


Conflict of Interest | Policy & Procedure

Document name	Conflict of Interest Policy & Procedure	CEO approved	
Category	Organisational Governance		
Version	8	Approval date	May 2023
Implementation date	15 May 2023	Review date	May 2026

Purpose

To ensure that all actual, potential or perceived conflicts of interest are identified, disclosed and managed effectively at Identitywa.

A conflict of interest occurs when a worker or an NDIS provider is in a position to exploit their own professional or official capacity for personal or corporate benefit (other than in the usual course of charging fees for services or supports rendered). Conflict of interest could include conflicts of a financial, business or personal nature, including any financial and/or corporate interest or relationship the NDIS provider may have with other entities, including businesses and organisations, or of a personal nature, including but not limited to cultural, religious or social relationships.

Who is this policy & procedure for?

The policy and procedure is applicable to all workers and members of Identitywa’s Board, committees and other working/reference groups (i.e. governance committees). The document is also applicable to participants, their families and support networks.

What do we want to achieve with this policy & procedure?

To ensure that actions taken and decisions made by Identitywa workers, members of the Board and other governance committees are objective, transparent and ethical.

Furthermore, to ensure choice, flexibility and control for participants in relation to supports and services provided, including support coordination.

Policy statement

Identitywa is committed to ensuring that conflicts of interest are effectively identified, declared and managed so they do not affect the services, activities, decisions, integrity or reputation of the organisation, or the duties and responsibilities of workers.

Furthermore, Identitywa’s organisational structures, principles of operation, policy and easy read documentation reflect the organisation’s commitment to service provision which empowers participants to make informed decisions and maximise choice and control.

Workers, members of the Board and other governance committees, must disclose actual, potential or perceived conflicts of interest relating to financial, business or personal matters, including outside employment or other activities that could impact on how supports and services are delivered to participants as per this policy and procedure. Examples of conflicts of interest that may need to be disclosed are provided in Appendix A.

Procedure

This procedure outlines steps for the declaration and management of any conflicts of interest, including conflicts relating to support coordination and delivery.

Disclosure

Workers

In addition to any initial declaration of a conflict of interest at the beginning of a workers involvement with Identitywa, all workers are required to declare any conflicts of interest they are aware of, or improper conduct relating to a conflict of interest, to their Supervisor via the *Conflict of Interest Declaration Form (Identitywa Workers Only)* as soon as practicable.

Where it is not appropriate to report it to their Supervisor, the worker must complete and submit the *Conflict of Interest Declaration Form (Identitywa Workers Only)* directly to the Office of the CEO (Email: admin@identitywa.com.au).

Board and Governance Committees

Board Members are required to declare that they do/do not have a conflict of interest when their role commences by completing the *Declaration of Interest and Conflict of Interest Undertaking Form*. The Form must be submitted to the Office of the CEO for processing (Email: admin@identitywa.com.au).

Members of any Identitywa governance committee must declare conflicts of interest that arise during a meeting. When such a conflict of interest is disclosed, the Chairperson must ensure details are recorded in the meeting minutes, including how the conflict was managed.

Service Provision

Furthermore, Identitywa has mechanisms in place for dealing with actual or perceived conflicts of interest in providing NDIS services should they arise (i.e. Support Coordination, Supported Independent Living, Specialist Disability Accommodation, Therapy Services). This can be evidenced through the organisational structures, as well as conflict of interest and easy read documentation made available to participants and/or their families at intake or when there is a change in service (refer to *Conflict of Interest - Your NDIS Provider - Easy Read Document for Participants*). This ensures any conflicts of interest in service delivery are declared and proactively managed, while providing participants and/or their family with access to opportunities, choice and control.

Analysis and response for workers, board/governance committees

Once a conflict of interest has been identified, the Supervisor/Chairperson will consider the appropriate strategy for dealing with the conflict, in consultation with the person reporting the conflict. In some instances, no further action may be required because the potential for conflict is minimal or can be eliminated by disclosing and effective supervision.

