



2.1 GOVERNANCE AND OPERATIONAL MANAGEMENT POLICY AND PROCEDURE

1.0 Purpose

To ensure that each participant's support is overseen by robust governance and operational management systems relevant (proportionate) to the size, and scale of the provider and the scope and complexity of supports delivered.

2.0 Scope

The policy applies to:

- ESG Inclusive Homes employees, whether permanent or casual, contractors, volunteers, and stakeholders
- All participants, their families, carers and/or advocates.

3.0 Definitions

| Terminology | Definition |
|---------------------------------------|--|
| Governance | The framework of rules, relationships, systems, and processes by which an enterprise is directed, controlled, and held to account and whereby authority within an organisation is exercised and maintained. |
| Stakeholder | Individuals or groups without whose support the organisation would cease to exist which includes but is not limited to: <ul style="list-style-type: none"> - participants, families, carers, advocates - Employees, whether permanent or casual and sub-contractors; and/or - Volunteers. |
| Operational Management | The administration of business practices to create the highest level of efficacy possible within an organisation. |
| Conflict of Interest | A conflict of interest occurs where there is a conflict between the public duty and private interests of a public health service employee. For the purposes of this policy, a conflict of interest is defined to include a conflict which is actual, potential, or perceived. |
| Potential Conflict of Interest | Where a conflict could arise between an employee's public responsibilities/duties and their private interests. |
| Perceived Conflict of Interest | Where a reasonable person could form the view that an employee's private interests could improperly influence the performance of their duties now and/or in the future. |
| Pecuniary Interest | Is an actual, perceived, or potential financial gain or loss to an individual or to another person with whom an individual is associated. |
| Non-Pecuniary Interest | is a private and personal interest that does not relate to money but arises out of friendship, kinship, membership in an association, society or union or involvement or interest in an activity or belief. |

4.0 Policy

ESG Inclusive Homes has effective systems and processes in place to guide and support its overall direction, effectiveness, supervision processes and internal and external accountability. ESG Inclusive Homes maintains an accountable and transparent governance arrangements by ensuring:

- Opportunities are provided by ESG Inclusive Homes for people with disability to contribute to the governance of the organisation and have input into the development of organisational policy and processes relevant to the provision of supports and the protection of participant rights
- A defined structure is implemented by ESG Inclusive Homes to meet a governing body's financial, legislative, regulatory, and contractual responsibilities, and to monitor and respond to quality and safeguarding matters associated with delivering supports to participants
- The skills and knowledge required for ESG Inclusive Homes to govern effectively are identified, and relevant training is undertaken by members of the governing body to address any gaps
- ESG Inclusive Homes ensures that strategic and business planning considers legislative requirements, organisational risks, other requirements related to operating under the NDIS (for example Agency requirements and guidance), participants' and employees' needs and the wider organisational environment
- The performance of management, including responses to individual issues, is monitored by the ESG Inclusive Homes to drive continuous improvement in management practices
- ESG Inclusive Homes is managed by suitably qualified and experienced persons with clearly defined responsibility, authority, and accountability for the provision of supports
- There is a documented system of delegated responsibility and authority to another suitable person in the absence of a usual position holder in place
- Perceived and actual conflicts of interest are proactively managed and documented, including through development and maintenance of organisational policies.

4.1 Responsibilities

4.1.1 Responsibilities of the Director and/or Appointed Delegate

- Ensuring that the service has appropriate systems and policies in place for the effective governance and management of ESG Inclusive Homes
- Providing leadership, forward planning, and guidance to the service, particularly in relation to developing a strategic culture and direction of ESG Inclusive Homes
- Authority, accountability, and control on behalf of ESG Inclusive Homes
- Maintain all appropriate insurances required for the legal operation of ESG Inclusive Homes
- Ensuring ESG Inclusive Homes strategic and business planning considers legislative requirements, organisational risks, other requirements related to operating under the NDIS including the needs of each participant, employee and the wider ESG Inclusive Homes environment
- Overseeing legal functions and responsibilities
- Ensuring all financial and funding arrangements are continuously managed and met
- Identifying, evaluating, and mitigating risks to ESG Inclusive Homes and its stakeholders, property, finances, goodwill, and image
- Overseeing implementation of ESG Inclusive Homes *Human Resource Policy and Procedure* and relevant practices including the development of job description for all employees
- Determining requirements for service management and program delivery
- Recruiting employees that have the right qualifications, as well as technical and personal abilities to help further the service's mission
- Ensuring perceived and actual conflicts of interest are proactively managed and documented
- Disciplining employees, when necessary, in accordance with ESG Inclusive Homes policies, procedures and legal requirements

