# NDIS Code of Conduct Submission

Thank you for the opportunity to provide comments to the National Disability Insurance Scheme (NDIS) - Code of Conduct. I work as a business consultant with in the disability sector and have some questions about who the Code might apply to and whether breaches of the Code will be made available. I also wonder if the Code presents an opportunity to address some of the historical issues about decision making and service design.

**Definition of workers**

Will the Code also apply to broker-style businesses such as labour hire agencies which provide staff for NDIS purposes or financial intermediaries who may not be paid through the NDIS, but are managing NDIS funds on behalf of an individual?

This definition could be expanded to include work placements and interns. Some students are not working as volunteers or paid staff but can be with ‘working’ at an organisation for 1-12 weeks, particularly where organisations have agreements with training providers to support practical components requiring workplace learning.

It would be useful to include the definition of workers in the glossary so it is immediately clear who is subject to the Code.

**Self-Management**

Where an individual’s legal representative self-manage the funding, like mum and dad or a guardian, and they directly employ a support worker, notwithstanding the support worker’s responsibility to apply to the Code, will there be obligations on the family/guardian under the Code as an employer?

**Supported decision making and codesign**

The Code of Conduct presents an opportunity to increase provider understanding of supported decision making and codesign to support self-direction.

Section 2.1 on Promoting individual rights to freedom of expression, self-determination and decision-making includes the following expectation that service providers will

“Communicate in a form, language, and manner that enables people with disability, and their carer where required, to understand the information provided and make known their feelings and preferences.”

This implies that a care, by virtue of their caring role, has natural authority or that the person with disability has nominated the carer to support their decision making. The term ‘carer’ could be replaced with their ‘approved alternate decision maker’ or something similar. This explanatory note could also include a sentence similar to “Part of this obligation includes providing supports to individuals that they may need to make their own decisions.”

An additional explanatory note for this section could encourage providers to work with individuals, families and carers in the design of services and the nature of service delivery.

**Reporting and Disclosure**

Should it be explicit that members of the public can also report concerns?

Will breaches of the Code by organisations and individuals be publicly available? This increases opportunity for people with disability to make informed choices about service providers. This may be particularly important for people who are self-managing and employing staff directly.