



# Governance Policy

V2.2 | Last Reviewed: 24/06/2024

## Purpose and Scope

A documented organisational structure, with clear reporting pathways, ensures that all staff of EnableOT know what decisions they can make and where they must seek approval for actions they wish to take. This safeguards the organisation from decisions being made by unauthorised persons and ensures that appropriate accountability for decisions is maintained.

Decision for the business are made within the boundary of regulatory and legislative compliance. Compliance with the relevant legislation such as information from external agencies like NDIS allows EnableOT to work within best practice for the services we provide. We monitor legislative and regulatory changes regularly and compare these to our policies and procedures as well as the performance of our services.

Monitoring and reporting on how our services have performed provides EnableOT with the information necessary for us to identify required changes and plan improvements in the way we apply our resources and deliver our services. This information also enables us to be accountable to our clients and their stakeholders and to meet our reporting obligations under our service agreements and to the NDIS.

## General Principles

EnableOT is committed to a clear governance structure so all team members know which decisions they can make autonomously and which decisions need to be referred to the Director or the Director's delegated representatives.

EnableOT is committed to delivering services that meet current best practice within the community service, health and education sectors, and that comply with relevant state and federal legislation. To ensure EnableOT delivers services based on current regulatory legislative and industry information, EnableOT will:

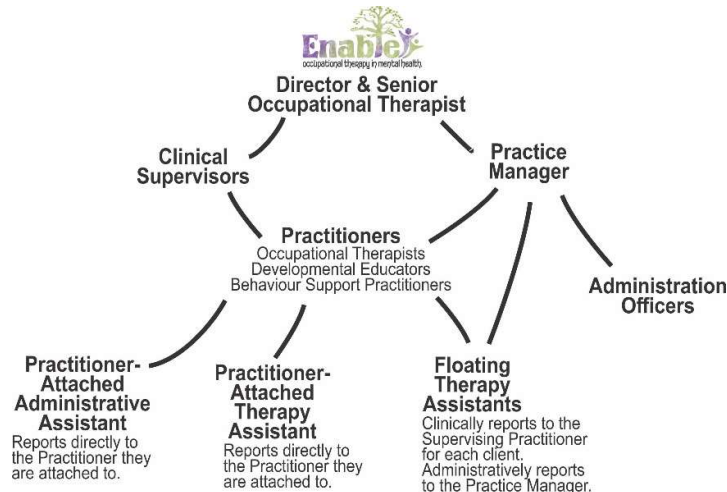
- identify relevant requirements and maintain policies and procedures detailing our practices in relation to these requirements such as Workplace Health and Safety.
- monitor changes to legislation, standards, funding conditions and current practice through membership of peak industry bodies, networking, training, and internet research, and use of consultants/advisors with expertise in the various areas affecting EnableOT operations
- identify necessary changes to EnableOT existing policies, procedures, paperwork and processes etc. to maintain compliance
- disseminate clearly and in a timely manner any changes in policies and procedures to all relevant staff including volunteers and contractors. This may include internal or external staff training.
- provide updated information to clients and their stakeholders on changes that make affect their service delivery
- engage in routine regulatory and compliance tasks to ensure timely completion of these tasks
- monitor and review changes implemented to ensure that changes remain compliant with regulatory and legislative requirements, and that there are no unintended consequences. Changes and improvements resulting from regulatory requirements are regularly incorporated into the Continuous Improvement processes.
- record and report any misconduct

EnableOT is committed to monitoring organisation performance, maintaining accountability for service delivery, and responding to reports on progress towards organisation and service goals. Specifically, we will:

- monitor the progress and achievement of service goals
- comply with service agreement requirements
- follow the direction and regularly review our Positive Support Policy
- collect and analyse client and service data

- providing reports on service achievements for clients where relevant reporting is required through the service agreement or through legislation

## Organisational Structure



Director of EnableOT:

