

CONFLICT OF INTEREST POLICY AND PROCEDURE

Purpose and Scope

The purpose of this policy and procedure is to set out how Empowered Community Services manages conflicts of interest in an open and transparent manner. It applies to all staff and meets relevant legislation, regulations and Standards as set out in Schedule 1, Legislative References.

Applicable NDIS Practice Standards

Governance and Operational Management

Outcome

Each participant's support is overseen by robust governance and operational management systems relevant (proportionate) to the size and scale of the provider and the scope and complexity of supports delivered.

Indicators

- Perceived and actual conflicts of interest are proactively managed and documented, including through development and maintenance of organisational policies.

Conflict of Interest Specialised Support Coordination

Outcome

Each participant receives transparent, factual advice about their support options which promotes choice and control.

Indicators

- Conflict of interest policies are provided or explained to each participant using the language, mode of communication and terms that the participant is most likely to understand.
- Each participant is supported to understand the distinction between the provision of specialised support coordination and other reasonable and necessary supports funded under a participant's plan using the language, mode of communication and terms that the participant is most likely to understand.
- If the provider has an interest in any support option available to the participant, the participant is aware of this interest. The participant understands that any choice they made about providers of other supports will not impact on the provision of the specialised support coordination.

Definitions

Conflict of Interest - A situation where a person can derive a real or perceived benefit from actions or decisions made in their official capacity, where their decision is affected by relationships. These relationships can be because of family, friends or other positions they

hold (for example, sitting on Boards).¹

Registered Support Coordination Provider – an NDIS provider who is registered to help NDIS participants to identify, connect with and work with service providers who provide the supports best suited to them. These providers must be registered to provide Support Coordination.

Policy

Empowered Community Services acts with integrity, honesty and transparency and supports participants' choice and control. This includes disclosing any conflicts of interest – perceived or actual – that may impact how it delivers supports.

Procedures

General

When making decisions, staff should consider:

- whether they have any personal or private interests in a matter that may conflict or be perceived to conflict with their duties;
- whether there could be a benefit for them, their family or their friends into the future if they are involved in a particular matter;
- how their involvement will be viewed by others; and
- whether their involvement in a decision being made appears fair and reasonable.

All staff should avoid involving themselves in matters that conflict with their duties to Empowered Community Services and the participants they support. Where a conflict is unavoidable, staff must declare it to the Managing Director as soon as practicable after they become aware of it. This includes actual, potential and perceived conflicts of interest.

Staff who are uncertain about whether a conflict of interest exists should seek advice from the Managing Director or Management Team before proceeding.

Once a conflict of interest has been declared, the Management Team must decide what action to take to manage it. Conflicts of Interest must be recorded and monitored in Empowered Community Service's *Risk Register*.

Staff must not accept any money, gifts, benefits or commissions that could interfere with their ability or willingness to act in participants' best interests. Nor must they take advantage of their position to directly or indirectly gain a personal benefit or a benefit for another person or body.

NDIS Considerations

Staff must declare all potential, perceived and real conflicts of interest that could impact how they deliver supports, to all relevant participants or prospective participants. This includes conflicts of interest relating to financial, business or personal matters, as well as any financial or business interests that Empowered Community Services has with other organisations.

When providing supports to participants, staff must not influence or direct participants' or their supporters' decision-making, or limit their access to information, choice and control. Advice and information provided about support options (in and outside Empowered Community

¹ *NDIS Provider Toolkit Glossary*, National Disability Insurance Agency, August 2017

Services) must be accurate, transparent and objective. All participants must be treated equally and not given preferential treatment above others.

Empowered Community Services provides information about conflicts of interest to participants, their families and carers in a variety of ways. This includes through Empowered Community Service's website, social media channels, advertising, signage, handbooks and brochures. Written information can be provided in different languages and Easy English or explained verbally by staff. Empowered Community Services staff can also help participants access interpreters or advocates where required.

Empowered Community Services endeavors to provide information in formats that accommodate current and anticipated participant needs. This includes taking into account participants' cultural background, disability and specific communication needs.

Support Coordination

When delivering Support Coordination, staff must only recommend and provide supports that are appropriate to the needs of participants. This means providing truthful information about the:

- capacity, qualifications, training and professional affiliations of providers and their staff, including Empowered Community Services and its staff;
- supports, services or products delivered by providers, including Empowered Community Services; and
- full costs of supports and what these include.

