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Adjudico

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Construction Adjudication Major Research Published in UK

The Centre of Construction Law & Dispute Resolution, King's College London in collaboration with The Adjudication Society has published "**2022 Construction Adjudication in the United Kingdom: Tracing trends and guiding reform**".

This report (comprising of 10 chapters) is the first comprehensive survey of construction adjudication from the perspective of the users aimed to find out what users like and don't like about the process.

The following are some of the findings contained in this wide ranging report which in the Forward concludes that "... I suspect that its publication will come to be seen as a seminal moment in the story of this unique dispute resolution process".

1. **Profession:** Quantity Surveyors were the most common category of adjudicators represented on Adjudicated Nominated Body (ANB) panels.
2. **Training:** Most ANBs require designated training and maintain a CPD log for with a minimum amount of CPDs per year.
3. **Complaints:** Of the 86 total complaints received over the past two years, only 15 were upheld, but have never resulted in the adjudicator being removed from ANB panels.
4. **Causes:** The three leading causes of disputes in construction adjudication are (i) inadequate contract administration (49%), (ii) changes by the client (46%) and (iii) exaggerated claims (43%).
5. **Covid:** The majority of respondents said that the Covid-19 pandemic made no difference to the number of adjudication referrals.
6. **Efficiency:** The most common steps taken by adjudicators to ensure cost efficiency were (i) deciding the case on a 'documents only' basis (65%), (ii) limiting time periods for individual submissions (62%), and (iii) working with electronic bundles only (47%).
7. **Technology:** 91% of questionnaire respondents replied that technology can assist adjudication by fostering document management. 89% thought it can simplify adjudication procedure through remote hearings.
8. **Referral:** 42% of questionnaire respondents stated that less than 5% of adjudicated disputes were referred to arbitration or litigation. 25% replied that they have never seen such a referral.
9. **Diversity:** Inclusion of Women and "persons with other protected characteristics" with the Publication of "Adjudication Pledge" and establishment of a "Taskforce on diversity in construction adjudication" .

Construction Adjudication: "...for most construction disputes... the only game in town"

"I rather cavil at the suggestion that construction adjudication is somehow 'just a part of ADR'. In my view, that damns it with faint praise. In reality, it is the only system of compulsory dispute resolution of which I am aware which requires a decision by a specialist professional within 28 days, backed up by a specialist court enforcement scheme which (subject to jurisdiction and natural justice issues only) provides a judgment within weeks thereafter. It is not an alternative to anything; for most construction disputes, it is the only game in town."

Coulson LJ

John Doyle Construction Ltd (In Liquidation) v Erith Contractors Ltd [2021] EWCA Civ 1452, [2021] Bus LR 1837, [2021] WLR(D) 516

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