# A good practice guide *when* closing CHSP *and* Support at Home services

Co-produced by

**OPAN** AND **AGEING AUSTRALIA®**



Ageing Australia®

OPAN Older Persons Advocacy Network

# Contents


Introduction 3

About these guidelines 3

Support available to providers and participants 3

A note on AGED CARE rights 4

A guide for CHSP providers 5

STEP 1: Formulate an exit plan 6

STEP 2: Notify the authorities 11

STEP 3: Implement a communications plan 12

STEP 4: Support continunity of care 12

STEP 5: Refund in advance participant contributions 13

STEP 6: Update My Aged Care Records 13

STEP 7: Finalise reporting and acquittals 13

STEP 8: Closure with the community 13

A guide for Support at Home providers 14

STEP 1: Formulate an exit plan 14

STEP 2: Notify the authorities 19

STEP 3: Implement a communications plan 20

STEP 4: Support continuity of care 20

STEP 5: Reconciliation and claiming 21

STEP 6: Update My Aged Care Records 22

STEP 7: Finalise reporting and acquittals 22

STEP 8: Closure with the community 22

Good practice tips for providers 23

Glossary 25

# Introduction

**Ageing Australia and the Older Persons Advocacy Network (OPAN) acknowledge that the closure of services delivered under the Commonwealth Home Support Program (CHSP) or the Support at Home program can be disruptive and unsettling for participants, carers, supporters, staff, volunteers and the broader community. In any service closure, ensuring the continuity of high-quality, safe care must remain the overriding priority.**

While service closures are not undertaken lightly, there may be circumstances in which a CHSP or Support at Home provider may need to cease delivering funded aged care services. The *Aged Care Rules 2025* (Chapter 4, section 149-35) set out the circumstances under which a registered provider may cease providing funded aged care services to an individual.

## About these guidelines

**This guide contains a combination of legislative requirements, regulatory obligations and good practice recommendations to support CHSP and Support at Home providers in planning and managing service closures.**

**It is intended to help providers meet their legal obligations while supporting timely, effective communication with participants and other key stakeholders, and facilitating a coordinated transition to appropriate alternative service providers.**

This information is complemented by good practice tips to help providers minimise disruption and ensure that the concerns of participants, their families and the community are understood and supported. The guidelines also include information about how to support aged care workers who are impacted by the closure.

## Support available to providers and participants

| Providers & participants | Points of contact |
|---|---|
| **CHSP providers** | Contact your FAM as a first step for support with transitioning out of service provision |
| **Support at Home providers** | Contact the Department directly for support with exiting service provision |
| **Participants** | Contact the Older Persons Advocacy Network on 1800 700 600 |

Providers with questions about the guidance in this resource can reach out to:

- CHSP Advisory team – email chspadvisory@ageingaustralia.asn.au
- Member Support team – email membersupport@ageingaustralia.asn.au

## A NOTE ON AGED CARE RIGHTS

**The *Aged Care Act 2024* includes a *Statement of Rights*, that outlines the rights older people have when accessing or receiving aged care services**

Participants should be supported to exercise choice and control throughout transition arrangements for the service closure, including making informed decisions about future service providers and ongoing care arrangements.

**Providers must ensure their participants' rights are recognised and respected, including their rights to:**

- be treated with dignity and respect
- receive safe, fair, equitable and non-discriminatory treatment
- make their own decisions and have control over which funded aged care services they use
- be supported, if they choose, by carers, registered supporters and/or independent aged care advocates, to make and communicate their decisions
- have their identity, culture and background valued
- get information in a way they understand
- be supported to make complaints
- have their privacy respected and their personal information protected
- maintain connection to the people that are important to them.

**Aboriginal and Torres Strait Islander peoples have a right to stay connected with their community, Country and Island Home.** Communication about changes to services must recognise the deep cultural, spiritual and social significance of connection to Country and be undertaken with cultural sensitivity, respect and care.

Where service availability is limited and the only alternative may be for a person to receive services from providers located off Country, this should be approached as a matter of significant cultural and personal impact, rather than simply a change in service. Older people, their families and communities should be supported to understand their options and have a meaningful voice in decisions that may affect their ability to access services on Country and connected to community.

