

2011

**CODE OF CONDUCT AND
ETHICS**

**INSTITUTE OF
CLERKS OF
WORKSKENYA(IC
WK)**

25/4/2011

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WORKSKENYA
(ICWK)**

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(2011)

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ABBREVIATIONS

ICWK: Institute of Clerk of WorksKenya

APSEA: Association of Professional Societies in East Africa

KACC: KenyaAnti Corruption Commission

ACKNOWLEDGEMENT

This Code of Conduct and Ethics has been prepared by ICWK in collaboration with APSEA and EACC.

This letter is official acknowledgements of the good work the EACC and APSEA have done in helping ICWK develop a code of conducts and ethics for its members. This document will go a long way in streamlining the way construction inspectorate and supervision is carried out in Kenya.

The Management of the ICWK would like to sincerely thank the EACC for their guidance in formulating our Code of Conduct.

The ICWK would also like to thank APSEA for keeping us focused in formulating the Code of Conduct and Ethics and liaising with other stake holders in this process which looked impossible to accomplish. Truly the documents will go a long way in strengthening and improving professionalism among the ICWK members.

Lastly ICWK recognizes its own members who made valuable contribution to the production of this document

James WaguraGikandi, FICWK, LAAK(A)

CHAIRMAN, INSTITUTE OF CLERK OF WORKS KENYA

FOREWARD

The institute of clerk of works was formed in 1976 with the main objective of bringing together construction works inspectors and supervisors for purpose of enhancing their professionalism in construction inspectorate

The Association of Professional Societies in East Africa in collaboration with Ethics and Anti-Corruption Commission invited the Institute of Clerks of Works Kenya to a consultative meeting on development of Codes of Conducts and Ethics for Professionals.

Following the meeting, ICWK with the guidance of a code of conduct template provided by the EACC through APSEA embarked on the process of formulating the Institutes Code of Conduct and Ethics.

The draft has also been pondered on through numerous brainstorming sessions by members and we can confidently report that it is member owned.

The code main objective is to give guidance on enhancement and maintenance of high standards of professionalism. It is expected that this code of conduct and ethics will be a tool to help ICWK and its members attain standards that are compliant internationally

ICWK takes this chance to sincerely thank APSEA and EACC for the facilitation and understanding during this process of preparing this code.

The Institute of Clerks of Works Kenya is ready to play its rightful role with other stake holders in providing professional construction works inspection services under the guidance of this **Code of Conduct and Ethics**. All stake holders in the Construction Industry are requested to take note that one answer to collapsing structures is just a call away - **The ICWK**.

Isaac N. Wairegi, FICWK

HON SECRETARY, ICWK

1.0. INTRODUCTION

The Institute of Clerks of Works Kenya (ICWK) was registered in 1976 and brings together professional Construction Works Inspectors or quality control officers commonly referred to as Clerks of Works.

It is a corporate member of APSEA and it closely liaises with other professional bodies in enhancing its objectives in construction industry.

The Institute has a mandate to:

- 1.0.1** Advance, Protect and improve the practice of Inspection in the Construction Industry.
- 1.0.2** Share information about construction quality inspection and to promote standards of knowledge and conduct for all clerks of works.
- 1.0.3** Receive and process applications for registration, conduct examinations and register clerks of works who successfully meet all the requirements provided for in the Institutes Constitution.
- 1.0.4** Maintain the honor and integrity of the profession, and encourage ethical practices.
- 1.0.5** Advocate for better remuneration for Clerks of works.
- 1.0.6** Cooperate with government agencies having similar purposes and objectives.

2.0 Preamble

The goals of the ICWK require that all members observe the highest standards of professional ethics. Members have a responsibility to contribute to the good governance of the Institute and to help maintain its reputation for quality, probity, integrity, and impartiality.

This code presents guidelines for members' conduct, which are intended to be consistent with the specific standards of conduct applicable to ICWK members pursuant to the ICWK's Rules and Regulations.

The value of member reputation depends upon the ethical conduct of everyone affiliated with the ICWK in pursuit of excellence with powerful standards of quality,

performance, professionalism, and ethical conduct. Ethical conduct is not a passive process, but requires you to make conscious choices and decisions and to exercise good judgment, consistent with the ethical values of the organization embodied in this code.

Basic guidelines to keep in mind include:

- 2.0.1** act honestly and impartially while on duty at all times
- 2.0.2** Never make private use of, nor disclose without authorization, any confidential information
- 2.0.3** avoid outside activity that could reasonably be perceived as a conflict of interest; and
- 2.0.4** treat others in a courteous and professional manner at all times.

