

Conflict of Interest Policy & Procedure

Purpose: Explore and Soar aims to act in accordance with its values and to comply with its general and specific obligations as a Registered Provider under the National Disability Insurance Scheme. This policy aims to ensure integrity, transparency, and ethical conduct in all our operations.

Relevant Staff: All staff members

Introduction

A conflict of interest may occur when someone has real or perceived competing private and professional interests. These interests may make it difficult to fulfil their professional duties without bias or the perception of bias.

Under the [NDIS Code of Conduct](#), all NDIS providers, including support coordinators, must act with integrity, honesty and transparency under the NDIS Code of Conduct.

The NDIS Practice Standards require providers to have policies about potential conflicts of interest in service delivery.

As a registered provider under the National Disability Insurance Scheme, Explore and Soar has responsibilities in relation to:

- Manage conflicts of interest in plan management and support coordination, and
- Offering or receiving gifts, benefits and commissions.

Definitions

Conflict of interest: A person or business that derives real or apparent benefit from actions or decisions made in their official capacity. Conflicts may be actual, potential, or perceived.

Actual conflict of interest: There is a clear conflict between a person or business's official duties and private interests.

Potential conflict of interest: A person or business has private interests that could conflict with their official Explore and Soar duties. This refers to circumstances where it is foreseeable that a conflict may arise in future and steps should be taken now to mitigate the risk.

Perceived conflict of interest: The public or a third party could form the view that a person or business's private interests could improperly influence their decisions or actions, now or in the future.

Personal interest: Refers to a person or business's own interests and those of their family and friends and/or any organisations they support or are involved with.

Benefit: Any product, service, or advantage given to a person due to their work. This can include money, gift cards, gifts or discounts or favourable treatment.

Policy Statement

Explore and Soar actively manages real and possible conflicts of interest that have the potential to negatively impact or influence services. This is part of our commitment to always provide safe and high-quality supports.

Where personal interest comes into conflict with a person's work-related or volunteering responsibilities. Explore and Soar exercises good governance, to ensure any conflicts are identified and prevented or resolved.

A conflict of interest may be naturally occurring rather than as an indication of improper activity and all conflicts whether real or possible must be identified, declared, recorded and managed.

Responsibilities

All Explore and Soar Directors, Managers and Employees are responsible for complying with this policy and declaring any personal interests, which must be documented in writing. Information arising from conflict of interest disclosures will be managed in accordance with the Explore and Soar privacy policy and procedure. There are additional roles and responsibilities at each level of the organisation.

The Director and Management Team monitor and review the conflict of interest register, ensure this policy is being followed, and model integrity and transparent behaviour.

The Management Team is responsible for ensuring that, prior to engaging an independent contractor and or auditor, potential conflicts of interest are explored and managed accordingly.

The Management Team maintains the conflict of interest register. The management team ensures that conflict of interest is explained to staff during induction, including potential conflicts arising from multiple employers, personal relationships, and gifts. Information and practical guidance on managing conflicts is also provided.

The Management Team will:

- Provide direction in implementing this policy and model expected behaviour.
- Participate in conflict of interest resolution with their team.
- Manage breaches to this policy.
- Ensure their teams have the information required to comply with all relevant legislation, operational guidelines, or instructions about conflict of interest from funding and regulatory bodies.

Employees involved in direct service delivery are responsible for ensuring:

- Participants and families are informed of Explore and Soar conflict of interest policy, prior to commencing services, they are given the opportunity to ask questions, and are updated if there are any changes to this policy.*
- Participants and families are informed of any actual, potential or perceived conflicts of interest that affect, or may affect, their services.
- Participants and families are provided with enough information about support options, including services not delivered by Explore and Soar, allowing choice and control.
- Employees have the information required to comply with all relevant legislation, operational guidelines, or instructions about conflict of interest from funding and regulatory bodies.
- Employees do not accept gifts from participants and families other than tokens of minimal value such as flowers or chocolates, and, if you do accept a token gift, make a file note and inform management as soon as possible as per the AHPRA code of conduct.

* Explore and Soar's Conflict of Interest Policy is referenced in our Welcome Pack, and available for download on our website.

Monitoring and review

The Management Team will review this policy annually to ensure its continued application and relevance. Individual conflicts will be monitored, reviewed, and updated on the conflict of interest register as required. All conflicts will be reviewed at least annually.

