



**Partners in Aid**

AUSTRALIA

## CODE OF CONDUCT

### Version control & review

Version	Date	Distribution
1.0	<2015	Board members; website link
2.0	June 2016	Board members; Committee members; Partner Organisations, website link
3.0	January 2018	Board members; Committee members; Partner Organisations, website link
4.0	April 2020	Board members; Committee members; Partner Organisations, website link, Social Media volunteers

## 1. BACKGROUND

- 1.1 This Code of Conduct applies to all Partners in Aid members and associates, including Board and Committee members and other volunteers. References to personnel hereafter refer to all these people.
- 1.2 Partners in Aid respects the values and ethics of our Partner Organisations and acknowledges that we do not have the right to dictate how they should conduct themselves. However, we reserve the right to only be associated with development projects in which all those involved – be they Partners in Aid personnel or Partner Organisation personnel – meet the standards of conduct required under this Code. Accordingly, references to personnel also refer to any of Partner Organisations' staff or volunteers directly involved in projects with which Partners in Aid is associated.
- 1.3 As part of the Partnership Agreement, each Partner Organisation will be asked to commit to this Code of Conduct and sign an agreement to this effect.
- 1.4 Partners in Aid expects that all personnel will not only adhere to the minimum standards of conduct required under this Code but will strive and encourage others to achieve the highest standards of conduct possible.
- 1.5 The Code has been developed to provide a set of guiding ethical principles, associated obligations and standards of conduct, to assist in determining acceptable standards of conduct in different contexts. It aims to ensure:
  - the promotion of a positive image of Partners in Aid, its personnel and the implementation of the projects with which it is associated, and
  - that a high standard of ethics and conduct will be demonstrated by all personnel.

- 1.6 It is important to note also that the absence of any specific reference in the Code to any act or omission that may bring discredit upon Partners in Aid or projects with which it is associated does not mean that such an act or omission is condoned or permitted.
- 1.7 Failure to adhere to any aspect of this Code of Conduct will result in possible termination of any association with Partners in Aid. Grave offences against certain aspects of this Code of Conduct may be reported to legal authorities.

## **2. ETHICS PRINCIPLES**

- 2.1 This Code of Conduct is based on the following fundamental ethics principles and obligations:
  - respect for the law and system of both the Australian and foreign Governments,
  - dignity and respect for all persons,
  - integrity,
  - diligence, and
  - economy, efficiency and effectiveness.
- 2.2 The standards of conduct described in this Code are derived from these ethics, principles and obligations. They apply directly to all personnel and are the standards that will be used when determining the appropriateness of a person's or organisation's conduct against the provisions of this Code.

## **3. STANDARDS OF CONDUCT**

### **3.1 Personal Conduct**

- 3.1.1 In the performance of all Partners in Aid and project-related responsibilities, all personnel must strive to achieve the highest standards of conduct and accountability, and to demonstrate high standards of professional integrity and honesty:
  - to act in good faith, with care and diligence, and in the best interests of Partners in Aid and the stakeholders of the projects with which it is associated,
  - to treat all persons, including children, with respect, dignity, and reasonable compassion, in an equitable and fair manner, and with proper regard for their rights and obligations, regardless of race, colour, gender, religion, ethnic or social origin or disability,
  - to comply with, and be seen to act within, the spirit and letter of the law and the terms of this Code,
  - when travelling internationally, to respect the laws and values of the host country,
  - to obey any lawful direction, instruction or order given by any person authorised by law to do so,
  - to disclose any financial wrongdoing, corruption, bullying, transactional

- sex, misconduct or maladministration of which they become aware,
- to act in the best interests of, and in a manner that will not reflect adversely on, Partners in Aid, its clients and partners and the stakeholders in projects with which it is associated, and the wider community,
- to conduct themselves in a manner that does not discredit the individual person, having regard to their position within Partners in Aid,
- to perform any duties associated with their position conscientiously, courteously, efficiently, impartially, and to the best of their ability, in a manner that bears the closest external scrutiny and meets all legislative and Partners in Aid standards,
- to set and maintain standards of leadership that are consistent with Partners in Aid's goals and policies, be seen at all times to act in support of these goals and policies, and actively contribute to their achievement,
- to seek to maintain and enhance the confidence of partners, colleagues, members, project stakeholders and the wider community in the integrity of Partners in Aid,
- to safeguard privacy and confidentiality of matters of a personal nature relating to other colleagues,
- to adhere to management principles and practices that foster the rights and wellbeing of personnel, and
- to ensure equitable and fair workloads are shared.

