

CIC Approved Inspectors Register (CICAIR)

Approval Appeals Protocol



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- 1.0 This protocol sets out how CICAIR Limited (*herein referred to as CICAIR*) will consider appeals against a decision to not approve an Approved Inspector application.
- 2.0 Unsuccessful Approved Inspector applicants can lodge an appeal with CICAIR against a decision to not approve an application at either of the following stages of the assessment process:
 - When an application is not approved as a result of not satisfying the Registrar’s pre-qualification verification; or
 - When an application is not approved on the recommendation of a CICAIR approval panel.
- 3.0 Appeal panels will not rehear an appellant’s case, but will determine whether or not the decision of the Registrar or the approval panel was fair and in accordance with CICAIR’s processes and procedures. Only information that has been provided through the approval process will normally be considered. Should new evidence be submitted this must be declared and must only be evidence that was not available at the time of the application assessment and must be accompanied by an explanation. Any new evidence introduced to the appeal process will only be considered with the approval of the appeal panel Chair.
- 4.0 **Appeal Notification**
 - 4.1 CICAIR will advise unsuccessful applicants of their right of appeal in the notification letter informing the applicant of the outcome of the application. Appeals will only be considered if lodged on the CICAIR appeal notification form and accompanied by payment of the appeal deposit.
 - 4.2 The period for lodging an appeal is 10 working days from the date of the decision notification letter from CICAIR.
 - 4.3 The appellant may be represented at the hearing and the appeal panel may require named individual(s) to attend the hearing if they deem it necessary. The appellant can be accompanied by up to two individuals. The appellant must notify CICAIR at the time of submitting their final statement and/or documentation of the names of the individuals that will attend the hearing. Any individuals that have not been notified to CICAIR will not be admitted into the hearing without the approval of the appeal panel Chair.
 - 4.4 The appellant has 20 working days from the date they notify CICAIR of the intention to appeal to submit any final statement and/or documentation in support of the appeal and to advise CICAIR of any individuals who will accompany them to the hearing. No further information will be accepted from the appellant after the 20 day period has passed.

4.5 The appellant is required to attend the hearing to answer any queries the appeal panel may have. If the appellant fails to attend the hearing, it will be conducted in their absence and the appeal panel will rely on the application documentation in order to reach a decision.

5.0 **Appeal Panel Composition**

5.1 Appeals will be considered by an appeal panel which will be comprised of members from the CICAIR appeals committee and the approved lay panel member list.

5.2 None of the voting members of the appeal panel shall have been members of the approval panel that assessed the application and they shall not have any professional or financial interest with the appellant.

5.3 The Registrar or Assistant Registrar will approve the panel composition once satisfied that the panel is suitably independent.

5.4 The composition of an appeal panel will be as follows:

- Two voting Approved Inspector members.
- One voting knowledgeable person member. A knowledgeable person is defined as any person who is knowledgeable about construction matters but is not a director or employee of an Approved Inspector.
- One voting lay member. A lay member is defined as any person from outside of the construction industry.

5.5 One of the voting members will act as Chair of the appeal panel and will be selected from the pool of panel Chairs approved by the CICAIR Board of Directors. The Chair may be either an Approved Inspector or a knowledgeable person.

5.6 When an application is not approved as a result of not satisfying the Registrar's pre-qualification verification, the Registrar attends to present the case for not approving the applicant and the Assistant Registrar attends to record the findings and execute the decisions of the appeal panel.

5.7 When an application is not approved on the recommendation of a CICAIR approval panel, the approval panel Chair attends to present the case for not approving the application and the Registrar or the Assistant Registrar attends to record the findings and execute the decisions of the appeal panel.

5.8 Either the Registrar or the Assistant Registrar are able to give evidence on matters relating to CICAIR processes or procedures.

6.0 **Preparing for an Appeal Hearing**

6.1 The Assistant Registrar will notify the parties of the date of the hearing which will be the earliest convenient time for all parties.

6.2 When an application is not approved as a result of not satisfying the Registrar's pre-qualification verification, the Registrar will prepare a Statement of Case. When an application is not approved on the recommendation of a CICAIR approval panel, the approval panel Chair will prepare a Statement of Case.

