

 Community Living & Respite Services	Policy No.	AD C3		
	Issue No. 10		Issue Date: November 2009	
	Revised Date		August 2023	
	Authorised By		The Board	

## **Conflict of Interest**

### **Policy**

It is the policy of Community Living & Respite Services (CLRS) to maintain high standards of ethical conduct, accordingly the Board places great importance on making clear any direct or indirect conflicts of interest. CLRS will act in the best interests of clients, ensuring that they are informed, empowered and able to maximise choice and control.

CLRS will not (by act or omission) constrain, influence or direct decision making by a person with a disability and/or their family in order to limit that person's access to information, opportunities and choice and control.

CLRS's board and staff will not use their position to service their own or someone else's private interests at the expense of the interests of the client.

All conflicts of interest shall be declared by Board members, the CEO and Staff and be made clear that private interests of individuals do not affect the way in which CLRS performs its duties. All conflicts of interest relating to Board members and staff must be disclosed and documented in the nominated system.

### **Classes of Interest**

Direct interest – a person has a direct interest in a matter if there is a reasonable likelihood that the benefits, obligations, opportunities or circumstances of the person would be directly altered if the matter is decided in a particular way.

Indirect interest – a person has an indirect interest in a matter when interest in a matter exists only because of:

- the interests of a business associate, family member, relative or household member, because of a "close association". For example, a closely associated person has a direct interest in the matter because there is a reasonable likelihood that the circumstances of the business associate, family member, relative or household member would be directly altered in a particular way.
- an indirect financial interest if they are likely to gain or lose in a way that can be measured in money, resulting from the interests of another person, company or body.
- a conflicting duty arises when you or a member of your family has a particular type of duty to another person or organisation that may conflict or overlap with your duties as a board member, staff member or volunteer. This arises where you, or a member

of your family, have any of the following positions or relationships with another person or organisation:

- a manager or a member of the board/committee of the organisation
- a partner, consultant, contractor, agent or employee of the person or organisation
- a trustee for the person.
- on receipt of an “applicable gift” includes a gift, or gifts, received in the past five years from someone who has a direct interest in a particular matter and where the total value of the gift, or gifts, is more than \$0.

To be a conflicted interest, the interest must not be so remote or insignificant as to not be reasonably regarded as capable of influencing your vote, decision or conduct.

## **Procedures**

### **1. Board of Management and CEO**

All conflicts of interest shall be declared by the Board Member and/or CEO at first meeting after the Annual General Meeting each year, using the Annual Declaration Form.

Accordingly at Board meetings:

- The Board Meeting Agenda lists declaration of Conflict of Interest as an agenda item.
- Any direct or indirect direct or indirect conflict of interest involving the individual and his/her role and relationship Community Living & Respite Services Inc. must be declared and recorded in Board Minutes.
- Where a conflict is declared and/or registered, the concerned Board Member shall not be present for or participate in discussions or vote on that issue, unless expressly invited to do so by unanimous agreement by all other members present. The conflicted Board Member may nonetheless be counted in the quorum present.
- When the President is aware of a direct or indirect conflict of interest involving one or more Board Members, the President must take steps to ensure compliance with this policy.
- Where individual Board Members become aware of a direct or indirect conflict of interest of another Board Member, they have a responsibility to bring this to the notice of the Board in writing.
- The CEO will be responsible for maintaining a register of conflicts of interest and related party transactions.

### **2. Management and Staff**

Staff employed by CLRS are in a position of trust and are expected in the exercising of their duties to never use their positions to service their own or someone else’s private interests at the expense of CLRS or CRLS’s clients.

Conflict of interest is about transparency. Staff must avoid conflicts of interest in their work: such as dual commitments or multiple loyalties and situations where they could be asked to use ‘privileged information’ or information given to them on trust in one situation to inform decision in another situation. This may involve not taking part in a particular program or decision or to seek a reassignment of their work.

Where conflicts of interest arise staff are required to immediately or as soon as practicable declare this interest on the Conflicts of Interest Form. Staff must declare any known direct or indirect conflicts of interests annually at individual Professional Development Reviews.

Once a conflict is identified and declared, a conflict of interest management strategy must be determined by the Manager and/ or HR Manager. This may include but is not limited to:

- the staff member withdrawing from the situation leading to the conflict;
- restricting the staff members involvement in any program, service delivery, activity or task; or
- relocating the staff member to another team/client.