3. 1.2 All personnel are specifically prohibited from:

- engaging in intimidation, bullying, harassment, sexual or other forms of exploitation or unlawfully discriminating against or otherwise abusing any person, including children (see Section 4 below),
- improperly using their official powers or position, or allowing them to be improperly used,
- inappropriately distracting other personnel from carrying out their duties, or
- inducing other personnel to breach this Code.

### 3.2 Conflict of Interests

- 3.2.1 Personnel are expected to perform their duties in such a manner that stakeholder confidence and trust in the integrity of Partners in Aid and the projects with which it is associated are preserved.
- 3.2.2 Personnel should endeavour to arrange their private or other official affairs in a manner that will prevent any actual or apparent conflict of interests from arising wherever foreseeable.
- 3.2.3 Where a conflict of interest does arise between the private or other official interests of a person and the official duties or responsibilities of that person within Partners in Aid or in relation to a project with which Partners in Aid is

associated, the person is to disclose details of the conflict to the Board or relevant Project Coordinator.

- 3.2.4 Any conflict of interests relating to an individual's association with Partners in Aid will be resolved in favour of Partners in Aid and the public interest.
- 3.2.5 In the event that a person is obliged to adhere to a Code other than that applying in Partners in Aid (such as other professional codes) and ethical conflicts or dilemmas arise as a result, it is the person's responsibility to draw such conflict of interests to the attention of the Board for resolution in consultation with the relevant professional body.

### **3.3 Political Activity**

- 3.2.1 Any political activity by personnel is to be conducted in a private capacity.
- 3.2.2 Personnel are expected to clearly separate any official Partners in Aid action or views from any political action or views, and to ensure that no conflict of interests arises between such activity or comment and their official duties.
- 3.2.3 Partners in Aid personnel travelling overseas must never participate in any political or religious advocacy, demonstrations or attempts at conversion of nationals while representing the organisation.

### **3.3 Intellectual Property and Copyright**

- 3.3.1 Personnel must comply with all legislation, Partners in Aid policies and procedures, and contractual policies and procedures of clients, covering intellectual property and copyright.

### **3.4 Access to Information**

- 3.4.1 In the performance of Partners in Aid duties, personnel are granted access to many sources of information, confidential or otherwise. With this access comes a requisite level of accountability and trust that the information will only be used for official purposes.
- 3.4.2 It is the view of Partners in Aid that there is no excuse for personnel to betray the trust of Partners in Aid or its clients by making any unauthorised, improper or unlawful access or use of any official or confidential information available to them in the performance of their duties.
- 3.4.3 When dealing with official or confidential information of Partners in Aid, personnel are not to access, use or release information without an official purpose related to the performance of their duties within Partners in Aid.
- 3.4.4 Personnel need to be aware that this type of activity is viewed by Partners in Aid as misconduct and any personnel who breach the provisions of this section will be dealt with in accordance with the Partners in Aid Privacy Policies and Procedures Document.

### 3.5 Computer Use

- 3.5.1 Acceptable use by Partners in Aid personnel of the global internet, Partners in Aid internet service including electronic mail (email), and any connected computer communications network, server, personal computer workstation or laptop, is solely for Partners in Aid purposes.
- 3.5.2 As such, access to and use of the variety of internet services, both internal and external to Partners in Aid, are considered an organisation privilege and should be treated as such by all users.
- 3.5.3 In brief, Partners in Aid characterises as unethical and unacceptable, any activity which purposely:
- seeks to use internet services for private and personal business,
  - seeks to gain unauthorised access to any resources within or outside Partners in Aid,
  - disrupts the intended use of Partners in Aid's internet service and/or the global internet,
  - wastes resources (people, capacity, computer) through such actions,
  - destroys the integrity of or misuses any host/server information assets,
  - compromises the privacy of any users or other departments,
  - does not comply with applicable local and national laws,
  - compromises corporate proprietary or otherwise-sensitive information, or
  - does not comply with other corporate policies or procedures, including sending or forwarding emails which violate Partners in Aid's policy against discrimination, harassment, vilification and bullying e.g. emails with violent, sexual or racially offensive content.
- 3.5.4 Disciplinary action ranging from removing access to Partners in Aid computers or email addresses to cancelling Partners in Aid membership or disbarring from the Board membership may also be taken where infringements warrant formal action. Examples include:
- downloading, accessing, viewing and distributing prohibited material that is potentially discriminatory, offensive or which could be considered harassment; Partners in Aid reserves the right to monitor any and/or all Internet-related activity occurring through Partners in Aid Internet services.
  - the transfer of text and images etc. via e-mail and/or download from the Internet is only to be done when essential to the Partners in Aid's operation and a person's organisational responsibilities,
  - email is a direct form of communication from Partners in Aid to the recipient. As such, each person must be aware they are representing Partners in Aid when using email communications. Partners in Aid disclaimer is automatically appended to all external emails,
  - in addition to legal and moral obligations personnel must be wary of the
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possibility they may introduce a virus into a computer through pirate software, email or the Internet, or worse into the Partners in Aid's information database.