Failure to observe the Institute's Rules and Regulations may be grounds for disciplinary action which may include termination of membership. Disciplinary action may be imposed for such misconduct depending on factors such as the nature and seriousness of the violation and the member's prior record. Before disciplinary action is imposed, a member will be given the opportunity to present his/her views on the alleged misconduct, and, in case of disagreement with the action, may appeal against it.

PART ONE

3. PRELIMINARY

3.1. Objective of this code of conduct and ethics

This code of conduct applies to all Institutemembers. The Code is designed to be a useful guide for members as they carry out their ethical responsibilities. It anticipates and accommodates, by precedent, challenges that may arise. The code outlines the guidelines for member's conduct, which are prescribed in various Institute rules and regulations. It also provides guidance on how to exercise good judgment on ethical and quality matters.

The code outlines obligations of themembers. However, the Institute has the obligation to assist members in these matters by providing information and advice and by being responsive to members concerns about ethical issues.

Further the code clarifies clearly the obligations of members as Professional servants with regard to conduct both at work and elsewhere. The section on use and disclosure of information provides clear and practical guidance to members. The section on financial disclosure strengthens the safeguards needed to ensure that both the Institute and its members are seen as free of any conflict of interest and beyond reproach.

This code also takes cognizance of the institutes vision and mission as stipulated herein;

3.2. Vision:

"To provide site supervision personnel capable of giving clients quality work and value for their money."

3.3. Mission:

"Supporting construction through supervision"

3.4. Citation

This code may be cited asInstitute of Clerk of Works code of conduct and ethics

3.5. Definition

In this code unless the context otherwise requires, “member” means a duly registered member with the Institute of Clerk of Works Kenya.

3.6 Application

This code of conduct applies to all Institute of Clerk of Works Kenya members.

3.7. Information and Resources

Other governance/policy documents for reference include

- 1. ICWK constitution**
- 2. the Kenya building code**
- 3. General specification for building works by ministry of public works**
- 4. Relevant Codes of practice (CP)**
- 5. Clerk of works and site inspector handbook (Great Britain)**
- 6. Contract Documents**
- 7. Oxford English dictionary**
- 8. Constitution of Kenya 2010**

4. PART TWO

REQUIREMENTS

4.1. Basic Standard of Conduct

All members shall observe the highest standards of ethical conduct, consistent with the values of quality, integrity, impartiality and discretion. Members shall strive to avoid even the appearance of impropriety in their conduct. In the performance of their duties, members have a role of exclusive loyalty to the ICWK, and to its objectives, purposes, and principles.

4.1.1. Honesty

Members shall adhere to the highest standards of quality, accuracy and truth in advancing the interests of those we represent and in communicating with.

4.1.2. Accountability

Members shall act within the scope of their authority at all times, remain accountable for instructions, tasks delegated to others and are expected to exercise adequate control and supervision over matters for which they are responsible.

4.1.3. Professional competence and expertise

Members shall acquire and responsibly use specialized knowledge and experience. Members shall advance the profession through continued professional development, research, and education. Members shall build mutual understanding, credibility, and relationships among a wide array of institutions and audiences.

4.1.4 Independence

A member shall provide objective counsel to those they represent. They are accountable for your actions.

4.1.5 Loyalty

A member shall remain faithful to those they represent, while honoring their obligation to serve their interest.

4.1.6 Fairness

A member shall deal fairly with clients, employers, competitors, peers, vendors, the media, and the general public. They shall respect all opinions and support the right of free expression.

4.1.7 Integrity

Members shall act with integrity in all official activities, avoiding any behavior that would reflect adversely on the members or on the Institute. Integrity encompasses honesty, probity, and loyalty. A member shall provide accurate and complete information needed by the ICWK, Client, Consultants and/or any other stakeholders while executing your duties.

4.1.8 Impartiality

Members shall act with impartiality. A member shall take care that your expression of personal views and convictions does not compromise or appear to compromise the performance of your official duties or the interests of the Institute. A member official conduct must at all times be characterized by objectivity and professionalism. A member should not allow personal relationships or considerations, including bias or favoritism, to influence the performance of their official duties and shall avoid situations that create a conflict of interest.

4.1.9 Discretion

Members shall exercise the utmost discretion in their interactions and show tact and reserve in their pronouncements in a manner that is consistent with their status as a Professional servant. Members shall refrain from participating in any activity that is in conflict with the interests of the ICWK or would damage the ICWK's reputation. A member must respect and safeguard the confidentiality of information which is available or known to them by reason of their official functions.

5.2. Conduct as ICWK member

The basic values of impartiality, integrity, accountability, professionalism and discretion shall govern all your aspects of members conduct in their work.