Procedure for Managing Conflicts of Interest:

This procedure sets out the steps required to achieve the expectations laid out in the above policy. Conflicts arise in numerous circumstances. Regardless of the type of conflict, all conflicts must be declared so that they may be managed appropriately.

Examples of scenarios where conflicts may occur include:

- Relationship with family or friends
- Staff recruitment
- Work activities outside Explore and Soar (paid/unpaid)
- Personal relationships with internal and/or external parties
- Financial interest
- Disposal of assets
- Gifts/benefits
- Provision of external consultancy services
- Procurement of goods and services.

Disclosing conflicts of interest by clients

Clients are informed of our conflict of interest policy via the EAS Welcome Pack. If a client identifies an actual or potential conflict of interest, they can notify EAS by completing the form available on our website.

Disclosing conflicts of interest by all team members

All actual, potential, or perceived conflicts of interest are to be reported to the relevant line manager as soon as possible, by the employee involved in, or identifying, the conflict. This should be via the quickest and most effective method available e.g. verbal. The employee must also submit a Conflict of Interest Form to the Management Team, within 48 hours of identifying the conflict.

If an employee has knowledge that a conflict of interest involving another employee may exist that may not have been disclosed, they should discuss the situation with the management team and follow the Explore and Soar whistleblowing policy and procedure.

The management team will liaise to determine how the conflict of interest will be managed and by whom. The management team will take action to reduce the risk to an acceptable level.

Management Plan

The Management Team and the employee involved in the conflict of interest are responsible for developing a management plan.

The four recommended responses are:

Avoid the conflict of interest: This is the preferred response when a conflict poses an unacceptable risk to, or impact on, an employee, consumer, member of the public, or the organisation. To avoid a conflict of interest, the employee concerned may be removed from the situation causing conflict or asked to relinquish the private interest creating the conflict.

Accept and reduce the conflict of interest: A conflict of interest may be reduced by ensuring that the employee concerned has restrictions placed on their involvement in the relevant matter, or that another employee or organisational area takes responsibility for the matter.

Share the conflict of interest: A conflict of interest may be shared by involving a third party to oversee part, or all, of the decision-making process that deals with the relevant matter.

Retain the conflict of interest: A conflict of interest may be retained, and the employee continues to be involved in the matter concerned, subject to a regular review of the situation. This response is only suitable for low risk conflicts of interest.

Communicate

The management team must communicate actual, potential, or perceived conflict of interests to all affected individuals and/or organisations, including information on:

- How the individual and/or organisation is affected.
- Any risks associated with the conflict.
- How Explore and Soar is managing the conflict.

Explore and Soar must also:

- Update the individual and/or organisation if there are any changes to the conflict.
- Use the language, mode of communication and terms that the individual and/or organisation is most likely to understand.

Management Expectations - Monitor and review:

The management team will:

- Enter all new conflicts of interest on to the conflict of interest register, updating as required.
- Maintain the register, ensuring all conflicts are reviewed at least annually.
- Review the register on a monthly basis.

Gifts, benefits and commissions and the NDIS

Explore and Soar and its staff will not accept any offer of money, gifts, services or benefits that would cause them to act in a manner contrary to the interests of an NDIS client and their families. Further, employees must have no financial or other personal interest that could directly or indirectly influence or compromise the choice of the provider or provision of support to the client and their family. This includes the obtaining or offering of any form of commission by employees or Explore and Soar.

Related Documents

- Code of conduct
- Whistle blower policy
- Conflict of interest register
- TEAM: Employee Conflict of interest form
- Risk management policy and procedure
- Risk register
- Privacy policy

Policy Connections

- National Standards for Mental Health Services 2010
- NDIS Code of Conduct Rules 2018
- NDIS (Provider Registration and Practice Standards) Rules 2018
- AHPRA Code of Conduct 2022
- Disability Services Act (National Standards for Disability Services) Determination 2014
- Corporations Act 2001



Conduct: Management of Explore and Soar has the responsibility to oversee this policy. Supervisors and managers will ensure employees are compliant in all areas of this policy, including any disciplinary action resulting in non-compliance.

Reporting requirements: If employees observe staff members not following Explore and Soar's policies and procedures, it is expected under their employment contracts to inform either their supervisor or management for the safety and quality of services within the company.

Review: This policy will remain effective until it is no longer accurate, can be combined with another policy, is out of date with current laws and regulations, or changes are required to improve the effectiveness or clarity of this policy.