



The Institute of  
Loss Adjusters of  
Southern Africa

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CODE OF CONDUCT

9 November 2009

## CODE OF CONDUCT – INSTITUTE OF LOSS ADJUSTERS OF SOUTHERN AFRICA

1. A Loss Adjuster must at all times render his services honestly, fairly, with due skill, care and diligence, and he must maintain the highest degree of integrity in the interests of his clients, principals and their clients, and without breaching the relationship of trust with his client.
2. A Loss Adjuster must always disclose to all persons with whom he comes into contact the identity of his principal, his interest in the matter concerned and the service he is rendering; as well as any circumstances which may give rise to an actual or potential conflict of interest and must take all reasonable steps to ensure fair treatment of such person.
3. A Loss Adjuster must treat all persons he comes in contact with, in the exercise of his professional duties, with respect at all times and must not harass, intimidate, threaten or display other inappropriate behaviour to such persons.
4. When providing his services, a Loss Adjuster must endeavour to ensure that representations made and information provided is: -
  - a. factually correct;
  - b. in plain language to avoid misunderstanding, misleading and ambiguity, bearing in mind the person who is being addressed and such person's level of knowledge;
  - c. provided timeously to allow and afford sufficient time for anyone to make an informed decision and exercise any rights such person may hold;
  - d. given verbally, and at the request of any person being addressed, confirmed in writing within a reasonable period following such request; and
  - e. in plain unambiguous terms where they reflect amounts, sums, values, charges, fees, remuneration or monetary obligations and where any obligation is not predetermined, the basis of calculating such amounts must be adequately described.
5. All transactions conducted must be accurately accounted for to the Loss Adjuster's principal or client, as the case may be.
6. A Loss Adjuster must not take or receive any incentive, whether in cash or kind, from any person with whom he is dealing or who may be involved in any matter in which the Loss Adjuster is involved.
7. All services must be rendered in accordance with the contractual relationship existing between the Loss Adjuster and his principal and in accordance with any service level agreement that subsists between them.
8. A Loss Adjuster must obtain a written mandate from his principal, and if the instruction is verbal, the Loss Adjuster must respond in writing to the principal setting out his understanding of the verbal mandate and if necessary, obtain clarification of any issues.
9. A Loss Adjuster must ensure that he only accepts a mandate where the performance of the mandated function matches his expertise.
10. A Loss Adjuster must not instruct any person to act on his behalf or on behalf of his principal where such service provider may hold any position that could result in a conflict of interest or in the adjuster gaining any personal advantage from such instruction.

11. A Loss Adjuster must not levy any fee or charge in conflict with any prior arrangement negotiated and agreed with any person or body for whom he is or has performed any work and overcharging is considered unprofessional conduct.
12. A Loss Adjuster must keep his records for a period of not less than 5 years from the date of the resolution of his instruction and produce any such records to a principal on demand during such period. The Loss Adjuster must exercise discretion in relation to any records that require to be retained for any longer period and retain them until they may be safely disposed of without infringing or interrupting any right that a person involved in such matter may legally wish to exercise.
13. Records may be kept in their original format or in electronic or recorded format that is readily and easily capable of being reduced to written or printed form in clear text when required.
14. The acquisition of any information by the Loss Adjuster must be in accordance with any privacy and protection of information legislation that may be in force;
15. A Loss Adjuster must not disclose any confidential or other information acquired or obtained from a client, principal, principal's client or any other person involved in any investigation undertaken without his principal or the person directly concerned providing written consent before any such information is disclosed or released.
16. A Loss Adjuster must notify his principal of any complaint against him while acting on his principal's mandate.
17. A Loss Adjuster shall not tout for business or work. To "tout" means to solicit work in an improper manner that entails the exchange of financial or other benefits and which will not in the ordinary business environment or otherwise be construed as being an acceptable professional marketing practice.
18. A Loss Adjuster must not practice or share offices or work premises which are directly accessible to any person or body where such business or association can be seen to give rise to any conflict of interest in the Loss Adjuster performing his duties and mandate.
19. A Loss Adjuster must not conduct from his office any business other than that of the profession or conduct any other business under his practice's name or style or a similar name and style
20. A Loss Adjuster must not abandon his practice or cease to trade without providing timeous notice to his clients and make all necessary and reasonable arrangements for the running off of any work still on hand and for the disposal and/or safe keeping of his papers and files.
21. A Loss Adjuster must meet all his obligations and pay to the Institute of Loss Adjusters of Southern Africa all and any moneys due to the Institute.
22. A Loss Adjuster must not practice under any name, title, style or make use of any stationery that breaches the dignity and status of the profession of Loss Adjusting and which may: -
  - a. mislead or fail to disclose such information as is prescribed by Statute to be displayed on such stationery;
  - b. make reference to any other business save that of Loss Adjusting;
  - c. make reference to any appointments he may hold or the names of his clients;

- d. reflect any qualification other than an academic qualification conferred on him by any university, technikon or by any professional body, including that of the Institute of Loss Adjusters of Southern Africa, to which he belongs, and is in good standing, and which entitles him to display any designatory letters or title which may include ACII, AIISA, FCII, FIISA, FIFAA, AILA;
23. A Loss Adjuster must at all times comply with and adhere to the Constitution and By-Laws of the Institute of Loss Adjusters of Southern Africa.
24. Failure to comply with this Code of Conduct may lead to the dismissal of a member from the Institute of Loss Adjusters of Southern Africa in terms of the Institute's Constitution and By-Laws.
25. Any Loss Adjuster who is in breach of this Code of Conduct shall be presumed to have committed an act of unprofessional conduct.