

Start

Parties agree with each other and with RICS to engage the RICS Conflict Avoidance Process (CAP) to obtain pragmatic, informed recommendations on resolving disputed matters which may arise on an upcoming project. This arrangement may be written into the contracts between the parties.

RICS works with the parties to create a Project Panel - a tailored list of experts selected for their relevant skills.

Parties are encouraged to appoint a **CAP Champion**, responsible for:

- Ensuring their team has a clear understanding of CAP
- Identifying when an issue is escalating toward a dispute and
- Referring issue to CAP for early resolution.

When an issue arises, RICS works with the parties to create a Dispute Panel to deal with it.

Alternatively

Without having CAP provisions in the contract, should an issue arise (including legacy issues), parties apply to RICS on an *ad hoc* basis to create a Dispute Panel to deal with it. This arrangement may be written into their contracts at this stage.

Application submitted to RICS to appoint a Dispute Panel. RICS conducts due diligence checks to ensure the Dispute Panel is qualified, conflict-free, available, accepts pre-agreed timescales and fees, and aligned with RICS standards.

The Dispute Panel will comprise highly credible technical experts, experienced in the specific issue(s) that the parties disagree upon.

The Dispute Panel is appointed.

The Dispute Panel meets parties to:

- Ensure the issue requiring resolution is clearly defined
- Establish and agree a timescale
- Ensure the parties and the Dispute Panel are aligned on how to proceed.

The Dispute Panel conducts investigation. They will hear from the parties, gather information by speaking with others involved in the issue, conduct their own inquiries, and visit the site, if required.

The Dispute Panel issues a comprehensive, fully reasoned written CAP Report containing recommendations for resolution.

The CAP Report Recommendations are non-binding, unless Parties agree otherwise.

Parties may accept the recommendations in whole, and the issue is resolved.

Or

Parties may reject some or all of the recommendations. To do so, they must notify and explain their reasons to the other party.

Or

- Parties may:
- Suggest a compromise for resolution
 - Seek further Dispute Panel assistance
 - Make a settlement offer
 - Refer the dispute to formal dispute resolution, e.g. adjudication, arbitration or litigation.

End



RICS Conflict Avoidance Process (CAP)