5.2.1 Duty of loyalty

By accepting to join the ICWK, a member has promised to discharge the functions under the sole authority of the Institutes' code of conduct and ethics; and its rules and regulation. A member must respect the professional character of their position and maintain their independence by not accepting any instructions relating to the performance of their official duties from any other sources that compromise their duties.

5.2.2 Courtesy and respect

A member shall treat colleagues, whether supervisors, peers, or subordinates, with courtesy and respect, without harassment, or physical or verbal abuse. A member shall at all times avoid behavior at the workplace that, although not rising to the level of harassment or abuse, may nonetheless create an atmosphere of hostility or intimidation.

5.2.3 Sexual harassment

A member shall not sexually harass a member of the public or a fellow colleague

5.2.4 Diversity

In view of the professional character of the value that the Institute attaches to diversity, a member shall be expected to act with tolerance, sensitivity, respect, and impartiality towards other persons' cultures and backgrounds.

5.2.5 Non discrimination

A member shall not discriminate directly or indirectly individuals on the ground of age, gender, race, color, ethnic origin, marital status, disabilities etc.

5.2.6 Social Associations

A member should not associate with individuals and institutions which may put to question the integrity of the Institute or its members

5.3. Conflict resolution

The ICWK officials has a responsibility to make themselves available to members who may wish to raise concerns in confidence and to deal with such situations in an impartial and sensitive manner. The Committee should endeavor to create an atmosphere in which members feel free to use, without fear of reprisal, the existing

institutional channels for conflict resolution, and to express concerns about situations which are, or have the potential to be, conflictive.

5.4. Conduct in public

The Institute

- 5.4.1** Respects the privacy of members and does not wish to interfere with their personal lives and behaviour outside the workplace. However, the status of a Professional servant carries certain obligations as regards conduct, both at work and elsewhere.
- 5.4.2** Attaches great importance to the observance of local laws by members, as well as the avoidance of actions that could be perceived as an abuse of the privileges and immunities conferred on its members, as the failure to do so would reflect adversely on the institute
- 5.4.3** Is not in a position to investigate allegations that a member has violated local law. However, if concerns about a member's behaviour outside the workplace are brought to its attention by third parties, it is both appropriate and prudent that the member be informed about the matter.
- 5.4.4** It is not to determine whether local laws have been violated by a member, as that is for the courts to decide. However, if the a lawful order is received from a court or other governmental authority instructing the institute to withdraw a member's registration to satisfy an outstanding legal obligation, then the Institute will act accordingly .

5.5. Whistleblowers Protection

The will be no victimization for disclosures made in good faith to protect the image of ICWK or its members. The information shared will be handled confidentially and the identity of the source shall not be revealed

5.6. Use and Disclosure of Information

5.6.1 Disclosure of information

Open communication fosters informed decision making in a democratic society.

Intent:

To build trust with the client by revealing all information needed for responsible decision making.

Guidelines:

A member shall:

- 5.6.1.1 Be honest and accurate in all communications.
- 5.6.1.2 Act promptly to correct erroneous communications for which the member is responsible.
- 5.6.1.3 Investigate the truthfulness and accuracy of information released on behalf of those represented.
- 5.6.1.4 Reveal the sponsors for causes and interests represented.
- 5.6.1.5 Disclose financial interest (such as stock ownership) in a client's organization.
- 5.6.1.6 Avoid deceptive practices.

5.6.2 Safeguarding confidences

Client trust requires appropriate protection of confidential and private information.

Intent:

To protect the privacy, rights of clients, organizations, and individuals by safeguarding confidential information.

Guidelines:

A member shall:

- 5.6.2.1 Safeguard the confidences and privacy rights of present, former, and prospective clients and employees.
- 5.6.2.2 Protect privileged, confidential, or insider information gained from a client or organization.
- 5.6.2.3 Advise Immediately an appropriate authority if a member discovers that confidential information is being divulged by an employee of a client company or organization.

5.6.3 Use and disclosure of confidential information

A member of the Institute has a responsibility to protect the security of any confidential information provided to, or generated by, the ICWK. Accordingly, to avoid any unauthorized disclosure, and should be careful in handling confidential information. The basic principle of the rules and guidelines on information security is that confidential information may be communicated among members only in accordance with the rules/guidelines of document classification and must not be communicated to outsiders without authorization. Such authorization may take the form of either direct instruction from Executive committee to individuals or members, or general policies established by Executive committee. In addition, a member must not use any such confidential information for their own advantage; for example, in private business dealings (see Section vii).