6.3 The Statement of Case will specify the reasoning for not approving the application and will be provided to the appellant at least 10 working days prior to the hearing.

6.4 Following the provision of the application, the Statement of Case and, if submitted, the final statement and/or documentation from the appellant, the appeal panel may call for further clarification from the parties. If necessary, the Registrar may postpone the hearing and will communicate this to the appellant.

7.0 **The Order of the Hearing**

7.1 The appeal panel Chair has full discretion to alter the order and timings of the hearing.

7.2 The appellant and the Registrar or approval panel Chair enter the hearing.

7.3 ***Opening Statement by the Registrar or Assistant Registrar***

7.3.1 The Registrar or Assistant Registrar will welcome attendees and provide an overview of the appeal process and the purpose of the hearing.

7.3.2 The parties will be advised that the hearing will be recorded.

7.4 ***Open of Hearing***

7.4.1 The appeal panel Chair will open the hearing, conduct introductions and outline the hearing procedure and the expected conduct of participants.

7.4.2 The appeal panel Chair explains that the panel has the power to deliver one of three possible decisions:

- To reject the appeal; or
- To uphold the appeal and request that the Registrar arrange a new application review and/or approval panel interview as appropriate; or
- To uphold the appeal and approve the appellant for registration as an Approved Inspector.

7.5 ***Presentation by the Registrar or Approval Panel Chair***

7.5.1 The Registrar or approval panel Chair has up to 45 minutes to explain the reasons for the decision not to approve the appellant's application. The appellant and/or their representative(s) may not question the Registrar or the approval panel Chair.

7.6 ***Presentation by the Appellant***

7.6.1 The appellant and/or the appellant's representative(s) have up to 45 minutes to present their position. The Registrar or approval panel Chair may not question the appellant.

7.7 ***Questioning by the Appeal Panel***

7.7.1 The appeal panel Chair will facilitate the questioning of the appellant by the appeal panel members. The appeal panel may also clarify any aspects of the application with the Registrar or the approval panel Chair should they need to do so.

7.8 *Summing up by the Registrar or Approval Panel Chair*

7.8.1 The Registrar or approval panel Chair has up to 15 minutes to sum up their position.

7.9 *Summing up by the Appellant*

7.9.1 The appellant and/or the appellant's representative(s) have up to 15 minutes to sum up their position.

7.10 *Close of Hearing*

7.10.1 The appeal panel Chair outlines the timeframe for the notification of the decision to the appellant.

7.10.2 The appellant and the Registrar or approval panel Chair exit the hearing.

7.11 *Case Review*

7.11.1 The appeal panel reviews the application, the decision(s) taken by the Registrar or the approval panel, and the representations by the appellant and the Registrar or approval panel Chair.

7.12 *Decision*

7.12.1 Any decision taken by an appeal panel shall be made on a majority basis. In the event of a split decision, the appeal panel Chair will have the casting vote.

7.12.2 The appeal panel makes its decision and the appeal panel Chair will ensure that the reasons for the decision are clear and based upon the evidence and not assumptions about the application.

7.12.3 Should the appeal panel decide that further information is required from either party the panel can defer any decision until that information has been satisfactorily provided.

7.13 *Decision Notification*

7.13.1 The decision of the appeal panel will be notified to the appellant within a recommended 10 working days of the hearing.

7.13.2 If an appeal is rejected, the appellant has no further right of appeal under CICAIR procedures and no further correspondence or communication would be considered.

8.0 *Re-Application*

8.1.1 An unsuccessful application or an unsuccessful appeal against an application decision does not preclude an applicant from lodging a new application with CICAIR at a future time.

9.0 *Charging*

9.1 Where the appeal panel decides to uphold the appeal, the appellant shall have the appeal deposit returned to them and is entitled, depending on the decision of the appeal panel, to have their application either approved or reconsidered at no further charge.

- 9.2 Where the appeal panel decides to reject the appeal, the appellant will be liable for the full costs of the hearing and will forfeit the appeal deposit. Typical approval appeal hearing costs are usually between £1,000 and £3,000 but for a discussion about expected hearing costs, contact the Registrar.