

Conflicts of interest – One provider of multiple supports

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

- one provider of multiple supports
- conflicts of interest
- one provider of multiple supports scenario
- what good practice looks like
- what participants can do if they identify a conflict of interest.

One provider of multiple supports

An NDIS participant and their decision supporters may choose to use one provider to deliver multiple, or all, NDIS-funded supports. This means a provider may deliver more than one of a participant's core, capital and capacity building supports, such as in-home supports, assistive technology, therapy and support coordination.

Participants have the right to choose how they receive supports and who delivers them. A participant may prefer the continuity of receiving multiple supports from one provider. However, this situation might increase risks to the participant's safety and affect the provider's due diligence and oversight of supports. To ensure the quality and safety of their supports, it is a good idea for participants to choose different providers to deliver some of their services. Having different providers may make it easier to raise any concerns that a provider isn't acting in the participant's best interests.

If a participant uses one provider for multiple supports, it is important they have a plan to manage any potential risks and conflicts of interest that the provider may have.

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 provider delivering all of a participant's supports and services.
- A disability support worker delivering all direct supports to a participant.
- A participant feeling unable to freely express their concerns about the quality of services.
- A participant feeling pressured to choose a provider or service from the same organisation, even though it may not be right for them.

One provider of multiple supports scenario

Simon is an NDIS participant with an intellectual disability and complex support needs. He lives in specialist disability accommodation (SDA). Simon's support coordinator has organised for Simon to receive all his in-home, therapy, and community participation supports from the coordinator's organisation, because this makes it easy to manage.

Simon does not have any informal supports, such as family members who look after his day-to-day care and wellbeing. Simon's support coordinator is the only person who helps Simon make decisions.

Haruki is a visiting advocate and has become concerned that Simon is living in a closed system. A closed system is when one provider has taken on full responsibility for all of a person's day-to-day care and wellbeing. Haruki talks to Simon about the benefits of the continuity of support from one provider. They also discuss the potential risks to Simon, especially since he does not have any informal supports who look out for him.

Haruki believes there is a perceived conflict of interest. Since the provider is responsible for delivering all of Simon's services, Haruki wants to make sure that the provider is acting in Simon's best interests.

With Simon's consent, Haruki calls a meeting with the support coordinator and the provider's operations manager to discuss their concerns. They talk about some ways they can manage the risks associated with the conflict of interest they have identified.

Outcome 1

After speaking about their concerns, Simon and Haruki are satisfied the support coordinator and operations manager have taken all necessary steps to manage the conflict of interest. However, all parties agree that it would be in Simon's best interests to find an independent support coordinator, so that Simon has somebody he can speak to if there is an issue with the quality of his supports.

The provider puts appropriate risk management strategies in place, so Simon feels comfortable to continue to receive supports from them. He understands his choice and he likes the continuity of having multiple supports from one provider. He decides that the benefits outweigh the risks.

Simon's original support coordinator helps Simon find a new, independent support coordinator to oversee his supports and act in his best interests.

Simon's new independent support coordinator monitors his circumstances to ensure appropriate strategies are in place to manage any potential conflicts of interest. The support coordinator also makes sure that the provider is regularly reviewing the management strategies.

Outcome 2

At the 6-month review, Simon decides he is uncomfortable with the current arrangement and would like to change his community participation support and his

allied health provider. Simon seeks help from his independent support coordinator who explores alternative options and gives Simon a list to choose from that would best suit his needs. The support coordinator gradually transitions Simon away from the conflicted arrangement, one provider at a time, to maintain continuity of care.

Outcome 3

Simon's original support coordinator and operations manager do not help Simon find a new independent support coordinator. This results in Simon remaining in a closed system. It also means that Simon has limited options to raise concerns about the quality of his services.

Simon and Haruki are concerned about the potential conflict of interest and Simon's lack of independent supports, so they decide to contact the NDIS Quality and Safeguards Commission to report the potential conflict of interest and breach of the [NDIS Code of Conduct](#).

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)
- declare supports and services delivered by their own organisation
- keep accurate and up to date records of management of a conflict of interest and provide copies to all parties involved
- where possible provide at least 3 or more support or service options
- 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.

Providers should present and encourage alternative service options outside of their own organisation to allow participants to make informed decisions that are free from influence.

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.

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 provider is not acting in your best interests, you should talk to someone you trust, like 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 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?
- 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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Telephone 1800 800 110

Webchat [ndis.gov.au](https://www.ndis.gov.au)

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