As guidance, the conflict of interest may be addressed using one of the following options, set out in detail in Appendix B:

- a) **Restrict** – Restrictions are placed on the person's involvement in the matter (e.g. refraining from taking part in discussion and/or decision making; having restricted access to sensitive documents or confidential information).
- b) **Recruit** – A disinterested third party is used to oversee part or all of the process that deals with the matter (e.g. governance expert or lawyer).
- c) **Remove** – The person removes themselves from any involvement in the matter

(e.g. removing oneself from any discussion or decision making).

- d) **Relinquish** – The person gives up the private interest that is creating the conflict with the person's duties.
- e) **Resigning** – The person resigns from their position.

Along with these strategies, the Supervisor/Chairperson should consider appropriate communication strategies to manage the perceptions of others regarding the conflict of interest. Where the Supervisor/Chairperson is unsure how the conflict of interest should be managed, they should seek advice from the Office of the CEO.

The Office of the CEO will escalate the issue to the CEO if the conflict poses an immediate risk to a worker, consumer, member of the public, or the integrity or reputation of Identity. The CEO or their delegate, will take action to reduce the risk to an acceptable level in consultation with all relevant parties.

Review and monitoring

All *Conflict of Interest Declaration Forms* must be submitted to the Office of the CEO once completed and signed by relevant parties.

The Office of the CEO will maintain a confidential register of disclosed conflicts of interest, responses to these disclosures, and associated management strategies (where relevant). The Board monitors and reviews the *Conflict of Interest Register*, ensuring all items are appropriately managed.

Where the conflict of interest is ongoing, periodic reviews (at least annually) of the matter must be undertaken by the Supervisor or Office of the CEO, in consultation with the person who reported the conflict of interest. Outcomes of the review must be submitted to the Office of the CEO and details recorded in the relevant *Conflict of Interest Register*.

If it is agreed that the management strategy does not sufficiently address the conflict of interest, a new strategy will be recorded in the *Conflict of Interest Declaration Form* and the Register updated accordingly.

Confidentiality and recordkeeping

All information relating to conflicts of interest is confidential and will only be disclosed on a need-to-know basis i.e. only share the information to those where it is absolutely necessary, e.g. Office of CEO, Team Leaders, workers impacted by the conflict of interest, Chairperson.

Managing awareness of conflicts

In the everyday work environment, Identitywa raises awareness about conflicts of interest by:

- Providing information about conflict of interest at orientation programs for new workers.
- Providing new workers (and governance committee members) with a copy of the *Conflict of Interest Policy & Procedure and Easy Read Document for Workers*.
- Including conflict of interest as an agenda item for governance committee meetings.
- Providing and explaining conflicts of interest to participants (and their families) using the language, mode of communication and terms that the participant is most likely to understand (see *Conflict of Interest – Your NDIS Provider – Easy Read*).
- Providing information about Identitywa's complaints policies and procedures and encourage their use for resolution of conflicts which may arise.

Managing conflicts of interest in support coordination and therapy services

Strategies Identitywa have in place to manage the conflict of interest involved in delivery Support Coordination along with other NDIS services (i.e. Support Independent Living, Specialist Disability Accommodation, Therapy Services) include:

- Offering and/or explaining the *Conflict of Interest Policy & Procedure* to participants receiving support coordination, as well as the *Conflict of Interest – Your NDIS Provider – Easy Read*.
- Maintaining a clear separation of responsibilities between Support Coordination, Therapy Services and other workers, and advising participants of their rights to change Support Coordinators and therapy services.
- Providing participants with at least three options (where possible) of providers for each support they are seeking and documenting the rationale when only one option of provider can be suggested.
- Informing participants where Identitywa has an interest in the service being provided.
- Explaining that any choice participants make about providers of other supports and therapy services will not impact on Support Coordination or other services (refer to *Conflict of Interest – Your NDIS Provider – Easy Read*)
- Keeping records of any advice given to participants, including issues that arise with supports provided to a participant by Identitywa, actions taken and how the issue was resolved.