Information provided to support participants' decision making may include quotes, cost breakdowns for different support options; other people's feedback about supports they've received and the risks and benefits of different supports.

Delivery of additional supports

Empowered Community Services must include and monitor the conflict of interest related to delivering Support Coordination along with other NDIS supports in its *Risk Register*.

This conflict of interest must be declared to all participants using Empowered Community Service's Support Coordination services, as part of their intake and assessment. Strategies to address the conflict must also be explained. Should a participant choose to use another provider because of this conflict, staff must respect their decision.

Strategies Empowered Community Services has in place to manage the conflict of interest involved in delivering Support Coordination along with other NDIS supports include:

- maintaining a clear separation of responsibilities between Support Coordination staff and other staff, as detailed in the *Governance Policy and Procedure*;
- providing participants with the option of several providers for each type of support they are seeking;
- where only one option of provider can be suggested for a particular support, thoroughly documenting the rationale for this, and reviewing it regularly;
- keeping detailed records of any issues that arise with supports provided to a participant by Empowered Community Services, including the actions taken and how the issue was resolved;
- continually working with participants and other areas of Empowered Community Services to understand how well their supports are meeting their needs and adjusting support delivery before issues emerge;
- explaining the difference between Support Coordination and other supports funded in

participants' NDIS plans, including the requirement that supports provided be reasonable and necessary; and

- explaining that any choice participants make about providers of other supports will not impact the provision of their Support Coordination.

People must also be informed about their right to change Support Coordinators and how they can go about doing so, as well as Empowered Community Service's feedback and complaints processes (see the *Feedback and Complaints Policy and Procedure*).

Supported Independent Living

Participants must be given the choice of the service providers who provide support to them. Regardless of which service provider/s they choose, their housing rights, including security of tenure, must be upheld.

Where Empowered Community Services delivers supported independent living services in properties that it owns or has interests in, staff must disclose this conflict of interest to participants, as part of their intake and assessment. Strategies to address the conflict must also be explained. Should a participant choose to use another provider because of this conflict, staff must respect their decision.

Code of Ethics and Proper Practice

The Management Team is responsible for setting the ethical framework for Empowered Community Services, defining and nurturing fundamental values.

Empowered Community Services requires high standards of ethical conduct from all Management Team members and employees, including:

1. Act honestly and in good faith at all times.
2. Declare all interests that could result in a conflict between personal and organisational priorities.
3. Ensure scrupulous avoidance of deception, unethical practice or any other behaviour that is, or might be construed as, less than honourable in the pursuit of Empowered Community Services' business.
4. Disclose any matters, including medical grounds, of which they are aware that may have an impact on their ability to perform their duties.
5. Not disclose to any other person confidential information other than as required under law.
6. Act in accordance with their fiduciary duties, complying with the spirit as well as the letter of the law, recognising both the legal and moral duties of their role.
7. Abide by management decisions.
8. Not do anything that in any way denigrates Empowered Community Services or harms its public image.
9. Ensure that all staff are treated with due respect and are provided with a working environment and working conditions that meet all reasonable standards of employment as defined in relevant workplace legislation.

10. The Management Team will regularly review its own performance as the basis for its own development and quality assurance.
11. Carry out meetings in such a manner as to ensure fair and full participation of all attendees.
12. Ensure that assets are protected via a suitable risk management strategy.

Supporting Documents

Documents relevant to this policy and procedure include:

- *Risk Register*

Monitoring and Review

This policy and procedure will be reviewed at least annually by the Management Team. Reviews will incorporate staff, participant and other stakeholder feedback, where relevant.

Annual satisfaction surveys/other methods of obtaining feedback will assess participant and staff satisfaction with Empowered Community Service's conflict of interest processes and provide stakeholders with the opportunity to provide feedback on areas for improvement.

Empowered Community Service's *Continuous Improvement Register* will be used to record improvements identified and monitor the progress of their implementation. Where relevant, this information will be considered as part of Empowered Community Service's service planning and delivery processes.

DOCUMENT CONTROL

Version No.	Issue Date	Document Owner
1	01/01/2019	Managing Director
Version History		
Version No.	Review Date	Revision Description
1	09 December 2019	Policy and Procedure Manual created to meet NDIS Quality and Safeguard Commission Practice Standards.