

Qualification Guidance



SEG Awards Level 7 Diploma in International Arbitration Law & Practice

England – 610/4318/7

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About Us

At Skills and Education Group Awards we continually invest in high quality qualifications, assessments and services for our chosen sectors. As a UK leading sector specialist, we continue to support employers and skills providers to enable individuals to achieve the skills and knowledge needed to raise professional standards across our sectors.

Skills and Education Group Awards has an on-line registration system to help customers register learners on its qualifications, units and exams. In addition, it provides features to view exam results, invoices, mark sheets and other information about learners already registered.

The system is accessed via a web browser by connecting to our secure website using a username and password:

[Skills and Education Group Awards Secure Login](#)

Sources of Additional Information

Skills and Education Group Awards website
www.skillsandeducationgroupawards.co.uk provides access to a wide variety of information.

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This document may be copied by approved centres for the purpose of assessing learners. It may also be copied by learners for their own use.

Specification Code

The specification code is D5063-07.

Issue	Date	Details of change
1.0	July 2024	New qualification

This guide should be read in conjunction with the Indicative Content document which is available on our secure website using the link above.

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This is a live document and as such will be updated when required. It is the responsibility of the approved centre to ensure the most up-to-date version of the Qualification Guide is in use. Any amendments will be published on our website and centres are encouraged to check this site regularly.

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Introduction

Global acceptance and popularity of International Arbitration and Alternative Dispute Resolution (ADR) continue to soar to unprecedented levels. The field of International Dispute Resolution is ever evolving and dynamic, with rules and practices that are always changing. It frequently influences policies across international jurisdictions. Arbitration is the backbone of international commerce and trade through the provision of a dispute resolution mechanism that allow parties to resolve their disputes in a final and binding method by avoiding conventional litigation in domestic courts. In addition, enforcement of arbitration decisions globally through the New York Convention 1958 further underpins the importance of arbitration as a mainstream method of dispute settlement.

The key areas covered in this qualification include:

- Law of Arbitration
- Arbitration Practice and Procedure
- Arbitration Awards and Award Writing

Pre-requisites

Prospective learners should satisfy one of the following criteria:

- Level 5 qualification with a minimum of eight years of relevant work experience
- Level 6 qualification in law
- Level 6 qualification in banking, business, accounting, engineering or a related discipline with five years of relevant work experience
- Professional qualification in dispute resolution

Skills and Education Group Awards expects approved centres to recruit with integrity on the basis of a trainee's ability to contribute to and successfully complete all the requirements of a unit(s) or the full qualification.

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Qualification Structure and Rules of Combination

Rules of Combination: Level 7 Diploma in International Arbitration Law & Practice

Learners must achieve **all** 60 credits from the 3 mandatory units.

Unit	Unit Number	Level	Credit Value	GL
Mandatory Group Min Credit Target - 60				
Law of Arbitration	R/651/1911	7	20	120
Arbitration Practice and Procedure	T/651/1912	7	20	120
Arbitration Awards and Award Writing	Y/651/1913	7	20	120

Aims

International arbitration is a professional practice that draws upon theoretical and practical knowledge from law and commerce and applies this to the resolution of disputes through arbitral proceedings.

The aim of this programme of study is to create practitioners and to do this requires the acquisition of theory and knowledge and the application of the skills of judgement and award writing. Also, the programme is designed to develop practitioners that can effectively engage in the arbitration of disputes – whether in support roles for the process, acting for a party, or as part of the arbitral tribunal.

Target Group

The SEG Awards Level 7 Postgraduate Diploma in International Arbitration Law & Practice is for those learners (**19+**) who are seeking to become professionally qualified in arbitration, targeting: Commercial dispute lawyers, arbitrators, arbitral tribunal secretaries, arbitration centre managers; or financial, corporate and commercial executives; and technical sector professionals such as quantity surveyors, engineers and maritime/shipping professionals.

