




Conflict of Interest – Service Delivery Policy and Procedures

STATEMENT

The Paraplegic & Quadriplegic Association of South Australia Ltd (PQSA) is committed to ensuring that actions and decisions taken at all levels of the Company are informed, objective and fair.

We will ensure all service recipients are fully informed and empowered and that they receive transparent information about us, our workers and our services to enable them to make decisions that are in their own best interests and free from pressure.

<p>Approved by:</p>  <p>Chief Executive Officer</p>	<p>Date: June 2021</p>
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In this policy, 'us' 'we' or 'our' refers to The Paraplegic & Quadriplegic Association of South Australia Ltd ACN 644 670 977, which is a Company Limited by Guarantee and conducts its business through Lifestyle Support and HomeCare+ services.

Please note that printed copies are not able to be controlled and the Shared Drive should always be referred to for the most current version.

SCOPE

Compliance with this policy is a condition of appointment for all workers engaged to provide services on behalf of PQSA.

DEFINITIONS

Refer to the PQSA Policy and Procedure Definition Glossary

RESPONSIBILITIES

It is our responsibility to communicate our policies and procedures to all workers on a systematic basis. Individual Managers and Supervisors are responsible for monitoring workers' understanding of their obligations and need for compliance with policies and procedures. Workers are responsible for complying with our policies and procedures.

POLICY

PQSA is aware of the potential for real or perceived conflict of interest when operating in multiple roles for our clients, in particular participants of the National Disability Insurance Scheme (NDIS). Identifying and remedying perceived or actual conflicts of interest in our service delivery is key to operating with integrity, honesty and transparency.

Conflicts of interest will be identified and appropriate action taken to ensure personal or individual interests do not impact on PQSA's services, activities or decisions. Management of actual or potential conflicts of interest will assist in safeguarding our clients and PQSA's reputation, integrity and sustainability.

PROCEDURES

PQSA will ensure that when providing services/supports to our clients, including NDIS to whom we provide plan management or support co-ordination services, any conflict of interest will be declared.

All workers will act in the best interests of NDIS participants and any other clients, to ensure participants are informed, empowered and able to exercise choice and control over their lives. Workers will not (by act or omission) constrain, influence, or force decision-making by a person with a disability and/or their family, so as to limit that individual's access to information opportunities, choice or control.

All participants accessing services from PQSA will be treated equally, and no participant will be given preferential treatment above another in the provision of supports.

Workers will ensure that we proactively manage actual and perceived conflicts of interest in service delivery. To achieve this, workers will:

- manage, document and report on incidences of conflict, where they arise; they will notify their supervisor of any conflict, and the Supervisor must report it to the Chief Executive Officer for the purpose of documenting the conflict in PQSA's Conflict of Interest register
- ensure that advice about support options includes information about services not delivered by PQSA and that the advice is honest, impartial and promotes choice and control
- adhere to PQSA's *Code of Conduct and Ethical Behaviour and Conflict of Interest Policy and Procedures*..

NDIS participants and other clients can make a complaint using PQSA's *Complaint – Concern Management Policy and Procedures (Client Complaints)*. We will proactively inform clients on how they can make a complaint and assist them with accessing external advocacy if required.

Support Coordination

The NDIS has clear expectations of organisation's who provide support co-ordination, the key one being the Support Coordinator must be independent of service provision to ensure there is no conflict of interest. Support Coordination therefore must be impartial and give the participant choices outside of PQSA and Homecare +. To address this the Support Coordinator must provide the participant with the PQSA Conflict of Interest policy ensuring this is discussed at the initial home visit as well as being recorded in the participant's case notes on the database. The provision of PQSA's information resource sheets also provides evidence of giving participants service options outside of PQSA (including HC+).

Managing Conflicts of Interest in Support Coordination

The Support Coordinator will inform participants that:

- PQSA offers Support Coordination, as well as a range of other supports under the NDIS;
- The participant has, at all times, the option to choose either PQSA or another service provider for Support Coordination and/or other supports;
- There are many other registered Support Coordination providers under the NDIS, and they are listed on the NDIS website (ensure the participant is given the link or shown how to access it);
- Even if an individual chooses to use PQSA as their Support Co-ordinator, they do not have to use any other supports provided by PQSA; and
- PQSA will offer supports to participants regardless of whether they self-manage their Plan, use the NDIA, or any other registered Plan manager;
- The Support Coordinator will obtain confirmation that the above information has been disclosed to the participant in order to maximise individual choice and control.

