

# Care and Serve Incorporated

## Code of Conduct

### Introduction

The purpose of this Code is to provide advice on the standards of behaviour that are required of Care and Serve Incorporated committee members, volunteers and members. It provides guidance on Care and Serve's values and code of conduct and promotes ethical behaviour and sets expectations of our members, volunteers and third-party organisations across all locations.

It is not an exhaustive list of expectations for every aspect of the work undertaken by Care and Serve but provides an overview of acceptable, professional behaviour and what to do if an ethical issue or concern arises.

This Code applies at all times when a person is representing Care and Serve, or volunteering on behalf of Care and Serve, whether on our premises or off-site. Off-site volunteering includes volunteers working from home, at meeting places, function locations, charity locations or any other location where they are carrying out their work.

Care and Serve will continue to be a Not – for - profit organisation and pursue charitable purposes. We will keep financial records, and report information annually – including financial information.

Care and Serve will in general comply with the ACNC's Governance Standards which cover duties for Committee members and the External Conduct Standards which also cover conduct with third parties overseas.

### Definitions

**Accountability:** The processes through which an organisation makes a commitment to respond to and balance the needs of stakeholders in its decision-making processes and activities, and delivers against the commitment (Pathways to Accountability, the GAP Framework One World Trust, 2005).

**Beneficiary** means any person or entity which receives a benefit from an Organisation in pursuance of the Organisation's objects.

**Child:** Any person under the age of eighteen (18) years as defined by the Convention on the Rights of the Child

**Child Safeguarding:** Actions, policies and procedures that create and maintain protective environments for children to protect them from exploitation and abuse of all kinds (adapted from DFAT Child Protection Policy).

**Committee** is the governing body of an incorporated association, sometimes called the 'board', 'management committee', 'committee of management' or 'council'. The committee is responsible for overseeing the running of the association.

**Committee members** are members of the committee (or board) of an incorporated association – commonly, including office bearers (for example treasurer or president) and a small group of other people (often called 'ordinary committee members'). Committee members are sometimes called board members, which means the same thing.

**Complaint:** An expression of dissatisfaction with respect to service or code of conduct by any person in any form – verbal or written.

**Ethical:** Being in accordance with the rules or standards for right conduct or practice, especially the standards of a profession.

**Fraud:** Dishonestly obtaining a benefit, or causing a loss, by deception or other means.

**Governance:** The way in which an organisation is run, including who makes decisions and how they are made.

**Guidelines:** Information which outlines an organisation's expectations for a given process; a guide for a course of action or activities that can include rules, checklists, plans, procedures.

**Human rights:** Legal statements by the international community that assert the equality and dignity of all human beings. Includes civil and political rights and economic, social and cultural rights.

**Members:** Current formal members of Care and Serve Incorporated.

**Not-for-profit (NFP):** An organisation that has rules that do not allow it to distribute profits or assets to its members, the people who run it or their friends or relatives with which it is operating or winding up.

**Office bearer or officer** means a person who is appointed to a special position on the committee. The office bearers of most associations are the chairperson (or president), deputy chairperson (or vice-president), secretary and treasurer.

**Policy:** High level principles, rules, and guidelines formulated or adopted by an organisation to guide conduct and reach its long-term goals. Policies cannot override legal obligations in the Associations Incorporation Act 2009 (NSW) or the association's Constitution (or Rules), but they can supplement them.

**Third parties:** Other charity organisations based in Australia or India providing similar charity services in health, education and wellbeing sectors and being used by Care and Serve to achieve charity objectives of the organisation.

**Transparency:** An organisation's openness about its activities, providing information on what it is doing, where and how this takes place and how it is performing.

**Volunteer** means a person who performs a service for an Organisation without requiring compensation for performing the service.

**Unsatisfactory Conduct** means conduct by a Care and Serve member (or volunteer or a third party) that is neglectful of the Principles and Standards of Code of Conduct or that has minor adverse consequences to a Complainant or both.

## **Values**

Care and Serve's values are as below:

**INTEGRITY** - We act with honesty and are guided by ethical and moral principles in all that we do.

**ACCOUNTABILITY** - We take responsibility for our actions and are accountable to all our stakeholders, and in particular primary stakeholders, for our performance and integrity.

RESPECT - We recognise the value and diversity of every person and are committed to treating others with due regard for their rights, dignity and integrity.

EQUITY - We are committed to overcoming prejudices and disadvantage and promoting fair and just access to resources and opportunities.

SELFLESSNESS - We strive to work selflessly with a strong culture of selflessness for all our activities and everything we do.