### **3.6 Access to Partners in Aid Resources**

3.6.1 In the performance of Partners in Aid responsibilities or responsibilities relating to projects with which Partners in Aid is associated, personnel are expected to:

- use or manage both human and material resources efficiently, effectively, and only for the benefit of Partners in Aid, its partners and the projects with which Partners in Aid is associated,
- avoid waste, misuse, abuse, or extravagant use, of resources of any kind belonging to or provided by Partners in Aid,
- ensure that all facilities, physical resources and other property belonging to or provided by Partners in Aid are given due care and maintenance,
- conserve and safeguard Partners in Aid assets,
- budget honestly, and
- respect the environment by engaging in environmentally friendly work practices.

### **3.7 Gifts and Benefits**

3.7.1 In their official capacity, personnel are not to solicit any personal or other benefits, except where specifically authorised by Partners in Aid (e.g. legitimate pursuit of donations or sponsorship in accordance with Partners in Aid policy).

3.7.2 Partners in Aid recognises that there will be instances where personnel will be offered benefits (gifts, etc.) and that under certain circumstances it will be appropriate for personnel to accept them. However, personnel are to avoid all situations in which the acceptance of any benefit could create an actual or apparent conflict of interests with their official duties.

3.7.3 Personnel are to consider the following when making this decision.

- Who is offering the benefit?
- What is the purpose of the offer?
- What is the timing of the offer?
- Does the value of the benefit exceed a nominal value?
- Is the offer likely to be regular or repetitive?
- Is acceptance of the benefit consistent with other Partners in Aid policy?
- Could the acceptance compromise you, another person or Partners in Aid?
- Could acceptance of the benefit stand external scrutiny?

3.7.4 If there is any doubt about the intention or integrity of the source making an offer, personnel are expected to reject the offer.

3.7.5 Where the value of the offer exceeds a nominal value of A\$20 or equivalent,

and refusal of the benefit may cause offence, the offer should be accepted and immediately brought to the attention of the Board.

3.7.6 To refrain from giving any sponsored child, or group of children, gifts.

### **3.8 Payments to Government Public Officials**

- 3.8.1 No personnel are allowed to provide a benefit, or cause a benefit to be provided, or offer or promise to provide a benefit, or cause an offer or promise of provision of a benefit, to any public official. This relates to any person employed, contracted, performing work, or representing any government body, public enterprise, or any international agency including any international or multilateral agency.
- 3.8.2 Should any representations be made by any persons soliciting such payment or the provision of any such benefits, then this should be reported immediately to the Board of Partners in Aid.
- 3.8.3 On occasions, local custom may suggest providing minor benefits to public officials to expedite minor routine government action. Partners in Aid does not condone such activities and if they are likely to occur, this should be discussed with the Board prior to taking action. Examples of such activity would include expediting the issuance of visas, provision of driver's licenses etc.
- 3.8.4 Any Partners in Aid persons found not adhering to the above policy, will be subject to disciplinary action. Should Partner Organisation personnel not adhere to the policy in the context of a project with which Partners in Aid is associated, any funding of the project by Partners in Aid may be terminated.

### **3.9 Child Protection**

- 3.9.1 Partners in Aid maintains a zero-tolerance policy towards child abuse.
- 3.9.2 No personnel are to engage in behaviour that is intended to shame, humiliate, belittle or degrade children, including using language towards children that is harassing, abusive, sexually provocative or culturally inappropriate.
- 3.9.3 No personnel are to engage in any form of sexual activity with children, where under all applicable laws, the child is under the age of consent.
- 3.9.4 All personnel are required to adhere to the following rules when dealing directly with children (excluding where applicable the person's own child(ren)), and in doing so take responsibility for ensuring that they do not place themselves in a position where they risk allegations being made against them:
- not invite unaccompanied children into a private residence unless they are in immediate risk of injury or in physical danger,
  - not sleep close to unsupervised children, unless necessary and then only in the presence of another adult,

- not access or store child pornography via any medium,
- refrain from physical discipline of children,
- provide gifts that are not part of the project (e.g. small prizes for winning games, school uniforms, etc) to sponsored children, and
- refrain from hiring children as domestic labour which is inappropriate for their age or places them at significant risk of injury.

