

Conflict of Interest Policy

This policy recognises a range of types of conflicts of interest, including financial and non-financial benefits and provides internal CPSN stakeholders with information about how to manage real, potential, or perceived conflicts of interest.

Record of policy development

Version	Date approved	Date for review
4	June 2024	June 2026

Responsibilities and delegations

This policy applies to:	All CPSN Board members and employees, volunteers, researchers, and contractors
Policy approval:	Board
Review of Policy Compliance	Chief Executive Officer (CEO)
Specific responsibilities:	Board CEO Deputy CEO People & Culture Manager Leadership Team Employees

Policy context - this policy relates to:

Service Standards	NDIS Practice Standards 2020
Legislation	Charter of Human Rights and Responsibilities Act 2006 (Vic) National Disability Insurance Scheme Act 2013 (Cth) National Disability Insurance Scheme (Provider Registration and Practice Standards) Rules 2018 (Cth) National Disability Insurance Scheme (Quality Indicators) Guidelines 2018 (Cth) National Disability Insurance Scheme (Quality and Safeguards Commission and Other Measures) Act 2017 National Disability Insurance Scheme (Code of Conduct) Rules 2018 National Disability Insurance Scheme (Complaints Management and Resolution) Rules 2018 National Disability Insurance Scheme (Incident Management and Reportable Incidents) Rules 2018 Disability Act 2006 (Vic) Australian Charities and Not-for-profits Commission Act 2012 (Cth) Associations Incorporation Reform Act 2012 (Vic) Ombudsman Act 1976 (Vic) Occupational Health and Safety Act 2004 (Vic) Equal Opportunity Act 2010 (Vic) Equal Employment Opportunity (Commonwealth Authorities) Act 1987 Child Wellbeing and Safety Act 2005 (Vic) Worker Screening Act 2020 (Vic) Disability Service Act 1986 (Cth) Fair Work Act 2009 (Cth)

	Children Youth and Families Act 2005 (Vic) Freedom of Information Act 1982 (Vic) Privacy and Data Collection Act 2014 (Vic) Privacy Act 1988 (Cth) Competition and Consumer Act 2010 (Cth)
Contractual obligations	NDIS Practice Standards
Organisation policies	Human Rights Policy and Framework Practice and Governance Policy and Framework Effective Workforce Policy Risk Management Policy and Framework Quality Assurance Policy Safeguarding Vulnerable Persons Policy Child Safe Policy Complaints Management Policy NDIS Code of Conduct Financial and Fraud Risk Management Policy Incident Management Reporting Policy Bullying and Harassment Policy Handling Participants' Money Policy Statement Training and Professional Development Policy Bullying and Harassment Policy
Other Conventions	United Nations Convention on the Rights of People with Disabilities (CRPD), 2006

DEFINITIONS

Conflict of Interest – conflicts of interest can be potential or real and occurs when an individual or a NDIS provider is able to exploit their own professional capacity for personal or corporate benefit. Conflicts of interest may include conflict of a financial, business, or personal nature, including any financial and/or corporate interest or relationship the NDIS provider may have with other entities, including businesses and organisations, or of a personal nature, including but not limited to cultural, religious, or social relationships.

Employee means a person who is employed by CPSN with wages or salary.

Staff means all the people employed by CPSN or within a specific work area.

Worker means any person engaged by CPSN to perform a service, paid or unpaid, and may include but is not limited to employees, consultants, contractors, employees of a labour hire company, apprentices, trainees, students or volunteers.

The following types of conflicts of interest are recognised:

Private interests that could improperly influence, or be seen to influence decisions, or actions in the performance of public duties - this is the general explanation and definition of a conflict of interest.

Real, potential, or perceived conflicts of a financial or non-financial nature - conflicts of interest should be declared whether they are determined to be real or present.

