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What a conflict of interest is

A conflict of interest happens 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.

Conflicts of interest may be:

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

You are expected to make all efforts to avoid conflicts of interest. This should be in line with our position statement on conflicts of interest in the NDIS provider market.

Position statement on conflicts of interest in the provider market

Download the NDIA position statement on conflicts of interest in the NDIS provider market:

- NDIA position statement on conflicts of interest in the NDIS provider market (PDF 411.76KB)
- NDIA position statement on conflicts of interest in the NDIS provider market (DOCX 322.76KB)

Download the Easy Read:

- NDIA position statement on conflicts of interest in the NDIS provider market Easy Read (PDF 5.46MB)
- NDIA position statement on conflicts of interest in the NDIS provider market Easy read (DOCX 55.27KB)

Conflicts of interest that are not managed effectively can pose risks to your participant's safety. It can also limit their choice and control. Conflicts of interest can also pose a risk to your business and the sustainability and integrity of the NDIS.

All registered and unregistered NDIS providers must comply with the NDIS Code of Conduct . You should Ddeliver services competently and make sure of the quality and safety of your services.

The NDIS Practice Standards set out what registered NDIS providers need to do to avoid real or perceived conflicts of interest.

A conflict of interest is considered non-compliant when it is not declared or managed properly.

What a conflict of interest is like

Provider conflicts of interest may involve:

Influencing decisions

This may be:

- someone influencing or putting pressure on a participant's choice of services to benefit their own interests. This may include making recommendations and referrals to or prescribing services or equipment from:
  - the same or a connected organisation
  - a related third party (individual or organisation)
  - an organisation from which the person or provider receives a secondary gain, gift, or financial incentive.
- a provider acting as a nominee and making decisions about a participant's NDIS supports and providers.

Limiting choice and control

This could be:

- someone limiting a participant's choice of services to benefit their own interests. This may look like:
  - a provider refusing to provide a support unless an extra support is also delivered by a specific provider. For example, an accommodation provider needing the participant to use a specific personal care provider or a support coordinator needing a participant to use a specific plan manager.
- someone refusing to complete a referral to a specific provider, where there is a personal dispute between the providers.

One provider controlling multiple NDIS supports in a participant's plan

One provider controlling multiple NDIS supports in a participant's plan may affect the provider's due diligence. It can affect their oversight of NDIS supports and services. It may also limit the opportunity for the participant to raise concerns or exit services.

This may happen through controlling the coordination and referrals of NDIS supports, the delivery of NDIS supports and the payment of NDIS supports. For example, a:

- support coordinator or plan manager delivering some of a participant's other NDIS funded supports
- plan manager paying themselves for other supports they delivered.

How to act in a participant's best interest

You should act in the best interests of participants by acting with integrity, honesty and transparency.

You should:

- avoid any real or perceived conflicts of interest
- declare and manage any unavoidable real or perceived conflicts of interest
- keep accurate and up-to-date records of the management of the conflict of interest and provide copies to all parties involved
- recommend and provide NDIS supports and services best suited participants' needs
- provide alternative options for NDIS supports and services so participants can exercise choice and control, where appropriate
- avoid engaging in, participating in or promoting 'sharp practices', or practices that are unethical, unscrupulous or not in the interests of participants.

> **Tip: What are sharp practices?**
>
> The term 'sharp practices' refers to a range of practices involving unfair treatment or taking advantage of people, including over-servicing, high pressure sales and inducements. Some sharp practices may undermine the integrity of NDIS providers, workers and/or the NDIS sector as a whole. Although not necessarily unlawful, sharp practices are considered unethical, dishonest and not in the interests of people with disability.

Examples of conflicts of interest

Example 1: support coordinator conflict of interest

Pablo is a participant who has a cognitive disability. Jessica has been his support coordinator for several years. They have developed a close relationship by building trust and rapport.

Pablo contacts Jessica to say he is not happy with his current supported independent living (SIL) arrangement. Jessica tells him her organisation also provides SIL supports, and she is aware of some properties with availability. She offers to show Pablo through. Jessica also tells him there is a lot of interest in the properties and she doesn't want him to miss out. She puts pressure on him to make a decision.

Pablo is curious to look at other housing options and talks to his family, letting them know Jessica wants him to decide quickly. They ask Pablo if Jessica suggested any other options and point out that because Jessica works for the same organisation, it could be considered a potential conflict of interest. After talking with his family, Pablo agrees Jessica has not acted in his best interests and has not given him alternatives to the ones offered by her organisation. Jessica has also failed to give him time to make an informed decision that is free from influence.

Outcome 1

With Pablo’s consent, his family reach out to Jessica and her manager to raise their concerns. They explain Pablo would like to explore other options. Jessica and her manager understand and agree alternative options outside their organisation should be provided. They also agree they need to declare any potential conflict of interest where their organisation has a connection or relationship to the housing options given. This will allow Pablo to make an informed decision free from influence.

Outcome 2

With Pablo’s consent, his family reach out to Jessica’s manager to raise their concerns. Unfortunately, their complaint is not well received. After consideration, they decide to contact the NDIS Quality and Safeguards Commission to report the conflict of interest and potential breach of the NDIS Code of Conduct.

Pablo decides to change support coordinators. He continues to look at other SIL options.