If a participant indicates that they do not wish to be referred to other services, PQSA will demonstrate and document that other options for supports have been explored, the participant's choice is free from influence, and the participant had full choice and control in the decision-making process.

Managing conflicts of interest

It is the responsibility of both PQSA as an employer, and workers to identify, address and mitigate conflicts of interests (perceived or actual).

PQSA workers should be aware of any potential conflicts of interest and disclose these to their supervisor. All workers are obliged to disclose any perceived or actual conflicts of interest that may affect their delivery of supports and services. This may include, but is not limited to:

- personal relationships with the client, their family, friends or informal carers
- employment with other service providers who provide supports to a client who is also receiving supports from us; as an example, Support Workers cannot work with one of our clients if they are also providing supports to that client in the course of employment with another provider
- financial or commercial interest in an organisation or company providing products, services or supports to clients
- beliefs and values that may impact a worker's delivery of supports or services.

Whilst workers have an obligation to identify and disclose conflicts of interest, PQSA also takes responsibility for ensuring our workforce is not affected by any personal conflicts of interest. To that end, PQSA will enact the following measures:

- screening potential workers prior to recruitment, for any potential or actual conflicts of interest; screening practices will include reference checks
- anticipating and raising any potential conflicts of interest with the worker
- continued supervision of workers to identify any conflicts that may arise during the course of support provision
- ensuring workers are made aware of their obligation to declare a conflict of interest, and to inform clients when they have an interest that may impact supports and services provided, particularly where PQSA acts in multiple roles such as support coordination *and* daily activities' service provider
- ensuring that there is no remuneration or other financial incentive paid to anyone who refers clients to other services offered by PQSA
- ensuring that concise but separate client information and documentation is kept between divisions (e.g. Lifestyle Support and HomeCare+).

Gifts, benefits and commissions

PQSA and our workers will not accept any offer of money, gifts, services or benefits that would cause us to act in a manner contrary to the best interests of an NDIS participant/client.

Additionally, workers must not hold any financial or other personal interest that could influence or compromise the choice of provider or provision of supports to an NDIS participant, including referral commissions.

RELATED LEGISLATION

- ACNC Governance Standards
- Corporations Act 2001
- National Disability Insurance Scheme Act 2013
- National Disability Insurance Scheme (Code of Conduct) Rules 2018
- National Disability Insurance Scheme (Provider Registration and Practice Standards) Rules 2018
- National Standards for Disability Services – Standard 6: Service Management
- NDIS Code of Conduct
- NDIS Practice Standards

SUPPORTING PQSA DOCUMENTATION

- Child and Young Person Protection Policy and Procedures
- Client - Advocacy Policy and Procedures
- Client Service Access Statement
- Code of Conduct and Ethical Behaviour
- Complaint – Concern Management Policy and Procedures (Client Complaints)
- Confidentiality Policy
- Conflict of Interest Governance Policy and Procedures
- Delegation of Authority Policy and Procedures
- Gifts and Donations Policy and Procedures
- Vulnerable Adult – Client Safeguarding Policy and Procedures

BREACHES OF THIS POLICY

A **breach** of this policy is grounds for disciplinary action, up to and including termination of employment. Ignorance of these procedures will not generally be accepted as an excuse for non-compliance. Only in extreme circumstances and where such ignorance can be demonstrated to have occurred through no fault of the individual concerned will PQSA accept such an argument.

If the Board has a reason to believe that a Board Member subject to the policy has failed to comply with it, it will investigate the circumstances.

If it is found that this person has failed to disclose a conflict of interest, the Board may act against them. This may include seeking to terminate their relationship with PQSA as per the Constitution.

DISTRIBUTION AND REVIEW

PQSA will ensure all persons engaged to provide services either paid or unpaid will be aware of this policy and will have easy access to it in an appropriate format. All policies are to be reviewed on a periodic basis or when legislation or government policy determines.