5.7 Press relations, public statements and publications

A member shall not, without authorization, provide to the news media, publish, or make public statements relating to the policies or activities of the ICWK or to any national political question. A member is free to publish and speak about other subjects, but shall avoid any public communication not in keeping with their position as a Professional servant, which calls for reserve and tact.

Before responding to or initiating a press contact related to the policies or activities of the ICWK or a national political question, a member should consult ICWK before proceeding with the contact.

The ICWK owns the copyright for all written material a member produces as part of official duties, and has the right to publish such work in a manner it deems appropriate. If the Institute does not choose to publish a members , a member may, with the approval of ICWK, publish the work elsewhere. The same joint approval is required for works (including public statements) preparedat by a member at his/her own time, or prior to joining the Institute, if the subject of the work relates to the ICWK

or its activities, or to any national political question. In contrast, no approval is required if the subject is unrelated to the ICWK, its activities, or national political questions.

5.8. Conflicts of Interest, including Personal Financial Affairs

Avoiding real, potential or perceived conflicts of interest builds the trust of clients, employers, and the public.

Intent:

To earn trust and mutual respect with clients or employers.

To build trust with the public by avoiding or ending situations that put one's personal or professional interests in conflict with institute's interests.

Guidelines:

A member shall:

- 5.8.1** Act in the best interests of the client or employer, even subordinating the your personal interests.
- 5.8.2** Avoid actions and circumstances that may appear to compromise good business judgment or create a conflict between personal and professional interests.
- 5.8.3** Disclose promptly any existing or potential conflict of interest to affected clients or organizations.
- 5.8.4** Encourage clients and customers to determine if a conflict exists after notifying all affected parties.

A member shall avoid any situation involving a conflict, or the appearance of a conflict, between personal interests and performance of official duties. In dealings with clients, consultants, authorities, suppliers, and other parties, a member should act in the best interest of the Institute to the exclusion of any personal advantage. If a potential conflict exists, a member shall make prompt and full disclosure to ICWK and seek its views as to whether a member should rescue himself/herself from the situation that is creating the conflict or the appearance of conflict.

5.9. Free Flow of Information

Core Principle is to Protect and advance the free flow of accurate and truthful information which is essential to serving the public interest and contributing to informed decision making in a democratic society.

Intent:

To maintain the integrity of relationships with the media, government officials, and the public.

To aid informed decision-making.

Guidelines:

A member shall:

- 5.9.1** Preserve the integrity of the process of communication.
- 5.9.2** Be honest and accurate in all communications.
- 5.9.3** Act promptly to correct erroneous communications for which the member is responsible.
- 5.9.4** Preserve the free flow of unprejudiced information when giving or receiving gifts by ensuring that gifts are nominal, legal, and infrequent.

5.10. Competition

Promoting healthy and fair competition among professionals preserves an ethical climate while fostering a robust business environment.

Intent:

To promote respect and fair competition among clerk of works professionals.

To serve the client interest by providing the widest choice of practitioner options.

Guidelines:

A member shall:

- 5.10.1** Follow ethical hiring practices designed to respect free and open competition without deliberately undermining a competitor.
- 5.10.2** Preserve intellectual property rights in the marketplace.

5.11. Enhancing the Profession

Each member shall work constantly to strengthen the public's trust in the profession.

Intent:

To build respect and credibility with the public for the profession of clerks of works.

To improve, adapt and expand professional practices.

Guidelines:

A member shall:

5.11.1 Acknowledge that there is an obligation to protect and enhance the profession.

5.11.2 Keep informed and educated about practices in the profession to ensure ethical conduct.

5.11.3 Actively pursue personal professional development.

5.11.4 Decline representation of clients or organizations that urge or require actions contrary to this Code.

5.11.5 Counsel subordinates in proper ethical decision making.

5.12. Use of ICWK property, facilities, and supplies

Members have a responsibility to ensure that ICWK resources are used for the official business of the ICWK and a member is expected to devote their time during working hours to the official activities of the ICWK.

A rule of reason applies to the personal use of ICWK premises or equipment.

5.13. Disclosures

A member shall disclose any financial or business interests that a member or a member's immediate family members have that might be in actual or apparent conflict with the Institutes duties. A member shall make this disclosure to The Management Committee of ICWK . The officers designated by management should make a written record of the disclosure for the protection of the staff member.

All members shall certify, according to a periodicity and in a form to be prescribed by the Institute, that they have read the policy on conflicts of interest and that they are in

compliance. If a member is unsure about the extent of your compliance, you should provide further explanations as provided for in the certification form. In addition, the institute may require a member to file a confidential statement of financial interests and activities, according to a periodicity and in a form prescribed by the Institute. These statements shall be filed with and examined by the committee designated by the Management Committee.