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Assessment

The curriculum is set up to support a portfolio approach to continuous assessment. Learners will study modules and develop a portfolio of evidence. Each module will have milestones where formative assessment is provided, and learners can then continue to work on their portfolios before a final submission at the end of the module.

For each module, an assessment grid is provided indicating the learning outcomes to be achieved and the evidence required to support their attainment. This grid contains evidence requirements for grading at Pass, merit or Distinction. The criteria are cumulative, to achieve a Distinction grade a learner must satisfy the criteria for both a Pass and for a Distinction.

To achieve a Pass in a module, a pass grade must be attained for all learning outcomes. The overall grade for each module will be determined by the predominant attainment in each of the learning outcomes. For example, most modules have six learning outcomes so if four are attained at Distinction, then a Distinction grade is the outcome. If the outcome is that three learning outcomes are graded Pass and three at Distinction, then a Distinction for the module would be awarded.

For the diploma to be awarded, a pass grade must be achieved in all modules. The overall grade for the diploma will be determined based on the predominant outcome for each of the modules. There are three modules, so to achieve a distinction, at least two modules must be graded at distinction.

Practice Assessment Material

Skills and Education Group Awards confirm that there is no practice material available for the SEG Awards Level 7 Diploma in International Arbitration Law & Practice.

Teaching Strategies and Learning Activities

The fundamental philosophy that guides this curriculum is 'learning by doing' with a balance between the following elements:

- Lectures and lessons – where knowledge is acquired
- Seminars and tutorials – where knowledge is consolidated and applied to a variety of industry situations
- Simulation/role play – where practical skills are demonstrated and developed
- Projects – where learners can develop their skills of synthesis

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Centres should adopt a delivery approach which supports the development of all individuals. The aims and aspirations of all the learners, including those with identified special needs or learning difficulties / disabilities, should be considered and appropriate support mechanisms put in place.

Progression Opportunities

Learners who complete the SEG Awards Level 7 Diploma in International Arbitration Law & Practice will have achieved 60 credits at level 7. Academic institutions may accept this credit towards the award of a master's degree, which would usually require completion of a further 60 credits at level 7. Professional bodies may accept this award for partial or full exemption of requirements for professional membership.

Centres should be aware that Reasonable Adjustments which may be permitted for assessment may in some instances limit a learner's progression into the sector. Centres **must**, therefore, inform learners of any limits their learning / physical difficulty may impose on future progression.

Tutor / Assessor Requirements

Skills and Education Group Awards require those involved in the teaching and assessment process to be suitably qualified. Assessors should also be trained and qualified to assess or be working towards appropriate teaching qualifications.

Minimum requirements when delivering this qualification: Skills and Education Group Awards expects that staff will be appropriately qualified to assess learners against the outcomes and criteria within the units. Teaching staff **must** be qualified at least a level above in a relevant subject to which they are teaching.

Those responsible for Internal Quality Assurance (IQA) **must** be knowledgeable and or qualified of the subject/occupational area to a suitable level to carry out accurate quality assurance practices and processes.

Language

This specification and associated assessment materials are in English only.

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Qualification Summary

Qualification					
SEG Awards Level 7 Diploma in International Arbitration Law & Practice					
Qualification Purpose	Prepare for further learning or training and/or develop knowledge and/or skills in a subject area				
Age Range	Pre 16	16-18	18+	19+	✓
Regulation	The above qualification is regulated by: <ul style="list-style-type: none"> Ofqual 				
Assessment	<ul style="list-style-type: none"> Portfolio of Evidence 				
Type of Funding Available	See FaLA (Find a Learning Aim)				
Grading	Pass/Merit/Distinction/Fail				
Operational Start Date	01/07/2024				
Review Date	01/07/2027				
Operational End Date	-				
Certification End Date	-				
Guided Learning (GL)	360 Hours				
Total Qualification Time (TQT)	600 Hours				
Credit Value	60				
Skills and Education Group Awards Sector	Business Administration				
Regulator Sector	15.5 Law and Legal Services				
Support from Trade Associations	Developed in conjunction with UK Awards				

