

Conflict of Interests

1 At a glance

- Who** This policy applies to the Sylvanvale Board, Executive team, Managers and Workers (including employees, volunteers, agency staff, contractors and students).
- What** A conflict of interests is defined as a situation in which a person has a private or personal interest, including but not limited to cultural, religious or social relationships, which might appear to influence the objective exercise of the person's duties to Sylvanvale.
- A conflict of interests may include offer of money, gifts, services or benefits that would cause a worker to act in a manner contrary to the interests of a Client.
- An organisational conflict of interests can also exist where Sylvanvale provides more than one type of supports and services to a Client. In these circumstances Sylvanvale may be able to exploit its professional or official capacity for corporate benefit.
- Conflicts of interests may include conflicts of a financial, business or personal nature.
- Why** Sylvanvale has specific responsibilities for identifying and responding to conflict of interests as a registered provider of supports under the National Disability Insurance Scheme (NDIS).
- These responsibilities include declaring and avoiding any real or perceived conflict of interests to ensure we act in the best interests of our Clients ensuring each Client receives transparent, factual advice about their support options which promotes choice and control.
- Sylvanvale will not give, ask for, or accept any inducement or gift that impacts or may impact on the way it provides supports or services under the NDIS, including any referral arrangements with other providers. Sylvanvale will not allow any financial or commercial interest in an organisation or company providing products, services or supports to people with disability to adversely affect the way in which the NDIS provider engages with people with disability.
- This policy creates a framework to apply rules relating to conflict of interests consistently and to ensure those that are, or might be, impacted are able to identify and disclose immediately.

2 Policy

2.1 Conflict of interests

! This policy does not apply to the family members of Sylvanvale workers, however the interests and relationships of family members do form part of a worker's obligation to understand, report and disclose in the context of Conflict of Interests.

! Where the word Client is used in this procedure it can be read to include any legally recognised substitute decision maker such as a plan nominee or legal guardian with relevant functions.

What is a conflict of interests?

- i** [NDIS Code of Conduct](#)
- i** [Code of Conduct Policy](#)

A conflict of interests is a situation where an individual or company has competing interests or loyalties.

The potential for conflict of interests to arise can occur where Clients receive multiple services from Sylvanvale or where a worker's other employment, business interests and/or investments might intersect with their role and responsibilities at Sylvanvale. Workers must have no financial or other personal interests that could directly or indirectly influence or compromise the choice of provider or provision of supports to a Client.

Examples of conflict of interests include, but are not limited to:

- a worker may have a family business which provides services to Sylvanvale;
- a worker may have a relative or personal friend who receives services from Sylvanvale;
- a worker may have a relative or personal friend who also works at Sylvanvale;
- a worker may have political party involvement which involves them making public statements which intersect with the interests of Sylvanvale or individual Clients;
- a worker may receive commission from a service provider for Client referrals;
- a worker may receive a gift from a Client or their family; or
- a worker may be invited to attend a function by a supplier.

Types of interests

A **direct** interest is where there is a reasonable likelihood that the circumstances of a worker or Client would be directly altered if a matter is decided in a particular way, including a reasonable likelihood that the worker will receive a direct financial benefit or loss.

An **indirect** interest can arise where a worker or Client has a personal relationship with another person who has dealings with Sylvanvale.

Interests can be pecuniary or non-pecuniary (this means relating to money).

Types of conflicts

An **actual** conflict of interest occurs when a worker's current duties and responsibilities directly conflict or compete with their personal

interests or other duties outside of Sylvanvale. Where Sylvanvale provides more than one service to a Client is this considered an actual conflict of interests however is known specifically as an internal or organisational conflict of interests.

A **perceived** conflict of interests may occur where a fair and reasonable person might consider that existing personal interests of a worker could inappropriately influence their performance at work, irrespective of whether or not this is the case or may occur.

A **potential** conflict of interests occurs where the opportunity exists for private interests to conflict with the worker’s responsibilities at Sylvanvale.

Training for workers

i *Learning and Development Procedure*

All workers receive training in conflict of interests and the process for declaring potential, perceived or actual conflicts including any secondary employment and accepting and giving gifts.

Site Induction Checklist for all workers includes a specific section on conflict of interests including prompt questions to discuss with new workers.

Refer to the *Learning and Development Procedure* for more information.

2.2 Disclosure, assessment and management of personal interests

Immediate disclosure of interest

i *Conflict of Interests and Gift or Benefit Form*

i *Engaging in Secondary Employment Form*

i *Recruitment Procedure*

Any perceived, potential or possible conflict of interests must be recognised and disclosed by workers in a timely manner.

A worker is required to disclose in writing using the *Conflict of Interests and Gift or Benefit Form* immediately on becoming aware of the potential conflict.

A worker may at any time submit an updated *Conflict of Interests and Gift or Benefit Form*.

Engaging in secondary employment may be a conflict, this is requires completion of the *Engaging in Secondary Employment form* (not the *Conflict of Interests and Gift or Benefit Form*).

All workers are questioned about potential conflicts during the recruitment process. Refer to the *Recruitment Procedure* for further information.

Failure to disclose a perceived, potential or possible conflict of interests is a breach of Sylvanvale policy and may result in disciplinary action.

Assessment and management

i *Conflict of Interests, Gifts and Benefits Procedure*

The Human Resources Team are responsible for coordinating the assessment of *Conflict of Interests and Gift or Benefit Form* and *Engaging in Secondary Employment Form*, supporting Level A, B and C managers to implement appropriate management strategies. The Human Resources Team maintain a Conflicts Register in TechOne.

