

GOOD PRACTICE GUIDE

Registered Agency Code of Conduct Policy

This guidance provides information, including better practice approaches, for registered agencies developing and revising their code of conduct policy.

This information is consistent with compliance requirements against Performance Standards, gazetted under the *Housing Act 1983* (the Housing Act).

Introduction

The Housing Registrar issued a guidance note on 11 February 2019 requiring registered agencies to publish policies relating to tenancy management and rent setting online, including a code of conduct. Following this guidance note, the Housing Registrar is publishing a series of good practice guides containing compliance information and best practice approaches to developing and revising key policies.

This initiative was driven by the Housing Registrar's commitment to increasing transparency in the community housing sector, continuous improvement and enabling tenants and prospective tenants to better understand how tenancies are managed.

Compliance with Performance Standards

Registered agencies must have a code of conduct (and related policies/procedures) that demonstrates compliance with Performance Standards.

Performance standard 5 (Probity) requires registered agencies to maintain high standards of probity relating to their business, including establishing and administering an appropriate code of conduct.

For compliance assessments, the Housing Registrar may request from registered agencies a code of conduct (and related policies/procedures) that demonstrates compliance with Performance Standards.

Developing policies

The following factors should be taken into consideration when developing and revising a code of conduct policy.

The code of conduct (and related policies/procedures) should:

- include the scope of whom the policy applies to;
- identify the owner and relevant approvers of the policy and include the last revision date;
- include an overarching statement describing what the code of conduct is intended to do (e.g. a framework for ethical conduct and decisions making, acting with integrity, high standards of workplace behaviour and compliance with applicable laws);
- describe the consequences for breaches of the code of conduct; and
- describe the appropriate person(s) to raise breaches of the code with.

Conflict of interest

The code of conduct (and related policies/procedures) should include:

- the requirement to disclose conflicts of interest (potential, actual and perceived) as soon they are identified. This may include instances where the registered agency or relevant persons may be, or perceived to be, receiving a financial, political or personal benefit;
- the range of functions which a registered agency performs that could present the potential conflicts of interest; and
- how the registered agency will identify and manage conflicts of interest.

Refer to CHIA Vic Model Code of Conduct Policy for further guidance.

Gifts and hospitality

Registered agencies should give consideration to how gifts, meals and entertainment, or any other favour, are to be treated in their code of conduct, particularly in circumstances where accepting such gifts might compromise, or appear to compromise, the registered agency's ability to make objective business decisions which are in their best interests. For example, there may be certain circumstances where accepting token gifts from tenants is deemed acceptable (but potentially declared on the gifts and entertainment register), however, gifts from potential suppliers may be prohibited.

As best practice, registered agencies should consider whether their code of conduct (and related policies/procedures) includes details of what is considered to be a 'token offer' and 'non-token' offer and how these offers should be managed. For example:

- differentiation between a token offer and a non-token offer:
 - a token offer is a gift or hospitality of non-consequential or trivial value to both the person making the offer and the recipient, and is of a non-recurring nature; and
 - a non-token offer is a gift or hospitality that is, or may be perceived to be by the recipient, the person making the offer or by the wider community, of more than inconsequential value and/or of a recurring nature.
- how the registered agency manages the receipt of gifts and hospitality. This may include:
 - considering conflicts of interests and reputational risks;
 - requirements for refusing offers;
 - circumstances which permit the acceptance of offers;
 - how the registered agency will record offers of gifts and hospitality (e.g. a gifts and hospitality register); and
 - treatment of recurring offers.

Procurement

The code of conduct (and related policies/procedures) should describe the requirements for managing a procurement governance framework. This may include:

- reference to the systems and procedural arrangements which ensure appropriate levels of control and probity;
- procedures describing how the procurement processes should be managed;
- appropriate allocation of roles and responsibilities including segregation of duties; and
- the controls in place to manage risks including instances of error and fraud.

Dealing fairly with stakeholders

Registered agencies should have policies/procedures that describe how it deals fairly and equitably with stakeholders. This may:

- include a framework on the fair and equitable treatment of stakeholders;
- identify who the stakeholders are; and
- state how the registered agency will engage with stakeholders.

Whistleblowing

To comply with Performance Standard 5 (Probity), registered agencies must either incorporate whistleblowing provisions in their code of conduct or refer to a separate whistleblowing policy in their code of conduct.

Whistleblowing provisions may include:

- who can make a disclosure (e.g. staff, suppliers, former employees and contractors);
- how a disclosure can be made and whether it will be anonymous;
- the types of matters which can be disclosed to the registered agency;
- the protection the whistleblower will receive from the registered agency and under law; and
- how the registered agency will ensure fair treatment of individuals mentioned in a disclosure.

Consider your actions and ask for guidance

Registered agencies should also give consideration to including a statement in their code of conduct to prompt relevant persons to consider what to do when in doubt about a course of conduct. This may include asking themselves:

- whether the course of conduct is consistent with the code of conduct;
- whether the course of conduct is ethical;
- whether the course of conduct is legal;
- whether the course of conduct will reflect well on them and the registered agency; and
- whether they would want to read about the course of conduct in the newspaper.

If the answer is “no” to any of these questions, the course of action should not be continued and escalated where appropriate, and if still uncertain guidance should be sought from line managers.

Other considerations

The code of conduct (and related policies/ procedures) should:

- outline how registered agencies will observe the confidentiality of business transactions and the privacy of individuals dealing with the registered agency;
- outline how registered agencies will protect their assets;

- reference compliance with Performance Standards and consider other sources of relevant internal/external information, which may include:
 - other related internal policies/procedures; and
 - Department of Health and Human Services and CHIA Vic.

All policies should use plain language, be accessible and easy to understand. Policies should contain enough details to convey the registered agency's approach to tenancy management and deliver key information to tenants and prospective tenants.

Other sources of information

Refer to the below links for further information:

- Performance Standards
- Guidance Agency Publication of Online Policies
- Australian Institute of Company Directors NFP Governance Principles
- CHIA Vic Model Code of Conduct Policy
- Victorian Public Sector Commission Model Gifts, Benefits and Hospitality Policy
- Victorian Government Purchasing Board Model Governance Policy

Assistance with policy development

If you need assistance with policy or website development, please contact CHIA Vic.