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Unit Details

Law of Arbitration	
Unit Reference	R/651/1911
Level	7
Credit Value	20
Guided Learning (GL)	120
Unit Summary/Aim	<p>This unit is a study of the principles of law in international commercial arbitration. Learners will examine the legislative framework based on the UNCITRAL Model Law on International Commercial Arbitration (“UNCITRAL Model Law”) which is a widely adopted legislative framework for international commercial arbitration.</p> <p>Learners will examine the fundamental legal theories and issues pertaining to international commercial arbitration and be able to effectively explain, interpret, do a comparative study, render opinions and apply such knowledge in a professional setting. In addition, the learner will also be able to explain the different instruments promulgated by UNCITRAL in connection with international arbitration.</p> <p>This unit will explore the right to arbitrate as created in the arbitration agreement. Various issues will be examined that relate to the effective function of the agreement. Different scenarios and circumstances that affect the agreement will also be examined including multiparty agreements, investment treaties, and tribunal fees.</p>

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Learning Outcomes (1 to 6)	Assessment Criteria (1.1 to 6)	
<i>The learner will</i>	<i>The learner can</i>	
1. Explain the work of UNCITRAL in relation to international commercial arbitration	1.1	Explain the history and purpose of UNCITRAL including the various instruments promulgated by the Commission i.e. United Nations Convention on Recognition and Enforcement of Foreign Arbitral Award (“NY Convention 1958”), UNCITRAL Model Law on International Commercial Arbitration (“UNCITRAL Model Law”) and UNCITRAL Rules of Arbitration
	1.2	Explain the function and purpose of UNCITRAL Model Law and its contribution towards the harmonisation and unification of laws in the sphere of international arbitration
2. Describe UNCITRAL Model Law as a ‘template’ for adoption by countries as their national arbitration law and advise on its implementation	2.1	Explain the differences and relationship between UNCITRAL Model Law and national arbitration law
	2.2	Explain the difference between arbitration law and arbitration rules (UNCITRAL Model Law versus UNCITRAL Rules of Arbitration)
	2.3	Explain the differences between institutional and ad hoc arbitration through the understanding of arbitration law and arbitration procedural rules
3. Describe the different applicable legal systems in international arbitration and advise on the extent of national court support and intervention	3.1	Understand the interaction of different legal systems in arbitration: applicable law, law governing the arbitration agreement and arbitration law
	3.2	Understand the supervisory role of national courts in arbitration including the limitation in intervening in arbitral proceedings
	3.3	Explain the difference between a juridical seat and a physical place of

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		hearing including advice on the evidentiary place of hearing versus a juridical seat including the right to a physical hearing in international arbitration
4. Explain the requirements of an effective arbitration agreement and advise on related issues	4.1	Understand the difference between an arbitration clause and submission to arbitration
	4.2	Understand the formal and substantive aspects of arbitration agreements including the separability of arbitration agreements and identify ineffective or defective arbitration agreements (“Pathological arbitration clauses”)
	4.3	Understand the formal and substantive aspects of arbitration agreements therefore draft an effective arbitration clause
5. Describe arbitration under investment treaties and advice on the associated issues	5.1	Explain the concept of ISDS (Investor-State Dispute Settlement) system arising from international investment treaties
	5.2	Explain the procedural aspects of investment treaty arbitration e.g. arbitration under ICSID, UNCITRAL Rules of Arbitration and UNCITRAL Rules on Transparency in Treaty-based Investor-State arbitration
6. Know how to produce an appropriate agreement for various circumstances	6.1	Identify the nature of commercial transactions and deals including the arbitrability of disputes arising from thereon
	6.2	Advise on the suitable type of effective arbitration clause (ad hoc or institutional) including which institutional rules would be appropriate for each nature of commercial transactions (e.g. private contract, investment agreement under investment treaty)