5.14. External Activities

5.14.1 Political activities

The ICWK is a non political organization and members are not barred from being members of any political grouping

5.14.2 Acceptance of gifts, decorations and honors

Members of the institute shall not accept gifts, benefits or favours from clients where these may influence or may seem to influence his or her decision

5.15. Disciplinary Proceedings

The Institute Disciplinary Committee shall receive and investigate written and signed complaints against Registered Clerks of Works, make findings thereupon. The Institute Disciplinary Committee through the management may reprove, suspend, revoke, the certificate of any member registered or certified hereunder; or reprove, suspend or revoke the authorization granted to any member who has done any of the following:

- 5.15.1** Who has been convicted of a misdemeanour or felony arising from or in connection with the practice as a clerk of works.
- 5.15.2** Who has committed any deceit, misrepresentation, violation of contract, fraud or negligence in his practice as a clerk of works.
- 5.15.3** Who has committed any fraud or deceit in obtaining or renewing their registration or certification.
- 5.15.4** Who has aided or abetted any person in the violation of any provisions of these Articles.

5.15.5 Who presents or attempts to use as one's own the certificate of registration or certification of another.

5.15.6 Who gives false evidence of any kind to the institute, or to any agent thereof, in obtaining or in helping another to obtain a certificate of registration or certification

5.15.7 Who uses an expired or revoked certificate or certification

5.15.8 Who has violated any provisions of these Articles

The ICWK officials at their sole discretion may reissue a certificate of registration or certification to a person whose certificate has been revoked.

5.16. Enforcement of the code

ICWK through the officials shall be responsible for ensuring the code is implemented, understood and observed by the members.

The ICWK officials shall ensure members comply with the code. Failure to follow the guidance given may lead to disciplinary action through the laid down procedures.

All members of the ICWK shall comply with all the regulations and requirements as set out in this code and the constitution of ICWK. Members shall maintain a high personal integrity, moral standards and sound reputation by subscribing to this code.

5.17. Monitoring and Evaluation

The Institute will continuously monitor the implementation of the Code of Conduct through the existing structures. The institute will prepare an annual report on the implementation of the Code which will be disseminated to members and stakeholders

5.18. Review of the code

ICWK through the officials shall make provision for reviewing this code from time to time or when deemed necessary.

ICWK Member Code of Ethics Pledge

I pledge:

To conduct myself professionally, with truth, accuracy, fairness, and responsibility to the public; To improve my individual competence and advance the knowledge and proficiency of the profession through continuing research and education; And to adhere to the articles of the Member Code of Conduct and Ethics 2011 for the practice of a clerk of work as adopted by the General Assembly of the ICWK.

I understand and accept that there is a consequence for misconduct, up to and including membership revocation.

And, I understand that those who have been or are sanctioned by a government agency or convicted in a court of law of an action that fails to comply with the Code may be barred from membership or expelled from the Institute.

Signature:

Date:

APPENDIX I

(Form A)

Report of gifts received

To: (approving Authority).....

Description of Offeror.....

Name and title

Company.....

Relationship (Business/ personal).....

Occasion on which the gift was/is to be given.....

Description & (assessed) value of gift.....

Suggested method of disposal

Retained by receiving staff

Retained for display/as a souvenir in the office

Reserve as luck draw price at staff function

Donate to charitable organization

Return to offeror

Others (please specify)

Date..... Name of receiving staff.....

Title/Department.....

Part B- Acknowledgment (to be completed by approving authority)

To (receiving staff)

The recommended method of disposal is *Approved/Not Approved

The gift(s) concerned should be disposed of by way of

Date..... Name of approving Authority.....

Title/Department.....

APPENDIX 2

(Form B)

Declaration of conflict of interest

Part A- Declaration (to be completed by declaring staff)

To: (Approving Authority)

I would like to report the following **existing/potential*** conflict of interest situation arising during the discharge of my official duties

Person/companies with whom/which I have official dealings and/or personal interest

- 1.
- 2.
- 3.

Brief description of my duties which involve the persons/companies mentioned above and these are the areas of real/possible conflict of interest

- 1.
- 2.
- 3.

Date..... Name of declaring staff.....
Title/Department.....

Part B- acknowledgment (to be completed by approving authority)

To: Declaring staff

The information contained in your declaration for is noted. It has been decided that:

You should refrain from performing or getting involved in performing the work as described in Part A, which may give rise to conflict of interest

You should continue to handle the work as described in Part A, provided there is no change in information declared above.

Other conditions (please specify).....

Date..... Name of approving authority.....
Title/Department.....

***Please delete as appropriate**