**Registered CHSP providers can request to cease some of their services (a partial relinquishment) or cease all of their services (a full relinquishment).**

**Before taking the first step, CHSP providers should:**

- **refer to the CHSP Selections Framework** (Appendix G of the CHSP Manual) to understand the key requirements, processes and timeframes that apply when intending to cease (relinquish) some or all of their CHSP services and funding.
- **understand the Department's notification requirements.** Providers intending to relinquish CHSP services must formally notify their Funding Arrangement Manager (FAM) at least five months before the proposed exit date. CHSP registered providers can elect to relinquish services on either 30 June or 30 November in a financial year.
- **engage with the FAM's** as early as possible if considering relinquishing CHSP services – to discuss the process and next steps.
- **be aware that CHSP grant agreements are not saleable assets.** The Department is responsible for selecting replacement providers to assume responsibility for any relinquished CHSP services and participants.
- **monitor the Aged Care Quality and Safety Commission (ACQSC) provider registration expiry or renewal date.** Providers who do not intend to renew their registration must begin planning as early as possible to allow sufficient time to notify the Department and support an orderly transition of services and participants.

## STEP 1: FORMULATE AN EXIT PLAN

**Develop a clear transition plan for ceasing service delivery.**

This may involve:

- ceasing the delivery of selected services, in specific service areas, or to particular participant groups (a partial relinquishment); or
- transferring all services to another registered provider (a full relinquishment).

Allow adequate time to meet legislative, operational and notification requirements associated with ceasing service delivery, including interactions with the Department, Commission, receiving providers, contractors and other stakeholders involved in supporting participant transition and continuity of care.

The plan should include a detailed timeline of required activities leading up to the proposed exit date. For each activity, identify the commencement date, the latest completion date, and the person or role responsible for ensuring the task is completed. To assist with this task, CHSP providers can request a copy of the **'Transition Out Plan' template** from their FAM.

Importantly, this transition out plan must be part of your organisation's Activity Continuity Plan.

As outlined below, identify key stakeholders (e.g. participants, staff, third parties, other stakeholders) and the most important actions that must be taken with respect to each of them.

### Participants

**Prepare a plan to support timely, consistent, effective and coordinated communication about the service closure with participants, carers, registered supporters and representatives.**

The plan should include milestones for:

- timely verbal communication and follow-up; and
- written information provided in appropriate formats, through suitable channels and in relevant languages to support participant understanding and informed decision-making.

The plan should also identify vulnerable participants and/or those with language barriers who may require additional assistance during the transition and outline how support will be tailored to their individual needs and circumstances to facilitate safe and effective transition arrangements for the service closure.

Providers must give notice to the individual at least 14 days before the provider ceases delivery of funded aged care services to the individual.

Written communications for participants should include:

- an announcement to cease the delivery of CHSP services*
- the reason for the decision to cease services*
- the date that services to participants will cease with the existing provider* (which may be different to the date of the proposed transfer to another provider)
- how transition arrangements for the service closure will be managed to ensure continuity of care
- the older person's rights in relation to ceasing the delivery of funded aged care services, including the right to access*:
  - the provider's complaints and feedback management system;
  - any other mechanisms available to address complaints; and
  - independent aged care advocates.
- the Older Persons Advocacy Network (OPAN) number (1800 700 600) to access free, independent and confidential support from an advocate in relation to their government-funded aged care services
- contact details for asking questions and addressing concerns

*These elements are mandatory as per *section 149-40 of the Aged Care Rules 2025*.

**Importantly, all CHSP participants have the right to decide which CHSP provider they wish to transfer their services to, such as to a provider selected by the Department (as part of the relinquishment process), or a provider of their own choice.**

Consider consequential issues such as whether existing participants or service agreements will be assigned to a new provider, or whether a new service agreement with the new provider will need to be entered into.Existing agreements need to be reviewed to establish whether there is a right of assignment and how that could be implemented (which may necessitate obtaining participant consent and/or specific notices to participants).

## Independent Aged Care Advocates

**Inform the local Older Persons Advocacy Network (OPAN) member in your area that you are ceasing the delivery of services and the expected timelines for closure.**

Invite a representative from the organisation to participate in information sessions or meetings so that participants, registered supporters and carers can be informed about advocacy support available to them.

## Staff

**Develop a staffing strategy/human resources plan, as outlined here.**

### » LEGAL AND INDUSTRIAL ADVICE

Providers planning to close services are advised to seek legal and industrial advice about their obligations to employees, including under the Fair Work Act 2009, applicable industrial instruments, and organisational policies and procedures.

