



College of Contract Management
United Kingdom

Professional Diploma in Expert Witness



Syllabus

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1. Course Structure and Rules of Combination

1.1 Rationale

This Professional Diploma in Expert Witness is designed for Contract Managers, Commercial Managers, Planning Managers, Forensic Delay Analysts, Forensic Quantum Analysts, Solicitors or Claims Consultants looking to develop their skills and progress into the role of an Expert Witness. This qualification enhances learners' theoretical knowledge and practical competencies, elevating both understanding and confidence. This course has been designed to teach learners the key skills required to successfully handle claims whilst providing valuable insights into the inner workings of the industry.

Upon successful completion of the course learners will be able to assess claims, collect evidence and formulate arguments, aiding the court in reaching conclusions. You will learn how to gather and present evidence as well as learning the best way to respond to any conflicts you may encounter. Successful completion of this course provides the learner with a wealth of knowledge, making them a valuable asset to the industry.

This Professional Diploma in Expert Witness is delivered via live online lectures. Our course lecturers have extensive experience within the industry and will relate lecture content to real-life scenarios. In addition to this, lectures also include both practical examples and case studies. Through this delivery style, learners will be able to reflect on the practical challenges faced by professionals in the industry and establish an understanding of how to act in these situations in a manner that still works towards success.

1.2 Career Progression

This course has been designed to provide learners with the underpinning knowledge and skillset to be able to confidently handle claims and work towards effective and efficient functioning of judicial practices. Through lectures this course will nurture the skills necessary to successfully aid the court in making informed decisions in regard to claims and incidents.

1.3 Course Rules of Combination

The course can be completed in 6 months (approximately 26 weeks), and includes an assessment at the end of each module. Each module is worth 6 credits.

- ExW910: Construction Law, Judicial System and Legal Procedure
- ExW920: Expert Report Writing
- ExW930: Courtroom and Cross Examination

To achieve the Professional Diploma, candidates are required to complete all modules and pass their respective final assessments.

1.4 Entry Requirements

- Minimum 3 years experience in a relevant field such as: claims preparation, delay analysis, dispute resolution or law and practice **OR**
- Currently work as a contract manager, commercial manager, planning manager, forensic delay analyst, forensic quantum analyst, solicitor, claims consultant **OR**
- Work in relevant industry in which becoming an Expert Witness would be a natural progression.

1.5 Module and Assessment Grades

The Assessor will award a grade for the achievement of each module (Fail, Pass, Merit or Distinction). Grades apply to overall performance in modules and assessments.

Indicative marking descriptors for differentiating between levels of achievement when marking assessments are provided below (Section 1.8).

The overall grade for a qualification is calculated using a points system. Each module grade attracts points as follows:

Fail	0 points
Pass	1 point
Merit	2 points
Distinction	3 points

1.6 Assessment

The assessment process is set by the College of Contract Management, defining the requirements learners are expected to meet in order to demonstrate that a learning outcome has been achieved. All learning outcomes must be achieved in order to gain attainment of credit for that module.

All completed assessments are marked and verified internally, and are subject to approval by our partner universities or awarding bodies.

The assessment criteria are based on 3 areas:

- 1. Task Achievement** - This is a measure of how well the candidate answers the task question(s) and identifies the important aspects of the task.
- 2. Technical Content** - This is a measure of how well the candidate identifies, describes and evaluates the technical aspects of the task.
- 3. Presentation** - This is a measure of how well the candidate presents the assessment, which includes the quality of the structure and paragraphing, the quality and relevance of visual or graphical content and the referencing used for quoted sources.

