

3.1 CONFLICT OF INTEREST POLICY AND PROCEDURE

PURPOSE AND SCOPE

The purpose of this policy and procedure is to set out how Partner In Your Care 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

Specialist Disability Accommodation – Conflict of Interest

Outcome

Each participant's right to exercise choice and control over other NDIS support provision is not limited by their choice of specialist disability accommodation dwelling.

Indicators

- Organisational policies are in place that detail how perceived or actual conflicts of interests are managed. The conflict of interest policies are made available to participants in the language, mode of communication and terms which each participant is most likely to understand.
- Conflicts of interest, perceived or actual, are proactively managed and documented.
- The participant is supported to understand the distinction between the provision of specialist disability accommodation and other NDIS supports delivered in the dwelling. Where a specialist disability accommodation provider is delivering both specialist disability accommodation and other NDIS supports to the same participant, there are separate Service Agreements.
- The participant's housing rights, including security of tenure, are upheld, irrespective of any decision/s the participant makes about the provision of other NDIS supports within the specialist disability accommodation dwelling (notwithstanding any matters covered by the specialist disability accommodation Service Agreement).

DEFINITIONS

Conflict of Interest - A situation where someone benefits 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

Conflicts of Interest in NDIS service delivery occur where an NDIS Provider does not act in the best interests of NDIS participants, but instead acts in its own interests when marketing, recommending or delivering its services.

Registered Specialist Disability Accommodation (SDA) Provider – an NDIS provider who is registered to provide accommodation for participants who require specialist housing solutions to assist with the delivery of supports that cater for their extreme functional impairment and/or very high support needs. SDA does not refer to the supports, but the homes in which they are delivered.

POLICY

Partner In Your Care 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 SDA.

PROCEDURES

Conflicts of interest should be avoided where possible. However, where they cannot be avoided, they must be proactively managed. 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 Operations Manager before proceeding.

Once a conflict of interest has been declared, the [General Manager – Quality Assurance and Compliance or Senior Management Team must decide what action to take to manage it.

Conflicts of Interest must be recorded and monitored in Partner In Your Care's *Conflict of Interest Register*.

Business-Related Conflicts of Interest

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

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

- whether their involvement in a decision being made appears fair and reasonable.

Common business-related conflicts of interest staff may have include (but are not limited to):

- past, current or potential personal or business relationships with other Partner In Your Care staff or Partner In Your Care participants,
- running a separate business, particularly where the activities and clients of that business are similar to Partner In Your Care's, and
- holding other jobs, particularly where these could influence their duties to Partner In Your Care and its participants.

All staff must avoid involving themselves in matters that conflict with their duties to Partner In Your Care and its participants. Where a conflict is unavoidable, staff must declare it to the Operations Manager as soon as practicable after they become aware of it.

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-Related Conflicts of Interest

All NDIS participants must be treated equally and not given preferential treatment above others.

Staff must declare all potential, perceived and real conflicts of interest that could impact how they deliver SDA, 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 Partner In Your Care has with other organisations.

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 Partner In Your Care's SDA and support that can be provided within it must be accurate, transparent and objective.

Staff must support participants to understand the distinction between Partner In Your Care's SDA and other NDIS supports delivered by other NDIS providers in their SDA home.

Participants living in Partner In Your Care's SDA dwellings must be given the choice of the providers who provide supports or services to them. Regardless of which providers they choose, their housing rights, including security of tenure, must be upheld.

Further, conflicts of interest may occur when a staff member has a personal or business relationship with a participant (or person known to or supporting a participant) who applies to live in Partner In Your Care's SDA. In such cases, the conflict of interest must be effectively managed while upholding the participant's choice and control over where they live.

As with all conflicts, staff must declare their conflict of interest to the Operations Manager and the they or the Senior Management Team must decide what action to take to manage it. Where possible, the staff member with the conflict should be precluded from tenancy assessment, allocation or management processes that involve the participant that their conflict relates to.

Partner In Your Care must provide information about conflicts of interest to participants, their families and carers in a variety of ways. This includes through Partner In Your Care's website, and handbooks. Written information can be provided in different languages and Easy English or explained verbally by staff. Partner In Your Care staff can also help participants access interpreters or advocates where required.

Partner In Your Care 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.

SUPPORTING DOCUMENTS

Documents relevant to this policy and procedure include:



- *Conflict of Interest Register*

MONITORING AND REVIEW

This policy and procedure will be reviewed at least annually by the Senior 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 Partner In Your Care's conflict of interest processes and provide stakeholders with the opportunity to provide feedback on areas for improvement.

Partner In Your Care'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 Partner In Your Care's service planning and delivery processes.