- has authority on all decisions regarding the running of EnableOT - but delegates authority for operation of everyday aspects of business management to the Practice Manager, who may then delegate smaller elements to Administration Officers
- has all responsibility to oversee staffing, staff performance, performance improvement/correction and handling of misconduct - but delegates certain aspects of staff development and supervision to Clinical Supervisors and the Practice Manager.
- has all responsibility to structure service delivery for effective outcomes, manage all risks and prevent harm to clients, staff and others who engage with EnableOT in the course of the services provided but delegates aspects of direct service provision to clinicians (Occupational Therapists, Behaviour Support Practitioners or Developmental Educators) for clients on their caseload, on consultation with their Clinical Supervisors. They in turn supervise directly the work of the Therapy Assistants and Clinical Writer when performing services to support their direct clinical practice.

## Compliance

### Identifying Relevant Requirements and Monitoring Changes

The Director of EnableOT is responsible for monitoring legislative and regulatory change. The Director is a member of specific industry bodies that provide information on regulations, guidelines and frameworks and well as legislative changes, and delegates monitoring of relevant areas to clinical and administrative team members as per their area of expertise.

- Collaboration and communication with similar disability service providers
- NDIS Commission Standards Updates
- For finance-related updates to legislation and best practice, the Directors consult with chartered accountants and advisors
- Communication with funding or regulatory bodies such as AHPRA, NDIA, WorkCover Qld, Medicare, DVA
- Australian business legislations such as:
  - Corporations Act 2001
  - Australian Consumer Law (Competition and Consumer Act 2010)
- Health, Disability and Community Organisation Specific Legislation such as:
  - Health Practitioner Regulation National Law Act 2009

- Commonwealth Privacy Act 1988
- Commonwealth Disability Discrimination Act 1992
- Commonwealth Disability Services Act 1986
- National Disability Insurance Scheme Act 2013
- Equal Employment in Public Employment Act 1992
- Guardianship and Administration Act 2000
- Qld Mental Health Act 2016
- Qld Human Rights Act 2019
- Qld Anti-Discrimination Act 1991
- Qld Child Protection Act 1999
- Qld Workplace Health & Safety Act 2011
- Positive Behaviour Support Quality Framework

### Responding to Changes in Requirements

The Director is responsible for identifying changes that are required if differences in updated legislation, regulatory or funding information changes.

Changes are identified through the continuous improvement process outlined in the [Feedback and Improvement Policy](#) and changes are recorded, actioned and monitored in the **Continuous Improvement Log**. Results instigated in the plan may result in the changes to Policies and Procedures which will be updated, superseded and disseminated to staff as per the review process information on each policy. The superseding of policies will follow the same information management process as outlined in the [Privacy, Confidentiality and Information Security Policy](#).

If information to clients or their stakeholders is updated, then the staff member in receipt of the update ensures all key others are informed (typically during the fortnightly supervision session at which the Practice Manager briefly attends), and the updated documents are uploaded to the client's folder on the **EnableOT NextCloud Server**.

### Business Insurances

Insurance is an essential part of risk management and manage any potential liability, injury or loss. EnableOT requires all staff to maintain appropriate levels of public liability and professional indemnity insurance for themselves (which covers the Therapy Assistants under their direction). EnableOT maintains WorkCover Insurance and other insurances when required (such as Work Experience insurance when supporting a client to engage in Work Experience), and Building/Contents insurances when not covered otherwise. All our insurers will be recognised by the Australian Prudential Regulation Authority or regulated by state or territory Auditor- General as outlined in the NDIS Terms of Business.

### Managing Conflicts of Interest – Financial/Personal

A conflict of interest occurs when a person's personal interest conflicts with their responsibility to act in the best interests of the organisation and the people we support. A conflict of interest may be actual, potential or perceived, financial or non-financial. The purpose of the Conflict of Interest statement is to protect EnableOT's interest when it is contemplating entering into a transaction or arrangement and is intended to supplement but not replace any applicable state and federal laws governing conflict of interest applicable to NDIS organisations.