Example 2: plan manager conflict of interest

Ravi is a participant and receives plan management services. While signing a new service agreement, he mentions to his plan manager he is looking for a provider for social, economic, and community participation supports. The plan manager tells Ravi the organisation they work for offers those supports. He connects Ravi with a support worker from his organisation.

Ravi starts receiving his supports and things are going well. The support worker finds a local social group that Ravi would like to join. The plan manager has checked with Ravi about his supports from other providers.

After a few months, Ravi notices the plan manager has only been checking the services provided to him by other organisations. He also notices the social, economic and community participation supports provided to him by the plan manager's organisation have not been claimed as per the service agreement. He has not checked these supports with him and has claimed for more hours than what was delivered.

Outcome 1

Ravi contacts his plan manager to say the claims being processed are not what was delivered or agreed in the service agreement. The plan manager acknowledges they should have checked the service was provided before paying the invoice, regardless of whether they were provided by the same organisation. To make sure this doesn't happen again, he puts a process in place to check all invoices for all organisations, including his own.

He also acknowledges making payments to their own organisation is a potential conflict of interest. This should have been disclosed and managed when connecting Ravi to a support worker in the same organisation. Ravi and his plan manager discuss what this means. The plan manager tells Ravi if it makes him more comfortable, they can connect him with a support worker from a different organisation.

The support worker acknowledges the error in invoicing the incorrect amount of hours and the plan manager refunds Ravi's NDIS plan.

Outcome 2

Ravi contacts his plan manager to raise his concerns. Unfortunately, he is dismissive of Ravi's concerns.

Ravi contacts the NDIS Quality and Safeguards Commission to report the conflict of interest. Ravi also decides to change plan managers.

Ravi continues to look at other options for social, economic and community participation supports in his area.

Conflict of interest resources

Download the conflict of interest resources:

- NDIA Position Statement on Conflicts of Interest in the NDIS Provider Market (DOCX 297.77KB)
- NDIA Position Statement on Conflicts of Interest in the NDIS Provider Market (PDF 236.88KB)
- Conflicts of interest declaration form (DOCX 297.77KB)
- Conflicts of interest declaration form (PDF 236.88KB)
- Participant rights factsheet (DOCX 296.19KB)
- Participant rights factsheet (PDF 193.17KB)
- Conflicts of interest – checklist for Participants (DOCX 283.87KB)
- Conflicts of interest – checklist for Participants (PDF 146.84KB)
- Conflicts of interest– checklist for Providers (PDF 183.9KB)
- Conflicts of interest – checklist for Providers (DOCX 283.19KB)
- Conflicts of interest – Allied health (assistive technology) (DOCX 293.96KB)
- Conflicts of interest – Allied health (assistive technology) (PDF 205.81KB)
- Conflicts of interest – Home and living supports (DOCX 294.08KB)
- Conflicts of interest – Home and living supports (PDF 205.13KB)
- Support coordinators and conflict of interest (DOCX 293.61KB)
- Support coordinators and conflicts of interest (PDF 135.63KB)
- Conflicts of interest – with plan management (DOCX 296.35KB)
- Conflicts of Interest – with plan management (PDF 224.19KB)
- Conflicts of interest – in regional, rural and remote areas (DOCX 290.63KB)
- Conflicts of interest – in regional, rural and remote areas (PDF 225.15KB)
- Managing conflicts of interest for providers of more than one support (DOCX 294.97KB)
- Managing conflicts of interest for providers of more than one support (PDF 228.56KB)

Easy Read versions

Download the Easy Read versions:

- What are conflicts of interest Easy Read (DOCX 54.91KB)
- What are conflicts of interest Easy Read (PDF 7.25MB)
- Participant rights factsheet Easy Read (DOCX 55.38KB)
- Participant rights factsheet Easy Read (PDF 4.92MB)
- What you can do if your provider has a conflict of interest Easy Read (DOCX 58.27KB)
- What you can do if your provider has a conflict of interest Easy Read (PDF 7.33MB)
- How to check if your provider has a conflict of interest Easy Read (DOCX 52.44KB)
- How to check if your provider has a conflict of interest Easy Read (PDF 5.11MB)

- Managing conflicts of interest in allied health Easy Read (DOCX 57.69KB)
- Managing conflicts of interest in allied health Easy Read (PDF 6.11MB)
- Managing conflicts of interest in home and living supports Easy Read (DOCX 57.79KB)
- Managing conflicts of interest in home and living supports Easy Read (PDF 5.36MB)
- Managing conflicts of interest with support coordinators Easy Read (DOCX 56.15KB)
- Managing conflicts of interest with support coordinators Easy Read (PDF 5.16MB)
- Managing conflicts of interest with plan managers Easy Read (DOCX 56.23KB)
- Managing conflicts of interest with plan managers Easy Read (PDF 4.51MB)
- ER Managing conflicts of interest when far away from cities or towns Easy Read (DOCX 56.51KB)
- ER Managing conflicts of interest when far away from cities or towns Easy Read (PDF 5.65MB)
- Managing conflicts of interest for providers of more than one support Easy Read (DOCX 56.65KB)
- Managing conflicts of interest for providers of more than one support Easy Read (PDF 4.94MB)

Related information

How to do the right thing as a provider

What is non-compliance

What is fraud

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