

Org1.7 Conflicts of Interest

Purpose

1. To provide guidance to SAVVY Directors, Management and employees to effectively identify, disclose and manage any actual, potential or perceived conflicts of interest in order to protect the integrity of SAVVY, protect the right to exercise choice and control for participants and manage risk.

Alignment with Practice Standards

1. Module 2: Provider Governance and Operational Management
2. Module 5: Specialised Support Coordination

Legislative Alignment

1. Corporations Act 2001
2. National Disability Insurance Scheme Act 2013

Key Responsible Executive

Chief Executive Officer

For More Support

Your People Manager

Policy Statement

1. SAVVY's reputation is based on being a 'connection you can count on'. This means that SAVVY is committed to being a reliable, trustworthy and transparent organisation.
2. SAVVY expects all team members from the Board to employees and volunteers to disclose any real, potential or perceived personal conflicts of interest that may conflict with their duties at SAVVY.
3. SAVVY also expects all team members to be open and transparent in disclosing any conflicts of interest to participants when suggesting, recommending, referring or planning their service provision.
4. In the provision of Support Coordination and Plan Management, SAVVY prioritises a participants choice, control, goals and needs.

5. Any financial or commercial interest held by SAVVY management or workers in an organisation or company providing products, services or supports to people with disability must be disclosed and not permitted to influence the engagement between the company and the participant.
6. During induction workers are made aware of their obligations to declare any real or potential conflicts of interest to the participant and to SAVVY.
7. During the recruitment process probity and reference checks are to be carried out to minimise the likelihood of conflicts of interest occurring.

Definitions

1. Conflict of interest - A conflict of interest occurs when a person's personal or organisational interests conflict with their responsibility to act in the best interests of the participant or organisation. Interests include direct interests, as well as those of family, friends, or other organisations a person may be involved with or have an interest in (for example, as a shareholder).
 - a. It includes a conflict between a director's duty to SAVVY and another duty that the director has (for example, to another charity).
 - b. It also includes conflicts between an employees duty to a participant and their duty to SAVVY (for example promoting a SAVVY Service to a participant who is being provided Support Coordination or Plan Management)
 - c. A conflict of interest may be actual, potential or perceived and may be financial or non-financial.
 - d. These situations present the risk that a person will make a decision based on, or affected by, these influences, rather than in the best interests of the participant or SAVVY. Therefore these situations must be managed accordingly.

Delegations

Roles	Responsibilities
Board of Directors	<ul style="list-style-type: none"> ● Endorse and enforce the Conflict Of interest policy ● Disclose any actual, potential or perceived personal conflicts of interest ● Take action based on conflicts of interest disclosed by a board manager or Management team member ● Ensure organisational reputation is not placed at risk ● Be familiar with legislative requirements of this policy
CEO	<ul style="list-style-type: none"> ● Manage and monitor compliance with this policy ● Support staff competence and compliance with this policy and procedure, and ensure staff receive appropriate training, supervision and debriefing to comply with this policy ● Collate and report on conflicts of interest disclosed by employees ● Ensure operational decision making is informed by this policy ● Develop the organisation structure, KPI's and culture to support teams providing support coordination and plan management to

	<p>maintain a level of autonomy and independence from the core and capacity building service provision teams</p> <ul style="list-style-type: none"> ● Disclose any actual, potential or perceived personal conflicts of interest to the Board ● Take action based on conflicts of interest disclosed by an employee or report to the Board
Management	<ul style="list-style-type: none"> ● Support staff competence and compliance with this policy and procedure, and ensure staff receive appropriate training, supervision and debriefing to comply with this policy, in particular those employees providing support coordination and plan management ● Provide clarity and support for employees to achieve the objectives of their roles, in particular where that requires an employee to provide unbiased advice and recommendations on supports for a participant ● Ensure operational decision making is informed by this policy ● Disclose any actual, potential or perceived personal conflicts of interest to the CEO
Staff, volunteers, contractors and students	<ul style="list-style-type: none"> ● Comply with the Conflicts of Interest Policy and Procedure ● For support coordination and plan management employees, maintain a good knowledge of the disability and mainstream support offering in the region the employee operates in. ● Provide unbiased advice and recommendations on supports for a participant ● Disclose any actual, potential or perceived personal conflicts of interest to their manager

Procedures

1. Board Conflicts of Interest

- a. This policy has been developed to address conflicts of interest affecting SAVVY.
- b. Conflicts of interest are common, and they do not need to present a problem to SAVVY as long as they are openly and effectively managed.
- c. It is the policy of SAVVY, as well as a responsibility of the board, that ethical, legal, financial or other conflicts of interest be avoided and that any such conflicts (where they do arise) do not conflict with the obligations to SAVVY.
- d. SAVVY will manage conflicts of interest by requiring board members to:
 - i. avoid conflicts of interest where possible
 - ii. identify and disclose any conflicts of interest
 - iii. carefully manage any conflicts of interest, and
 - iv. follow this policy and respond to any breaches.
- e. The board is responsible for:
 - i. establishing a system for identifying, disclosing and managing conflicts of interest across the charity

