



NDIS Draft Code of Conduct Review
Submission via website
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To Whom It May Concern:

Bupa welcomes the opportunity to provide feedback to the Department on the draft Code of Conduct.

Bupa is a new entrant into the disability services market with our West Melbourne Bupa Therapy Centre due to open soon. Nevertheless, our extensive experience in other services such as residential aged care and Bupa Visa Medical Services (BMVS) has provided us with valuable insights and perspectives on working with diverse and vulnerable people and working within Codes of Conduct that address provider and customer expectations and ensure institutional mechanisms are in place to deal with poor quality and unsafe practices.

About Bupa

In Australia and New Zealand, Bupa is an increasingly diverse health and care company. In addition to our health, travel, pet, car, home and life insurances, we operate dental clinics, aged care homes, retirement villages, optical stores, general practice (GP) clinics, rehabilitation facilities, and tele-health, wellness and medical visa services. Our purpose is to help people live *longer, healthier, happier lives*. We are not listed, and as a global organisation we reinvest our profit into more and better healthcare to deliver our purpose to millions of customers.

Bupa is the largest health insurance provider in Australia, supporting more than 4.7 million customers in their health and wellbeing. We are also the largest privately owned residential aged care provider in Australia, providing care for nearly 7,000 residents across a growing network of more than 70 aged care homes.

We deliver a wide range of services for our customers through Australia's largest dental network of more than 230 Bupa owned dental clinics, almost 40 optical stores and expanding audiology services. In addition, we provide medical assessment services to some 250,000 onshore visa applicants annually through our national network of purpose built medical centres and more than 160,000 case reviews by a skilled medical team of complex offshore cases on behalf of the Federal Government.

Bupa New Zealand offers seven specialised rehabilitation facilities which focus on rehabilitation goal setting to develop increased independence, improve quality of life and help re-integrate people with the community. Bupa aims to provide assessment and therapy services in a single, seamless rehabilitation process. In Australia, Bupa is trialing a "Bupa Rehab Choices" program which aims to help people understand

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rehabilitation options after hip or knee replacement surgery, including providing options for home and community care.

Bupa is committed to working and living our values which are articulated as *passionate, caring, open, authentic, accountable, courageous* and *authentic* and we have developed our own Code which outlines what we expect from our people, to deliver our purpose of helping people live *longer, healthier, happier lives*. Our Code makes clear and succinct statements that provide a framework for the positive behaviors we believe will deliver on our purpose:

1. We put our customers first
2. We stay safe and well
3. We keep information safe
4. We work to the highest professional standards
5. We celebrate diversity
6. We play by the rules
7. We act ethically
8. We declare conflicts
9. We respect Bupa
10. We are ready for anything
11. We take care of the planet
12. We speak up

The Bupa therapy centre in West Melbourne will provide a one stop therapy experience for people 18 years and older with neuro-physiological conditions and impairments including but not limited to;

- Acquired and traumatic brain injury
- Stroke
- Multiple Sclerosis
- Motor Neuron Disease
- Cerebral Palsy
- Parkinson's disease
- Spinal Cord Injury

Therapy services offered will include physiotherapy, occupational therapy, and speech pathology with plans to expand into other health services in the future.

Comments on the draft Code of Conduct

As a new entrant in the disability market, Bupa appreciates that the Code will apply to all providers and workers who are funded under the NDIS, regardless of whether they are registered, or whether they receive funding through individual plans or contracted services.

Overall, Bupa believes that the draft Code of Conduct is a comprehensive framework and upholds rights of people with disability. Further, Bupa agrees that in addition to the broader legislative context, the obligations [Aged Care](#) • [Health Insurance](#) • [Dental](#) • [Optical](#) • [Hearing](#) • [GP](#) • [Medical Visa Services](#) • [Telehealth](#) • [Pet & Travel Insurance](#)



in the draft Code of Conduct align with the overall objectives of the NDIS Quality and Safeguarding Framework.