- Real: a real conflict of interest occurs when an individual has two competing interests, one of which interferes or undermines the ability to fulfill their CPSN responsibilities.
- Potential: arises where an individual has an interest or obligation, whether personal or involving a third party, that could conflict with the individual's duties and responsibilities to the organisation.
- Perceived: exists where it could be reasonably perceived, or give the appearance, that a competing interest could improperly influence the performance of an individual's duties and responsibilities.

Conflict of duty - this will arise when a person(s) within the organisation is required to fulfill two or more roles that may, potentially, or be perceived to conflict with each other (e.g., a person working in Support Coordinator and Innovative Choices roles).

Conflict of roles – this may arise for persons employed within CPSN and who participate as clients and/or representatives with cerebral palsy, and /or family members.

Giving or receiving of gifts and entertainment, whether tangible or intangible gifts or entertainment - any gift, gratuity, favour, benefit, discount, forbearance, item having monetary value for which the recipient does not pay fair market value. This can be tangible or intangible. A gift also includes meals, drinks, entertainment, and recreation (tickets, passes, etc.), services, training, transportation, discounts, promotional items, lodging, gift cards, or door prizes.

Public duties and private interests - public duties are the official tasks performed in the role of an employee or the Leadership Team. A private interest means anything that can influence an employee or Leadership Team member. Private interests may be direct or indirect, and financial or non-financial.

Direct interests - includes an employee or Leadership Team's own personal, family, professional, or business interests.

Indirect interests - includes the personal, family, professional or business interests of individuals or groups with whom the employee, Leadership Team member, volunteer, or client is or was recently closely associated with.

Financial interests - involves an actual, potential, or perceived financial gain or loss. Money does not need to change hands for an interest to be financial. People have a financial interest if they (or a relative, or close associate) own property, hold shares, have a position in a company or organisation bidding for public tenders/contracts or other competing work, receive benefits such as concessions, discounts, gifts, or hospitality from a particular source related to the organisation, or can benefit financially from a decision significantly influenced or made by the organisation.

Non-financial interests, including relationships, nepotism, or favouritism - these arise from personal or family relationships, or involvement in sporting, social or cultural activities. This includes any tendency toward favouritism or prejudice resulting from friendship, animosity, or other personal involvement with another person or group. If personal values are likely to impact on the proper performance of public duty, then these can also lead to a conflict of interest.

POLICY STATEMENT

Policy Statement

The purpose of this policy is to provide internal CPSN stakeholders, including Board members, employees, volunteers, clients, and contractors with information about how to manage real, potential, or perceived conflicts of interest.

CPSN recognises that a conflict of interest can be financial or non-financial, direct, or indirect, potential, actual or perceived and can include conflicts in duties.

In relation to conflicts of interest generally, CPSN will:

- ensure that CPSN Board members, clients, employees, and volunteers understand types of conflicts of interest and how to identify a real, perceived, or potential conflict of interest.
- ensure that CPSN Board members, clients, employees, and volunteers understand it is their responsibility (as well as that of CPSN) to identify, address and mitigate conflicts of interest (perceived or actual).
- adhere to the NDIS Code of Conduct.
- prioritise equitable, transparent, and ethical approaches in all aspects of its operations.
- not treat any party more favourably than another as a result of the real, perceived, or potential conflict.
- ensure that public duties and private interests and all real, perceived, or potential conflicts of interest are declared to the appropriate person(s).

- record declared conflicts in a Conflict of Interest Register.
- manage identified conflicts appropriately in accordance with this policy and the associated procedure.
- require Leadership Team members, Board members, and workers to exercise good judgement in each case when assessing a declared conflict or a gift, taking into account relevant circumstances, including the character of the gift, its purpose, its appearance, the business context, and mutual arrangement.
- ensure gifts and benefits received are declared to the appropriate person(s) and handled appropriately in accordance with this policy, the associated procedure, and the Delegation of Authority Matrix.
- ensure any gifts or entertainment are not given or received to create an improper advantage to CPSN or CPSN stakeholders, including members, Board members, employees, and clients.