1.7 Assessment Policies

1. All submission of assessments must include:
 - a. a copy of the full brief given by the Examinations Officer or Course Administrator;
 - b. all source material must be cited in the text and a full bibliography of source material (including author, title, publisher, edition and page) listed at the end of the submission.
2. All submissions must be submitted into our system as instructed by the Examination Officer or Course Administrator.
3. All submissions under the student's name must only be the work of that student. All information sources must be acknowledged. There is the **possibility of failing the modules if the content of the assessment are deemed be plagiarised** as set out in the rules and regulations of the College.
4. All submissions should be in pdf format (unless software files are specified) and students must keep a copy of all submitted work for reference purposes. Receipt will be acknowledged by the College once the work is submitted via our online exam portal.
5. Whenever a candidate submits work after the approved deadline without an authorised extension, a maximum "Pass" grade will be awarded.
6. The Assessor will comment on the quality of the work for learning purposes.
7. Application for an extension must be requested prior to the submission deadline. Submissions must be made on the exam portal for each module extension request. A primary extension (two weeks) request can be made without the submission of any evidence or reasoning, any further extension requests will require submission of supporting documentation. All requests must be addressed to the Examination Officer or Course Administrator.

1.8 Indicative Marking Descriptors

Note: Please note that the bands below describe indicative characteristics only. An overall holistic approach is required when assessing a candidate's work and assigning a grade. Please read these grading bands in conjunction with the College of Contract Management Assignment Policy.

Grade	Task Achievement - The Relevance of the Response	Inclusion of Relevant Technical Knowledge in Content	Presentation/Coherence
Distinction			
70%+	The work demonstrates a comprehensive understanding of the task. All relevant information is included. The main issues are effectively identified and analysed. There is evaluation and some analysis of solutions to issues relevant to the task. The response shows control of content within the word count.	The work demonstrates a strong understanding of a wide range of technical issues relevant to the task. There is analysis of the advantages/disadvantages of possible choices, risks and potential outcomes.	The work is appropriately structured and the argument is developed coherently. There is a recognised form of source referencing which supports the points in the task. Paragraphing and titling are used effectively to assist the reader. The use of visual/graphical information is clear and effective in assisting the reader. The graphical information is relevant to the task and is accurate.
Merit			
60-69%	The work demonstrates a clear understanding of the main issues relevant to the task. The issues are explained effectively and potential solutions identified. There is some attempt to analyse the merits of the solutions to the task. The task is broadly achieved within the word count, if relevant to assignment.	The work demonstrates an understanding of the key technical issues of the task. There is clear description of relevant technical aspects with some attempt to evaluate the merits of these as appropriate to the task.	Demonstrates an awareness of presentation and an attempt to present the information with clarity and coherence. There is referencing of sources and use of paragraphing and titling to assist the reader. There is use of clear graphical information to support the assignment which has broad relevance to the task. There may be some limited inaccuracies/ omissions in these.
Pass			
40-59%	The work demonstrates an understanding of the task. The main points are identified and the task is achieved. There is no attempt to evaluate or analyse the solutions. There may be some inaccuracies, omissions and irrelevant content. There may be lack of control in relation to the word count.	The work demonstrates an understanding of the main technical issues which are identified. This may be limited to description with little evidence of evaluation. There may be some omissions and inaccuracies in the detail. There may be some irrelevant details.	There is an attempt to structure the information. There is evidence of paragraphing and titling which is not always appropriate. Some basic graphical information may be included which is of some assistance to the reader. There may be some omissions or inaccuracies. The work is generally coherent but there may be occasional lapses in coherence and structure.
Fail			
0-39%	The work shows a poor understanding of the task. Frequent inaccuracies. Failure to identify important aspects of the task. Much of the information is irrelevant to the task. There may be evidence of copy and paste from external sources. The response may be limited to lists of words with no attempt to explain the relevance/merits of these to the task. The assignment falls short of the word count.	The work demonstrates a lack of understanding of the technical aspects. There are omissions of important technical information. Errors are evident in the technical content. There is no attempt to explain the relevance of the technical content to the task.	Lacks structure and may be limited to lists of points which are not developed. Disorganised in structure causing difficulty for the reader to understand the points. The response is illegible or incoherent in places. No referencing of external sources. The graphical illustrations are of poor quality or absent. They may be irrelevant. There may be errors and a lack of clarity causing difficulty for the reader to understand.

1.9 Calculating Overall Qualification Grade

To calculate the overall qualification grade, the individual module grades should be added together and compared to the table below.

Candidates must pass all 3 modules of the course.