### **3. Services**

#### **a. Support Coordination**

Community Living & Respite Services offers the services of Support Coordination and funded supports as a registered NDIS provider. As a supplier of Support Coordination services CLRS commits to showing no bias to any service provider and to being independent of funded supports offered and delivered by CLRS. The Support Coordination service will support NDIS Participants to make informed decisions which best support their needs and preferences. All information held by the Support Coordination team will be maintained separately to that accessed by staff managing funded supports for Participants.

When providing Support Coordination services to a NDIS participant CLRS Support Coordination staff will

- engage with the CLRS funded supports services in the same way they would engage with any other service
- ensure that the choice a NDIS Participant makes about their service provider will not impact on their support coordination service

CLRS will ensure that separate service agreements are in place for Support Coordination and other NDIS core or capacity building supports delivered by CLRS.

#### **b. Specialist Disability Accommodation (SDA)**

Community Living & Respite Services offers the services of SDA and funded supports as a registered NDIS provider. As a supplier of SDA CLRS commits to

- supporting SDA Participants to make informed decisions which best support their needs and preferences
- having a collaboration agreement in place with the provider of Supported Independent Living (SIL) services

CLRS will ensure that SDA Participants have a tenancy agreement in place as prescribed by legislation and a separate service agreement for SIL supports if these are delivered by CLRS.

### **4. Examples of conflicts of interest, or perceived conflicts of interest are:**

- When a Board Member/CEO or Staff member, or his/her immediate family or business interests, are affected from any business dealings, programs or services of CLRS.
- When a Board Member or Staff member offers a professional service to CLRS.

- When a Board Member/CEO or Staff member are affected personally or professionally from any inside knowledge if that knowledge is used for personal or professional advantage.
- Where a Board Member/CEO or Staff member has a role on the governing body of, or is employed by another organisation, where the activities of that other organisation may be in direct conflict or competition with CLRS.
- Where staff members are rostered to work directly with other staff who are members of their family or with significant others.
- Where staff members are rostered to provide support to family members or significant others.
- Where a client receives support coordination services and personal care supports from CLRS.
- Where a client lives in a CLRS registered SDA property and receives SIL supports through CLRS.
- Where a staff member has a personal relationship with the person with a disability, their family, friends or carers
- Where a staff member has financial or commercial interest in an organisation or company providing products, services or supports to people with disability including employment outside CLRS, as a contractor, via online platforms, or as a sole trader (self employed).
- Where a staff members beliefs and values may impact on the delivery of supports or services.

## **5. Breaches of the Policy**

### **5.1 Board Members/CEO**

Any breach of the Policy and/or failure by a Board Member to declare a relevant Conflict of Interest, or if a Board Member is found to have abused their position or knowledge, for the purpose of self-benefit or that of family or friends then that matter will be dealt with by the Board.

### **5.2 Staff**

Any breach of the Policy and/or failure by a Staff member to declare a Conflict of Interest or if a Staff member is found to have abused their position or knowledge, for the purpose of self-benefit or that of family or friends, or to have caused detriment to a client as a result of failure to declare an organisational conflict of interest, then that matter will be dealt with in accordance with the CLRS Disciplinary and Counselling Policy.

## **6. Access to and Responsibility for the Register**

The CLRS Secretary is responsible for the Board's/CEO Conflict of Interest and related party transactions registers. Access is limited to the Board and CEO, except as otherwise required by law.

The HR Manager is responsible for the Staff Conflict of Interest Register maintained on the appropriate system. The Board may request access to this register.

## **7. Disclosure of Information**

CLRS is required to provide details of Conflicts of Interest Declarations to some funding providers.

## 8. Monitoring and Evaluation

Annual audits of Board compliance with Conflict of Interest Annual Declaration after each Annual General Meeting.

Staff sign Conflict of Interest Declaration which is monitored monthly at the Senior Management Meeting. Conflict of Interest policy is available to all CLRS clients.

## External Framework

The Conflict of Interest Policy illustrates CLRS's adherence to the:

- Core Module 2: Provider Governance and Operational Management, under Outcomes for; Quality Management and Feedback and Complaints Management)

## References and associated documents

External Document	Author	Date of Release
West Gippsland Healthcare Group Governing Body Policy		2004
Conflict of Interest Policy Framework Victorian Public Sector		2009
State Government of Victoria State Services Authority		2009
National Disability Insurance Scheme Terms of Business		2017
Conflict of Interest for Council Staff	Department of Planning & Community Development	2011
NDIS Code of Conduct (Workers)		

Internal Document	Author	Date of Release
Privacy Policy	Anna de Vrieze	November 2022
CLRS Constitution		December 2016
Disciplinary and Counselling Policy		

## Amendments

Version Date	Author	Description of Key
July 2023	CEO	Conflict of Interest Related party transactions