CONFLICT OF INTEREST

POLICY NUMBER: **NDIS GOV 18**

INTENT

This Policy is to provide a framework for all Management Committee members, Employees and Volunteers to manage potential or actual conflict of interest and determine how to deal with situations which may arise.

Management Committee members, employees and volunteers may not be involved, employed or engaged in any activity which may be or is likely to create a conflict of interest. Real Living Options Association Inc. is committed to ensuring that actions and decisions taken at all levels in the Service are informed, objective and fair. A conflict of interest may affect the way a person acts, the choices they make, or the way they vote on group decisions.

DEFINITION

***Conflict of Interest*:** Conflict of interest means having an interest whether personal, financial or otherwise which conflicts or which may reasonably be perceived as conflicting with the ability of the person to perform their obligations fairly and objectively and which refers to a situation in which personal and/or financial considerations may compromise any decisions made or the carrying out of duties by Management Committee members, Staff or Volunteers.

***A Participant**:* For the purposes of this policy is an individual whose access request to the National Disability Insurance Scheme (NDIS) has been determined "eligible*".*

POLICY STATEMENTS

- The Management Committee of Real Living Options Association Inc. is committed to high standards of ethical conduct and accordingly places great importance on making clear any actual or potential conflict of interest*.*
- The Management Committee of Real Living Options Association Inc. is intentionally composed with a majority of its members being family/advocates of people using the Service. This is a strength of the Service as family members are the most appropriate representatives for people using the Service. Therefore, decisions made by the Management Committee that affect the whole Service are usually not considered to be a conflict of interest.
- As a Registered Provider of Support under the National Disability Insurance Scheme, Real Living Options Association Inc. will act in the best interest of Participants ensuring that they are informed, empowered and able to maximise choice and control.
- Real Living Options Association Inc. will:
    - Manage conflicts as contained in the NDIS Operational Guidelines or pricing arrangement and guidelines as updated from time to time.
    - Have governance arrangements in place that ensure that all participants are treated equally and that no participant is given preferential treatment above another in the receipt or provision of supports

- The Service will have systems, policies and processes in place to ensure that the ethical values of the Service do not impede a Participant's right to choice and control and does not direct or influence a Participant's choice.
- A conflict of interest may occur if an interest or activity influences or appears to influence the ability of a Management Committee Member, Employee or Volunteer to exercise objectivity.
- Individual Management Committee members, Employees and Volunteers are responsible for declaring any actual or perceived conflict of interest in any situation where this could occur.
- The Conflict of Interest procedure will come into effect immediately once a conflict of interest is declared.
- Under no circumstances should a Management Committee member, Employee or Volunteer approach a Participant of Real Living Options Association Inc. and offer paid services outside of the Service. Any identified breach of this policy may lead to disciplinary action, including potential termination of engagement/employment.
- Employees of Real Living Options Association Inc. who also work as Independent Contractors are not permitted support the same Participant in both roles. They may be employed by the Service and work independently, just not with the same Participant as the Service deems this to be a conflict of interest.
- Employees who work for another Service and provide support to a Participant for both Service's must inform Real Living Options Association Inc.
- Real Living Options Association Inc. may take whatever action it determines appropriate to avoid an actual or potential conflict of interest. Such action may include transfers, reassignments, changing shifts, or, where the Employer deems such action appropriate, termination of employment.

PROCEDURES

- **Conflict of Interest is defined as applying:**
  - Where a Management Committee member, Employee or Volunteer stands to gain financially or personally from any business dealings, programs or services of the Service, other than where the person falls into the class of people benefited by the Service and the financial gain is of a nature common to other beneficiaries.
  - Where the immediate family or business connections of a Management Committee member, Employee or Volunteer stands to gain financially or personally from any business dealings, programs or services of the Service.
  - When a Management Committee member, Employee or Volunteer offers a professional service to the Service.
  - Where a Management Committee member, Employee or Volunteer has a role on the governing body of another Service, where the activities of that other body may be in direct conflict or competition with the activities of Real Living Options Association Inc.
  - When a Management Committee Member, Employee or Volunteer has business, family or friendship which may mean they are not able to maintain impartiality to the situation.

- When a Management Committee, Employee or Volunteer stands to gain personally or professionally from any insider knowledge if that knowledge is used to personal advantage.
- Where an employee chooses to work as an Independent Support Worker. If an Employee chooses to work privately with a Participant, their employment with the provider may be impacted. If an employee is approached by a Participant or their Family/Advocate of the Service to work independently, this may lead to a conflict of interest. The Employer must be informed of any such approach immediately.