### **Code of Conduct**

Care and Serve's Code of Conduct (the Code) outlines the obligations generally expected of all Care and Serve's members, volunteers and third-party organisations. All are expected to maintain a high standard of personal conduct and recognise that our organisation will often be judged by the way we represent it.

Everyone is expected to:

- Familiarise with and adhere to our policies and procedures and seek guidance if unclear of what is expected
- Be personally responsible and accountable for their own professional behaviour
- Treat others with respect and dignity at all times, in a way that aligns with charity values
- Work collaboratively with others, carry out duties to the best of ability and act in a professional and courteous manner, even in times of adversity
- Act in good faith at all times, with honesty, integrity, care, diligence and respect
- Foster, promote and contribute to an environment that is fair, inclusive, equitable and free from any form of harassment or discrimination;
- Comply with all laws including, but not limited to motor vehicle and licencing laws
- Respect the confidentiality of information entrusted during the course membership and volunteering, whether about other members, volunteers, charities, donors or suppliers
- Act ethically and responsibly in the event you become aware of an actual or potential conflict of interest and notify the Secretary as soon as possible, or seek his guidance if unsure
- Raise concerns or complaints in an appropriate manner, by following this Code and other relevant procedures where reasonably practicable
- Co-operate with any investigation of complaints or concerns regarding potential breaches of this Code (as deemed necessary by Care and Serve)

The Committee members are also expected to:

- Model the professional and ethical conduct expected of their team and everyone who volunteers for Care and Serve
- Promote and maintain an environment that upholds the professional standards of behaviour as outlined in charity policies
- Ensure that all members and volunteers are aware of and adhere to this Code and other policies and procedures, as well as understand how to raise a concern or complaint
- Provide support, feedback and instruction to members and volunteers in a constructive way that aligns to our values and policy and does not undermine performance
- Treat complaints seriously and confidentially
- Take appropriate action in response to breaches and complaints by others (even if there is no formal complaint) and seek advice from the Secretary if unsure

## **Compliance with Australian Laws**

All members and volunteers of Care and Serve need to be aware of the requirements of and will comply with all the relevant laws and legislations as listed on Care and Serves Legislation List (Attachment A). They will not act in a way that, under Commonwealth, state or territory law, could be dealt with as:

- an indictable offence (being a serious crime that is generally tried by a judge and a jury), or
- a breach of law that has a civil (not criminal) penalty of 60 penalty units (currently \$12,600) or more.

All members, committee members and volunteers need to be aware of the requirements of and comply with Care and Serve Constitution and Code of Conduct to facilitate compliance with all relevant Australian laws and legislations.

## **Suitability of Committee Members**

Care and Serve will take reasonable steps to be satisfied that its Responsible Persons (its committee members) are not disqualified from:

- managing a corporation under the Corporations Act 2001, or
- being a Responsible Person by the ACNC Commissioner, within the previous 12 months.

If Care and Serve is not satisfied, it will not appoint this person. If the person is already appointed, Care and Serve will take reasonable steps to remove them as a Responsible Person.

Care and Serve:

- understands how a person becomes disqualified
- has done a search of the ASIC Disqualified Persons Register for every committee member
- will do a search of the ACNC Register of Disqualified Persons for that person (the ACNC has not disqualified anyone at this time)

## **Duties of Committee Members**

Care and Serve's committee members have legal duties towards Care and Serve and will ensure that they act in the best interests of Care and Serve and in a way that doesn't endanger its work. They have a duty to avoid conflicts of interest and to act with reasonable care and diligence. They have a responsibility to put the interests of Care and Serve above their own personal interests.

Committee members are subject to duties under NSW incorporated associations legislation which are covered in Part 3 of Care and Serve's Constitution.

General duties of each committee member of Care and Serve are summarised as follows:

- to act with reasonable care and diligence
- to act honestly and fairly in the best interests of Care and Serve and for its charitable purposes
- not to misuse their position or information they gain as a Responsible Person
- to disclose conflicts of interest
- to ensure that the financial affairs of the charity are managed responsibly, and

- not to allow Care and Serve to operate while it is insolvent.

They should act in a way that protects Care and Serve's assets and ensures Care and Serve's financial affairs are managed in a responsible manner and for its charitable purpose. Their role includes:

- ensuring everyone - from the charity's committee, through to members, volunteers and relevant third parties are aware of the risk of fraud and what it can mean for Care and Serve
- using proper financial controls and procedures as per constitution, policy and procedures
- acting responsibly and in the interests of Care and Serve if it becomes the victim of fraud or other financial crime. This includes notifying the police and the ACNC and taking appropriate steps to manage the consequences of the fraud
- Comply with the ACNC four External Conduct Standards which are intended to promote transparency and provide confidence that resources sent, or services provided, overseas reach intended beneficiaries and are used for legitimate charitable purposes. These are further detailed in this Code of Conduct.