DOCUMENT CONTROL

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1	04/06/2021	Jeet Singh
Version History		
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1.1 PARTICIPANT RIGHTS AND RESPONSIBILITIES POLICY AND PROCEDURE

PURPOSE AND SCOPE

This policy and procedure confirms Partner In Your Care's commitment to participants' rights and sets out how these rights are to be communicated and supported by staff. This policy applies to all staff as well as existing and potential Partner In Your Care participants, carers and other supporters. It meets relevant legislation, regulations and Standards as set out in Schedule 1, Legislative References.

APPLICABLE NDIS PRACTICE STANDARDS

Specialist Disability Accommodation – Rights and Responsibilities

Outcome

Each participant's access to specialist disability accommodation dwellings is consistent with their legal and human rights and they are supported to exercise informed choice and control.

Indicators

- Knowledge and understanding of each participant's legal and human rights, and incorporation of these rights into everyday practice, including through reasonable adjustments or modifications to the dwelling to meet each participant's needs.
- Any agreement or contract entered into with each participant, and any communication with the participant about the provision of specialist disability accommodation, including about rights and responsibilities in relation to the dwelling, is responsive to their needs and provided in the language, mode of communication and terms which that participant is most likely to understand.
- Each participant's autonomy, including their right to privacy, intimacy and sexual expression is respected.

POLICY

Partner In Your Care respects and fully commits to upholding the rights of all people, including those with disabilities.

Partner In Your Care's *Participant Charter* sets out its participants' rights. It also sets out participants' responsibilities and the responsibilities of Partner In Your Care to ensure the rights of all participants and staff are upheld.

PROCEDURES

In supporting participants' rights, Partner In Your Care complies with the *United Nations Universal Declaration of Human Rights, United Nations Convention on the Rights of the Child, United Nations Convention on the Rights of Persons with Disabilities, NDIS Act 2013 (Cth) and NDIS Practice Standards (2018)*.

Partner In Your Care provides all prospective and existing participants with information about their rights by:

- providing them with Partner In Your Care's *Participant Charter* and *Participant Handbook*,
- [including rights information on its website,]
- displaying the *Participant Charter* in Partner In Your Care's facilities, and
- verbal explanation by Partner In Your Care staff.

A full copy of this policy and procedure must be provided upon request.

Staff must provide rights information to participants in ways that suit their individual communication needs. Written information can be provided in [different languages and Easy English or explained verbally by staff. Staff can also help participants access interpreters or advocates where required.

To ensure its SDA is delivered to the highest standard, Partner In Your Care reviews all feedback and complaints and makes adjustments to its practices where needed, particularly where feedback indicates that participant rights are not being upheld.

Any feedback that raises concerns about a participant's rights will be discussed during team meetings, with changes to operational processes endorsed by the Senior Management Team and implemented by the Operations Manager as soon as practicable. Refer to Partner In Your Care's *Feedback and Complaints Policy and Procedure* for more information.

Staff Responsibilities

Partner In Your Care expects all staff to support and uphold participants' rights in accordance with this policy and procedure, in all areas of operations. All staff must undergo Induction, which includes training in participant rights.

Staff knowledge and application of supporting and upholding participants' rights is monitored on a day-to-day basis and through Performance Reviews. Additional formal and on-the-job training is provided to staff where required.

Staff must think about where participants' rights are relevant to their work and the work-related decisions they make. Where rights are relevant, staff must consider whether or not the decision or action limits a participant's rights in any way. Staff must be able to demonstrate that any limitation on a participant's rights is reasonable, lawful, necessary, and proportionate in the circumstances.

Staff must also work collaboratively with each participant to ensure culturally

appropriate practices are being upheld by Partner In Your Care. Staff must discuss and document any specific culturally appropriate requirements that the participant requests or has arranged, with the participant.

SUPPORTING DOCUMENTS

Documents relevant to this policy and procedure include:

- *Participant Charter*
- *Feedback and Complaints Policy and Procedure*

MONITORING AND REVIEW

This policy and procedure will be reviewed at least every two years by the Senior Management Team. Reviews will incorporate staff, participant and other stakeholder feedback.

Partner In Your Care's feedback collection mechanisms, such as participant satisfaction surveys, will assess participants' and their supporters':

- satisfaction with the support they are provided to exercise their rights and responsibilities,
- awareness of what to do if their rights are violated,
- satisfaction with the quality of SDA they receive,
- satisfaction that their privacy and confidentiality are maintained,
- views on how easy it is to access the feedback and complaints system,
- satisfaction with how complaints and feedback are managed,
- satisfaction with the management of reviews and appeals, and
- awareness of their rights and the extent to which they feel able and supported to exercise them.

Partner In Your Care'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 Partner In Your Care's service planning and delivery processes.

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