

Conflict of Interest (SDA) Policy

Department of Human Services (DHS)

Summary

The conflict of Interest for Specialist Disability Accommodation (SDA) Policy is to assist the Department of Human Services (DHS) to appropriately identify, disclose and manage any actual, potential, or perceived conflicts of interests in a transparent, consistent, and lawful manner in order to protect the integrity of DHS, manage risk and ensure participants receive the support and services they want and need.

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1 Title

Conflict of Interest Specialist Disability Accommodation (SDA) Policy

2 Purpose

NDIS Participants have the right to exercise choice and control over NDIS supports that is not limited by the choice of SDA. The purpose of this policy is to set out how DHS proactively manages perceived or actual conflicts in an open and transparent manner.

It applies to DHS staff that are responsible for the management of SDA within DHS, and meets relevant legislation, regulations and standards set out in the NDIS Practice standards and the National Disability Insurance Scheme (SDA Conditions) Rules 2020.¹

3 Context

DHS provides NDIS, Supported Independent Living (SIL) in some DHS owned SDA properties. This could give rise to a perceived or actual conflict.

In line with NDIS Practice Standards and Quality Indicators 2021, and the National Disability Insurance Scheme (Specialist Disability Accommodation) Rules 2021 it is necessary for DHS to appropriately identify, disclose and manage any actual, potential, or perceived conflicts of interest and deal with those conflicts of interest in a transparent, consistent, and lawful manner in order to protect the integrity of DHS and manage risk and ensure clients receive the support and services they want and need.

4 Scope

This policy applies to all Specialist Disability Accommodation (SDA) provided by Department of Human Services (DHS).

This policy works in conjunction with the Departments Conflict of interest Policy.²

¹ [National Disability Insurance Scheme \(Provider Registration and Practice Standards\) Rules 2018.](#)

² [DHS Conflict of Interest policy.](#)

5 Closing the Gap

The needs and interests of Aboriginal people have been considered in the development of the policy, and it has been assessed that no negative implications have been identified. Rather, the policy aims to ensure that the interests of vulnerable or marginalised groups are protected, and that DHS delivers services and supports transparently.

6 Policy Details

6.1 Conflict of interest

A conflict of interest arises when DHS interests compete with or are different from those of the participant. An interest can be financial and/or business related and can be either direct or indirect. A conflict of interest can be actual, potential, or perceived.

An actual conflict of interest is where DHS is being influenced by a conflicting interest, a potential conflict of interest is something that might not be a conflict now but could be in the future and a perceived conflict of interest could be something that looks to be a conflict.

6.1.1 Roles as a Provider of SDA and /or SIL

DHS recognises there is a risk of real or perceived conflicts of interest in its role as a NDIS provider of SDA and SIL as they deliver both the dwelling and support services. To manage this risk:

- Conflicts of interest, perceived, or actual are proactively managed and documented. DHS will maintain clear communication through suitable forms to inform participants and their support people of any conflict of interest. Any conflict of interest in relation to the provision of other services will be declared in the Residential Tenancy Agreement.
- The participant will be supported to understand the distinction between the provision of Specialist Disability Accommodation and other supports delivered in the dwelling, such as Supported Independent Living (SIL) by way of separate service agreements supported by easy read information.
- As a provider who is delivering Specialist Disability Accommodation (SDA) and other NDIS supports to the same participant. DHS will provide separate Service Agreements to maintain transparency.
- The provision of SDA and SIL supports will be delivered by separate Directorates and provide for separate escalation for the management of complaints.

- The Infrastructure Directorate, reporting through Finance and Business Services Division of DHS will provide and support all SDA related matters for properties owned by DHS.
- The Disability Services Division overseen by the Executive Director for Disability will provide SIL and all non-SDA related matters.