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Arbitration Practice and Procedure	
Unit Reference	T/651/1912
Level	7
Credit Value	20
Guided Learning (GL)	120
Unit Summary/Aim	<p>This unit will cover the commencement of arbitral proceedings and examine the issues associated with the formation of the tribunal and the establishment of the seat of law. The various forms of tribunal will be introduced together with the requirements for expertise and independence.</p> <p>The duties and powers of the tribunal will be examined including those duties imposed by law and those established in the arbitration agreement. Learners will also develop an understanding of jurisdictional matters and ethical considerations in the conduct of the arbitration.</p> <p>This module will explore the issues associated with the conduct of an arbitral process. The process of events from initiation of the dispute, through various stages with formal and informal activities will be examined. Learners will develop an understanding of how to collect evidence in the process in its various forms.</p> <p>Learners will be introduced to the conduct of a hearing through role play. They will also begin the process of understanding how to weigh evidence when working toward a decision in a dispute.</p>

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Learning Outcomes (1 to 6)	Assessment Criteria (1.1 to 6)
<i>The learner will</i>	<i>The learner can</i>
1. Describe the factors affecting the formation of arbitral tribunals and advise on the appointment process	<p>1.1 Understand the process of selecting, appointing of arbitrator and constituting an arbitral tribunal based on the arbitration rules or law under the arbitration agreement based on the applicable arbitration legal or procedural framework including the doctrine of “party autonomy”</p> <p>1.2 Identify issues arising relating to impartiality and independence of arbitrator (e.g. IBA Guidelines on Conflicts of Interest in Arbitration) challenge and removal of an arbitrator</p>
2. Describe the duties and powers of the tribunal and explain the sources from which they arise	<p>2.1 Understand the rights and duties of an arbitrator, including “kompetenz” in terms of jurisdiction and authority</p> <p>2.2 Understand the powers of the tribunal under the procedural rules, arbitration law and other connected legal systems to an arbitral proceeding</p>
3. Know how to provide advice on ethical and jurisdictional issues associated with arbitral proceedings	<p>3.1 Understand the concept of the rule of law, due process paranoia, “guerrilla tactic” and “fair opportunity of presenting case” in arbitration</p> <p>3.2 Explain the framework for taking of evidence of international arbitration based on the applicable arbitral rules and international practice (i.e. IBA); the conduct of party representatives and other ethical issues relating to the conduct of arbitration</p>
4. Describe the process of an arbitration from inception of dispute to final outcome	4.1 Identify the seat of arbitration, and the governing law of the contract applicable to the dispute and understand how an action is time-barred

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	4.2	Be able to draw up a checklist of pre-arbitration steps to be taken including time frame i.e. selection of arbitration, expert witness, and case strategy as per the applicable procedural framework
	4.3	Understand what the notice of arbitration is, the response to the notice of arbitration, the time frame for the appointment of the arbitrator and the initial response
	4.4	Understand the purpose and structure of Term of Reference (TOR) and Procedural Order (PO)
	4.5	Understand the various written statements (claims, defence, counterclaim, rejoinder, etc); purpose, format and content; provisional measures, evidence and discovery process including using a "Scott Schedule"
5. Know how to advise potential clients regarding the evidence required to successfully make a claim or defend a claim in arbitral proceedings	5.1	Analyse dispute from the perspectives of claim, counter-claim and defence; examine the chronology of a dispute, types of evidence and construction of the case
	5.2	Explain the roles of expert and factual witnesses in oral hearings including cross-examination and re-examination (including the merits and demerits of direct examination)
6. Know how to provide leadership to a party to a dispute through the hearing phase of the process	6.1	Understand the structure of a typical arbitration hearing; case management conference, preliminary hearing, if any (on jurisdiction), bifurcation of proceedings
	6.2	Understand the structure and framework of an evidentiary hearing (including online or documents-only hearing with reference also to the UNCITRAL

