

Growing Early Minds Conflict of Interest Guidelines

1. PURPOSE:

1.1 The purpose of this Guide is to outline Growing Early Mind's (GEM) to conflicts of interest and ensure Directors, Board members, staff and volunteers to effectively identify, disclose and manage any conflicts of interest on order to protect GEM.

2. SCOPE:

2.1 These Guidelines apply to all GEM Directors, Board members, staff, and volunteers.

3. RELEVANT LEGISLATION:

- *National Disability Insurance Scheme Act 2013*

RELATED DOCUMENTS:

- *National Disability Insurance Scheme Terms of Business for Registered Providers of Support*
- *National Disability Scheme Rules and Operational Guidelines*

4. DEFINITIONS:

- **Conflict of interest:** A situation where a person or entity has competing interests or loyalties. A conflict may be actual (a conflict which has arisen in the present situation), potential (a conflict that may occur in the future) or perceived (a conflict that is seen to be a conflict but is not). Conflicts of interest may arise at both the individual and organisational level.
- **Advocate:** An informal (e.g. family member, friend or peer) or formal (external agency) individual or organisation who speaks on behalf of the Participant and/or their family and assist with supporting the participant and/or their family to communicate their needs or desires.
- **Carer:** An individual who provides personal care, support and assistance to another individual who needs it because that other individual is a person with a disability.¹

¹ *National Disability Insurance Scheme Act 2013 (Cth) s 9.*

- **Key Personnel:** Those responsible for executive decisions and any other person who has authority or responsibility for (or significant influence over) planning, directing or controlling the activities of the registered provider.² For GEM, the 'Key Personnel' is the Senior Operations Manager (SOM), if not available, the Executive General Manager.
- **Participant:** A person becomes a *NDIS participant* on the day the NDIA decides that the person meets the access criteria.³

4.1 Examples of conflicts of interest

- Financial interest
- Personal and family relationships between employees/volunteers/participants
- Decisions regarding appointments, promotions or other decisions relating to employees
- Acceptance of gifts or benefits, e.g., money, jewellery, makeup, clothing, flights or holidays
- Use of confidential and official information
- Reproduction or use of copyright information for the organisation's purposes only
- Membership of, or employment in, another organisation that comes into serious competition with another organisation
- Use of the organisation's facilities and equipment for personal benefit or the benefit of a third party

4.2 What is not a conflict of interest

- Membership or affiliation with other organisations where there is no possible benefit or perception of benefit
- Union representation or membership
- Approved collaboration with other organisations

5. GUIDE STATEMENT:

5.1 GEM's Management is committed to high ethical standards: accordingly, it is imperative that any actual or potential conflict of interest is declared. In all cases, GEM will act in the best interests of Participants, ensuring they, their parents/carers and, where applicable, advocates, are informed, empowered and able to maximise choice and control. GEM will not, by act or omission, constrain, influence or direct decision making by a person with a disability, their parents/carers or advocates to limit the person's access to information, opportunities, choice and control.

² Ibid.

³ Ibid s 28(1).1.

6. PROCEDURES:

All GEM Management Committee members, staff and volunteers must declare any actual or perceived conflict of interest in any situation where it could occur. The Conflict of Interest procedure will come into effect immediately once a conflict of interest is declared.

6.1 A Conflict of Interest May Occur:

- Where management, Board or staff member has the potential to gain financially from any business dealings, programs or services of the organisation, **except** where the person falls into the class of people benefited by the organisation and the financial gain is of a nature common to other beneficiaries.
- Where the immediate family or business connections of a manager or Board member stands to gain financially from any business dealings, programs or services of the organisation.
- When a manager offers a professional service to the organisation
- Where a manager or Board member has a role on the governing body of another organisation, where the activities of that body may be in direct conflict or competition with the services offered by GEM
- When a manager or staff member stands to gain personally or professionally from insider knowledge if that knowledge is used for personal gain or advantage
- GEM representatives must have no financial or other personal interest that could directly or indirectly influence or compromise the choice of supports of a participant: this includes the offering or obtaining any form of commission.

7. RESPONSIBILITIES:

7.2 Organisational responsibilities

- Ensure organisational or ethical values do not impede a participant's rights to choice and control
- Manage, document and report on individual conflicts of interest as they arise
- Ensure that advice to a participant about support options, including those not delivered directly, is transparent and promotes choice and control
- GEM will proactively manage actual and perceived conflicts of interest through the maintenance of these Guidelines and following the governance processes:
 - Induction and staff education – all new and current staff will be educated on the Participant's legislative rights to choice and control under the NDIS

- Conflict of Interest Documentation – a Conflict of Interest Register has been established and is maintained.

7.3 Staff responsibilities

- Avoid conflicts of interest where possible
- Identify and disclose any conflicts of interest using the 'Declaration of Interests' Form.
- Carefully manage any conflict of interest
- Adhere to the conflict of interest guidelines and respond to any breaches
- Attend staff training and adhere to these Guidelines

7.3.1 Gifts and benefits

- GEM representatives must not accept any offer of money, gifts, services or benefits that could cause them to act in manner contrary to the interests of a participant
- Any gifts values over \$50 that are offered or given to a GEM employee or volunteer must be declared to the Direct Supervisor or Senior Operations Manager as soon as practicable
- Representatives 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 participant: this includes the obtaining or offering of any form of commission

7.4 Senior Operations Manager

- Will identify their own conflict of interest, should it arise
- Will work with all representatives to avoid or manage any conflict of interest
- Record all reported conflicts of interest in a 'Conflict of Interests Register'
- Ensure that staff have received training in managing conflict of interest

8. PROCEDURES FOR CONFLICTS OF INTEREST AT MEETINGS

- Representatives will declare any conflicts of interest of which they have become aware either at the commencement of the meeting or when the relevant issue arises. The nature of this conflict of interest will be recorded in the minutes
- When a conflict of interest is declared, it is to be recorded in the Conflict of Interest register along with actions taken to control the conflict of interest
- Confidentiality is to be adhered to in accordance with the Guidelines on Confidentiality and Privacy.

9. BREACH OF CONFLICT OF INTEREST GUIDELINES:

- Failure to disclose a potential, perceived or actual conflict of interest is a breach of these Guidelines
- Disciplinary action may follow if it is deemed to be an incident of misconduct, wrongdoing or an abuse of power

Executive Approval:

Executive Name	Position	Signature	Approval Date
Dylan Reynolds	Executive General Manager		

Review History

Procedure Review Date	Modifications	Next Scheduled Review Date
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