- Identifying, assessing, and informing the management team and employees of internal and external issues that affect ESG Inclusive Homes
- Overseeing the planning, implementation, and evaluation of ESG Inclusive Homes programs, services, and special projects
- Establishing a positive, healthy, and safe work environment in accordance with all appropriate legislation and regulations
- Working with relevant employees to prepare a comprehensive annual budget and managing finances
- Researching funding sources and overseeing tender development and fundraising plans
- Ensuring good record keeping, bookkeeping, and accounting procedures are followed
- Communicating with stakeholders to keep them informed of the work of the service and identify changes and needs in the local community; and
- Establishing good working relationships and collaborative arrangements with other service providers, community groups, participants, families, carers, and local, state, and federal government agencies to help achieve the goals of ESG Inclusive Homes.

4.1.2 Responsibilities of All ESG Inclusive Homes Management

- Monitoring and overseeing the day-to-day operations of ESG Inclusive Homes including ensuring good management practices and appropriate checks and balances are in place
- Maintaining the service's integrity and service delivery quality
- Ensure all employees receive an orientation to the service and that appropriate ongoing training is provided
- Implementing a performance management process for all employees which includes monitoring the performance of employees on an ongoing basis and conducting annual performance reviews
- Conducting official correspondence on behalf of the service
- Developing goals and objectives to increase the service's growth and prosperity
- Designing and implement business plans and strategies to promote the attainment of goals
- Ensuring the service has the adequate and suitable resources to complete its activities (e.g., employees, material, equipment)
- Organising and coordinating operations to ensure maximum productivity
- Supervising the work of employees and provide feedback and counsel to improve efficiency and effectiveness
- Maintaining relationships with participants, carers, families, suppliers, community, industry, and government
- Encouraging each participant to contribute to the governance of ESG Inclusive Homes by providing feedback and suggestions of policies and processes relevant to the provision of supports and the protection of participants rights
- Gathering, analysing, and interpreting external and internal data and write reports
- Assessing overall service performance against its objectives
- Ensuring adherence to all legal requirements and guidelines
- Coordinating periodic internal reviews or audits to ensure that compliance procedures are followed
- Identifying compliance issues that require follow up or investigation
- Filing appropriate compliance reports with the NDIS, Department of Health, and government regulatory departments
- Sourcing and implementing software and technology to adequately support the company's operations and provide oversight and monitoring in all required areas
- Assisting internal or external auditors in compliance reviews
- Preparing management reports regarding compliance operations and progress
- Discussing emerging compliance issues with employees; and

- Reporting violations of compliance or regulatory standards to the authorised government agencies as required.

4.1.3 The NDIS Code of Conduct

ESG Inclusive Homes is committed to ensuring each employee adheres to the *NDIS Code of Conduct* as listed below:

- Act with respect for individual rights to freedom of expression, self-determination, and decision-making in accordance with applicable laws and conventions
- Respect the privacy of people with disabilities
- Provide supports and services in a safe and competent manner, with care and skill
- Act with integrity, honesty, and transparency
- Promptly take steps to raise and act on concerns about matters that may impact the quality and safety of supports and services provided to people with disability
- Take all reasonable steps to prevent and respond to all forms of violence against, and exploitation, neglect, and abuse of, people with disability; and
- Take all reasonable steps to prevent and respond to sexual misconduct.