Managing conflict of interest and supported independent living

Strategies Identitywa have in place to manage the conflict of interest involving Supported Independent Living (SIL) service and other NDIS services (i.e. Support Coordination Specialist Disability Accommodation, Therapy Services) include:

- Offering and/or explaining the *Conflict of Interest Policy & Procedure* to participants receiving support coordination, as well as the *Conflict of Interest – Your NDIS Provider – Easy Read*.
- Informing participants where Identitywa has an interest in the service being provided.
- Supporting participants to understand the difference between Specialist Disability Accommodation (SDA) and other NDIS services delivered in the residence.
- Ensuring the participants understands that their housing rights, including security of contract, are not affected by their choice in service provider for other supports in their NDIS plan.
- Ensuring where Identitywa provides SDA services and other NDIS services to the same participant, there are two separate service agreements.
- Disclosing any conflict of interest to participants as part of the intake and/or change of service (refer to *Conflict of Interest – Your NDIS Provider – Easy Read*).

Should a participant choose to use another provider because of this conflict, Identitywa will respect and support their decision.

How do we know we are getting it right?

- Conflicts of interest are reported and documented and part of internal audits and reviews.
- Conflicts of interest are included as part of the Code of Conduct, which is signed by all new workers and Board members.
- The *Conflict of Interest Policy & Procedure* and related Easy Read documentation is available to participants, their families and their support network.

Definitions

Actual Conflict of Interest

A person is being influenced by the conflict of interest (ie the conflict is obvious).

Benefit

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

Conflict of Interest

Occurs when a worker or an NDIS provider is in a position to exploit their own professional or official capacity for personal or corporate benefit (other than in the usual course of charging fees for services or supports rendered). Conflict of interest could include conflicts of a financial, business or personal nature, including any financial and/or corporate interest or relationship the NDIS provider may have with other entities, including businesses and organisations, or of a personal nature, including but not limited to cultural, religious or social relationships.

Outside Employment

For the purpose of this policy and procedure, relates to paid work, such as running a business, maintaining a professional practice, as well as unpaid work.

Participant

A person supported by Identitywa, such as a client, resident, or other recipient of services.

Perceived Conflict of Interest

A person could appear to be influenced by the conflict of interest.

Personal interest

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

Potential Conflict of Interest

A person could be influenced by a conflict of interest

Worker

A person who carries out work in any capacity for a person conducting a business, including work as:

- An employee
- A contractor or sub-contractor/sole trader
- An employee of a contractor or sub-contractor or sole trader
- A student, trainee, apprentice, or volunteer.

The legal and regulatory requirements we have to follow

[Associations Incorporation Act 2015 \(WA\)](#)

[Corporations Act 2001](#)

[National Disability Insurance Scheme \(NDIS\) Act 2013](#)

[NDIS Practice Standards and Quality Indicators](#)

[NDIS Code of Conduct](#)

[NDIS \(Complaints Management and Resolution\) Rules 2018](#)

[NDIS \(Incident Management and Reportable Incidents\) Rules 2018](#)

[NDIS \(Restrictive Practices and Behaviour Support\) Rules 2018](#)

[NDIS -Your legal requirements](#)

Other related documents

Conflict of Interest – Your NDIS Provider Easy Read Document (Participants)
Conflict of Interest Declaration Form (Identitywa Workers Only)
Conflict of Interest – Easy Read Document (Workers)
Conflict of Interest Register
Declaration of Interest and Conflict of Interest Undertaking (Identitywa Board members only)
Duty of Care Policy
Gifts and Benefits Policy & Procedure
Identitywa Code of Conduct
Managing Complaints Policy / Procedure
Professional Boundaries Policy & Procedure
Recruitment Policy & Procedure
Rights Policy
Whistleblower Policy & Procedure
Worker Grievance Policy & Procedure

Do you need to know more?