In relation to conflict of interest in service delivery CPSN will:

- ensure that potential and current members and clients are fully informed and empowered and receive transparent information about the organisation to enable them to make decisions that are in their own best interests and free from inducements or pressure.
- treat all people accessing CPSN services equally, with no client given preferential treatment above another in the provision of supports.
- act in the best interests of CPSN members and clients to ensure that they are informed, empowered, and able to exercise choice and control over their lives. Employees and volunteers 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.
- ensure that advice about support options (including those provided by organisations other than CPSN) is honest, impartial, and promotes choice and control.

CPSN recognises that there can be a real or perceived conflict of interest that arises from its role in providing both Support Coordination and support services including Innovative Choices and community nursing services. In order to manage such potential conflicts of interest, CPSN will:

- inform potential clients that:
 - CPSN offers Support Coordination, as well as a range of other supports under the NDIS.
 - the client has, at all times, the option to choose either CPSN or another service provider for their Support Coordination and/or other support and CPSN quotes are treated like those from any other organisation.
 - there are many other registered NDIS providers, and they are listed on the NDIS website.
 - even if an individual chooses to use CPSN as their Support Coordinator, they do not have to use any support provided by CPSN.
 - CPSN will offer support to participants regardless of whether they self-manage their plan, use the NDIA, or any other registered plan manager.
- CPSN employees and volunteers 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 service providers, CPSN's employees will demonstrate and document that other options for supports have been explored, the client's choice is free from influence, and the client had full choice and control in the decision-making process.
- to reduce the risk of harm, abuse, or neglect, CPSN will ensure that:
 - clients who receive all their services from CPSN regularly receive information regarding the other service organisations available to them
 - Support Coordinators will work to connect with other service provider organisations, without interrupting or leaving gaps in the services they receive.
 - the CEO is responsible for auditing client plans to ensure that the risks arising from clients who receive all their services from CPSN are managed effectively and clients are informed of their options.

- in order to avoid the risk of (or actual) conflict of interest, the organisation will maintain a separation of access to specific service records not in their scope of practice between the service delivery team/s, and whilst core client information is shared in client records, service specific information is not able to be accessed between the teams.

Principles

CPSN is committed to honesty, integrity, and best practice in all aspects of its operations.

IMPLEMENTING THIS POLICY

Within CPSN the following roles communicate and operationalise this policy:

Roles and Responsibilities

The Board

The Board is responsible for delegating operational requirements and decisions to the CEO.

Under this policy, the Board is responsible for:

- approving alterations and changes to this policy and ensuring it aligns with the strategic direction of the organisation.
- regularly updating the Conflict of Interest Register.
- receiving and responding to real, perceived, or potential conflicts of interest declared by the Board or in relation to the Board, within 14 days.
- receiving and responding to real, perceived, or potential conflicts of interests declared by the CEO or in relation to the CEO, within 14 days.
- overseeing appropriate management of conflicts of interest for the CEO.
- adhering to the [ACNC governance standards, particularly governance standard 5: Duties of Responsible People](#).
- declaring any real, perceived, or potential conflict of interest they are made aware of, as soon as practicable after becoming aware of the real, perceived, or potential conflict in accordance with ACNC governance standard 5.

The CEO

The CEO has delegated authority for all decisions relating to operational matters. Under this policy, the CEO is responsible for:

