

## Conflict of Interest Policy

### 1 At a glance

- Who** This policy applies to the Sylvanvale Board, Executive team, Managers and Workers (including employees, volunteers, agency staff, contractors and students).
- What** The purpose of this policy is to outline our approach to conflicts of interest including how we identify, disclose and manage any conflicts of interest.
- Why** To identify any conflict of interest in service delivery to ensure we act in the best interests of our Customers ensuring they are informed, empowered and able to maximise choice and control.
- To assess and mitigate any conflicts of interest within Sylvanvale to maintain transparency and best operating standards.



All staff are responsible for identifying and reporting Conflict of Interests to their manager.

## 2 Policy

### 2.1 Conflict of Interest - General

#### Overview

A conflict of interest is a situation where an individual or company has competing interests or loyalties.

Conflicts of Interest are categorised as:

- Actual - a conflict which has arisen in the present situation
- Potential - a conflict that may occur in the future
- Perceived - a conflict that is seen to be a conflict but might or might not be an actual conflict of interest.

Sylvanvale will monitor conflicts of interest which may arise with a view to continuously improving our policy and protocols for dealing with conflicts.

#### Key Responsibilities

- i** NDIA Terms of Business For Registered Providers (January 2020 edition)
- i** NDIS Code of Conduct
- i** The NDIS Practice Standards and Quality Indicators

As a registered provider of supports under the National Disability Insurance Scheme (NDIS), Sylvanvale has responsibilities in relation to:

- Managing conflict of interest generally
- Managing conflict of interest in plan management, support coordination including specialised support coordination and specialist disability accommodation
- Gifts, benefits and commissions.
- Declaring and avoiding any real or perceived conflicts of interest
- Development and maintenance of organisational policies to ensure perceived and actual conflicts of interest are proactively managed and documented
- Ensuring each Customer receives transparent, factual advice about their support options which promotes choice and control.
- Referrals to and from other providers are documented for each Customer.
- Ensuring each Customers right to exercise choice and control over other NDIS support provision is not limited by their choice of specialist disability accommodation dwelling.

### 2.2 Conflict of Interest Management and Strategies

#### Managing Conflicts of Interest Generally

- i** NDIS Code of Conduct
- i** NDIS Practice Standards and Quality Indicators - Core Module 2: Governance and Operational Management

Sylvanvale will ensure that when providing supports to customers under the National Disability Insurance Scheme (NDIS) - including when offering plan management, support coordination services (including specialised support coordination), and specialist disability accommodation -, any conflict of interest is declared and managed accordingly; and any risks to customers or to compliance with the NDIS Terms of Business are mitigated or avoided.

**Conflict of Interest Management Strategies**

Sylvanvale have adopted a range of conflict management strategies including the following:

- Geographical and functional management separation of services
- Establishment of information barriers
- Establishing protocols for protecting confidential information
- System access restrictions.
- Policies and procedure in place to manage actual or perceived conflicts of interest

**Managing Conflicts of Interest in Plan Management and Support Coordination**

-  [NDIA Terms of Business For Registered Providers \(January 2020 edition\)](#)
-  [NDIS Practice Standards and Quality Indicators - Module 4: Specialised Support Coordination – 3. Conflict of Interest](#)



[Conflict of Interest Declaration Form – Support Coordination](#)

Staff members of the Support Coordination team performing the plan management and support coordination (including specialised support coordination) functions will ensure that:

- Conflict of interest information is provided in our service handbooks and explained to each participant using the language, mode of communication and terms they are most likely to understand.
- The customer is supported to understand the distinction between plan management/support coordination and other supports
- they declare to customers the potential conflict of interest (perceived or actual) of Sylvanvale being the plan manager and/or support coordinator; and a provider of other supports
- Customers are presented with a range of choices about providers of supports and information about support options (including those not delivered directly by Sylvanvale) and this information is always provided, is transparent and promotes choice and control.
- The advice/information provided to the participant and their response is clearly documented in the Customer Management System (CMS).
- Referrals to and from other providers are documented for each participant.

Additionally, the Support Coordinator must declare any conflict of interest (perceived or actual) to the Participant or their Plan Nominee by completing the Conflict of Interest Declaration Form. This form is included as part of the Service Agreement for SIL and non-SIL customers.

**Managing conflicts of interest in Specialist Disability Accommodation**

-  [NDIS Practice Standards and Quality Indicators - Module 6: Specialist Disability Accommodation](#)



[Accommodation Agreement](#)

Each customer's right to exercise choice and control over other NDIS support provision is not limited by their choice of Sylvanvale as Specialist Disability Accommodation (SDA) provider.