Care and Serve will take the following steps to meet these requirements by its committee members:

- bring these duties to the attention of committee members by providing them with a copy of this Code of Conduct and getting them to read the Constitution
- regularly provide information to Committee members on their duties to refresh their knowledge (such as by advising of ACNC webinars on relevant topics)
- encourage Committee members to attend, prepare for, and participate at meetings
- have processes for the responsible management of money
- have processes in place to manage conflicts of interests, and
- take action if Committee members are failing to meet their duties.

## **External Conducts**

As Care and Serve will be carrying out its charity activities in India through third parties, Care and Serve will comply with the ACNC External Conduct Standards that govern how a registered charity must manage its activities and resources outside Australia.

These Standards require Care and Serve to take reasonable steps to ensure appropriate standards of behaviour, governance and oversight are followed.

There are four External Conduct Standards that cover certain aspects of overseas operations.

1. Activities and control of resources (including funds)
2. Annual review of overseas activities and record-keeping
3. Anti-fraud and anti-corruption
4. Protection of vulnerable individuals

Care and Serve's policy and procedures to ensure compliance with these four Conduct Standards are detailed below and will be adhered to by all stakeholders.

### **Activities and control of resources**

Care and Serve's Committee members will

- take reasonable steps to ensure its activities outside Australia are consistent with its purpose and character as a not-for-profit
- maintain reasonable internal control procedures to ensure that funds, equipment, supplies and other resources are used outside Australia in a way that is consistent with Care and Serve's not-for-profit purpose and character, and
- take reasonable steps to ensure that funds, equipment, supplies and other resources provided to third parties outside Australia (or within Australia for use outside Australia) are applied in accordance with Care and Serve's not-for-profit purpose and character, and with reasonable controls and risk management processes in place.

Care and Serve will maintain reasonable internal control procedures to comply with Australian laws in the following areas while operating overseas:

- money laundering
- financing of terrorism
- sexual offences against children
- slavery and slavery-like conditions
- trafficking in individuals and debt bondage
- people smuggling
- international sanctions
- taxation, and
- bribery.

For any case where \$5000 or more is donated to any overseas organisation, Care and Serve will conduct risk analysis to identify how its overseas activities or funding could be at risk of misuse and will then develop a plan to manage these risks.

In general, Care and Serve will manage the risks of activities outside Australia by undertaking the following steps as appropriate and necessary:

- Keep an up to date list of the laws that affect Care and Serve's both local and overseas activities and understand the relevant requirements under those laws
- periodically review the list to ensure legal obligations are factored into plans for projects and activities
- Ensure all major (>\$5000) overseas funding and projects are properly approved by at least 3 of the four office bearers.
- Use secure, monitored services when transferring funds – for example, formal banking systems – and ask recipients to confirm receipt of the funds.
- Check the reputation and experience of third parties to decide whether they are suitable and whether they share Care and Serve's values.
- Make sure third parties have appropriate management policies and procedures.
- Monitor overseas projects – including those undertaken by third parties – and ask for regular reports on progress and finances.
- Establish procedures to detect wrongdoing – keep records of transactions and review them to ensure they're accurate and consistent with approved funding levels.
- Establish a process that allows people to report suspected wrongdoing without fear, recrimination or disadvantage.

In case of something going wrong, Care and Serve will manage the consequences to:

- prevent or minimise any further loss or damage
- report the incident to the responsible authority if required

- update its risk management plan and take reasonable steps to prevent the incident from re-occurring.

### **Annual review of overseas activities and record-keeping**

Care and serve will keep accurate records covering key facts for all of its operations outside Australia in time and will include:

- the types of activities it conducted in India
- details of how its activities in India enabled it to pursue and achieve its purpose
- details of all expenditure relating to its activities in India
- details of any procedures and processes it used to monitor its operations in India
- a list of the third parties it worked in India
- details of any documented claims of inappropriate behaviour by its Responsible Persons or volunteers outside Australia, and actions it took in response.

Care and Serve will generally keep records in electronic format or a hard copy for at least 7 years.

In case of long-term (longer than one year) funding of any specific project, Care and Serve will monitor and review the progress each financial year before committing or sending funds in subsequent years.

