I am now an Adjudicator on the [ICE Register of Adjudicators](#), [CIArb Presidential Panel](#), [CIC Register](#) and the [UK Adjudicators Panel](#).

So what is my takeaway from all of this?

When you are considering a route to get onto a Register or Panel, often you will need to be a Fellow of that Institution or have a significant amount of experience in your primary profession. So firstly, consider what your primary profession is, and whether there is an ANB associated with it.

If you are a Fellow of the ICE or the [Chartered Institution of Civil Engineering Surveyors](#) (CICES), then following the ICE pathway is an excellent route to get onto Panels/Registers. Similarly, the RICS Diploma is a very structured route. However, whichever route you take it is almost certain that you will need to sit more than one set of exams.

Would I have undertaken an MSc if I did this again? Possibly not due to the time it takes, especially when in a senior role in your primary profession. However, I do feel that the MSc helped me with the conversion from the engineering world into the legal world. It also gave me a better understanding of contract law, which helped me protect the interests of my engineering company. If you already have extensive knowledge of the law and contracts, then there is probably not much benefit to be gained from undertaking an MSc.

But I feel that, whilst there are many routes to get the academic background required, it is the role of the mentor that is critical to the process. Having a mentor allows you to gain experience of running an adjudication in a safe environment. Also, we should not forget the parties, who agree to the adjudicator having a pupil. Without their agreement, the mentoring process could not happen.

Finally, joining the [Adjudication Society](#) and the [Society of Construction Law](#) provides excellent ways to enter the adjudication world. Both have many conferences, seminars and events, which allow you to meet other adjudicators. Many are happy to discuss the route they have taken, along with the pitfalls and lessons learnt.

So, going back to 2012, if a dispute with the same facts was put in front of me as an Adjudicator, would I find in favour of the Consultant or the Contractor? I think I could have been a very disappointed Director!



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