Total Points for all 3 Modules	Overall Grade
9	Distinction
8	
Merit	
7	Merit
6	
Pass	
5	Pass
4	
3	
Fail	
2 or fewer	Fail
Candidates must achieve at least a Pass in all 3 modules to be awarded the Professional Diploma.	

1.10 Mandatory Modules

Module Reference	Title	LH	Credit Value
ExW910	Construction Law, Judicial System and Legal Procedure	60	6
ExW920	Expert Report Writing	60	6
ExW930	Courtroom and Cross Examination	60	6

ExW910: Construction Law, Judicial System and Legal Procedure

Learning outcomes: The learner will	Assessment criteria: The learner can
Pathway - Construction and Engineering Expert: Construction Law, Judicial System and Legal Procedure.	<ol style="list-style-type: none">1.1 Identify the roles and responsibilities of an expert witness, solicitor and the court.1.2 Highlight the differences between statements of truth, statements of compliance and statements of conflict.1.3 Understand the contractual entitlements under the contract and tort law with real case studies.1.4 Identify how to apply Civil Procedures Rules, and Protocols.1.5 Comprehend recent changes in legislation, procedures and practices.

ExW920: Expert Report Writing

Learning outcomes: The learner will	Assessment criteria: The learner can
1. Understand the requirements of an expert's report and learn the correct report writing style that meets court compliancy and can withstand cross examination.	1.1 Understand the litigation process. 1.2 Identify roles and duties of the expert witness and fees. 1.3 Highlight the code of practice for expert witnesses. 1.4 Identify what an expert needs to know when <ul style="list-style-type: none"> • Identifying and addressing issues. • Planning the structure and contents. • Identifying strengths and weakness in facts. 1.5 Demonstrate clear and concise presentation with an independent and impartial opinion and conclusion. 1.6 Provide supporting information. 1.7 Assess techniques to protect your report against cross examination. 1.8 Understand the expert's declaration and other procedures. 1.9 Be competent in writing a comprehensive and effective report.
2. Evaluate an expert report and whether it meets the standard what lawyers and courts expect.	2.1 Understand how to use impartial criteria to assess the report. 2.2 Provide strongly presented evidences. 2.3 Demonstrate and present fact finding and pre-trial advice. 2.4 Understand how the document becomes valid for a difficult cross examination. 2.5 Demonstrate the amending and altering of reports.
3. Case studies and practical examples.	3.1 Analyse legislations and practices and the latest developments. 3.2 Determine the judiciary required from the expert's report. 3.3 Identify complex and difficult issues and how to face them.

ExW930: Courtroom and Cross Examination

Learning outcomes: The learner will	Assessment criteria: The learner can
1. Provide expert evidences.	1.1 Understand the roles and responsibilities of an expert witness in the court. 1.2 Effectively present evidence with photographs, plans, supporting documents, etc. 1.3 Demonstrate best practice in evidence gathering and proper record keeping. 1.4 Evaluate strengths and weaknesses in the evidence. 1.5 Provide concurrent evidence and hot tubbing.
2. Understand procedures in the courtroom.	2.1 Understand the court's procedures, processes and practices (what steps and when). 2.2 Introduce your expertise and case presentation. 2.3 Examine the theory, best practices and rules compliance of giving evidence. 2.4 Demonstrate communication skills with the judge. 2.5 Identify and assess challenges in the court. 2.6 Understand how to build a relationship of trust in the court.
3. Demonstrate understanding of cross examination.	3.1 Deal with cross-examination on a case study you prepared. 3.2 Handle lawyers' techniques during the difficult cross examination. 3.3 Build confidence, credibility and clarity under cross examination.
4. Navigate expert witness meetings.	4.1 Understand CPR and CrPR guidance regarding expert witness meetings. 4.2 Identify roles and duties of expert witness at the meeting. 4.3 Partake in discussion with experts including creating agenda. 4.4 Prepare minutes of meeting with issues, facts and opinions including agreements and disagreements.
5. Mock cross examination with feedback.	5.1 Mock cross examination on a full report.

Recommended Reading

1. Du Cann, R. (1964) *The Art of the Advocate*. Penguin.