5.0 Procedure

5.1 Company Details

| ESG Inclusive Homes Business Details | |
|--------------------------------------|--------------------------------|
| Business Name | ESG Inclusive Homes |
| Date Registered | 19/03/2024 |
| ABN | 675 894 023 |
| Domain Name | www.experiencesocialgrowth.com |

5.2 Delegation of Responsibility and Authority

ESG Inclusive Homes is a registered trading name operating in South Australia since March 2024. Patrick Wilsmore is the current Managing Director of ESG Inclusive Homes and oversees the overall operation of ESG Inclusive Homes and is solely responsible for all finance related management and decisions.

In the unlikely event of his absence, Patrick Wilsmore will elect a representative with appropriate qualifications and/or experience to temporarily take over the role and responsibilities of Director and/or appointed delegate which will be communicated in a timely manner to all ESG Inclusive Homes employees and stakeholders.

The Director and/or appointed delegate is responsible for ensuring that all delegation of authority information is recorded in the *Delegation of Authority Register*, and nominated persons complete a *Delegation of Authority Declaration Form*.

ESG Inclusive Homes organisational structure is set out in the organisational chart provided below.

The Director and/or appointed delegate are expected to either hire employees or liaise with professional services that have the required qualifications, skills, and experience necessary to effectively manage specific aspects of ESG Inclusive Homes.

The management team meets monthly, or as necessary, to ensure that compliance, operations and finances, risk and quality, participant feedback and complaints, are being carefully monitored. Minutes will be taken and forwarded to employees, as necessary.

All ESG Inclusive Homes employees will be employed under the *Social, Community, Home Care and Disability Services Industry Award 2010 (MA00010)*, the *Health Professionals and Support Services Award 2010 (MA0000270)*, Salaried Employment Contract or, in the case of sub-contractors, an award-free rate.

Service delivery will be tracked in ESG Inclusive Homes participant management system, which will support and streamline organisational reporting. ESG Inclusive Homes performance will be summarised on a yearly basis in an annual report.

5.4 Compliance Management

ESG Inclusive Homes implements and maintains a *Legislative Compliance Register*, which is reviewed annually or as required, and assists in the identification of ongoing legislative requirements that apply to the governance of ESG Inclusive Homes. Legislative compliance is maintained and updated through:

- Review of the NDIS Commission Website
- Ongoing consultation and communication with industry specialists and/or legal representatives
- Legal updates provided by government publishing
- Internal audits
- External third-party audits

The Director and/or appointed delegate are expected to submit an annual report summary relating to any findings or proposed changes in the governance and operational management of ESG Inclusive Homes. This annual report will cover all aspects of the business including but not limited to:

- Participant management
- Participant feedback, compliments, and complaints
- Service management
- Legal matters
- Human resources
- Financial matters
- Risk and quality management
- Compliance management
- Service promotion
- IT management

In addition to this, all ESG Inclusive Homes policies and procedures, forms and all other relevant documentation are reviewed on an annual basis, or as required, and consider the results attained through monitoring and evaluation and any changes in legislation.

The Director of Finance and Accounts is expected to submit an annual report summary relating to the financial and performance status of ESG Inclusive Homes to the Director and/or appointed delegate at the end of each financial year. It will then be the responsibility of the Director and/or appointed delegate to submit this report to the appointed accountant for ESG Inclusive Homes in a timely manner.

Opportunities are provided by ESG Inclusive Homes for participants to contribute to the governance of the organisation and have input into the development of organisational policy and processes relevant to the provision of supports and the protection of participant rights.

In recognition of the fact that stakeholder participation improves service outcomes, ESG Inclusive Homes will seek and regularly review feedback on its governance and operational management processes from participants, employees, and other stakeholders to assess satisfaction with governance processes and provide opportunity for feedback on areas for improvement.

ESG Inclusive Homes *Quality and Continuous Improvement Plan* will be used to record and monitor progress of any improvements identified and where relevant feed into service planning and delivery processes.

The Director and/or appointed delegate will make all revisions as required and communicate changes to ESG Inclusive Homes employees through meetings and/or email updates.

