

SUBMISSION TO THE JOINT STANDING COMMITTEE OF THE NDIS

NDIA short notice cancellation policy

I am a disability public health researcher and a parent of a child with severe cerebral palsy and complex health needs. A recent situation evolving from the NDIA Short Notice Cancellation Policy raised questions for our family about fair practice, prompting broader concerns about public health risk.

Late Wednesday 21st of December our child (who has cerebral palsy and complex health needs) tested Covid positive. In the scramble to access anti-viral medication we did not look ahead to the next morning when a therapist and a therapy assistant arrived (just before 9am) at our home for a scheduled appointment. We had been unable to reach the workers by phone that morning but, upon their arrival, immediately informed them that our child had tested positive for covid.

A week later our child's NDIS plan (insufficient in capacity building funding) was invoiced \$513.84 for the call-out (Insert 1). When we raised the issue with the therapist the reply was "*My manager has gotten back to me about the communication of this cancellation fee. The manager has informed that the appointment does follow the (agencies) late cancellation policy which includes Covid related illness and therefore, the cancellation fee will remain*". The NDIA policy attached (Insert 2) enables agencies, not innately motivated to make discretionary judgements, to not balance the interests of clients and community. In our child's situation we have not ever cancelled an appointment with the therapist but note 6 occasions of cancellations of services from him (most at short notice and resulting in lost time at school and work hours for parents).

The situation has a two-fold problem. **Firstly**, it is unfair to the individual (our child) with Covid (and at risk) but then faces depletion of scarce funding because of it. The argument that the agency 'lost out' on that time is not quite true as the staff

would not have simply 'done nothing' in the time period. In the NDIA environment, a major (if not main) role of therapists is *administrative* (writing reports to NDIA etc.). Value, in this situation would have gone back to the agency. Value certainly was not provided to our child.

This situation demonstrates the lack of discretionary judgement coming from a major South Australian disability agency. The agency was unable to provide any flexibility. Instead, our child's situation becomes, yet another example of how agencies flourish while people with disabilities are diminished.

Secondly, the agency cancellation policy (while legal) coerces people (especially in our situation where there is insufficient plan funding) to not disclose Covid in order to protect vital services. Yet, by not disclosing, other people (like our son) with vulnerable health conditions are placed at risk of having covid transferred through therapists/other agency staff. Vulnerable people are placed at risk and for this reason it appears to breach NDIS safety regulations. Due to the relative isolation of our child, we are now wondering if this is how our child came in contact with Covid in the first place.

On behalf of our child and the community we hope you can appreciate the described situation and will act to prevent this from occurring to others.

Sincerely,

Insert 1: Invoice

Invoice Date: 31/12/2022
Due Date: 10/01/2023

Client:
NDIS No:

| Id | Description of Service | UoM | Qty | Fee | Extended |
|-----------|---|------------|------------|------------|-----------------|
| 2707366 | NDIS-IDLS-AHA-Level 2 (15_053_0128_1_3) Equipment Prescription/Training; Session Date: 22/12/2022 Travel (Worker: | NDIS Hour | 0.33 | \$86.79 | \$28.64 |
| 2705415 | NDIS-IDLS-occupational therapy (15_617_0128_1_3) Equipment Prescription/Training; Session Date: 22/12/2022 Travel (Worker: | NDIS Hour | 0.33 | \$193.99 | \$64.02 |
| 2705416 | NDIS-IDLS-occupational therapy (15_617_0128_1_3) Equipment Prescription/Training; Session Date: 22/12/2022 Direct Home Late Cancellation Fee | NDIS Hour | 1.50 | \$193.99 | \$290.99 |
| 2707363 | NDIS-IDLS-AHA-Level 2 (15_053_0128_1_3) Equipment Prescription/Training; Session Date: 22/12/2022 Direct Home Late Cancellation Fee | NDIS Hour | 1.50 | \$86.79 | \$130.19 |

GST Amount:

Invoice Total **\$513.84**

Applied *\$0.00*

Amount Due **\$513.84**

Insert 2. NDIA Cancellation Policy

Short Notice Cancellations

Where a provider has a Short Notice Cancellation (or no show), they are able to claim 100% of the agreed fee associated with the activity from the participant's plan, subject to the *NDIS Pricing Arrangements and Price Limits* and the terms of the service agreement with the participant.

A cancellation is a short notice cancellation if the participant:

- Does not show up for a scheduled support within a reasonable time, or is not present at the agreed place and within a reasonable time when the provider is travelling to deliver the support; or
- Has given less than seven (7) clear days' notice for a support.

General Claiming Rules

For supports delivered to a group of participants, if a participant cancels their attendance and if the provider is unable find another participant to attend the group session in their place then, if the other requirements for a short notice cancellation are met, the provider is permitted to bill the participant who has made the short notice cancellation at the previously agreed rate that they would have billed if the participant had attended the group. All other participants in the group should also be billed as though all participants had attended the group.

Providers can only claim from a participant's plan for a Short Notice Cancellation of the delivery of a support item to the participant if all of the following conditions are met:

- The *NDIS Pricing Arrangements and Price Limits* indicates that providers can claim for Short Notice Cancellations in respect of that support item; and
- The proposed charges for the activities comply with the *NDIS Pricing Arrangements and Price Limits*; and
- The provider has the agreement of the participant in advance (that is, the service agreement between the participant and provider should specify that Short Notice Cancellations can be claimed); and
- The provider was not able to find alternative billable work for the relevant worker and are required to pay the worker for the time that would have been spent providing the support.

Claims for a short notice cancellation should be made using the same support item as would have been used if the support had been delivered, using the "Cancellation" option in the myplace portal.

There is no hard limit on the number of short notice cancellations (or no shows) for which a provider can claim in respect of a participant. However, providers have a duty of care to their participants and if a participant has an unusual number of cancellations, then the provider should seek to understand why they are occurring. The NDIA will monitor claims for cancellations and may contact providers who have a participant with an unusual number of cancellations.

Example - Short Notice Cancellation

A one-hour support is scheduled for 10 am on a Tuesday following a Public Holiday Monday.

The participant cancels the support after 10 am on the Thursday before the Public Holiday Monday and the provider is not able to find alternative billable work for the relevant worker and is required to pay the worker for the time that would have been spent providing the support.

If the Service Agreement between the participant and the provider has included cancellation arrangements then the provider can claim for this support. The claim should be made at the agreed rate for the service against the relevant support item using the drop down field "Cancellation".