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	6.3	<p>Notes on Organizing Arbitral Proceedings) including the modern usage of electronic aids (e.g. e-discovery, e-hearing and transcription</p> <p>Explain the difference between civil law and common law approach to arbitration including the appropriate case strategy</p>
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Arbitration Awards and Award Writing	
Unit Reference	Y/651/1913
Level	7
Credit Value	20
Guided Learning (GL)	120
Unit Summary/Aim	<p>This unit will allow the examination of the issues related to making a valid award. It will provide a definition of an award and how to evaluate its effectiveness. Various types of awards will be considered together with the circumstances where they would be suitable. The different types of remedies that can be included in an award will be explored. The costs of the parties to the dispute and how they can be dealt with in the award will also be discussed.</p> <p>Learners will also be introduced to the various challenges that can be made to an award and consider the issues of publication and enforcement.</p> <p>The further aim of this unit is to allow learners to develop the ability to write reasonable and rationale awards based on information provided in relation to a dispute that has been referred to an arbitral process for resolution. Learners will develop and understanding of the essential requirements of an award and the process of deciding the outcome of a dispute. They will develop skills of analysis in determination of the principal issues involved in the dispute, together with skills of judgement in weighing the evidence before them. They will also demonstrate the ability to communicate their thinking through publishing the award.</p>

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Learning Outcomes (1 to 6)	Assessment Criteria (1.1 to 6)
<i>The learner will</i>	<i>The learner can</i>
1. Identify what makes a valid award and describe the factors that affect the drafting of a suitable award	<p>1.1 Understand the required format for arbitration awards, requirements for reasoned awards and other requirements according to the law of the arbitral seat to produce an award that is cogent, complete, final and binding</p> <p>1.2 Adhere to applicable procedural rules and terms of reference of the arbitration to ensure compliance to avoid the tribunal being ultra vires and dispose of all the issues submitted before the arbitration</p> <p>1.3 Understand the essential components of the arbitral award such as the factual background of the disputes, jurisdiction of the tribunal, procedural aspects, and governing law in interpreting the contractual terms and obligations</p>
2. Know how to provide advice for potential clients regarding the position on costs and describe how they will be treated in an arbitral process	<p>2.1 Understand how claims, counterclaims and defence including the conduct of the parties impact how the tribunal awards costs</p> <p>2.2 Understand how "costs follow the event" work and how the tribunal apportions costs to the parties including costs of arbitration, including its applicability when arbitrating in different jurisdictions (civil and common law)</p>
3. Know how to provide advice to potential claimants, or defendants, on the enforcement of, or challenges to, an arbitral award	<p>3.1 Understand the difference between setting aside and challenging enforcement of arbitral awards therefore the timeline compliance to exercise its rights</p> <p>3.2 Apply the understanding of the grounds and procedures in setting aside arbitral awards under national arbitration laws</p>

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	3.3	Understand the provision to enforce and challenge the enforcement of arbitration awards under the New York Convention 1958 and national arbitration laws
4. Explain the processes involved in arriving at a decision in a dispute	4.1	Understand how to analyse a dispute by evaluating the parties' case through written submissions, oral submissions, expert opinions and evidence
	4.2	Evaluate the parties' case based on the term of reference of the arbitration, therefore, to adjudicate on all the matters before the tribunal and arrive at a final decision
5. Know how to formulate appropriate awards for a variety of different disputes	5.1	Understand the purpose of different types of arbitral awards (Interim award, award on jurisdiction, partial award, award by consent, final award, correction award and interpretation award)
	5.2	Apply the decision-making knowledge and drafting technique of the appropriate award according to the terms of reference of the arbitration
6. Know how to provide reasoned arguments in support of the decisions included in an award	6.1	Can understand how to use legal principles, factual evidence, technical reports, expert opinions and precedents in arriving at a decision
	6.2	Can apply the justification and persuasive reasonings in support of decisions that will be awarded and thus included in an award

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Recognition of Prior Learning (RPL), Exemptions, Credit Transfers and Equivalencies

Skills and Education Group Awards policy enables learners to avoid duplication of learning and assessment in a number of ways:

- Recognition of Prior Learning (RPL) – a method of assessment that considers whether a learner can demonstrate that they can meet the assessment requirements for a unit through knowledge, understanding or skills they already possess and do not need to develop through a course of learning.
- Exemption - Exemption applies to any certificated achievement which is deemed to be of equivalent value to a unit within Skills and Education Group Awards qualification but which does not necessarily share the exact learning outcomes and assessment criteria. It is the assessor's responsibility, in conjunction with the Internal Moderator, to map this previous achievement against the assessment requirements of the Skills and Education Group Awards qualification to be achieved in order to determine its equivalence. Any queries about the relevance of any certificated evidence, should be referred in the first instance to your centre's internal moderator and then to Skills and Education Group Awards.

