

CIC Approved Inspectors Register (CICAIR)

Appeals Committee Terms of Reference



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Issue 3 - November 2022

1. Introduction

- 1.1. These terms of reference set out the framework within which the CICAIR Ltd ('CICAIR') Appeals Committee ('Committee') will operate. The Committee's remit extends to the functions of CICAIR only and not to any other area of the Construction Industry Council's work.

2. Scope of the Committee

- 2.1. The Committee is responsible for overseeing CICAIR's processes and procedures for lodged appeals relating to approval and disciplinary decisions.

3. Structure

- 3.1. The Committee will be constituted by a minimum of five members at all times. A Chair and a Deputy Chair will be appointed from within the Committee's membership by the CICAIR Board of Directors. The Committee will be supported by the Registrar. The Chair and Deputy Chair's appointment will be for an initial term of three years unless the Chair or Deputy Chair resigns or is removed by the CICAIR Board of Directors.

4. Appointment and Termination

4.1. Appointment

- 4.1.1 Members of the Committee will be appointed from time to time by the CICAIR Board.
- 4.1.2 Interested candidates must complete an application for appointment, available from the CICAIR Registrar.
- 4.1.3 Candidates will be interviewed by a member of the CICAIR Board, an existing member of one of CICAIR's Committees and the CICAIR Registrar, who will together make a recommendation to the CICAIR Board.
- 4.1.4 Appointment to the Committee as a member does not create a right to be appointed to sit on a Panel of the Committee. CICAIR may in its absolute discretion determine who to appoint to a Panel of the Committee.

Provisional Membership and Observation Period

- 4.1.5 The CICAIR Board, considering the completed application and the recommendation, may appoint a candidate to provisional membership of the Committee.

- 4.1.6 Provisional membership will apply for the period set out in the appointment letter during which the provisional member will observe two appeal hearings.
- 4.1.7 If the observation period is passed, the provisional member will then be approved as a full Member of the Committee.
- 4.1.8 After being made a full Member of the Committee, CICAIR may request that the Member, or the Member may apply to, join one or more other Committees. The CICAIR Registrar may direct that the Member undergoes an observation period on the new Committee.

4.2. Term of Appointment

- 4.2.1 Members will be appointed for an initial period of five years, renewable on recommendation of the Chair of the Committee to the CICAIR Board.

4.3. Termination of Appointment

- 4.3.1 The Board may in its absolute discretion terminate a Member's appointment where it considers the Member's appointment is no longer tenable.
- 4.3.2 The Board's decision to terminate a Member's appointment must be proportionate, fair and consistent.
- 4.3.3 A Member's appointment may no longer be tenable in the following circumstances :
 - 4.3.3.1. a failure to comply with the Conflicts of Interest Policy;
 - 4.3.3.2. a failure to maintain confidentiality in accordance with the Confidentiality Agreement signed on appointment;
 - 4.3.3.3. where there has been a finding by a CICAIR Panel against an Approved Inspector entity, of which the Member is a director, employee or professional consultant, or of which the Member has significant control;
 - 4.3.3.4. where there has been a finding by another regulator or professional body against the Member personally or against an entity of which the Member is a director, employee or professional consultant, or of which the Member has significant control;
 - 4.3.3.5. where the Member has been convicted or cautioned of a criminal offence, or where an entity has been convicted or cautioned of a criminal offence, of which the Member is a director, employee or professional consultant, or of which the Member has significant control; or
 - 4.3.3.6. where there are concerns regarding a member's financial or personal probity; or
 - 4.3.3.7. any other circumstances where the Member's continued appointment would undermine public confidence in CICAIR's regulatory regime.

5. Remuneration

5.1. The Chair, Vice Chair and Committee Members will not be remunerated for their appointment to the Appeals Committee however CICAIR will reimburse expenses reasonably incurred whilst carrying out their duties.

5.2. Where a Member is appointed to an Appeal Panel in accordance with the Approval Appeals Protocol or the Disciplinary Appeals Protocol to hear and determine an appeal, CICAIR will pay each panel member an appointment fee and reimburse expenses reasonably incurred in carrying out their duties on such a panel.

6. Conflict of Interest

6.1. All Members of the Committee are required to comply with CICAIR's Conflicts of Interest Policy which may be amended from time to time.

7. Confidentiality

7.1. All Members of the Committee are required to adhere to the confidentiality agreement signed upon appointment, which may be amended from time to time.

8. Operation and procedures

8.1. The Committee will operate in accordance with any procedure or protocol that CICAIR has in place or may introduce in future.