



CODE OF CONDUCT FOR ADR PRACTITIONERS

2025

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CODE OF CONDUCT FOR ADR PRACTITIONERS

Preamble

This Code of Conduct provides ethical and professional standards to guide the practice of Appropriate Dispute Resolution (ADR) in Ghana. It is binding on all members of the Institute of ADR Practitioners–Africa (IADRP) and applies to mediators, arbitrators, negotiators, conciliators, and all professionals engaged in ADR processes.

1. Professional Integrity

- a. Practitioners shall uphold the highest standards of honesty, integrity, and impartiality in the discharge of their duties.
- b. No ADR practitioner shall engage in conduct that discredits the profession or undermines public trust in ADR processes.

2. Independence and Impartiality

- a. ADR practitioners must remain impartial and independent of the parties.
- b. Any conflict of interest—actual or perceived—must be disclosed in a timely manner.
- c. Practitioners shall withdraw from a process if their impartiality is compromised.

3. Confidentiality

- a. All information disclosed during ADR proceedings is strictly confidential and may not be shared without the parties' consent or legal requirement.
- b. Practitioners shall not use confidential information for personal or third-party gain.

4. Competence and Professional Development

- a. ADR practitioners must only accept appointments for which they are qualified.
- b. Members shall pursue Continuous Professional Development (CPD) to maintain and improve their knowledge and skills.
- c. Practitioners shall keep up to date with Ghanaian laws, cultural contexts, and international ADR standards.

5. Fairness and Equality

- a. Practitioners shall treat all parties fairly, without bias based on gender, ethnicity, religion, disability, or socioeconomic background.
- b. Equal opportunity shall be afforded to all parties to present their case.

6. Fees and Transparency

- a. Fees must be reasonable, measured, and agreed upon in advance.
- b. Practitioners shall not accept gifts or inducements that could influence the process.

7. Integrity of Awards and Agreements

- a. Members shall respect, uphold, and ensure the integrity of arbitral awards and mediation settlement agreements.
- b. Practitioners must not alter without consent of parties, misrepresent, or withhold such awards or agreements.
- c. Members shall ensure that parties fully understand the terms of settlements before signing, and that the agreements are voluntarily entered into.
- d. Any attempt to unduly influence, manipulate, or compromise the enforceability of an arbitral award or mediation settlement agreement shall constitute professional misconduct.

8. Accountability

- a. Practitioners are accountable to the Institute and to the parties they serve.
- b. Misconduct or violation of this Code may result in disciplinary action, including suspension or withdrawal of accreditation.

9. Respect for Parties and Process

- a. Practitioners shall ensure that ADR processes are conducted with dignity, respect, and in a manner that promotes reconciliation and sustainable outcomes.
- b. They shall be mindful of cultural values, traditional norms, and community dynamics in Ghana.

10. Prohibition of Misrepresentation

- a. No practitioner shall misrepresent their qualifications, accreditation, or authority.
- b. Members must use the Institute's designations only in accordance with membership status.

11. Commitment to ADR Awareness and Advocacy

- a. Members shall promote the growth of ADR by contributing to awareness creation, education, and the expansion of ADR within Ghana's justice system.

12. Enforcement

- a. Complaints against practitioners shall be submitted to the IADRP Ethics and Disciplinary Committee.
- b. Sanctions may include warning, suspension, fines, or revocation of membership and accreditation.

DISCIPLINARY PROCEDURE

13. Disciplinary Procedure Framework

1. Guiding Principles

- a. The disciplinary process shall be fair, transparent, and timely.
- b. All members are entitled to a fair hearing and the right to appeal.
- c. Proceedings shall respect confidentiality and due process.
- d. The purpose is corrective, not punitive: to uphold integrity, protect parties, and strengthen ADR practice.

2. Grounds for Disciplinary Action

A member may face disciplinary action for:

- a. Breach of the Code of Conduct.
- b. Misrepresentation of credentials or unauthorized use of IADRP titles.
- c. Misconduct during ADR proceedings (bias, abuse of authority, bribery, breach of confidentiality).
- d. Criminal conviction involving dishonesty, fraud, corruption, or moral turpitude.
- e. Failure to meet professional obligations, including payment of dues and CPD requirements.

3. Disciplinary Structure

- a. **Ethics & Disciplinary Committee (EDC):** A standing committee appointed by Council to investigate and recommend sanctions.
- b. **Council of IADRP:** The final decision-making authority after receiving the EDC's recommendations.
- c. **Appeals Committee:** Independent panel constituted by Council for handling appeals.

4. Complaint Procedure

- a. **Filing a Complaint:**
 - i. Any party (client, practitioner, institution, or member of the public) may file a complaint in writing to the IADRP Secretariat.
 - ii. The complaint must include details of the alleged misconduct, supporting evidence, and contact information.
- b. **Preliminary Review:**
 - i. The Secretariat screens the complaint to confirm jurisdiction and admissibility.
 - ii. If admissible, it is referred to the Ethics & Disciplinary Committee (EDC).
- c. **Notification:**
 - i. The accused member is notified in writing within 14 days and given the opportunity to respond within 14 days after receipt of notification.

5. Investigation

- a. The EDC conducts investigations by reviewing documents, interviewing witnesses, and collecting evidence.
- b. Both complainant and respondent shall have equal opportunity to present their case.
- c. The process must be completed within 60 days, unless extended by Council for just cause.

6. Hearing

- a. A formal hearing may be convened if necessary.
- b. Both parties may be represented (by counsel or another member).
- c. Proceedings are recorded for transparency.

7. Decision & Sanctions

- a. After reviewing evidence, the EDC submits a written recommendation to the Council.
- b. Possible sanctions include:
 - i. Caution/Warning (first-time or minor breaches).
 - ii. Reprimand (formal written condemnation).
 - iii. Suspension (temporary withdrawal of membership rights or accreditation).
 - iv. Fines/Costs (where appropriate).
 - v. Revocation of Membership/Accreditation (for serious or repeated misconduct).
- c. Council communicates the final decision to all parties in writing.

8. Appeal Process

- a. The respondent may appeal to the Appeals Committee within 30 days of the decision.
- b. The Appeals Committee shall review the case independently and issue a final binding decision within 30 days.

9. Record-Keeping

- a. All complaints, investigations, and outcomes shall be recorded in the IADRP Ethics Registry.
- b. Sanctions involving suspension or revocation may be published on the Institute's website to protect the public.

10. Restorative Action

- a. The Institute may recommend remedial measures (e.g., further training, mentorship, supervised practice) as part of disciplinary outcomes.
- b. Reinstatement of membership may be considered upon evidence of rehabilitation and compliance.