Early and ongoing consultation with relevant unions and affected staff is essential to ensure compliance with the legal obligations on the provider.

### » COMMUNICATIONS

**Consider the message to workers and develop a timeline for communications.** Ensure that communication is regular, consistent and across multiple channels to ensure the entire workforce is informed. Details should include:

- rationale for ceasing the delivery of services
- impact on employment and options (e.g. redundancies, redeployment and, if applicable, transfers of employment)
- key milestones and important dates (e.g. when access to systems will stop, dates to return property and records etc)
- support for wellbeing and the process for asking questions and addressing concerns.

Ensure staff and participants are informed of the impending service closure at the same time, or a similar time.

### » TRANSFER OF EMPLOYMENT

Consider arrangements for the transfer of staff to a new employer if this is an option that is available. Where employees transfer as part of a 'transfer of business', the *Fair Work Act 2009* will place requirements on the new employer in the employment of the transferring staff.

### » EMPLOYEE ENTITLEMENTS

Providers should ensure all employee entitlements, including notice (if not worked), redundancy pay and superannuation, are correctly calculated and paid on termination. It is important to understand the operation of any applicable entitlements to support staff who may wish to seek alternative employment during the notice period.

### » REDUNDANCIES

Consider a redundancy strategy for staff, including:

- managing redundancies and terminations
- implementing redundancy support procedures
- ensuring that the payment on termination to each employee is correct, which will rely on accurate payroll information being produced.

### » ABSENT STAFF

Develop a strategy to communicate and consult with staff who are absent on long term leave during the transition.

### » VOLUNTEERS

Communicate the closure with volunteers including:

- rationale for ceasing the delivery of services
- impact on volunteers and options
- key milestones and important dates (e.g. when access to systems will stop, dates to return property and records etc)
- support for wellbeing and the process for asking questions and addressing concerns.

### » RETENTION OF STAFF TO THE EXIT DATE

Appropriate safeguards must remain in place throughout the closure period to maintain safe staffing levels, an appropriate skill mix and adequate clinical supervision, ensuring continuity and quality of care. To ensure that this happens, consider offering incentives to key staff to remain employed through to the exit date.

### » BUSINESS CONTINUATION PLAN

Develop a plan for how services will continue to be staffed if key staff exit prior to service closure.

### » COUNSELLING ACCESS

Providers should support staff wellbeing by providing access to an Employee Assistance Program (EAP) or similar service throughout the closure process.

## Third parties

Develop a plan relating to associated providers and other contractors. In doing so, review the notice requirements for terminating agreements with associated

providers and other contractors, including related matters such as:

- record keeping or record retention policies
- assignment of intellectual property rights
- termination of IT or software licences
- confidentiality obligations
- final invoicing and reporting.

CHSP providers registered in **Categories 4 and 5** must notify the Commission of any changes to associated provider arrangements, including where an existing arrangement is varied or terminated.

## Other

### » ASSET REGISTER

An asset register should be submitted with the transition-out plan, clearly identifying any assets purchased with CHSP funding that have a value of $10,000 or more (including GST). This will enable the Department to determine the appropriate treatment of those assets.

### » RECORD KEEPING

Assess and/or develop a record retention policy and procedure to ensure records are maintained as per the requirements of the *Aged Care Act 2024* (specifically Chapter 7, Part 3, Section 543), relevant state laws and any applicable CHSP grant agreement requirements. Any record that was required to be kept while in operation as a provider needs to be retained for seven years (unless transferred to another provider).

### » INSURANCE

Assess what run-off cover is included in any insurances (if applicable).This may require an extension of cover or additional cover. Develop a plan to ensure insurance remains on foot until the transition is complete.

### » MEDIA PLAN

Develop a media plan, if appropriate.

**Review requirements in relevant guidelines (e.g. in the CHSP Program Manual) for ceasing some or all CHSP services.** Ensure a clear plan is designed which includes timeframes for notifications, as well as clear roles and responsibilities. In doing so, consider the following.

## STEP 2: NOTIFY THE AUTHORITIES

### Notify the FAM and the Department

Providers must notify their FAM in writing as soon as possible of their intention to cease delivering CHSP services (i.e. either a partial or full relinquishment). A draft **Transition Out Plan** must be included with the written notice. The formal request to cease delivering services must be communicated to the FAM at least five months prior to the proposed exit date.