5.5 Conflict of Interest

ESG Inclusive Homes employees are expected to:

- Avoid conflict arising between their personal interests (or the interests of any other related person or body) and their duties to ESG Inclusive Homes
- Not take advantage of their position to gain any form of personal benefit directly or indirectly or to benefit any other associated person (e.g., a family member or another organisation etc)
- Not make use of inside information in any capacity
- Not (by act or omission) constrain, influence or direct decision-making by a person with a disability and/or their family to limit that person's access to information, opportunities, and choice and control
- Not allow personal interests, or those of any associated persons, to take precedence over those of ESG Inclusive Homes
- Ensure that advice to a participant about support options (including those not delivered directly by ESG Inclusive Homes) is transparent and promotes choice and control; and
- Act in the best interests of participants to promote empowerment, informed choice and ensuring that they are informed, empowered, and able to maximise choice and control.

ESG Inclusive Homes acknowledges that some employees may engage in community-based activities, undertake volunteer work or other professional roles outside of the organisation that may give rise to a conflict of interest or a perception of conflict. As a result, ESG Inclusive Homes employees are expected to declare their involvement in external work-related activities to allow for discussion and management of the potential conflicts of interest with the Director and/or appointed delegate.

Details of the existence of a possible or potential conflict of interest should be declared by employees to the Director and/or appointed delegate in writing and through completion of a *Conflict of Interest Form* as soon as the conflict is identified and subsequently added to the *Conflict of Interest Register*.

The Director and/or appointed delegate is accountable for ensuring that conflicts of interest (actual, potential, or perceived) are evaluated and managed appropriately and determining as to whether the interests disclosed constitute a conflict of interest requiring action. In making such a determination, the following steps shall occur:

- The officer in receipt of the disclosure referred to above must discuss the matter with the employee concerned and develop a risk management strategy in consultation with the person: and
- The procedure must be documented, and the employee advised in writing and a copy of the agreement held in the department's records.

- Declarations of conflicts of interest should be a formal agenda item at all governance and operational management meetings
- Where circumstances affecting a declared conflict of interest change, then any declarations should be amended, and the risk management strategy revised as appropriate. The Risk Management Strategy is to be included in the *Conflict of Interest Register*, and
- Where a conflict of interest relates to an on-going matter, the relevant risk management strategy must be reviewed at regular intervals to ensure it remains appropriate.

5.6 Gifts, Benefits and Commissions and the NDIS

ESG Inclusive Homes employees must not accept any offer of money, gifts, services, benefits, or commissions that would cause them to act in a manner contrary to the interests of a NDIS participant. ESG Inclusive Homes employees must have no financial or other personal interest that could directly or indirectly influence or compromise any aspect of care and/or services provided to a participant or impact and/or damage the reputation of and community confidence in ESG Inclusive Homes.

6.0 Related Documents, Legislation, Regulations and Standards

- *Business Plan*
- *Internal Audit Schedule*
- *Delegation of Authority Register*
- *Delegation of Authority Declaration Form*
- *Conflict of Interest Form*
- *Conflict of Interest Register*
- *Quality and Continuous Improvement Register*
- *Meeting Minutes*
- *Human Resource Policy and Procedure*
- [National Disability Insurance Scheme Act 2013](#)
- [National Disability Insurance Scheme Terms of Business for Registered Providers](#)
- [NDIS Terms of Business](#)
- [Disability Act 2006 \(Victoria\)](#)
- [Corporations Act 2001 \(Commonwealth\)](#)

7.0 Policy Review

This *Governance and Operational Management Policy and Procedure* will be reviewed on an annual basis to ensure that ESG Inclusive Homes operates in accordance with legal, regulatory and company standards. This process will include a review and evaluation of current practices and service delivery types and locations, relevant policies and procedures, forms and registers and will incorporate all ESG Inclusive Homes employee, participant, and other stakeholder feedback.

ESG Inclusive Homes *Quality and Continuous Improvement Register* will be used to record and monitor progress of any improvements identified and where relevant feed into service planning and delivery processes.

ESG Inclusive Homes may make changes to this *Governance and Operational Management Policy and Procedure* at any time to allow for continual improvement, evaluation, and implementation of best practices to improve the effectiveness of its operation.