### **Anti-fraud and anti-corruption**

Care and Serve will have in place procedures to minimise any risk of corruption, fraud, bribery or other financial impropriety including the risk of resources being stolen or misused for illicit or illegal purposes by its Responsible Persons, employees, volunteers and third parties outside Australia.

Care and Serve will identify and assess the risks of fraud or other financial impropriety it faces when carrying out its work overseas and develop a plan to manage these risks. Some steps Care and Serve will take to manage risks include:

- Have adequate controls for proper and ethical financial management. Ensure members, volunteers and others that work with Care and Serve are familiar with them
- Keep detailed financial records and regularly check financial statements for any signs of financial wrongdoing
- Have a way for members, volunteers and others that work with Care and Serve or its third parties to report suspected wrongdoing without fear, recrimination or disadvantage
- Implement a clear conflict of interest policy and keep an updated conflicts of interest register. It will address any conflicts of interest when selecting overseas third parties, particularly when donating \$5000 or more to a single third-party overseas organisation.
- Thoroughly check a third party's reputation and experience before choosing to work with them. Make ethical conduct and good financial oversight a key criterion when selecting third parties.

### **Protection of vulnerable individuals**

Care and Serve intends to carry out many of its charity service activities through third party organisations both in Australia and India.

Care and Serve will take reasonable steps to ensure the safety of vulnerable individuals, volunteers and beneficiaries, associated with any third-party Australian or Indian organisation used for providing services.

‘Vulnerable individuals’ are defined as people under the age of 18, or those who may be either unable to take care of themselves – due to their age, an illness, trauma, disability, or some other disadvantage – or unable to protect themselves against harm or exploitation.

Care and Serve will identify and assess the risks to vulnerable people associated with its activities in Australia or in India, particularly when donating \$5000 or more to a single third-party local organisation or third-party Indian organisation. We will give special attention to high-risk activities linked to children and vulnerable people, such as overseas volunteering and child sponsorship. Some of the measures for managing risks will include:

- Develop a policy (refer attached Safeguarding Policy – Attachment B) that commits Care and Serve’s members, volunteers and third parties to behave appropriately and to protect vulnerable individuals. Make the safety of vulnerable people an important criterion when selecting third parties.
- Ensure members, volunteers, third parties, beneficiaries, and visitors are aware they should report suspected abuse to Care and Serve’s office bearers.
- Ensure the privacy of vulnerable people is always protected.
- Have a procedure for complaints that is accessible for all vulnerable persons, staff, volunteers and third parties. Deal with complaints appropriately, sensitively and promptly.
- Check the legal status, reputation and procedures of third parties. Ensure they have the appropriate registrations and licenses to conduct activities with vulnerable people, and that they meet required standards.
- Have written agreements with third parties and monitor third parties’ activities through regular reporting and checks when donating \$5000 or more to a single organisation.

Care and Serve will meet safeguarding requirements, or relevant minimum standards, as set out in both Australian law and the laws of India.

In case of something going wrong, Care and Serve will manage the consequences to:

- prevent or minimise any further loss or damage
- report the incident to the responsible authority if required
- update its risk management plan and take reasonable steps to prevent the incident from re-occurring.

### **Conflict of Interest**

No member or committee member or volunteer should engage in any activity which could be deemed to be in conflict with Care and Serve’s interests. All committee members of the organisation shall comply with Care and Serve’s Conflict of Interest policy.

### **Confidentiality**

As a general obligation, any member or volunteer must not disclose or use anything which could be considered intellectual property, other property, or confidential information belonging to Care and Serve or its donors or its beneficiaries without prior permission from the organisation or as required by law. It is unacceptable for anyone to make unauthorised use or disclosure of information to which he or she have had access.

Depending on the circumstances of the case, the unauthorised disclosure of information may lead to disciplinary action, including dismissal.

### **Breach of the Code of Conduct**

Care and Serve treats breaches of the Code seriously. All members and volunteers have a responsibility to act consistently with the standards and expectations set out in this Code. Failure to comply with these standards and expectations may lead to disciplinary action which could include termination of membership / volunteering.

If it is suspected that a breach has occurred, then one is encouraged to raise concerns with any committee member or office bearer of Care and Serve. Everyone has the right to raise legitimate concerns or complaints according to charity policy and procedure, without fear of victimization or reprisal. It is important that information about the concern or complaint is kept strictly confidential, except instances where compelled by law to disclose information or engaging with a support person.

Committee members have a responsibility to ensure that concerns or complaints are taken seriously and dealt with promptly.

### **Administration of this Code of Conduct**

This Code of Conduct will be reviewed every four years. The next review will be in January 2025.