

REPUBLIC OF KENYA

THE INSTITUTE OF LOSS ADJUSTERS AND RISK SURVEYORS (IARS)

The Code of Conduct for Members

The Code and the guide to good practice sets out the standard of personal and professional conduct required of members of the Institute of Loss Adjusters and Risk Surveyors of Kenya (IARS).

A Disciplinary Committee, set up under the Institute's constitution, deals with breaches of the Code and other cases of unprofessional conduct involving members.

THE CODE

The Institute of Loss Adjusters and Risk Surveyors of Kenya (IARS), aims to promote the highest professional and ethical standards in disciplines of Loss Adjusters / Loss Assessors; Risk Surveyors / Marine Surveyors / Claim Settling Agents; Motor Assessors; and Insurance Investigators in Kenya

The Council and membership of the Institute looks upon its members to uphold these standards and the reputation of the Institute and profession by:

- Behaving with complete integrity in their professional lives;
- Complying with the law and with the best principles and practice relating to insurance;
- Conducting themselves in a professional and honourable manner towards those with whom they are in contact in business life;
- Observing and applying the guide to good practice; giving due and proper consideration to the requirements and interests of clients and respecting the confidentiality of information;
- Diploma holders must ensure that, advertisements and other public announcements with which their name or qualifications are associated with are not such as might bring the Institute into disrepute;

- Diploma holders must ensure that, their membership of the Institute is not publicized in such a way as to imply the possession of a professional qualification.

Additional Code for Diploma holders (Fellows & Associates)

Those members who hold the professional diplomas of the Institute at Fellowship or Associateship level have additional responsibilities to the Institute and the insurance business.

- 1 They are expected to continue their professional development by whatever appropriate means are available to ensure that their technical knowledge is up to date and of the highest standard.
- 2 They have a particular responsibility towards the younger members of the Institute and should be prepared at all times to participate in their education and training and to help them with any problem they may encounter in connection with their work.
- 3 The title of Fellow or Associate is granted to individual members and must not be used as applying to firms, partnerships or corporate bodies.
- 4 They must at all times act with the utmost integrity and ensure that their staff act similarly.
- 5 They must not act in a manner unbecoming someone with the status and recognition of a diploma holder.

THE GUIDE TO GOOD PRACTICE FOR ALL MEMBERS

- 1 Members should take every opportunity to improve their professional capability.
- 2 Every member should support local institute activities.
- 3 Senior members have the responsibility of encouraging others to obtain their professional qualification and of helping to promote insurance education at all levels.

DISCIPLINARY CODE

The following is an extract from the Constitution of the Institute of Loss Adjusters and Risk Surveyors (IARS) of Kenya

DISCIPLINARY ACTION AND APPEAL PROCEDURES

The composition of the Disciplinary Committee and the Appeal Committee and their terms of reference and authority are as set out in Article 12 of the Constitution of the Institute. The method of conducting its business and the pursuit of the objects of the committees shall be as set out in the constitution and in the circumstance that there is any inconsistency between any bye-law or any Article of the Constitution of the Institute or the interpretation of any of these, the decision of the Disciplinary Committee shall prevail, save that any party that may feel aggrieved by such decision shall have the right of appeal to the Council as set out below. The conduct of proceedings by the Disciplinary and Appeal Committees shall comply with such regulations, if any, as the Council may make from time to time.

DISCIPLINARY ACTION

- 12.1. A complaint against a member shall be made to the Council. The Council shall cause an investigation into the complaint to be conducted and shall refer the matter to the Executive Committee of the respective Chapter to carry out the investigation. The Executive Committee shall report to the Council within 28 days of it being appointed. The report of the Executive Committee must state the results of the investigation, together with recommendations for further action, or shall be a report on the progress being made which must be satisfactory to the Council.
- 12.2. The Council shall be empowered to summon, reprimand, suspend or terminate membership for conduct or action prejudicial to, or in contravention of, the Constitution or standing orders without explanation but subject to appeal to the Council who will decide if such an appeal shall be upheld or submitted to the Annual General Meeting. The decision shall be effective from the date of the meeting passing such a resolution.
- 12.3. The person whose membership has been suspended or terminated will be informed of the decision made by the Council by the Secretary General in writing within one calendar month of any decision being made.

12.4.1. Any member more than three months in arrears with his subscriptions, and after due notice by the Treasurer or Secretary General shall cease to be a member.

12.5. On notification of death of a member the Secretary General shall remove his name from the appropriate membership list.

12.6. A member of the Institute shall cease to be a member in the following cases:

12.6.1. On being adjudicated bankrupt, making an arrangement or composition with his creditors or suffering distress or execution to be levied on his goods which is not paid within five days

Or

12.6.2. On being declared by a competent person or body to be of unsound mind

Or

12.6.3. If he is found guilty of committing any criminal offence which in the opinion of the Council renders him unfit to carry on the profession of the Chapter.

Or

12.6.4. If he has committed a serious breach of the provisions of this constitution.

Or

12.6.5. If his professional or personal conduct appears to be detrimental to the interests of the Institute or of the Chapter of which he is a member.

Or

12.6.6. If he canvases against any of the members of the Institute or their businesses to benefit his own business.

Or

12.6.7. If he fails to act impartially when acting on instructions from an insurer in relation to a policyholder's claim under a policy issued by that Principal.

Or

12.6.8. If he at any time fails to act ethically and in a manner consistent with the professional standards required.

Or

12.6.9. If having unknowingly accepted instructions to act in respect of any matter and becomes aware that a party interested in the member has a material interest in the matter, the member shall forthwith disclose this interest to the party or parties affected by the member's duties and who are not otherwise aware, and shall have failed to cease to act unless the party or parties concerned shall confirm in writing that they have no objection. For the purpose of this article a party interested in a matter shall include any person, firm or corporation with whom he shares the profits of his work, or by whom he is employed, or who is materially interested whether directly or indirectly in any firm or corporation in which such member is engaged.

Or

12.6.10 If he accepts instructions in respect of any matter in which he has a material, financial or any other interest in the matter and he fails to disclose to the Principal.

Or

12.6.11. Any other ground which the Council may consider inappropriate and warranting such action.

APPEAL PROCEDURE

15.1. Any member who is aggrieved by a decision of the Council may appeal to the Trustees who will decide if such an appeal shall be upheld or submitted to the Annual General Meeting for consideration. The decision shall be effective from the date of the meeting passing the resolution.

END
