

# Conflicts of interest – Home and living supports

This fact sheet is for participants and providers and will explain:

- home and living supports funded by the NDIS
- conflict of interest
- home and living scenario
- what good practice looks like
- what participants can do if they identify a conflict of interest.

## Home and living supports funded by the NDIS

The National Disability Insurance Scheme (NDIS) funds some home and living supports to help NDIS participants live independently. The [home and living](#) page on the NDIS website provides more information on the supports available, such as personal care, home modifications, individualised living options, supported independent living (SIL), and specialist disability accommodation (SDA).

## Conflict of interest

A conflict of interest occurs when a person or organisation has an opportunity to put what will benefit them (their own interests) ahead of the interests of the person they are supporting.

These conflicts may be:

- actual – it happened or is happening
- potential – it might happen
- perceived – it seems like it has happened or might happen

### Examples of conflicts of interest:

- A SIL provider using their internal allied health or positive behaviour support staff to prescribe a SIL level of support for a participant.
- A provider of in-home supports or an SDA provider also providing other NDIS-funded supports, such as support coordination and plan management.
- A participant feels pressured by their SDA provider to choose a particular in-home support provider or service.
- A support coordinator referring a participant to home and living services provided by their own organisation, or a personal network, without giving other options.

## Home and living scenario

Dalia is an NDIS participant who is excited to move out of home into specialist disability accommodation with her friends. Together they have looked at several properties and have found a house they all like that is close to their families and the services in town.

Dalia goes through the tenancy and service agreements with her support coordinator, Amy. Amy explains that as part of the arrangement the SDA provider has stipulated that Dalia, and her friends use a specific provider for their in-home supports.

Dalia seeks advice from her family and other friends who live in similar arrangements. Everyone agrees this specific arrangement limits choice and control. Dalia's family discovers there is a relationship between the SDA provider and the provider delivering the in-home supports.

Dalia and her friends approach the SDA provider to negotiate an alternative option, pointing out it is a clear conflict of interest and restricts their ability to choose their own provider of supports. Dalia also reaches out to Amy to raise concerns that the

relationship between the two providers was not disclosed when they read through the tenancy and service agreements.

## Outcome 1

Dalia and her friends discuss with the SDA provider that if they agree to use the preferred in-home provider, the SDA provider is responsible for documenting the conflict of interest. This includes the mitigation strategies and reassurance documented within the service agreement that if Dalia and her friends are dissatisfied at any stage with the quality of services, they can cease the arrangement at any time without the risk of being forced to move out of the property. The SDA provider agrees. The arrangement will be reviewed regularly by the SDA provider, participants and decision supporters.

## Outcome 2

The SDA provider does not provide reassurance and explains that if Dalia and her friends do not agree with the original tenancy and service agreement then they cannot move into the property. Dalia and her friends speak to their families and decide to contact the NDIS Quality and Safeguards Commission to report the conflict of interest and breach of the [NDIS Code of Conduct](#).

Dalia and her friends must look for another SDA provider. This uses a substantial amount of their support coordination funding, but they know it is their right to be able to freely choose who supports them.

## What good practice looks like

Providers must act with integrity, honesty and transparency. This means they should disclose any real, perceived or potential conflicts of interest when offering and delivering supports.

Providers are expected to:

- declare any connections and relationships with other providers (including in-home providers of supports)
- keep accurate and up to date records of management of a conflict of interest and provide copies to all parties involved
- declare supports and services delivered by their own organisation

- present and encourage alternative service options outside of their own organisation to allow participants to make an informed decision that is free from influence
- avoid engaging in, participating in, or promoting ‘sharp practices’ or practices that are unethical, unscrupulous or not in the interests of participants
- comply with the Commonwealth *Privacy Act 1988* and state and territory privacy laws.

The [Conflicts of Interest declaration form](#) can help providers document how they manage conflicts of interest.

The [NDIS Practice Standards](#) set out what registered NDIS providers are required to do to avoid real or perceived conflicts of interest in the delivery of supports and services. For home and living providers, this includes:

- Conflict of interest policies are made available to participants in the language, mode of communication and terms that each participant is most likely to understand.
- Conflicts of interest, perceived or actual, are proactively managed and documented.
- Participants are supported to understand the distinction between the provision of SDA and other NDIS supports delivered in the dwelling.
- Separate service agreements are provided when the SDA provider is delivering SDA and other NDIS supports to the same participant.
- The provider upholds the participant’s housing rights, including security of tenure, irrespective of any decision/s the participant makes about the provision of other NDIS supports within the SDA dwelling (notwithstanding any matters covered by the SDA service agreement).

The [What is a provider?](#) page on the NDIS website can help participants decide whether a provider is a good fit for them.

The [NDIS Code of Conduct](#) promotes safe and ethical service delivery by setting out expectations for the conduct of both NDIS providers and workers.

## What participants can do if they identify a conflict of interest

If you identify a conflict of interest or are concerned that your home and living support provider is not acting in your best interests, you should talk to someone you trust, such as your nominee, family member, friend, or decision supporter.

You can also talk to your My NDIS contact, whose name is on your NDIS plan. They can help make sure you are safe.

You should also read any documents you received from your provider when you signed up for supports and services, such as your service agreement or intake pack, to identify steps or options outlined by your provider to discuss the conflict.

You may want to talk directly to your home and living provider to explain your concerns. You can seek support from an advocate or someone you trust to help you have this conversation.

## Ask questions

You can ask your provider questions such as:

- Do you have a conflict of interest policy or procedure document for me to read?
- Can you provide a list of alternative providers options where appropriate?
- Do you have a connection or relationship with the providers you have recommended?

## Make a complaint

- If you are concerned about the quality or safety of your current NDIS supports, you can make a complaint to the [NDIS Quality and Safeguards Commission](#) on their website or call them on 1800 035 544.
- If you feel your NDIS funding has been misused, you can [report suspicious behaviour](#) to the NDIA.
- If you are at immediate risk of harm, or have concerns about a person's wellbeing, call 000 at once.

# National Disability Insurance Agency

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