Conflict of interests assessment and management must be dealt with in an open and transparent way and where Clients are potentially impacted this must include consultation with the Client.

The primary test to identify whether a conflict of interests may exist is whether an individual could, or even appear to, be influenced by an interest in carrying out their duties and responsibilities of their role.

The critical factor is whether a reasonable individual would consider these duties / responsibilities and interests to be such that they could possibly conflict or appear to conflict with each other.

The *Conflict of Interests, Gifts and Benefits Procedure* includes guidance on assessment and management of conflicts.

2.3 Internal or organisational conflict of interests

Information provided to Clients

i *Decision-Making Choice and Consent Procedure*

i *Specialist Disability Accommodation Provider Procedure*

i *Support Coordination Procedure*

i *Clinical Services Procedure*

i *Client Onboarding Offboarding and Plan Renewal Policy*

i *Client Service Agreements Procedure*

i *Cancellation Policy*

For Clients to be informed consumers they need accurate information about their service providers, the services they receive, and any real or perceived conflict of interests of the people working with them. Clients should be able to make decisions in their best interest, free from inducements or pressure.

Information about conflicts is explained to each Client using the language, mode of communication and terms they are most likely to understand. This includes promoting each Client's right to exercise choice and control over other NDIS support provision which is not limited by their choice of Sylvanvale to provide one or multiple services.

Information about conflict of interests are provided to all Clients through:




- Statements informing Clients about Sylvanvale's obligation to disclose conflicts of interests in all Service Agreements;
- Provision of service handbooks which include specific information about conflict of interests;
- Specific conversations with onboarding Clients about conflict of interests and at relevant intervals during any Service Agreement period;
- Provision and acknowledgement of Sylvanvale Consents document at least once every 12 months (refer to the *Decision-Making Choice and Consent Procedure* for more information); and
- A copy of this policy and the *Cancellation Policy* being made available on the Sylvanvale website.

Internal or organisational conflict of interests are possible within the organisation where Clients receive multiple services from Sylvanvale. For example conflicts can arise across combinations of the following services:

- Support Coordination including specialised support coordination
- Specialist Disability Accommodation (right to exercise choice and control over other NDIS support provision is not limited by choice of specialist disability accommodation dwelling)
- Home and Living services
- Community Participation services
- Clinical Services including specialist behaviour supports

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| Prevention and risk management | <p>Sylvanvale have adopted a range of organisational management strategies to assist in the management of internal and organisational conflicts including but not limited to:</p> <ul style="list-style-type: none"> • Geographical and functional management separation of services including SDA and Property Teams reporting to a different Executive Manager to Home and Living Services Teams; • Establishment of information barriers; • Protocols for protecting confidential information; • System access restrictions; • Separate team budgets and financial reporting; • Separate Service Agreements for different types of services; • Separate <i>Residential Tenancy Agreements</i> which identify roles and responsibilities of the landlord and differentiates these to the roles and responsibilities of any onsite supports provider; and • Separate service planning for different types of services. |
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2.4 Requesting an independent assessment

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| <p>Workers</p> <p> <i>Grievance Resolution Procedure</i></p> | <p>Workers who are not satisfied with the outcome and any assessment of any engaging in secondary employment or conflict of interests and gift or benefit should follow the steps set out in the <i>Grievance Resolution Procedure</i>.</p> |
| <p>Clients</p> <p> <i>Feedback and Complaints Policy</i></p> <p> <i>How To Make A Complaint Poster - Easy Read Version</i></p> | <p>Clients who are not satisfied that any of the declared conflicts of interests processes cannot be met can request an independent assessment of the conflicts and how they are to be managed.</p> <p>Clients can request this by making a complaint using the processes set out in <i>Feedback and Complaints Policy</i> and <i>How To Make A Complaint Poster - Easy Read Version</i>.</p> <p>This complaint should be managed by an Executive who is separate to any conflict already identified or where this is not possible the Office of the CEO.</p> |

2.5 Standards, laws and other contractual obligations

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| Standards | <ul style="list-style-type: none"> • NDIS Practice Standards and Quality Indicators • National Standards for Disability Services • The NDIS Code of Conduct – Guidance for NDIS Providers |
| Legislation or other requirements | <ul style="list-style-type: none"> • <i>National Disability Insurance Scheme Act 2013</i> • <i>National Disability Insurance Scheme (Code of Conduct) Rules 2018</i> • <i>National Disability Insurance Scheme (Provider Registration and Practice Standards) Rules 2018</i> |
| Contractual obligations | <ul style="list-style-type: none"> • NDIS Quality and Safeguards Commission (Provider Registration) |

2.6 Review, approval and document controls

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| Policy name | Conflict of Interests |
| Review frequency | Every 3 years |
| Person responsible | Executive Manager People and Culture, Effie Fox |
| Approval | Leanne Fretten, Chief Executive Officer (CEO) |

| Review | Date approved | Approved by | Next review due |
|--------|---------------|---------------------|-----------------|
| 1 | 22/04/2020 | Leanne Fretten, CEO | 21/04/2023 |
| 2 | 28/07/2022 | Leanne Fretten, CEO | 28/07/2025 |
| 3 | 21/05/2024 | Leanne Fretten, CEO | 20/05/2027 |