Except in extreme extenuating circumstances, CHSP registered providers can elect to relinquish services on either 30 June or 30 November in a financial year.

### Notify the Commission

CHSP providers intending to:

- **cease delivering services in one or more registered categories**, while continuing to provide services in other registered categories (e.g. ceasing services in Categories 4 and 5 while continuing to deliver services in Categories 1, 2 and 3) must apply to vary the registration.
- **cease delivering specific service types within a registered category**, while continuing to provide other services in that category (e.g. ceasing delivered allied health and therapy services in Category 4 while continuing to provide personal care and cottage respite) must submit a change of circumstances form.
- **cease providing aged care services across all registered categories** (Categories 1–5) must apply to revoke the registration.

#### » REVOCATION REQUEST:

CHSP providers wishing to cease service delivery in full must submit a request for the revocation of their approval status as a registered provider to the Commission. The Commission can only revoke a provider's registration when it is satisfied the provider has met requirements regarding registration conditions and transition arrangements.

CHSP providers that also deliver other aged care programs (e.g. Support at Home) and intend to cease only their CHSP services must clearly specify in their request to the Commission that the relinquishment applies solely to the CHSP. This will help ensure that approval is limited to the CHSP and does not inadvertently result in the relinquishment of other aged care services.

The Commission has discretion as to whether they revoke registration. In deciding whether to revoke the registration, the Commission must consider whether appropriate arrangements are in place to ensure continuity of care for participants to whom the provider is delivering funded aged care services.

## STEP 3: IMPLEMENT A COMMUNICATIONS PLAN

Implement the communications plan for staff and participants as formulated in the transition plan for ceasing service delivery.

The communications plan should:

- Include verbal and written correspondence to staff and participants (in a way people can understand) about the closure and transfer, as per the provider's 'Transition Out Plan'.
- Ensure written correspondence to participants is issued well in advance, noting that the Aged Care Act 2024 requires this be issued no less than 14 days prior to services being terminated.

Correspondence to participants must include advice from the Departmentally selected providers. Outgoing providers should work with the selected incoming providers to capture what information should be included in the participant communications (e.g. details about services and contact details).

## STEP 4: SUPPORT CONTINUNITY OF CARE

Providers must ensure appropriate continuity of care arrangements are in place for participants affected by the service closure.

Actively work with the Department and new provider/s in transferring services to ensure participants continue receiving care without disruption. This includes supporting the transition of:

- goods (only if applicable)
- up-to-date participant details, care plans and records (including authority of release from the participants)
- details on inactive participants and participant waitlists (if any)
- staff knowledge (e.g. treatment of records, compiling reports and handover notes)
- other service elements or insights necessary for ongoing delivery.

If assets are to transfer, it could be structured as part of the Department's transition out/in requirements. Otherwise, consideration should be given to documenting a transfer under a Transfer of Assets Agreement.

For Assistive Technology and Home Modifications (AT-HM) services, providers should also ensure continuity of any prescribed assistive technology, equipment purchases or loans, home modifications, and the management of any outstanding claims.

If applicable, communicate with the new provider regarding the transfer of participants' services. This should include communications on the transfer of information regarding:

- support plans
- information regarding services and care.

## STEP 5: REFUND IN ADVANCE PARTICIPANT CONTRIBUTIONS

If any participants paid contributions in advance, refund those amounts to the relevant participants prior to ceasing the delivery of services.

## STEP 6: UPDATE MY AGED CARE RECORDS

Be sure to make the provider or outlet details inactive in My Aged Care. This step is important to ensure service information is current and participants are not referred to services that are no longer available.

## STEP 7: FINALISE REPORTING AND ACQUITTALS

Exiting CHSP providers will be required to submit a final financial declaration (acquittal). Where this results in unspent CHSP grant funds being declared, these will be repayable to the Commonwealth.

Once services have fully transitioned:

- Acquit any remaining funds under the CHSP grant agreement if ceasing services in full.
- Complete and submit all required outstanding reporting milestones related to the period in which services were delivered.
- Issue final participant invoices and a monthly statement (noting this is only required if this is part of usual CHSP participant management arrangements).

Ensure roles and responsibilities for the above activities are clearly defined, recognising that some reporting obligations may continue after the service has closed. This is particularly important where organisational structures or staffing arrangements may change during the closure process.

