

NDIS CONFLICT OF INTEREST POLICY AND PROCEDURES

Policy Aims

MDNSW aims:

- To act in accordance with its values.
- To comply with its general and specific obligations as a registered provider of supports under the National Disability Insurance Scheme.
- To comply with the ACNC Governance Standards

Procedure

As a registered provider of supports under the National Disability Insurance Scheme, MDNSW has responsibilities in relation to:

- managing conflicts of interest generally
- managing conflicts of interest in support coordination, and
- offering or receiving gifts, benefits, and commissions.

All staff and volunteers are required to work within this policy and the MDNSW and NDIS Code of Conduct. Staff will be provided with these documents as part of their induction and reviewed on a regular basis.

Managing Conflicts of Interest

The NDIS Terms of Business for Registered Providers require providers to have policies about potential conflicts of interest in service delivery.

MDNSW and its team members will ensure that when providing supports to participants under the NDIS, including support coordination services, any conflict of interest is declared and any risks to customers are mitigated.

All employees will act in the best interests of NDIS participants and other customers, ensuring that participants are informed, empowered and able to maximise choice and control. Staff members will 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.

Employees will ensure that MDNSW proactively manages perceived and actual conflicts of interest in service delivery.

Employees will:

- Manage, document and report on individual conflicts as they arise, and
- Ensure that advice to a participant about support options (including those not delivered directly by MDNSW) is transparent and promotes choice and control.

As required by the NDIS Business Rules, all participants will be "treated equally, and no participant will be given preferential treatment above another in the receipt or provision of supports". (See note below.)

Managing Conflict of Interest in Support Coordination

- The Support Coordination team is responsible for support coordination only.
- However, MDNSW provides both support coordination and other supports.
- Participants will be informed of the Conflict of Interest Policy including an explanation of the conflict of interest for supports that are also provided by MDNSW, in the intake, planning and service agreement development stages.
- At the intake stage, participants will be made aware of their right to include a support person or advocate in the decision-making process. If an advocate is required, support coordinators will support the participant to access and external advocate.
- The participant is asked within the Service Agreement to acknowledge that conflict of interest has been explained to them and that they were not influenced in their choices.
- Participants will be presented with a range of choices about providers of supports other than just MDNSW. Staff will not seek to influence the customer to select MDNSW.
- Brief notes will be made in the participants file confirming the advice given to the participant, the other choices provided, and the choices made by the participant.

Where there is a potential or actual conflict of interest, members of the Support Coordination team will ensure that:

- the participant's risk assessment and plan, and the conflict of interest register includes the ongoing potential or actual conflict of interest and how this is being managed.
- support coordinators declare to participants the potential conflict of interest of MDNSW being both support coordinator and a provider of other supports and affirm that the organisation will act as directed by the participant and in the best interests of the participant.
- Participants will be presented with a range of choices about providers of supports and not only MDNSW and staff will not seek to influence the customer to select MDNSW.
- Where other providers do not currently have spare capacity customers will be presented with options regarding support delivery in the future, including whether they would like to be wait-listed with other providers.
- Brief notes will be made in the participant's file confirming the advice given to the participant and the participants choices.

Gifts, benefits and commissions and the NDIS

MDNSW or its staff must not accept any offer of money, gifts, services, or benefits that would cause them to act in a manner contrary to the interests of a NDIS participant. Further, employees must have no financial or other personal interest that could directly or indirectly influence or compromise the choice of provider or provision of supports to a participant. This includes the obtaining or offering of any form of commission by employees or staff of MDNSW.

Relevant Legislation

- National Disability Insurance Scheme (Registered Providers of Supports) Rules 2013
- NDIS Quality and Safeguards Standards 2018

The MDNSW's [Code of Conduct](#) covers conflict of interest practices - potential, perceived or real – in more detail.

Policy Review

Changes Made	Name and Role	Date of Review	Version #	Date Approved	Next Review Date
<i>Logo updated in header Hyperlinked to Code of Conduct and removed excerpt Reviewed against NDIS Practice Standards</i>	<i>Keely Thompson – HR & Quality Coordinator</i>	<i>07/04/2022</i>	<i>V3</i>		<i>April 2023</i>