It is important to note that there may be restrictions upon a learner's ability to claim exemption or credit transfer which will be dependent upon the currency of the unit/qualification and a learner's existing levels of skill or knowledge.

Where past certification only provides evidence that could be considered for exemption of part of a unit, learners must be able to offer additional evidence of previous or recent learning to supplement their evidence of achievement.

- Credit Transfer – Skills and Education Group Awards may attach credit to a qualification, a unit or a component. Credit transfer is the process of using certificated credits achieved in one qualification and transferring that achievement as a valid contribution to the award of another qualification. Units/Components transferred must share the same learning outcomes and assessment criteria along with the same unit number. Assessors must ensure that they review and verify the evidence through sight of:
 - Original certificates OR
 - Copies of certificates that have been signed and dated by the internal moderator confirming the photocopy is a real copy and make these available for scrutiny by the External Moderator.
- Equivalencies – opportunities to count credits from the unit(s) from other qualifications or from unit(s) submitted by other recognised organisations towards the place of mandatory or optional unit(s) specified in the rule of combination. The unit must have the same credit value or greater than the unit(s) in question and be at the same level or higher.

Skills and Education Group Awards encourages its centres to recognise the previous achievements of learners through Recognition of Prior Learning (RPL),

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Exemption, Credit Transfer and Equivalencies. Prior achievements may have resulted from past or present employment, previous study or voluntary activities. Centres should provide advice and guidance to the learner on what is appropriate evidence and present that evidence to the external moderator in the usual way.

Further guidance can be found in 'Delivering and Assessing Skills and Education Group Awards Qualifications' which can be downloaded from

<https://skillsandeducationgroupawards.co.uk/for-centres/>

Certification

Learners will be certificated for all units and qualifications that are achieved and claimed.

Skills and Education Group Awards' policies and procedures are available on the website.

Exemptions

This qualification contains no exemptions. For further details see Recognition of Prior Learning (RPL), Exemptions, Credit Transfers and Equivalencies.

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Glossary of Terms

GL (Guided Learning)

GL is where the learner participates in education or training under the immediate guidance or supervision of a tutor (or other appropriate provider of education or training). It may be helpful to think – ‘Would I need to plan for a member of staff to be present to give guidance or supervision?’

GL is calculated at qualification level and not unit/component level.

Examples of Guided Learning include:

- Face-to-face meeting with a tutor
- Telephone conversation with a tutor
- Instant messaging with a tutor
- Taking part in a live webinar
- Classroom-based instruction
- Supervised work
- Taking part in a supervised or invigilated formative assessment
- The learner is being observed as part of a formative assessment.

TQT (Total Qualification Time)

‘The number of notional hours which represents an estimate of the total amount of time that could reasonably be expected to be required, in order for a learner to achieve and demonstrate the achievement of the level of attainment necessary for the award of a qualification.’ The size of a qualification is determined by the TQT.

TQT is made up of the Guided Learning (GL) plus all other time taken in preparation, study or any other form of participation in education or training but not under the direct supervision of a lecturer, supervisor or tutor.

TQT is calculated at qualification level and not unit/component level.

Examples of unsupervised activities that could contribute to TQT include:

- Researching a topic and writing a report
- Watching an instructional online video at home/e-learning
- Watching a recorded webinar
- Compiling a portfolio in preparation for assessment
- Completing an unsupervised practical activity or work
- Rehearsing a presentation away from the classroom
- Practising skills unsupervised
- Requesting guidance via email – will not guarantee an immediate response.