3.9.5 When photographing or filming children for organisation-related purposes personnel must:

- endeavour to comply with local traditions and restrictions for reproducing personal images,
- obtain the informed consent of the child or parent/guardian of the child by explaining how the images will be used,
- ensure the images present children in a dignified and respectful manner, not a vulnerable or sexually suggestive manner, and
- ensure file labels do not reveal identifying information about the child if sending images electronically.

3.9.6 Personnel are obliged to immediately report concerns or allegations of child abuse in accordance with Partners in Aid's Child Safeguarding Policy.

3.9.7 Depending on the severity of the infringement, failure to abide by these policies will result in a person's Partners in Aid membership being terminated and / or future visits to project locations as a representative of Partners in Aid being prohibited. If appropriate, Partner Organisations will be informed that any project visits by the person are no longer approved by Partners in Aid.

3.9.8 Partners in Aid will appoint a prevention of sexual exploitation and abuse focal person.

## 4 FINANCIAL WRONGDOING

4.1 Partners in Aid regards and treats seriously any financial wrongdoing and maintains a zero- tolerance position towards financial wrongdoing.

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<sup>1</sup> Cited in ACFID. <https://acfid.asn.au/financial-wrongdoing-policy/part-2-good-practice-guidelines-and-tips>

<sup>2</sup> Transparency International Anti-Corruption Glossary <https://www.transparency.org/glossary/term/bribery>

<sup>3</sup> Transparency International Anti-Corruption Glossary <https://www.transparency.org/glossary/term/corruption>

<sup>4</sup> ACFID Code of Conduct <https://acfid.asn.au/content/general-definitions>

<sup>5</sup> ACFID Code of Conduct <https://acfid.asn.au/content/general-definitions> / Commonwealth Attorney-General's Department Fraud Control Framework

p.32 <https://www.ag.gov.au/CrimeAndCorruption/FraudControl/Documents/CommonwealthFraudControlFramework2017.PDF>

<sup>6</sup> Transparency International Anti-Corruption Glossary [https://www.transparency.org/glossary/term/money\\_laundering](https://www.transparency.org/glossary/term/money_laundering)



*Forms of Financial Wrongdoing<sup>1</sup>*

*Bribery* – the offering, promising, giving, accepting or soliciting of an advantage as an inducement for an action which is illegal, unethical or a breach of trust. Inducements can take the form of gifts, loans, fees, rewards or other advantages.<sup>2</sup>

*Corruption* – the abuse of entrusted power for private gain.<sup>3</sup>

*Counter-terrorism* – the practice, techniques and strategy used to combat or prevent terrorism.<sup>4</sup>

*Financial Wrongdoing* – behaviour that is illegal or immoral with regards to financial transactions. Includes bribery, corruption, fraud, money-laundering, terrorism financing and violation of sanctions imposed by the Australian government.

*Fraud* – Dishonestly obtaining a benefit, or causing a loss, by deception or other means.<sup>5</sup> It extends to benefits obtained or derived that can be both tangible and intangible.

*Money Laundering* – the process of concealing the origin, ownership or destination of illegally or dishonestly obtained money and hiding it within legitimate economic activities to make them appear legal.<sup>6</sup>

*Terrorism Financing* – intentionally providing or collecting funds and being reckless as to whether those funds would be used to facilitate or engage in a terrorist act.<sup>7</sup>

*Whistle-blower* – A member of staff, volunteer, contractor or partner who reports suspect wrongdoing, including suspicion of fraud, misuse of resources, neglect of duties or a risk to health and safety.<sup>8</sup>

- 4.2 Prior to signing any agreements regarding Board appointments or with partners, the name of the individual or organisation will be checked against the DFAT ‘Consolidated List’ of persons and entities subject to targeted financial sanctions (imposed by resolution of the UN Security Council), and the Attorney-General’s Department ‘List of Terrorist Organisations’ as per Division 102 of the *Criminal Code 1995*. Partners in Aid will not engage with any individuals or entities that appear on those lists.
- 4.3 All members and Partner Organisations are responsible for financial wrongdoing prevention and detection. In the case of any incident of suspected or detected financial wrongdoing arising from the actions of Partners in Aid personnel, the incident must be reported immediately to the Partners in Aid Board. In the case of any incident of suspected or detected financial wrongdoing arising from the actions of someone in a Partner Organisation and affecting a project with which Partners in Aid is associated, this should be handled accordingly to the Partner Organisation’s formal internal procedures and must be reported to the Partners in Aid Project Coordinator and thereafter to the Partners in Aid Board. This report will be in writing and will initially include the following information:
- Name of the project or activity
  - Name of parties involved
  - Details of the suspected/detected financial wrongdoing, including a chronological account of the facts giving rise to the financial wrongdoing
  - Details of any witnesses
  - Copies of relevant documents
  - References to any relevant legislation
  - A nominated contact person
  - Any other relevant information (e.g. possible local sensitivities, relevant in-country

agencies that can assist with investigations)

- The current status of any inquiries.

