

# Questions for NABS/WMB

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## Update on NABS

As you are aware, NABS was recently advised by government of a significant reduction in the funding to provide interpreting services for private health services for deaf and hard of hearing people. In response to the notification of the funding reduction, NABS reviewed the range of private health services which could be covered by NABS and revised the terms and conditions of employment for interpreters.

NABS has since been advised the government has rescinded the funding cut for now and will continue to review service delivery demands. This has enabled NABS to offer the full suite of private health services and reinstate June 2013 Conditions of Engagement for interpreters until December 2016.

NABS does not know what the outcome of the review will be. It is therefore not possible for NABS to predict what future changes may occur for NABS and the services it provides. What is understood is that the rollout of NDIS will impact on Deaf people and the service they access over time.

NABS hopes the government decision to delay any significant changes to NABS funding will enable a transition plan to be developed in consultation with stakeholders. This will allow time to engage with NABS clients and NABS workforce – something which was not possible due to the previous and sudden decision to implement a very significant cut to NABS funding to be effective from 1 July 2016.

NABS understands this has been a confusing and difficult period for everyone. Many of the questions raised in the forum are no longer relevant as full services and employment conditions have been reinstated until December 2016. However, in the interest of providing clarity and offering an explanation of what has occurred, NABS has provided the following responses.

### *NABS opening hours:*

Wherever you live you can contact the NABS office between 8am – 6pm your time Monday to Friday.

### *Changes to services:*

NABS can provide the full suite of services. Not sure, contact our office and ask staff.

## **Bookings**

### *Impact of 1 hour minimum bookings:*

Many questions have been asked about the impact of reducing bookings to one hour minimum. The one hour booking minimum has been put on hold for now due to government changing its mind about reducing funding. NABS has reinstated a 1.5 hour booking minimum until December 2016 when government will review funding levels. Based on the outcome of the review, NABS will be able to provide information on what happens after December 2016.

It is important to note the one hour is a minimum booking time only. If a booking is scheduled for longer, or goes longer than expected, NABS will pay on confirmation the extra time as needed. This has been NABS practice to date and will continue.

## **Video Remote Interpreting (VRI)**

### *Many questions have been raised about the appropriateness of VRI for use in interpreting:*

NABS has VRI as an option if people choose to use it or if there are no other options available. NABS does not insist of the use of VRI. The use of VRI depends on the willingness of service providers as well as the deaf client to use the technology. NABS understands there are limitations for people accessing technology due to poor or unavailable service and perceived appropriateness for the appointment.

Technology will continue to challenge the way in which businesses and services operate, especially if they are seen to be more cost effective. It should also be noted technology can provide opportunities to provide services where previously services were not available.

NDIS promotes the use of technology where possible.

## **Deaf Interpreters**

### *Employment of Deaf Interpreters:*

NABS recognises the value of Deaf Interpreters in meeting the communication needs of some of its clients and will continue to employ DIs as needed or requested.

## Community Consultation

*If it is up to the Deaf community for NABS to be under the NDIS, why was the community not consulted?*

NABS has a Reference Group which meets during the year to discuss the progress of the NABS service. The Reference Group includes representatives from government, Deaf Australia, ASLIA and other deaf community members. NABS has been raising issues of how NDIS will impact on NABS services and the Deaf community with this group.

NABS has also been trying to talk to government more broadly about potential problems with having NABS services in NDIS. However, government did not provide consistent information on how NABS would be affected by NDIS.

It is the role of government to provide information to the community about NDIS and what services NDIS will provide to the community. People need to ask this question of government. NABS has been worried the Deaf community do not know about NDIS.

NABS is concerned about lack of consultation with the Deaf community and has raised this with DSS (government) many times.

NABS has Deaf project officer (Rachel Byrnes) who is conducting workshops around Australia to help raise awareness and answer questions about NDIS in the Deaf community.

### *IR matters:*

NABS does not place any restriction on discussing IR matters in appropriate settings. Professional ethics and relevant codes of conduct should inform individual's understanding of where these issues are best voiced and addressed. NABS respects and highly values the role of the interpreter in providing access to essential information to assist deaf and hard of hearing people to make informed decisions.

It was not the intention of the actions taken after the notification of the funding reduction to devalue or alienate our workforce. The decisions were based on organisational necessity to minimise the impact of the funding reduction on the services we could continue to provide to the Deaf community and to assist the organisation to be better placed for an NDIS environment.

## Interpreter Terms and Conditions

### - Pay Rates

*If NABS funding is now cut by 5% why are interpreters' standard rates still cut by 33%?*

As previously advised, NABS has reinstated the terms and conditions of employment to those detailed in the Conditions of Engagement June 2013, so it is not correct that NABS has still cut the standard rate by 33%.