- receiving and responding to real, perceived, or potential conflicts of interests for the CPSN Leadership Team within 14 days.
- overseeing appropriate management of conflicts of interest for CPSN the Leadership Team
- delegating authority to the CPSN Leadership Team to receive, respond to, and manage declared real, perceived, or potential conflicts of interest of CPSN employees reporting to the Leadership Team.
- monitoring tenders and contracts and the re-negotiation time to ensure gifts, benefits or other potential causes for conflicts are declared, managed and avoided as practicable.
- declaring to the Board any real, perceived, or potential conflict of interest related to the CEO, or where a reported/declared conflict also exposes the CEO or CPSN to a conflict, as soon as practicable after being aware of the real, perceived, or potential conflict.
- developing organisational policies, procedures, training, support, and supervision to ensure staff is aware of their responsibilities and accountabilities to identify, address and mitigate perceived and actual conflicts of interest.
- ensuring the review of policy compliance and supporting the overall integrity of this policy.
- establishing and maintaining an up-to-date Conflict of Interest Register.
- ensuring financial systems are in place to protect potential conflicts of interest from persons involved in the organisation or have a position in a company or organisation bidding for public tenders/contracts or other competing work.
- ensuring that a culture and practice of declaring conflicts of interest exists and can be evidenced.
- conducting internal audits to ensure that the organisation's policies and procedures are being implemented effectively, review conflict of interest management and identify areas for process improvement.

Deputy CEO

The Deputy CEO is responsible for:

- ensuring that a culture and practice of declaring conflicts of interest exists and can be evidenced.

- ensuring that where clients are in receipt of both Support Coordination and support services (including Innovative Choices and/or Telehealth) from CPSN that management of the services is separated and that documents that may generate a conflict of interest are not shared between the teams.
- ensuring that clients are made aware of any potential conflicts of interest that may arise as a result of any decisions concerning consent, guardianship, or Support Workers.
- ensuring separation of access to specific service records not in their scope of practice between the service delivery team/s, and whilst core client information is shared in client records, service-specific information is not able to be accessed between the teams.

Manager, People and Culture

The Manager, People, and Culture is responsible for:

- ensuring equitable practice in accordance with this policy.
- ensuring that a culture and practice of declaring conflicts of interest exists and can be evidenced.
- ensuring systems recruit appropriately qualified skilled staff and provide training to minimise the risks of conflicts of interest.
- creating and monitoring CPSN's Supervision model that embeds reflective practice including identification and reporting of conflicts of interest in all services.

Leadership Team and Coordinators with responsibilities for coordinating staff

The Leadership Team and Support Coordinators are responsible for the following:

- communicating and supporting clients and staff in understanding their responsibilities under this policy.
- ensuring that culture and practice of declaring conflicts of interest exists and can be evidenced.
- ensuring procedures are clear to staff.
- monitoring implementation and contributing to the review of policy.
- receiving and responding to declarations of real, perceived, and potential conflicts of interest from their employees / direct reports within 14 days.
- managing conflicts of interest appropriately, including documenting declarations and monitoring the relationship between the client, employee, and the potential conflict of interest.
- assessing gifts or other benefits offered or given to employees for appropriateness and in accordance with the real, perceived, or potential conflict and responding where needed to address the receipt of the gift or benefit.
- reporting and declaring all real, perceived, or potential conflicts of interest, whether direct or indirect, as soon as practicable after becoming aware of the conflict.

CPSN Employees

CPSN employees are responsible for:

- reporting and declaring all real, perceived, or potential conflicts of interest, whether direct or indirect, as soon as practicable after becoming aware of the conflict.
- reporting and declaring all gifts received from any CPSN stakeholder, including clients.
- adhering to direction and advice given by CPSN and CPSN management in response to a declared real, perceived, or potential conflict of interest.
- acting in the best interests of CPSN members and clients to ensure that they are informed, empowered and able to exercise choice and control over their lives. Employees and volunteers will not (by act or omission) constrain, influence, or force decision-making by a person with a disability and/or their family, to limit that individual's access to information, opportunities, choice, or control.

Maintaining Appropriate Records

- Conflict of Interest Register
- Risk Register
- FoundU Records
- Salesforce Records
- Support Coordination Manual
- Innovative Choices Manual

- Delegation of Authority Matrix (contained in the Financial and Fraud Management Policy)

Records will be kept for seven years.

CPSN records are maintained using cloud-based technology systems, covering HRIS, CRM and Operational documentation.

Procedures apply to this Policy

Conflict of Interest Procedure (Board)

Conflict of Interest Procedure (Employees & Clients)

Recruitment Procedure

Code of Conduct

End of document