- Conflict of interest information is provided in our service handbooks and explained to each participant using the language, mode of communication and terms they are most likely to understand.
- The Customer Experience Team (CET) will declare any Conflicts of interest, perceived or actual, and ensure that these are proactively managed and documented.
- The CET will support the customer to understand the distinction between SDA and other NDIS supports delivered in the dwelling.
- Where Sylvanvale is both the SDA and SIL provider, there are separate service agreements.
- The customer's housing rights, including security of tenure, will be upheld, irrespective of any decision/s the customer makes

about the provision of other NDIS supports within the SDA dwelling.

- The advice/information provided to the customer and their response is clearly documented in the Customer Management System (CMS).

The declaration regarding the Conflict of Interest is included in the Accommodation Agreement for Tenancy and Specialist Disability Accommodation.

**Sylvanvale Gifts, Benefits, Commissions Guidelines**

Sylvanvale and/or its staff must 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 customer. Further, employees must have no financial or other personal interest that could directly or indirectly influence or compromise the choice of provider or provision of supports to a customer. This includes the obtaining or offering of any form of commission by employees or Sylvanvale.

 [NDIS Terms of Business for Registered Providers](#)

 [NDIS Code of Conduct](#)

**2.3 Conflict of Interest Employee Requirements and Guidelines**

**Individual Conflict of Interest**

An individual conflict of interest is when the conflict arises from individual circumstances.

Individual conflicts of interest may include:

- any employment outside of Sylvanvale
- directorships of other companies or organisations that may have dealings with us;
- direct or indirect interests in businesses which supplies goods or services to Sylvanvale
- benefiting financially or otherwise from a transaction or arrangement with Sylvanvale.

**Employee Requirements**

All Sylvanvale employees are responsible for identifying and reporting Conflict of Interests.



[Conflict of Interest Declaration Form](#)

Depending of the Conflict of Interest type, staff are required to complete the Conflict of Interest Declaration Form or Engaging in Secondary Employment Form and submit it to their Regional Manager/Team Manager/Site Manager for assessment.



[Engaging in Secondary Employment Form](#)

Managers will work with staff to identify the appropriate risk management strategy in dealing with the conflict.

**Code of Conduct**

Conflict of interest in service delivery under the NDIS is covered as part of the Sylvanvale Code of Conduct, reinforcing the standards of behaviour that Sylvanvale expects of its team members.

 [Sylvanvale Code of Conduct](#)

 [NDIS Code of Conduct](#)

Sylvanvale expects all employees:

**i** NDIS Code of Conduct  
Guidance for NDIS Providers

- Act in the best interests of our Customers to ensure that participants are informed, empowered and able to maximise choice and control
- Act in the best interests of Sylvanvale at all times.
- Sylvanvale employees are not to (by act of commission or omission) constrain, influence or direct a person with a disability and/or their family so as to limit that person’s access to information and opportunities to exercise choice and control around decision making
- Sylvanvale employees must declare any conflict of interest (perceived or actual) prior to working with any NDIS participant(s) on behalf of Sylvanvale in relation to plan management and/or support coordination functions.
- Employees will ensure that Sylvanvale proactively manages perceived and actual conflicts of interest in service delivery and document/report on individual conflicts as they arise.

## 2.4 Standards, laws and other contractual obligations

<b>Standards</b>	<ul style="list-style-type: none"> <li>• NDIS Practice Standards and Quality Indicators</li> <li>• National Standards for Disability Services</li> </ul>
<b>Legislation or other requirements</b>	<ul style="list-style-type: none"> <li>• National Disability Insurance Scheme Act 2013</li> <li>• National Disability Insurance Scheme (Code of Conduct) Rules 2018</li> <li>• National Disability Insurance Scheme (Provider Registration and Practice Standards) Rules 2018</li> </ul>
<b>Contractual obligations</b>	<ul style="list-style-type: none"> <li>• NDIA Terms of Business for Registered Providers</li> <li>• NDIS Quality and Safeguards Commission (Provider Registration)</li> </ul>

## 2.5 Review, approval and document controls

<b>Policy name</b>	Conflict of Interest
<b>Review frequency</b>	Every 3 years
<b>Person responsible</b>	Matt Donnelly, Executive Corporate Experience
<b>Approval</b>	Leanne Fretten, Chief Executive Officer (CEO)

Review	Date approved	Approved by	Next review due
1	22/04/2020	Leanne Fretten, CEO	21/04/2023