

## Purpose

Life Without Barriers (LWB) must guard against service delivery conflicts of interest that could compromise the rights, independence, and informed choice of the people we support.

This NDIS Service Delivery Conflict of Interest - Procedure outlines LWB's requirements to achieve the expectations of the [NDIS Service Delivery Conflict of Interest - Policy Guideline](#).

## Summary

This procedure will help LWB staff provide NDIS services in accordance with the National Disability Insurance Agency (NDIA) Terms of Business and ensure that any perceived or actual conflict of interest is managed appropriately. It will help us to meet the requirements of the Australian Competition and Consumer Commission legislation, the National Disability Insurance Scheme Practice Standards and Quality Indicators, and other relevant Legislation.

## Who should read this document?

This procedure applies to all LWB staff, volunteers and contractors working directly or indirectly with people receiving NDIS services from LWB.

This procedure should be read in conjunction with the NDIS Conflict of Interest – Policy Guideline, and the [Conflict of Interest Policy Guideline relating to Employment](#).

## What is a Service Delivery Conflict of Interest?

A conflict of interest arises when an organisation or person's interests compromise, influence or affect, or be perceived to affect, the way they provide services. Regardless of the type of conflict, **ALL** real or perceived conflicts of interest must be identified and reported so that they can be managed appropriately.

This procedure is focused on conflicts of interest that (may) arise when a person is receiving more than one NDIS funded service from LWB, and where the delivery of the different types of services could affect or appear to influence independent decision making by the person.

## Conflict of Interest Examples

The following are examples where a conflict of interest may occur in providing services. (Note: This list is not exhaustive. It is designed to help you understand potential conflict of interest situations and how they can occur. If you are unsure about a potential conflict of interest, you should speak to your line manager and Practice Assurance Business Partner.)

1. An LWB staff member only offers services provided by LWB or does not offer LWB services at all. This limits the person's choice and control over the services that they might consider. This could include:
  - An LWB Support Coordinator only recommends LWB or does not include LWB in the mix of services being suggested to the person.
  - A Supported Independent Living (SIL) Disability Support Leader (DSL) recommends LWB Lifestyle Supports to a person we support, without asking the person to speak to their Support Coordinator to determine if LWB is the best provider of those additional services.
  - A CYF (Child, Youth and Family) Manager requests disability services be provided by LWB Disability staff, without considering the person's choice and most appropriate services.
2. LWB staff accessing client records that relate to other services being delivered to the person by LWB. For example, information relating to a person's CYF service is shared with a Support Coordinator without the person's consent and without maintaining appropriate privacy controls across separate business units.
3. Unduly influencing a person or family member by restricting access to information which limits the person's ability to choose appropriate supports.
4. Where a person's family member is employed by LWB, and the person has not had the opportunity to consider other providers.
5. Where an LWB staff member has a conflicting interest with a person supported by LWB, such as owning the property that is rented to the person or has a personal relationship or decision-making role with the person.
6. Where there is a difference of opinion or decision-making arrangements between business units delivering services from LWB. For example, where two different LWB program areas disagree about the level of supports required to meet the person's needs.
7. LWB staff making decisions about bedroom changes, change in co-tenancy, or house moves in a SIL/SDA setting and consultations have not occurred with the person and/or appropriate decision makers.
8. Where a manager is responsible for managing a complaint from a person that crosses over different service types such as SIL/LS.

## **Managing Conflicts of Interest**

### **Disclosing Conflict of Interest.**

- At initial engagement and throughout the service delivery relationship with a person receiving services from LWB, staff will discuss any perceived or actual conflicts of interest with the person we support. Staff will always act in the person's best interest and be directed by them about the services provided by LWB.

## Supporting Service Provision

- Information about how LWB manages potential or actual Conflict of Interest will be provided to the people we support in the [Welcome Pack](#).
- In situations where the person chooses LWB to provide more than one NDIS service, information should be provided about how LWB will maintain a clear separation of decision making and responsibilities relevant to:
  - Organisational Structures and Management
  - Separation of client records and permissions that restrict access only to the relevant service area.
- The people we support are made aware of their right to change the services provided by LWB, and how they can make changes. This will be detailed in their Service Agreement/s.
- The people we support are made aware of how to provide feedback or make a complaint with LWB, and how to access support from an advocate, if they have concerns about the supports provided.

## Recording

- Information about the service delivery options presented to the person must be recorded as a Progress Note in the person's client records. This should include the name/s of other service providers considered, and the person's reasoning behind their decision to have LWB as the service provider.

## Resolving Conflicts of Interest

- There may be times when LWB delivers multiple services to a person, and differences of opinion arise between business units about how to best support the person. In these situations, the [NDIS Service Delivery Conflict Resolution Decision Making Framework](#) will help to ensure the person we support can make informed decisions, they maintain choice and control, and their services are not compromised.
- The [NDIS Service Delivery Conflict Resolution Decision Making Framework](#) sets out a process to be followed and details how decisions are to be documented. This will evidence transparency and facilitate learning and continuous improvement in managing conflict of interest.

## Gifts and Benefits

LWB staff will not accept any offer of money, gifts, services or benefits that would cause them to, or be perceived to, act contrary to the best interests of the people we support. Further information can be found in the [Employment Conflict of Interest Policy Guideline](#).

## Resources and other Links

- [Policy Guideline](#)
- [NDIS Service Delivery Conflict Resolution Decision Making Framework](#)
- [My Rights – Nothing about me without me](#)
- [NDIS LWB 930 Independence and Informed Choice – Policy Guideline](#)
- [NDIS LWB 931 Independence and Informed Choice - Procedure](#)
- [NDIS LWB 932 Independence and Informed Choice - Practice Guide](#)
- [Supporting Clients' Personal Finances – Disability Services – Policy Guideline](#)
- [Supporting Clients' Personal Finances – Disability Services - Procedure](#)
- [Employment Conflict of Interest Policy Guideline](#)
- [LWB Code of Conduct](#)
- [NDIS Code of Conduct](#)
- [NDIS Practice Standards relating to Conflict of Interest](#)