

1.0 PURPOSE

Autism Queensland (AQ) commits to providing the best possible services and supports to clients and their families within funding and resources available, and with respect to the safety and well-being of all stakeholders. AQ also acknowledges that at times, the difficult decision to cease or withdraw providing services to a client may need to be made, and AQ reserves the right to do so at its sole discretion.

The purpose of this document is to ensure AQ has a fair, clear and effective process to cease providing services to clients where it has been identified that discontinuation or suspension of service is necessary or desirable in the circumstances.

2.0 SCOPE

This policy applies to any person who accesses services provided by AQ, their family members and other support personnel, as well as all employees of AQ. For the avoidance of doubt, "AQ" includes the AQ School.

A reference to "employees" includes permanent, fixed-term, temporary and casual employees, directors, contractors, volunteers and other representatives acting on behalf of AQ in any capacity.

3.0 POLICY

AQ reserves the right to discontinue or suspend service provision if, in its sole opinion, it wishes to do so, including, without limitation, when the following circumstances have occurred:

- A client or, if the client lacks decision making capacity, the client's legal guardian or attorney appointed under a power of attorney or plan nominee appointed for the purposes of the NDIS or, in the absence of those individuals, an informal supporter or independent advocate¹ (Decision Maker), has demonstrated they no longer believe AQ is the right service for them.
- AQ determines, in its sole discretion but acting reasonably and after consultation with the Decision Maker (where relevant) and all relevant stakeholders, that it is unable to meet the client's needs.
- After applying all reasonable risk assessment and management strategies in collaboration with the client or the client's Decision Maker (where relevant), AQ is unable to ensure the safety and well-being of clients and/or employees.
- After assessing the needs of the client and applying all reasonable risk assessment and management strategies, AQ determines it is unable to meet the needs of the client without placing the health and safety of its staff or clients at unacceptable risk.
- The client has consistently failed to pay fees on time or follow fee collection procedures and opportunities.
- There has been unacceptable abuse, aggression or violence by the client or Decision Maker towards other clients or employees including psychological, physical, sexual or verbal abuse.
- There has been harassment, bullying or discrimination by the client or their Decision Maker towards other clients or employees.
- AQ believes the service is no longer able to meet the needs of the client.
- AQ's complaints and resolution process has been exhausted and no tenable resolution has been reached.
- AQ has become aware of criminal activity by a client or family/legal guardian that could adversely impact on AQ, its clients or employees and/or the enrolment.
- A client and/or the client's Decision Maker has demonstrated they are unwilling to address areas of concern identified by AQ and/or has failed to cooperate with AQ processes.

¹ See the NDIS decision-making flowchart issued by the Office of the Public Advocate

- Enrolment or Service Agreements may be terminated if AQ determines, in its sole discretion, that the provision of any service is no longer financially viable.
- Where the client is enrolled as a student of AQ School:
 - the student is or becomes unable to participate in a group setting;
 - the student demonstrates unsafe behaviour towards self and others;
 - the student is unable to participate without the need for ongoing one-to-one support;
 - AQ determines, in its sole discretion but acting reasonably, that it can no longer meet the needs of the student, taking into consideration any impact of ongoing enrolment on the wellbeing of the student as well as any impacts on the AQ School, staff and other students and any other relevant considerations;
 - AQ determines, in its sole discretion but acting reasonably, that the student's continued enrolment in the AQ School poses an unacceptable health or safety risk to staff, students, parents and/or themselves. This includes, without limitation, where the parent's/carer's actions pose the health and safety risk;
 - a parent breaches the terms of their Enrolment Agreement;
 - a parent becomes bankrupt;
 - a parent breaches any of AQ's policies and procedures, including, without limitation, any and all applicable Codes of Conduct in place from time to time. For the avoidance of doubt, bullying, harassment, or any form of abuse of staff by clients/parents/carers will not be tolerated and will result in termination of enrolment.

4.0 PRINCIPLES

AQ will ensure that, before discontinuing or suspending any services, it will:

- ordinarily, all other options have been exhausted prior to making a decision relating to discontinuation or suspension of services; however, AQ reserves the right to discontinue or suspend any services at any time should circumstances warrant, in AQ's sole discretion, more immediate action;
- the client is provided with the necessary information and explanation in appropriate communication formats in relation to the discontinuation or suspension of services from AQ; and
- the client or the client's Decision Maker has been given notice of the discontinuation or suspension of services which is reasonable in the circumstances. The notice must include the reason for the discontinuation or suspension.

5.0 PROCEDURE

AQ will:

- ensure the decision for discontinuation or suspension of a service is made by the Executive Manager responsible for the service or department;
- document actions undertaken to attempt to ensure AQ could continue to provide services to the client and avoid discontinuation or suspension of services, and the circumstances which have led to AQ's decision to discontinue or suspend the services;
- provide documentation and communication to the client in an appropriate format to ensure, as far as is possible, that there is understanding of AQ's process and rationale for decisions made regarding service provision;
- provide support on where and how to source information about other potentially relevant services outside AQ, if available or known;
- ensure the client is provided with written and (documented) verbal communication regarding termination of services. Clients will be provided 7 days to respond, before AQ makes a final termination decision. AQ reserves the right to suspend services during the seven-day response period;

- engage in a planned and coordinated transition to another provider to a reasonable level or to the extent of available funding;
- make AQ’s complaint process available and clear including how to lodge a complaint with the appropriate government body; and
- in communications with clients, use its best endeavors to use communication modes, language, and terms that the client and/or their Decision Maker can understand.

6.0 RELATED DOCUMENTS

Legislation

Australian Consumer Law (as part of the Competition and Consumer Act 2010) (Cth)

Disability Discrimination and Other Human Rights Legislation Amendment Act 2009 (Cth)

Disability Services Act 2006 (Qld)

Education (Accreditation of Non-State Schools) Act 2017 (Qld)

Education (General Provisions) Act 2006 (Qld)

National Disability Insurance Scheme Act 2013 (Cth)

Standards and Principles

Australian Privacy Principles

NDIS Code of Conduct

NDIS Practice Standards and Quality Indicators

NDIS Modules and Practice Standards

Core 3: Provision of Supports

- 19 Access to Supports
- 21 Service Agreement with Participants

Internal

AQ NDIS Service Agreement Policy

AQ School Enrolment Agreement

Cancellations and No-Show Policy & Procedure

Client Consent Form

Client Diversity and Inclusion Policy

Client Individual Planning Policy

Client Transition Policy & Procedure

Clients' Rights Policy (incl Easy Read Version)

Complaints & Feedback Management Policy (incl Easy Read Version)

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