

Residential Tenancies Board Code of Business Conduct for Mediators and Adjudicators
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1. Introduction

The purpose of this Code of Conduct is to set down the general principles and standards which govern the professional activities and conduct of Mediators and Adjudicators appointed to panels by the RTB under Section 164 of the Residential Tenancies Act 2004.

Where applicable, the provisions of the Code of Conduct are ancillary to the requirements set out in the *Code of Practice for the Governance of State Bodies (August 2016)*.

2. Intent and scope

The Code is designed as the accepted set of standards by which Mediators and Adjudicators of the RTB engage with all of their activities both internally and externally.

3. Objectives

The basic objectives of the Code are the:

- establishment of an agreed set of ethical principles,
- promotion and maintenance of confidence and trust,
- prevention of development or acceptance of unethical practices, and
- to reduce the potential for challenges to decisions.

4. Leadership and Public Service

- Comply with procedural guidelines issued from time to time by the RTB.
- Mediators / Adjudicators should conduct themselves in accordance with high standards of behaviour.
- Mediators / Adjudicators should at all times act, and endeavour to be seen to act, with impartiality towards the parties and be committed to serve all parties equally with respect to the process of mediation or adjudication.
- Mediators / Adjudicators should ensure that nothing they do or say should ever weaken the public's faith in the integrity of the RTB. Mediators / Adjudicators should avoid publicly criticising the RTB. Mediators / Adjudicators should bring to

the attention of the Board and / or the Executive any potential issue or grievance with the RTB.

5. General Principles

Mediators and Adjudicators shall have regard to the general principles of this Code:

5.1 Integrity

- i not represent any party at an adjudication, mediation or tribunal hearing during their term of appointment to the panel;
- ii declare a potential conflict of interest as soon as they become aware of same;
- iii act at all times in accordance with the highest standards of the RTB;
- iv avoid giving or receiving corporate gifts, hospitality, preferential treatment or benefits which might affect or appear to affect the ability of the donor or the recipient to make independent judgements on matters coming before the RTB;
- v avoid the use of the RTB's resources or time for personal gain, for the benefit of persons / organisations unconnected with the RTB or its activities;
- vi commit not to seek or use improperly, commercial information or business secrets obtained by improper means.

5.2 Information

- i support the provision of access by the RTB to general information relating to the RTB's activities in a way that is open and enhances its accountability to the general public;
- ii maintain the confidentiality of the mediation / adjudication proceedings and not disclose to persons not a party to the dispute, any report prepared by him or her under section 95(4) or 99 of the Residential Tenancies Act 2004. The use of information by the RTB for training, case consultation, disciplinary procedures or statistical purposes does not constitute a breach of confidentiality where anonymity is protected;
- iii observe appropriate prior consultation procedures with third parties where, in exceptional circumstances, it is proposed to release sensitive information in the public interest. This is with the exception of mediations which are subject to confidentiality;
- iv comply with relevant statutory provisions including familiarity with the current provisions and consequences of Freedom of Information legislation and Data Protection legislation.

5.3 Fairness

- i comply with employment equality and equal status legislation;
- ii ensure that all parties to the mediation and / or adjudication have adequate opportunities to be involved in the process.

iii bring any procedural concerns to the RTB in the first instance.

6 Review

The Code will be reviewed by the RTB on a regular basis.

7. Approval

The Code was reviewed and approved by the Board on 28 July 2017.

Residential Tenancies Board