# NDIS Code of Conduct – Discussion Paper Submission

**Who are we?**

Neami National is a community mental health service supporting people living with mental illness to improve their health, live independently and pursue a life based on their own strengths, values and goals. We provide services in diverse communities in Western Australia, Queensland, South Australia, Victoria and New South Wales, ranging from the inner-city and suburbs to regional and remote areas.

**Our Commitment**

Neami National NDIS support services are delivered by Me Well (Mental Health and Wellbeing Australia), a division of Neami. Me Well is backed by Neami’s 30 years’ experience as one of Australia’s largest and most innovative mental health providers. Me Well is dedicated to helping people navigate the NDIS and to get the most out of their NDIS package.

At Neami we value the importance placed on an industry code of conduct by the NDIA, which will further ensure the protection and safeguarding of people receiving NDIS supports. Understanding that services are designed to help people exercise choice and control, while minimising the risk of harm to people with a disability and making sure high quality supports are provided safely and appropriately.

**Gathering Feedback**

Neami understands the purpose of this code of conduct paper is to consult on the development of the Code of Conduct with people with disability, carers, providers, workers and the broader community. To fully comprehend what the NDIS Code of Conduct would mean to our Me Well Services as a provider, the paper was circulated throughout the organisation to get valued feedback and comments from core groups that will be affected and included staff from Executive level to Managers, staff and more importantly our Customers.

**Key Points**

Overall, it was our assessment that the code of conduct discussion paper, its approach, intent, descriptions and expectations offer a sound foundation for the safeguarding of people accessing the NDIS. The NDIS is operating in a new and emerging market space and the content in the code details consistent expectations for all providers and enables a degree of confidence for people accessing the system and their families and carers.

Feedback from key organisational stakeholders is detailed below for consideration:

## 1.3 Who will be covered by the NDIS Code of Conduct?

### 1.3.1 Registered providers

### 1.3.2 Unregistered providers

* Concern is noted with “no obligation for unregistered providers” to read the Code and sign off on it, “Self-managing participants will be strongly encouraged to provide information about the Code of Conduct and its obligations to any unregistered providers they engage”. Understanding this may be difficult to monitor as the broader sectors/ business community get involved in providing services. Noting that if self-managed customers use unregistered operators, there may be a reduced liability on the NDIA, there might equally be a heightened level of risk associated with service provided by unregistered providers.
* The code could benefit from further clarification around safeguards for clients who might engage unregistered providers who don’t sign the code and don’t have appropriate insurance cover.

• The Code could benefit from further clarity surrounding applicability for subcontracted service providers and their staff. To further strengthen safeguards and increase consistency, the code should be explicit about its applicability to subcontractors.

***2.3 Act with integrity, honesty and transparency***

* “Conflict of interest” is only mentioned once and in a limited way. The Code should recognise the complexities of the various Conflicts of Interest that can arise and provide more sophisticated ways for conflict of interest to be managed. To date the NDIA has left this to organisations to define and manage, and certainly doesn’t include family/carers etc. this could be strengthened. One way service providers can address this tension is to proactively enable and support their participants to have independent support with decision-making in all aspects of their plans, supports and services. This will demonstrably help shift the locus of control from service providers to participants.

## 2.4 Provide supports in a safe and ethical manner with care and skill

* The code of conduct should include clearly articulated definitions for terms such as “ethical” and “exploitation” once fully implemented. The expectation that providers will have their own definitions of these things will promote wider interpretation/ practices. This will be harder for the NDIA to monitor

***2.6 Respect the privacy of people with disability***

* Further direction is needed about the use of marketing strategies with vulnerable populations, especially the practice of “poaching” (coercion, bribery) and the intersection/ role of guardianship in this context. The code of conduct needs to be firmer around these strategies with clearer definitions around what and how this should occur when directed towards a vulnerable population

**Other considerations**

* There is no mention of a requirement for carers and guardian’s adherence to the Code of Conduct other than in terms of how carers and guardians treat providers. As conflict of interest situations can arise in these relationships particularly where there is a level of business transaction involved, inclusion for particular activities would offer greater consistency and transparency of support for participants.

**Conclusion:**

Neami supports the NDIA’s development of the Code of Conduct to align with the NDIS Quality and Safeguarding Framework and support all endeavours to safeguard customers and ensure the highest quality services. Neami is also appreciative of the opportunity to provide feedback directly to the NDIA.

# More information

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