- ii. monitoring compliance with this policy, and
 - iii. reviewing this policy on an annual basis to ensure that the policy is operating effectively.
- f. SAVVY must ensure that its board members are aware of the expectation that they disclose any actual or perceived material conflicts of interests.
- g. Identification and disclosure of conflicts of interest
 - i. Once an actual, potential or perceived conflict of interest is identified, it must be entered into SAVVYs register of interests, as well as being raised with the board.
 - ii. The register of interests must be maintained by the Company Secretary. The register must record information related to a conflict of interest (including the nature and extent of the conflict of interest and any steps taken to address it).
- h. Confidentiality of disclosures
 - i. The Chair of the Board and Company Secretary will have access to all information disclosed. Based on the conflict, the Chair may decide to restrict access to other Board members of specific disclosures.
 - ii. The Chair can not restrict access to any conflicts they disclose
- i. Action required for management of conflicts of interest
 - i. Once the conflict of interest has been appropriately disclosed, the board (excluding the board member who has made the disclosure, as well as any other conflicted board member) must decide whether or not those conflicted board members should:
 - 1. vote on the matter (this is a minimum),
 - 2. participate in any debate, or
 - 3. be present in the room during the debate and the voting.
 - ii. In exceptional circumstances, such as where a conflict is very significant or likely to prevent a board member from regularly participating in discussions, it may be worth the board considering if it is appropriate for the person conflicted to resign from the board.
 - iii. In deciding what approach to take, the board will consider whether the conflict needs to be avoided or simply documented
 - 1. whether the conflict will realistically impair the disclosing person's capacity to impartially
 - 2. participate in decision-making
 - 3. alternative options to avoid the conflict
 - 4. the charity's objects and resources, and
 - 5. the possibility of creating an appearance of improper conduct that might impair confidence in, or the reputation of, the charity.
 - iv. The approval of any action requires the agreement of at least a majority of the board (excluding any conflicted board member/s) who are present and voting at the meeting. The action and result of the voting will be recorded in the minutes of the meeting and in the register of interests.
- j. Compliance
 - i. If the board has a reason to believe that a person subject to the policy has failed to comply with it, it will investigate the circumstances.
 - ii. If it is found that this person has failed to disclose a conflict of interest, the board may take action against them. This may include seeking to terminate their relationship with the charity.
 - iii. If a person suspects that a board member has failed to disclose a conflict of interest, they must discuss with the person in question, notify the board, or the person responsible for maintaining the register of interests.

2. The conflict between provision of service and provision of unbiased advice and recommendations
 - a. SAVVY seeks to be a provider of direct support services as well as support coordination and management.
 - b. SAVVY is committed to empowering users to exercise their choice and control to identify and select the supports that meet their goals and needs.
 - c. In order to achieve SAVVY's commitment, while providing a full range of services, SAVVY will put in place a number of strategies and controls to promote, execute, monitor and improve the provision of unbiased coordination and management.
 - d. Strategies to minimise conflicts in coordination and management
 - i. The team responsible for Support Coordination and Plan Management will be separate from the team providing core and capacity building supports
 - ii. The service provision team will report directly to the Service Manager, while the Coordination and Management team will report to the CEO
 - iii. participants receiving coordination or plan management support will be informed of SAVVY's conflict of interest during the intake, assessment and planning stages.
 - iv. Support planning and management participant promotional and educational material will advise participants of SAVVY's conflict of interest and highlight participants' right to exercise their choice and control during the planning and delivery of care.
 - v. The Support Coordination and Plan Management teams will not have any KPIs relating to SAVVY support services recommended or booked
 - vi. A participant will always be provided with at least two options for a planned support where they are receiving support coordination
 - vii. Support Coordinators and Plan Managers will be provided training, resources and capacity to be knowledgeable about a broad spectrum of support services, both NDIS specific and mainstream providers in the region they operate
 - viii. SAVVY employees will be encouraged to build professional, collaborative relationships with other Service Providers with an emphasis on building SAVVY's collaborative and facilitatory capacity in the areas it operates to benefit all NDIS participants.
 - e. Compliance controls
 - i. Feedback and complaints: The management team will monitor feedback and complaints received to identify any concerns that may be related to a participant not being provided with a service options or not being aware of the conflict of interest across services
 - ii. participant audits: As part of the annual participant file audit, files for participants receiving support coordination or plan management will be reviewed for a diversity of support providers included in their plan
 - iii. Advisory Committees: The Quality Improvement and participant Advisory Committee may audit participant files or participant consultations or seek to speak with participants directly on occasion in order to assess and improve on SAVVY's commitment to providing unbiased, effective and quality support coordination and management for participants.

References to other SAVVY policies and external sources

1. CS 1.3 Decision Making and Choice
2. CS 2.4 Feedback and Complaints
3. CS 3.1 Participant Care
4. CS 4.1 Responsive Support Coordination
5. Org 1.1 Governance
6. Org 2.1 Risk Management
7. SAVVY Risk Register

Summary of attachments

1. Nil

Version Control

1. 1 April 2023 - New Policy Creation