Also, the maths behind the assertion that the pay cut was 33% of the original standard rate is not correct. The correct percentage of reduction is, or was, approximately 20%.

#### **Example:**

##### *Old conditions*

Paraprofessional (Level 2): 1.5 hours + travel = \$73.5 + \$45 = \$118.5

Professional (Level 3): 1.5 hours + travel = \$88.5 + \$45 = \$133.5

##### *Post 1 July*

Paraprofessional (Level 2): 1 hour + travel = \$50 + \$45 = \$95

Professional (Level 3): 1 hour + travel = \$60 + \$45 = \$105

##### *Impact*

$93.5/118 \times 100\% = 20\%$

$103.5/133 \times 100\% = 21.5\%$

*Interpreters have been asked to accept a 30% cut in minimum time (minimum pay). When NDIS is fully running, will interpreters still be expected to accept the payment cut?*

NABS has always had the 1 hour minimum booking period in place but elected to make the standard booking time of 1.5 hours to ensure interpreters had sufficient time to cover extended waiting periods at doctors etc. Reducing standard booking times to 1 hour does not reduce minimum pay rates. In fact, the minimum pay rate was increased.

As previously advised the impact was 20%-22% not 30%-33% being identified by various parties.

To gain a clear understanding on what is on offer from an employer, it is important to factor in all the variables and additional allowances (including travel etc) when comparing rates. Organisations vary in terms and conditions of employment for like occupations and services.

If a service wants to provide services to NDIS clients, then the NDIS funding rules apply. NDIS pay on hourly rate. At this early stage it is difficult to assess the full impact of the rollout of NDIS on workforce and terms and conditions of employment on all areas of workforce engaged with NDIS clients.

- **Letter to interpreters from Geoff Batkin (dated 5 July 2016)**

*How can WMB have gone ahead and changed Conditions of Employment when the final new contract was not in place and the real impact of the supposed changes were not clear? Why did WMB not convene an urgent meeting to consult with consumers and employees when the Government's intention to reduce funding was first mooted?*

It is not uncommon for contract negotiations with government bodies to be extensive and for service agreements to be a work in progress while details are finalised. In the interim period, service providers are expected to work with and under the draft conditions while negotiations are finalised. Once WMB was notified of the new funding to be effective from 1 July 2016, WMB was required to operate the NABS service within the new funding level regardless of whether the new service agreement was signed off.

At that time, the new terms and conditions were implemented to ensure maximum service delivery to the Deaf community within the new levels of funding.

As a national service provider, NABS has been involved with NDIS since its inception and has raised awareness of the potential negative impact of the implementation of NDIS on access for deaf and hard of hearing people to interpreting services since 2013. Lack of consistent advice or understanding on whether NABS services were in or out of NDIS has complicated how WMB has been able to respond generally. To this date, there remains confusion within NDIA and its staff on this matter.

The full impact of the decision to include NABS services in NDIS plans was only made known to WMB in mid June. This left WMB with less than 2 weeks to make the necessary changes to ensure service viability by 1 July 2016. An extensive consultation was not possible within the timeframe of advice of the changes and the need to implement changes.

As you are now aware, NABS has been given a reprieve by government which has reinstated the funding for a time limited period until December 2016, due to the lobbying efforts of NABS and Deaf Australia. The terms and conditions of employment effective June 2013 have been reinstated until this date and will be reviewed on an on-going basis.

*In the same letter of 5 July, Mr Batkin states that there was feedback received that the majority of NABS interpreters were “comfortable with the changes” to the terms and conditions. How was that feedback gathered and what in Mr Batkin’s definition constitutes a majority?*

Interpreters were requested to provide a response to state they either agree to continue to work with NABS under the new terms or conditions or not agree. NABS employs around 480 interpreters on a casual basis and at the time of Mr Batkin’s response, some 50 interpreters had indicated they would not accept the new terms and conditions. This related to a little over 10% of employees.

#### **- Contract Agreements**

*Professionals Australia, the union for language professionals, stated clearly in a letter dated 13 July that employers may not change the requirements of an employment contract with seeking the agreement of the affected employees. Is WMB prepared to enter into proper negotiation with its interpreter employees about their working conditions and to put a proper workplace agreement in place?*

As of Monday 18th of July 2016 the Department of Social Services have advised that they will provide additional funds to enable NABS to provide full services to the Deaf community until December 2016. In response to this temporary reprieve, NABS has informed interpreters the conditions of employment drawn up in June 2013 will apply to their working conditions until December 2016.

DSS have indicated that they will review the situation in December. WMB/NABS will continue to negotiate with DSS and will provide information to all stakeholders as information becomes available.

