

Rationale

This Policy makes clear acceptable and appropriate behaviours that reflect SDN’s values and advance our purpose and sets standards by which we can measure good and poor performance.

This policy also outlines the obligations on all staff to identify, report, and address conflicts of interest (COIs), and to subject them to ongoing monitoring.

Scope

This policy, and its associated documents, applies to the entirety of SDN Children’s Services and the entirety of its wholly owned subsidiaries.

SDN Board members, staff members, trainees, contractors, volunteers and students (hereafter referred to as ‘staff’) are required to comply with this Policy. It applies to all work-related activities, as well as situations outside the workplace and/or out of hours if SDN itself or other staff are involved or referenced. This includes online activities including social media and electronic communications.

The SDN Board, Executive and Senior Leadership Team will have additional responsibilities and requirements as outlined in the SDN Board Charter, the Australian Charities and Not-for-profits Commission’s (ACNC) Governance Standards and the Conflict of Interest procedure.

Key Terms

Conflicts of interest (COIs) can arise for employees at all levels of seniority and in every area of work. They are common and an inevitable fact of organisational life. They are not in themselves a sign of wrongdoing and do not need to present a problem to SDN if they are openly and effectively managed.

When any risks they present are not appropriately addressed, organisational performance and reputation can be seriously compromised, and the effects can be significant for SDN and for the individuals concerned.

A Conflict of interest is when a staff member has their own interests that are different from SDN’s or the people that SDN work with.

A Conflict of Interest may be:

- Actual – it happened.
- Potential – it might happen.
- Perceived – it seems like a conflict of interest.

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This might be because the staff member:

- is given something, like money, a favour or a big gift, a user or potential user of SDN's services, if they do something special for them that SDN does not agree to or is against SDN's rules.
- works at SDN and at another place, and they influence SDN's children and families to take up services at their other workplace for their personal benefit that SDN does not agree to or is against SDN's rules.
- has friends or family members that do work at another place and refer SDN service users to them for the staff member's personal benefit or that of their friends and family that SDN does not agree to or is against SDN's rules.
- has friends or family members that also work for SDN, and they can make decisions about that person that makes them better off and not fair to other staff in a way that SDN does not agree to.
- is a friend or a family member of someone SDN supports, and they treat that person differently to the other people they support for the express benefit of their friend or family member and SDN does not agree.

Conflicts of interest present the risk that a person will make a decision based on, or affected by, these influences, rather than in the best interests of SDN or of the people SDN works with, including children and families.

A conflict of interest is wrong if the staff member uses it to get more than they should have for themselves or their friends.

Policy

Staff conduct

All staff will comply with the values and conduct standards as determined by SDN.

Staff will:

- behave honestly and with integrity
- act with care and diligence
- treat everyone with respect and courtesy and without harassment of any kind
- act in a way that does not compromise the wellbeing of children
- respect and apply professional boundaries with parents and interested stakeholders
- comply with all SDN policies and procedures
- comply with all applicable Australian laws

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- comply with any lawful and reasonable direction given by someone in SDN who has authority to give the direction
- maintain appropriate confidentiality (in all forms of communication)
- not provide false or misleading information
- use SDN resources in a proper manner (minimise wastage)
- seek internal resolutions for all organisational issues where possible
- at all times behave in a way that upholds the integrity and good reputation of SDN.

Conflict of interest

Staff will:

- discuss any actual, potential or perceived conflicts of interest that they know about with their manager at SDN as soon as possible when they become aware of the conflict
- take reasonable steps to avoid the conflict with the guidance of their Manager
- not make improper use of inside information, or their duties, status, power or authority in order to gain, or seek to gain, a benefit or advantage for themselves or any other person
- not accept gifts or extra money from anyone that might make them do something that is not right or to give themselves or a user or potential user of SDN services
- tell a user or potential user of SDN services if they have a conflict of interest. This includes the best interests of the children and families SDN supports, who must be informed, empowered and able to maximise choice and control
- give a user or potential user of SDN services all the information they need to make a fair choice
- not (by what they do or not do) constrain, influence or direct decision making so as to limit a user of SDN services, or potential user, access to information, opportunities and choice and control.

SDN will:

- require Senior Leadership Team and Board Directors will disclose conflicts of interest using the agreed disclosure reporting mechanism.
- work with a staff member to make a plan to make sure any actual, potential or perceived conflict of interest does not stop the staff member from doing their job in the right way
- give users of SDN services, or potential users, the information they need to make choices, not just the information about what SDN or a staff member wants them to do.

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Failure to comply with this policy may result in disciplinary action up to and including dismissal, in accordance with applicable SDN procedures, or, in the case of contractors, termination of engagement. Further, penalties associated with state and federal laws may apply.

Related SDN Documents

Policies

- GI-HLP-1.01: Policy Framework
- GI-OP-1.28 Anti-Fraud and Corruption
- GI-HLP-1.25 Procurement
- GI-HLP-1.11: Social Media and Electronic Communications
- SD-OP-2.23: Code of Conduct for Service Users
- HR-HLP-3.02: Equal Employment Opportunity and Good Working Relationships
- SD-OP-2.24: Interactions with Children
- HR-OP-3.05 Recruitment Selection and Appointment
- PROP-OP-7.01 Capital Works Contractors Management
- FIN-HLP-5.03 Fundraising and Charitable Donations
- HR-PRO-3.08-01: Managing Performance

Other SDN Documents

- SDN Children’s Services and SDN Child and Family Services Board Charters
- SDN Director’s Conflicts of Interest Register
- SDN Senior Leadership Team (SLT) Register of Interests

Relevant Legislation/Regulations

- Corporations Act 2001 (Cth)
- Australian Charities and Not-for-profits Commission Act 2012 (Cth)
- Australian Charities and Not-for-profits Commission Regulation 2013 (Cth)
- Australian Charities and Not-for-profits Commission Governance Standard 5
- Education and Care Services National Law Act 2010
- Education and Care Services National Regulations 2011, regulation 168 (2)(i)
- Schedule 1: National Quality Standard, Standards 4.1 and 4.2 and Elements 4.2.1 and 4.2.3
- NDIS Quality and Safeguarding Framework, December 2016

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- National Disability Insurance Scheme Act 2013
- Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019

Other References/Related Documents

- Australian Charities and Not-for-profits Commission’s Managing Conflicts of Interest Guide
- Department of Communities and Justice Agreement for Funding of Services (‘Human Services Agreement’) Standard Terms
- National Disability Insurance Agency’s Terms of Business Policies
- SDN Children’s Services Board Charter
- SDN Child and Family Services Pty Ltd Board Charter

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