- At any time, Employees of Real Living Options Association Inc. must not approach a Participant and/or their Family/Advocate for work. This is to ensure the health and safety of employees and Participants, as well as to manage fatigue. Working back-to-back or extended working days may impact on an employee's ability to perform their duties.
- Any employee of Real Living Options Association Inc. who engages in work for another employer or independently must advise Real Living Options Association Inc. of who the other employer is and the hours of work they are undertaking with them.
- The Service must have no financial or other personal interest that could directly or indirectly influence or compromise the choice of supports of a Participant. This includes the obtaining or offering of any form of commission.

Management of potential conflict of interest in the provision of support services

- Real Living Options Association Inc. will;
  - Act in the best interests of the Participant, ensuring that they are well informed, empowered and able to maximise choice and control over the implementation of their NDIS approved plan in terms of their own capacity, and the availability of supports and services within the Cairns region.
  - Not (by act or omission) constrain, influence or direct decision-making by a person with a disability and/or their Representative/Nominee so as to limit access to the person's information, opportunities and choice and control.

Governance to manage actual or perceived conflicts

- Real Living Options Association Inc. will ensure that the Service proactively manages perceived and actual conflict of interest, including through development and maintenance of this policy, and the following governance processes.
  - Staff education and Induction – educate all current and new staff on the Participant's legislative rights to choice and control under NDIS, beyond Service or ethical values.
  - Conflict of Interest Documentation – the establishment and management of the Conflict of Interest Register.

Gifts, Benefits or Commissions

- Real Living Options Association Inc. Management Committee, Staff and Volunteers will not accept any offer of money, gifts, services or benefits that would cause them to act in a manner contrary to the interest of the Participant.

- Any money, gift, services or benefits that are offered or given to a Management Committee Member, employee or volunteer of Real Living Options Association Inc. must be disclosed to the General Manager and/or Management Committee regardless of its value.

Procedures for declared conflict/potential conflict of interest at monthly Management Committee, Annual General, Sub Committee or Special Meetings.

- Members shall declare any conflicts of interest of which they become aware either at the start of the meeting concerned or when a relevant issue arises. The nature of this conflict of interest shall be entered into the meeting minutes.
- A Management Committee member who believes another Committee Member has an undeclared conflict of interest should identify to the President/Chairperson, the basis of this potential conflict.
- If an existing or potential conflict of interest is declared at a Management Committee meeting, the Secretary will record the disclosure in the Minutes.
- When a conflict of interest is declared it is to be recorded in the Conflict of Interest Register with the actions taken to control the conflict of interest.
- The Committee Member concerned shall leave the room as soon as that item comes up for discussion. The concerned Committee member shall not vote on that issue, nor initiate or take part in any Committee discussion on that topic (either in the meeting or with other Committee Members before or after the meeting), unless expressly invited to do so by unanimous agreement by all other members present.
- Confidentiality is to be adhered to in accordance with the Policy on Privacy and Confidentiality.

Employee Conflicts of Interest

- Any employee with an actual or perceived conflict of interest must identify the conflict of interest to the General Manager or Support Manager.
- Any employee who believes another employee has an undeclared conflict of interest should identify to the General Manager or Support Manager, the basis of this potential conflict.
- Where an Employee is also an Independent Support Worker or working for another Service, they must advise the General Manager or Support Manager.

DELEGATIONS

President

- To call for any perceived or actual conflicts of interest at committee meetings.
- To receive declarations of conflict of interest.

Secretary

- To record any conflict of interest in the Minutes.

All Management Committee members

- Ensure as far as practicable that governance arrangements and policy and procedures promote Participants being treated equally.
- To declare any conflict of interest or perceived conflict of interest.

- To identify if there could be a conflict of interest of any Management Committee Member.

General Manager

- Oversee that governance arrangements and policy promote Participants being treated equally.
- Ensure as far as practicable that staff have received training in managing conflict of interest.
- To identify his/her own conflicts of interest
- Record staff conflicts of interest.
- Maintain the Conflict of Interest Register.

All Staff

- Attend Staff training as required and adhere to this Policy.
- Identify situations when a conflict of interest or potential conflict of interest occurs and notify the Service.

RELATED DOCUMENTATION

- Minutes of Meetings
- Conflict of Interest Register
- Role and Responsibilities of Management Committee
- Terms of Reference of Sub-committees
- Code of Ethics
- Code of Conduct of Staff and Volunteers
- Code of Conduct of Management Committee members

REFERENCES

- Queensland Disability Service Act 2006
- National Disability Insurance Scheme Act 2013
- National Disability Insurance Scheme Terms of Business for Registered Providers
- Australian Privacy Principles (AAP)
- Privacy Act 1988
- NDIS Practice Standards and Quality Indicators

AMENDMENTS/REVIEWS

Amended 25.01.18, Amended 25.06.20, Amended 24.03.22, Amended 02.05.24