6.2 Reducing Risk of Conflict of Interest

In order to reduce the risk of potential or perceived of interest DHS is transparent in informing the participant's family/guardian(s) of its role as the NDIS service provider and accommodation provider who is managing the property. This information as part of;

- Our public information (information brochures)
- The intake process
- Discussions with the participant, family/guardian(s) about available and appropriate accommodation services
- Conflict of interest clauses included with Residential Tenancy Agreement
- Service agreements with participants supported by an Easy Read Tenancy Guide
- The consent process

DHS will monitor SDA Agreements to ensure:

- Communication occurs openly, honestly and in a timely manner with the participant, family/guardian(s)
- Protection of the privacy and confidentiality of the participant information is maintained by DHS
- Services are provided in a way that complies with all relevant laws, including the National Disability Insurance Scheme Act 2013 and rules
- Compliance with all professional standards, quality requirements and codes of conduct
- Accurate records of service agreements, and rent payments are kept
- The participants accommodation service agreement is reviewed with the participant family, guardian(s) at least once a year or as circumstances change
- Active support and assistance for the participant should they wish to move out of the accommodation service including supporting them to find alternative accommodation and transition to that service

DHS will actively seek and listen to the participant, family/guardian(s) feedback to assist SDA in identifying and resolving any issues that arise quickly and satisfactory before they escalate.

DHS will actively inform the participant, family/guardian(s) to provide feedback and/or make a complaint to;

- The service provider and

- Where indicated or requested, to the NDIS Quality and Safeguards Commission.

6.3 Reporting Conflict of interest

DHS Staff

DHS Staff are required to read the Department of Human Services Conflict-of-Interest Policy and Conflict of Interest (SDA) Policy and declare any person interests using the Conflict-of-interest Declaration Form. All conflict of interests, including those that are perceived or potential, must be declared. Staff who are unsure about whether something is a conflict of interest should speak to their manager.

Participants

A copy of the Department of Human Services Conflict of interest Policy and the Conflict-of-Interest (SDA) Policy is provided to the Participant and their family/guardian along with the Residential Tenancy Agreement and an Easy Read Tenancy Guide.

If the participant wishes to make a complaint, they can choose to either speak to us first, engage a support person or Advocacy Organisation or make the complaint direct to the NDIS Quality and Safeguards Commission.

Complaints and escalations are triaged within DHS. SDA related matters are managed through Infrastructure Directorate and other NDIS related support is managed through Disability Services.

Conflict of Interest Declaration Form

The Conflict-of-Interest Declaration Form can be used by staff or Participants to declare any conflicts of interest.

Conflict of Interest Register

DHS has a Register to manage the conflicts of Interest and review on a yearly basis.

6.4 Record Keeping

Records relating to the conflict of interests are to be retained and otherwise managed in accordance with the *State Records Act 1997* and the destruction schedules issued under that Act.

7 Definitions

Term	Meaning
Conflict of Interest	A conflict of Interest Occurs when an individual's personal interest – family, friendships, financial, or social factors – could compromise his or her judgment, decisions, or actions in the workplace.
Specialist Disability Accommodation (SDA)	Housing provided by a NDIS registered provider to participants who require Specialist Housing solutions to assist with the delivery of their supports. SDA refers to the dwelling itself and not the support. Providers must be registered with NDIS to provide SDA.
Supported Independent Living (SIL)	Support for participants including assistance with or supervision of the tasks of daily life,
DHS	Department of Human Services
NDIS Quality & Safeguards Commission	National Disability Insurance Scheme Quality and Safeguards Commission

8 Risk - Breach of Policy

A failure to disclose a Conflict of Interest is a breach of the NDIS Code of conduct and NDIS standards. DHS will raise any concerns with the NDIS Quality and Safeguards Commission should we become aware of situations where a real or perceived conflict of interest may adversely affect the participant and their best interests.

9 Reference Documents

- Conflict of Interest Declaration Form
- Conflict of interest Register
- NDIS Code of Conduct
- NDIS Terms of Business for Registered Providers
- NDIS (Specialist Disability Accommodation Rules 2021 (SDA Rules)
- DHS Conflict of interest Policy

10 Policy Approval

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