**Contact details for reporting incidence of financial wrongdoing can be found on the Partners in Aid website (<https://partnersinaid.org.au>)**

- 4.4 Subject to the decision of Partners in Aid Board, Partners in Aid will investigate the suspected or detected financial wrongdoing and the Board will agree on a strategy to be followed to obtain redress, where appropriate, in light of the investigation's findings. If the financial wrongdoing has occurred in the context of a project with which Partners in Aid is associated, Partners in Aid funding may be terminated in accordance with the Projects Policy and Procedures document. If there is reasonable prospect that laws were broken, police in an appropriate jurisdiction will be informed.

## 5 PARTNER DUE DILIGENCE

5.2 A full list of the parameters that Partners in Aid considers before signing a Partnership Agreement is provided in Partners in Aid Partnership Policy. However, as a minimum, due diligence requires that the following parameters are assessed, and if it is not possible to work with the potential partner to remedy any deficiencies with respect to these parameters, Partners in Aid will not proceed with signing an agreement.

- The potential partner must be legally registered and have effective governance arrangements such as a Board, management structure, etc.
- The potential partner must have appropriate systems to manage its funds and maintain records and capacity to manage and control funds.
- The potential partner does not appear on any of the prohibited entities listed in 4.2 above.
- The potential partner has the capacity to implement key safeguarding and risk policies, such as child safeguarding, protection of vulnerable persons from sexual exploitation, financial wrongdoing, complaints, separation of development and non-development activity.
- The partner has the capacity to apply funds or resources in accordance with the promise to the donor, its strategy and its specific instructions.

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<sup>7</sup> Living Safe Together <https://www.livingsafetogether.gov.au/informationadvice/Pages/counter-terrorism-laws.aspx#q3a>

<sup>8</sup> ACFID Code of Conduct <https://acfid.asn.au/content/general-definitions>

## 6 DETERMINING APPROPRIATE CONDUCT

- 6.2 In the first instance, personnel are expected to assess the appropriateness of their own conduct in relation to decisions or actions they take as follows:
- Would your decision or action withstand scrutiny by the community or Partners in Aid?
  - Will your decision or action comply with this Code of Conduct and other Partners in Aid policies?
  - Does your decision or action comply with all laws, regulations and rules?
  - Is your decision or action fair to the community, your family, your colleagues and others?
- 6.3 Partners in Aid's responsibility in determining whether a person's conduct is right and proper in terms of this Code requires examination of:
- the nature of the conduct exhibited, and
  - the context in which the conduct takes place.
- 6.4 Appropriateness of conduct is determined within this framework, with reference to the expectations of Partners in Aid, applicable legislation, the wider community and the provisions of this Code.
- 6.5 Where the conduct of a person does not satisfy the self-assessment criteria above, or will otherwise adversely reflect on Partners in Aid, it will be deemed by Partners in Aid as inappropriate hereunder.

## 7 BREACHES OF STANDARDS OF CONDUCT

- 7.2 All personnel are expected to familiarise themselves with this Code and ensure that its provisions are observed.
- 7.3 Failure to comply with standards of conduct outlined in this Code, without valid reason, will be addressed as an issue that may involve either termination of the person's position in Partners in Aid or termination of Partner in Aid's funding of a project or partnership with a Partner Organisation.
- 7.4 Personnel requiring advice or assistance concerning their obligations under this Code should seek assistance from the Partners in Aid Board.
- 7.5 When assessing perceived or actual breaches of the Code of Conduct, the Partners in Aid Board will adhere to the principles of natural justice, i.e. the affected person must be given the opportunity to present their case and have that information considered before any decision is made; and the decision maker must have no personal interest in the matter to be decided, have no bias as to the outcome, and act in good faith throughout the process.

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## AGREEMENT

I have read and understood Partners in Aid's Code of Conduct. I agree to adhere to and uphold it at all times.

Signed:

Print name:

Date:

Witness:

**Certification by Chair/CEO of [name of Partner Organisation]:**

I have read and understood this Prevention of Sexual Exploitation, Abuse and Harassment Policy and have ensured that my staff and project facilitators are familiar with the contents. I agree that [name of Partner Organisation] will adhere to and uphold it at all times.

Signed:

Print name:

Date: