

# NDS Quality and Safeguards Sector Readiness Project

## Tipsheet: Considerations for Managing Conflicts of Interest

This tipsheet has been developed to assist WA providers to meet the requirements of the NDIS Quality and Safeguards Commission related to **Conflict of Interest**.

It aims to assist providers in developing policies, procedures and processes to eliminate, reduce or manage real or perceived conflicts of interest.

Use the information to identify where your procedures could be improved. Remember to use it to guide what you need in a way that suits the size of your service and the types of supports it provides. This resource provides some considerations for:

- **Eliminating or reducing conflict of interest**
- **Managing real or perceived conflict of interest**

## Considerations for Managing Conflicts of Interest

### Eliminating or reducing conflict of interest:

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- ✓ **Develop and provide policy and procedures** explaining what conflict of interest is and to provide instructions on roles and responsibilities and how to manage conflicts.

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- ✓ **Define the types of conflicts you think could occur** for your supports and services and what the organisation's response could be to assist your workers in identifying and discussing conflicts with the organisation.

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- ✓ **Publicise your Conflict of Interest Policy** to demonstrate transparency and your commitment to avoiding and managing conflict of interest.

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- ✓ **Include conflict of interest in induction processes** for new workers, volunteers and Board members. Include information on the risks of potential conflicts arising from multiple employers, personal relationships, and gifts. Provide advice on appropriate ways to thank or recognise workers and volunteers.

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- ✓ **Provide participants and families with Conflict of Interest Policy** during orientation. Make sure the policy uses clear and concise language, alternative forms of communication are available as needed, and that there are opportunities to ask questions.

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- ✓ **Ask existing workers and Board members to read the Conflict of Interest Policy** and procedures and to declare any personal interests using a declaration of conflict of interest form, throughout their term of employment.

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- ✓ **Include conflicts of interest as a standing agenda item for meetings.** Encourage your teams to talk about conflict of interest as something to be considered and managed consistently. This includes Board meetings.

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- ✓ **Manage breaches of the Conflict of Interest Policy** through supervision and if required, through performance management or the Board Constitution/ Rules.

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## Managing real or perceived conflict of interest:

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- ✓ **Maintain a Conflict of Interest Register** and document all real and perceived conflicts. Include corporate conflicts of interest in relation to the organisation's relationships and activities, in addition to personal and professional conflicts that workers at all levels may have.

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- ✓ **Document significant conflicts of interest** in the organisation's risk management system.

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- ✓ **Routinely monitor and review all conflicts recorded**, include information on roles, responsibilities and frequency of review in your Conflict of Interest Procedure.

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- ✓ **When a conflict occurs**, the person with the conflict may need to be excused from any decision-making process for that item.

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- ✓ **Decision-making processes should be unbiased**. Record any declarations of conflict of interest and any decision-making supports provided.

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- ✓ **Where a conflict cannot be removed**, organisations must disclose the conflict to the people who could be affected by a potential or perceived conflict.

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- ✓ **Where the conflict relates to the types of service**, or the ways services are provided, this must be communicated openly with participants (or their legally appointed decision makers).

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- ✓ **Where a conflict exists and it is accepted by the participant**, there needs to be a written record that the person understands the conflict and how it is being managed as part of their service agreement.

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- ✓ **Where providers offer more than one service** and a participant needs a range of services, be clear about the conditions for service access to avoid perception of an all or nothing approach that could remove a person's rights to choose which services they use.

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- ✓ **Where a provider offers a range of related yet separate services**, there may be a need for separate service agreements. For example, specialist disability accommodation and other NDIS supports to the same participant.

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- ✓ **Audit your organisation for new or evolved conflicts.** Include this on your internal audit schedule.



**Questions to reflect on:**

- Do you have robust and fair recruitment processes which ensure equal opportunity for roles that come up within your organisation?
- Have you recorded partnerships you have in assets in, such as real estate and other company investments so these can be monitored for future conflicts?
- Is your system active, do you have processes in place for updating changes in circumstances?

**References**

- National Disability Insurance Service (2021) Provider legal requirements Accessed at [Am I ready to become a provider? Legal requirements and eligibility.](#)
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- NDIS Quality and Safeguards Commission Code of Conduct accessed at [NDIS Code of Conduct Guidance for Service Providers March 2019.](#)
- National Disability Insurance Scheme (2021) Consultation Paper – Supporting you to make your own decisions accessed at [Support for Decision Making Consultation.](#)
- National Disability Insurance Scheme (2020) Improving outcomes for SIL participants accessed at [Improving outcomes for Supported Independent Living \(SIL\) participants: Provider and Sector consultation paper Sept 2020.](#)
- National Disability Insurance Scheme (2020) Guide to Plan Management accessed at [NDIS Plan Management.](#)

**Please note:** This resource was reviewed in May 2023 by the NDS Quality and Safeguards Sector Readiness Project. The resource is general in nature and is provided as a guide only. NDS believes that the information contained in this publication is correct at the time of publishing, however, NDS reserves the right to vary any of this publication without further notice. The information provided in this publication should not be relied upon instead of other legal, medical, financial, or professional advice. Please always refer to online documents for the latest versions including the NDIS Practice Standards and advice to providers on the Code of Conduct.