However, Bupa feels that the overall tone of the draft Code tends too heavily towards behaviours at the most undesirable end of the behavioural spectrum. The scenarios provided as illustrative examples are helpful, but are focused on a seemingly worst case scenario. It would be desirable to frame the Code to illustrate positive behaviours as the steerage, rather than the behavioural failures. It would also be desirable to illustrate the 'creep' of undesirable behavior that can occur, and the need to constantly check and audit for this, including through organisations' internal processes.

Overall, the draft Code only speaks to care providers and not participants. The rights outlined within the draft Code also inherently come with responsibilities. Bupa would suggest that the draft Code be updated to include language around participants, families and carers sharing in responsibility for a respectful environment and maintaining appropriate boundaries. A similar approach has been taken by the Australian Commission on Safety and Quality in Health Care, by creating an Australian Charter of Healthcare Rights. This Charter outlines a clear and common understanding of the rights people have when receiving healthcare. It also clearly outlines that all participants in the healthcare system are entitled to be treated with respect and not be discriminated against in any way. Patients and consumers have a right to receive care in a manner that is respectful of their culture, beliefs, values and characteristics like age and gender. Staff and health service managers are equally entitled to be treated politely and with consideration of their workload.

Section 2.1 (Promote individual rights to freedom of expression, self-determination and decision-making)

Bupa agrees with the overall intention of this section, and we recognise the rights of each patient to choose their own treatment and treatment plan outcomes; their right to make informed choice; to experience life and take advantage of opportunities for learning, developing competencies and independence, and in doing so take a calculated risk. We see that care staff supporting people with disability are under an obligation to ensure duty of care is maintained while supporting the person to fulfil their desired goals.

Scenario 2.3.2 (Act with integrity, honesty and transparency)

All formal working relationships need rapport and trust to function well. This is particularly relevant to the relationship between a disability services customer and their care worker/provider.

Bupa recognises that providing care to people with disability (physical, intellectual, mental health, or neurological) raises many challenges. The role by its nature means that all involved may be in many intimate situations and conversations with customers and their friends and families. This includes access to private or confidential information, customer requests or demands for services or support that technically fall outside of the support provided by the provider or worker.

Although the draft Code does articulate through its example what may be 'right' and 'wrong' and that there is a level of 'common sense' needed, Bupa believes that these situations are not always clear cut. A key issue for workers/providers in these instances is to be able to recognise when an invisible line might be crossed.

Bupa strongly believes that the draft Code of Conduct needs to address any improper behaviour in this regard before the worst-case scenario. There are many opportunities for intervention if the Code can articulate more clearly what the spectrum of problematic behaviour might look like, and what actions one can take if they are identified.



There is also no mention of the 'creep' of undesirable behaviours which can occur, where the interpersonal relationships between customer and service provider can become dependent or manipulative. Section 2.3 could be strengthened to remove ambiguity and any confusion and provide a sound and objective reference point in this regard.

Section 2.4 (Provide supports in a safe and ethical manner with care and skill)

Bupa agrees with the list of obligations in this section and we acknowledge that when a person with disability seeks support, they expect providers and workers to have expertise in providing the relevant services. We agree that it is essential that providers and workers maintain competence in their field and recognise the limits of their competence.

However, safety and the wellbeing of staff needs to be fully considered and mentioned in this section. In many instances, staff can place themselves at risk.

The Code of Conduct therefore needs to be clear in this section, that obligations in this section need to apply equally to participants and staff.

Bupa has acknowledged this potential risk. As just one part of the training and other actions we are taking to ensure quality, Bupa will ensure that all our staff will have crisis and prevention training at our Bupa Therapy Centre.

Bupa appreciates the opportunity to provide feedback on the draft NDIS Code of Conduct. If you have any further queries, do not hesitate to contact me (rebecca.cross@bupa.com.au).

Yours faithfully

Rebecca Cross
Head of Government, Policy and Regulatory Affairs