All representatives of EnableOT understand that they have the responsibility as follows:

- In connection with any actual or possible conflict of interest, a representative must disclose the existence of the financial or personal interest and be given the opportunity to disclose all material facts to the Director and other parties involved in the proposed agreement/arrangement.
- After disclosure of the financial interest and all material facts, and after any discussion with the person, the discussion while the determination of a conflict of interest is discussed, the other parties shall decide if a conflict of interest exists.
- If the engagement with EnableOT's services proceeds despite the conflict of interest, it must be declared, and signed-off in writing, as an accepted part of the agreement. For NDIS Participants, this is specified on the **Service Agreement**.

If a representative has failed to disclose actual or possible conflicts of interest, it can be discussed and assessed as to grounds for declaring misconduct (handled as per the Staff Recruitment and Training Policy).

## Keeping and Maintenance of Business & Service Delivery Records

When running a business, good record keeping is important to help clients achieve better outcomes, outline informed decisions of decision makers, protects the business from risk, meets legislative requirements and supports openness, transparency and accountability.

EnableOT will keep full and accurate records for legislated minimum periods:

- Clinical documentation such as service agreements, clinical notes, training notes, client support profiles, session summaries, reports, plans, data collection relating to implementation of behaviour strategies and restrictive practices.
- Financial documentation relation to client billing, staff wages, and business accounting records, and insurances
- Staffing records – employment agreements, proof of qualification, mandatory training and CPD compliance, drivers' licence, clinical registrations, professional membership groups, professional indemnity and public liability insurances.
- Corporate documentation – company registration with ASIC, ABN registration

EnableOT is committed to the NDIS Terms of Business and will renew this commitment as required on the myPlace Portal. If requested, within 30 days, we will supply the NDIS with financial statements, insurance currency certificates or any documents, records of files that could reasonably relate to NDIS supports. Where a decision by the NDIA is subject to review or complaint, we will cooperate by providing documents or other information requested under the Freedom of Information Act 1982 in a timely manner in accordance with the legislation.

## Financial Management

### Allocation of Business Funds

EnableOT is a "profit for purpose" company, using the company's funds to maximise the difference it makes to clients at the discretion of its Owner/Director. Therefore, we are committed to effective management of the organisation's finances and the prevention of fraud or mismanagement of its funds.

Specifically, spending only occurs via the Director, or specifically approved expenses charged to a credit card held by the Practice Manager – which is reconciled monthly through appropriate accounting software.

Tax instalments employees are be deducted for all payments of salary in accordance with details provided by employee via Tax Declaration Form. On each payrun, taxation payments are calculated through an appropriate accounting system and held in a dedicated account for quarterly BAS payments.

Superannuation is calculated on each monthly pay by an appropriate accounting software and is forwarded as part of payroll to the employees nominated superannuation fund following each pay run.

Accumulated leave payments, for applicable employees, is calculated each pay run and funds set aside to cover periods of leave so as to not cause a shortfall when leave is taken.

### **Preventing Fraud**

EnableOT is committed to acting in a transparent way that ensures the safety of employees as well as safeguarding the finances of the business. This includes:

- following procedures for obtaining and documenting approval for expenditure as detailed above
- accurate recording of approved expenditure as detailed above
- use of appropriate electronic accounting software for the reconciling money received by the organisation
- monitoring and checking of accounts and bank reconciliations is carried out by the Director and periodically by a chartered accountant.

### **Additional Considerations**

While business risk and governance are important to balance the needs of the business. It is important to also see duty of care and dignity of risk in the Positive Support Policy which outlines our responsibilities in providing a high standard of choice and control as well as participation in the governance of the organization for the clients we support.

### **Review**

This policy will be reviewed when required by changes to legislation or when organisation operations require it. Employees will be consulted in relation to any proposed changes. It is recommended that this policy be assessed at 9 monthly internal review alternating with formal auditing processes.