If you have any questions regarding policies, procedures, and reviews or if you would like to be involved in our policy development program, please contact the Quality and Compliance Team: Contact - Telephone: (08) 9474 3303

Appendix A - Examples of Types of Conflicts of Interest

Examples of actual conflicts of interests – Workers / Governance Committee

- Working as or for another NDIS provider that offers services that are in direct competition with Identitywa and using/sharing Identitywa's business information with the other NDIS provider.
- Working on personal projects or business during the hours employed to perform work for Identitywa.
- Having outside work commitments which compromise the amount or quality of the work undertaken for Identitywa.
- Using Identitywa's resources or branding for personal purposes.
- Being the Supervisor of a friend or family member also employed by Identitywa.
- Involvement in the recruitment selection of a friend or family member as an existing worker of Identitywa (e.g. Asking overly easy questions or attempting to sway the panel to select a friend/family member regardless of merit).
- A worker/governance committee member voting on a decision that directly affects their personal interests.
- A Board or governance committee member's family business given a contract without any other quotes being asked for.
- Sharing information in a job interview about Identitywa's activities or plans.
- Purchasing goods or services supplied by a family, business, relative or close friend of a worker.
- Participating in a tender for goods or services where a relative or friend will be submitting a bid.
- Selling an Identitywa asset to a worker without an equitable process.

Examples of actual conflict of interests involving participants

- A worker making decisions about a friend or family member receiving services provided by Identitywa.
- Accepting money or gifts from a participant or their family (i.e. see *Gifts and Benefits Policy & Procedure*).
- Agreeing to look after a participant outside of work hours for cash payment or some other benefit from the family.
- A Support Coordinator only discussing supports and services offered by Identitywa with a participant.
- Commences work with another NDIS provider, which is impacting on their performance, health and well-being when supporting Identitywa participants.

Examples of a potential or perceived conflict of interest

- **Potential** – A worker has outside employment which may compromise their ability to perform their duties at Identitywa.
- **Perceived** – A worker may review quotes for a service and one of the potential providers is their brother's employer – While the worker believes they can be objective, the decision could be perceived as being made in the worker's best interest.

Appendix B – Strategies

A conflict may be managed and resolved by one of the following strategies.

1. Restrict

Where restrictions are placed on a person's involvement in the matter

Example strategies:

- Refraining from taking part in any debate about the issue.
- Refraining from voting on a particular decision.
- Withdrawing from discussion and decisions on particular proposals and plans.
- Restricting the individual's access to information relating to conflicts of interest.
- Being denied access to sensitive documents or confidential information relating to the conflict of interest.

2. Recruit

Where a disinterested third party is used to oversee part or all of the process that deals with the matter

Example strategies:

- Arranging for an independent third party to make the decision.
- Engaging an independent third party or probity auditor to oversee or review the integrity of the decision-making process.
- Increasing the number of people sitting on a decision-making committee to balance the influence of a single member who may have a conflict of interest but who has some special reason to remain on the committee.
- Monitoring of a project by independent reviewers.

3. Remove

Where the person is removed from all duties related to the conflict, for as long as it exists

Example strategies:

- Removing the person with the conflict of interest from any involvement.
- Abstaining from any formal or informal discussion about the matter.
- Separating the person with the conflict of interest from the situation where there may be a perception of exerting a covert influence on decisions or actions.
- Re-arranging duties and responsibilities to a non-conflicting function.
- Transferring a person to another project or area in the organisation.
- Changing the person's reporting line.

Note: Where possible, removal strategies should be considered in tandem with relinquishment.

4. Relinquish

Where the person gives up the private interest that is creating the conflict with the person's duties

Example strategies:

Relinquishing the Personal Interest that gives rise to the conflict of interest by the worker:

- Liquidating the Personal Interest in an arm's-length transaction.
- Divesting or withdrawing support for the Personal Interest.
- Assigning the conflicting interest to a genuinely 'blind trust' or 'blind management'.
- Arrangement for at least the duration of the conflict.

5. Resign

Where the person resigns (temporarily or permanently) from their position with Identitywa

Example strategies:

- Resignation from the person's position within Identitywa.
- Early retirement if the option is feasible and available.