



AICA Complaints Procedure

1. Introduction

The AICA recognises that there may be complaints made by parties concerning the services provided by the AICA or the adjudicators on its panel. It is the purpose of the procedure set out below to provide for situations where a complaint is received.

2. Receipt of Complaints

Any party, being a party to a completed adjudication process, who wishes to make a complaint against an adjudicator on the AICA panel (acting in pursuance of their nomination by the AICA), a Director of the AICA or a member of its staff, shall be required to make such a complaint, in writing, and in such detail as is necessary for the investigation to proceed.

3. Complaints Panel

- (a) The AICA has established a Complaints Panel, from which it will appoint members, to investigate all written complaints made against the AICA, its Directors, members of staff and the adjudicators on its panel.
- (b) Upon receipt of a written complaint, two members of the Complaints Panel shall be appointed to investigate, one of whom shall be a Director of the AICA, the other an independent lawyer appointed by the AICA.
- (c) The AICA and the appointed members of the Complaints Panel will adopt a procedure that they consider appropriate to each complaint. It is anticipated that this will be as follows:
 - The AICA will write to all parties implicated in the complaint, setting out a provisional timetable for the investigation and resolution of the complaint.
 - In accordance with the timetable established, the AICA will forward a copy of the complaint to the person(s) complained of and invite comment within a stated period. Any response from the person(s) complained of will be forwarded by the AICA to the complainant, who will be invited to reply within a stated period. Any reply from the complainant will be forwarded by the AICA to the person(s)

complained of who, save in exceptional circumstances, will not be invited to submit a rejoinder.

- All documents will be copied by the AICA to the Complaints Panel.
 - The Complaints Panel may seek, from either the complainant or the person(s) complained of, such further information as it considers necessary to conclude its deliberations.
 - The procedure may be adapted by the Complaints Panel, as it thinks fit, to meet the requirements of the case, but there shall be no meeting or conversation with the parties involved.
 - The appointed members of the Complaints Panel will consider the complaint within the timetable established, and the Complaints Panel together will decide whether any of the decisions listed in paragraph 4 shall be taken.
 - None of the parties implicated in the complaint shall be entitled to recover any expenses incurred in the complaints process.
- (d) The Complaints Panel may recommend to the AICA that it take any of the decisions set out in paragraph 4 below with respect to a Director of the AICA, a member of its staff or an adjudicator on its panel, where it appears that the professional services provided have, in any respect, not been of the quality which it is reasonable to expect, given the particular circumstances of each matter.
- (e) In considering the case and deciding the recommendation to be made to the AICA, the Complaints Panel may:
- have regard to the existence of any remedy which it is reasonable to expect to be available in civil proceedings
 - consider whether there has been any unreasonable delay by the complainant in making the complaint
 - have regard to any other relevant circumstances including any breach of the Code of Conduct of the AICA.

4. Decisions Which May Be Reached

Where a complaint is upheld, the AICA may:

- (a) impose appropriate disciplinary sanctions including removal of an adjudicator's name from the AICA panel
- (b) rebuke the person concerned in writing or by requiring attendance before the Complaints Panel to be informed of the decision

- (c) impose future monitoring procedures that are considered by the AICA, in its absolute discretion, warranted in the circumstances
- (d) recommend future training or continuing professional development action.

5. Complaints Appeals Panel

- (a) Any written request for an appeal against any recommendation(s) of the Complaints Panel shall be heard by a Complaints Appeals Panel, which shall comprise three persons, two Directors of the AICA and one independent lawyer, none of whom were appointed to investigate the complaint originally.
- (b) The role of the Complaints Appeal Panel is only to review the recommendation(s) of the Complaints Panel. It is not constituted to reconsider the complaint itself.
- (c) The Complaints Appeals Panel may confirm or set aside any recommendation(s) of the Complaints Panel and/ or make a recommendation that the AICA takes or alters any decision set out in paragraph 4 above.
- (d) The decision of the Complaints Appeals Panel shall be final and conclusive and shall conclude the obligation of the AICA in respect of any complaint.

6. Notification Of Decisions

The AICA shall inform all parties implicated in the complaint, in writing, of the recommendation(s) made by the Complaints Panel and, if appropriate, the Complaints Appeals Panel.

7. Review Of Complaints

The Complaints Panel and the Complaints Appeals Panel shall report to the AICA Board of Directors on any complaints received and their outcome.

Any questions on the AICA Complaints Procedure should be directed to:

AICA

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