*What will happen to NABS employees who do not comply with the ultimatum to accept the imposed new conditions by 22 July 2016?*

The requirement for interpreters to respond to the new terms and conditions by 22 July 2016 has been placed on hold due to the recent decision by government to reinstate funding to NABS.

*Why has NABS adopted a confrontational, coercive and retributive attitude to their interpreters, effectively sacking anyone who refuses to agree to the sudden and substantial reduction in pay and conditions? Why have NABS cancelled en masse jobs booked prior to July 1 under previous conditions?*

NABS has not sacked any interpreters. A small number of interpreters resigned as their choice of action.

Bookings were not cancelled en masse. Some bookings made prior to July 1 for dates after 1 July had to be cancelled at that time as the full suite of NABS services offered prior to July 1 2016 was reduced due to the reduction in funding.

*Why were interpreters who had work taken from them for not agreeing to the new imposed conditions told that the jobs had been reallocated when that was not the case?*

Jobs were reallocated as non-acceptance to terms and conditions were received. However, all interpreters have been paid the full allowance of 1.5 hours and those interpreters who had jobs reallocated due to notified non-acceptance of terms and conditions were paid for those bookings.

## NABS and NICSS

*Why have there been cuts/changes to NICSS as well as NABS even though this isn't part of the NDIS? Shouldn't NICSS remain the same and unaffected?*

NICSS is the sister service to NABS and was established to provide interpreting for those services not covered by NABS (non-medical appointments such as conferences). All NICSS activity is also reported to DSS. NICSS is fee for service and like NABS is not for profit. NDIS operates in a fee for service environment. It is anticipated NDIS work will fall under the umbrella of NICSS as existing (NABS clients) and new clients become participants of NDIS and have to pay for interpreting services from their funding package.

NDIS specifies what it will pay for services on an hourly rate with a minimum of one hour service. As NDIS rolls out, service providers will be expected to work within these parameters. NICSS is a separate entity to NABS, however, NABS/NICSS share a common interpreter workforce. In this environment, aligning the terms and conditions of engagement for both NABS/NICSS is logical.

## Questions from Deaf Clients

*Under the FOI Act can I request my previous booking data from NABS to use as evidence of need when I meet with a planner?*

You do not need FOI Act to get access to your information on what services you have used in the past and how often. NABS can provide a history of service use to assist with planning interpreting services with NDIS. You can email [communications@nabs.org.au](mailto:communications@nabs.org.au) and ask for your service history.

It is important to think about all your interpreting needs not just for private medical services.

*NABS has been providing Deaf people with a list of their previous appointments. What about clients in regional areas where there is no local interpreter, is NABS letting them know how many travel hours has been used for them? Is NABS encouraging the Deaf to ask for extra funding to cover an interpreter to cover travel for their appointments?*

How travel will be paid for is something people should ask of NDIS. At this time, NDIS hourly rates include travel up to 10 km round trip however, there is nothing stipulated beyond this. People should raise this question with NDIS Planners and ask how the need for travel will be dealt with.

## WMB General Questions

*Why have WMB, who have cash reserves of \$25M, not offered to cover the shortfall in NABS funding in the interim?*

WMB is involved in providing a range of services including Residential Aged Care. A significant portion of the funds held by WMB relate to accommodation bonds and entry contributions for aged care services. These funds are held in “trust” by the organisation and cannot be used for general operating purposes such as meeting shortfalls in other areas of service delivery. Bonds etc are refundable when an aged care resident no longer requires the accommodation.

*How have NABS/WMB staff been affected by the funding cuts (including management)?*

Once the full impact of the funding reduction was made known to WMB/NABS, all operational activities were reviewed with the intention of making the necessary savings to meet the revised budget allocation. This included the following:

- Reduction in office hours – rosters changed to standard office hours only – hours subject to penalty rates for Call Centre staff ceased
- Contracts not renewed (Communications Officer position/Interpreter position in Tasmania)
- Administration support in NABS operational centre reduced
- Management positions – a reduction in hours of employment between 30-50%.
- All business activities reviewed to make savings (e.g. use of electronic job books).

## Future Reviews

*Do we have any more details about what further cuts in 2017/2018 could look like?*

DSS has signalled funding cuts will occur as Deaf people access NDIS and funding packages over the rollout period of NDIS. NABS does not have final information on the extent of the funding cuts at this time. DSS will continue to review the situation. NABS is hopeful any changes will be discussed and negotiated before they occur and NABS will be given sufficient prior advice of any changes which will allow for a planned transition to the new funding environment.

*What is your contingency plan for funding cuts?*

NABS will continue to review its operational environment and identify areas of practice where potential savings can be made to absorb funding cuts. It is difficult to provide specifics here as NABS does not have any final details on what future funding cuts may be.