## STEP 8: CLOSURE WITH THE COMMUNITY

Consider a closure event or closure communications to recognise the history and contribution of your organisation to the lives of participants and the community.

## STEP 1: FORMULATE AN EXIT PLAN

Develop a clear transition plan for ceasing service delivery. This may involve:

- ceasing the delivery of selected services, in specific service areas, or to particular participant groups (a partial relinquishment); or
- transferring all services to another registered provider (a full relinquishment).

Allow adequate time to meet legislative, operational and notification requirements associated with ceasing service delivery, including interactions with the Department, Commission, Services Australia, receiving providers, contractors and other stakeholders involved in supporting participant transition and continuity of care.

The plan should include a detailed timeline of required activities leading up to the proposed exit date. For each activity, identify the commencement date, the latest completion date, and the person or role responsible for ensuring the task is completed.

As outlined below, identify key stakeholders (e.g. participants, staff, third parties, other stakeholders) and the most important actions that must be taken with respect to each of them.

### Participants

Prepare a plan to support timely, consistent, effective and coordinated communication about the service closure with participants, carers, registered supporters and representatives. The plan should include milestones for:

- timely verbal communication and follow-up; and
- written information provided in appropriate formats, through suitable channels and in relevant languages to support participant understanding and informed decision-making.

The plan should also identify vulnerable participants and those with language barriers who may require additional assistance during the transition and outline how support will be tailored to their individual needs and circumstances to facilitate a safe and effective transition.

Providers must give notice to the individual at least 14 days before the provider ceases delivery of funded aged care services to the individual.

Written communications for participants should include:

- an announcement to cease the delivery of Support at Home services*
- the reason for the decision to cease services*
- the date that services to participants will cease with the existing provider* (which may be different to the date of the proposed transfer to another provider)

- the steps participants need to take to ensure continuity of Support at Home services, including the need to:
  - engage and choose a new registered provider;
  - enter into a new service agreement with the new provider; and
  - agree on a service commencement date to minimise any interruption to service delivery.
- the older person's rights in relation to cessation of the delivery of funded aged care services, including the right to access*:
- the provider's complaints and feedback management system;
- any other mechanisms available to address complaints; and
- independent aged care advocates.
- the Older Persons Advocacy Network (OPAN) number (1800 700 600) to access free, independent and confidential support from an advocate in relation to their government-funded aged care services
- contact details for asking questions and addressing concerns

**These elements are mandatory as per section 149-40 of the Aged Care Rules 2025.*

Advise participants that if they do not receive Support at Home services or start services with a new registered provider in four consecutive quarters (12 months) following their exit from their previous registered provider, their ongoing Support at Home funding may be withdrawn by the Department. In these circumstances, they will need to opt back into the Priority System and wait for a new allocation of Support at Home funding. Where required, participants should be supported to contact My Aged Care for assistance to re-access Support at Home services.

Reinforce in communications that participants have the right to choose their preferred registered provider and support participants to make informed decisions about their future care arrangements. Where a participant advises in writing that they no longer wish to receive funded aged care services from their current provider, cessation of services must be managed in accordance with the requirements of the *Aged Care Rules 2025*.

Review existing Service Agreements to determine whether they include provisions that allow the agreement to be assigned to another registered provider. Where assignment is permitted, providers should identify any requirements for participant consent and/or the provision of formal notices before the assignment can occur.

## Independent Aged Care Advocates

Inform the local Older Persons Advocacy Network (OPAN) member in your area that you are closing and the expected timelines for closure. Invite a representative from the organisation to participate in information sessions or meetings so that participants, registered supporters and carers can be informed about advocacy support available to them.

## Staff

Develop a staffing strategy/human resources plan, as outlined here.

### » LEGAL AND INDUSTRIAL ADVICE

Providers planning to close services are advised to seek legal and industrial advice about their obligations to employees, including under the *Fair Work Act 2009*, applicable industrial instruments, and organisational policies and procedures.

Early and ongoing consultation with relevant unions and affected staff is essential to ensure compliance with the legal obligations on the provider.

### » COMMUNICATIONS

Consider the message to workers and develop a timeline for communications. Ensure communication is regular, consistent and across multiple channels to ensure the entire workforce is informed.Details should include:

- rationale for ceasing the delivery of services
- impact on employment and options (e.g. redundancies, redeployment and, if applicable, transfers of employment)
- key milestones and important dates (e.g. when access to systems will stop, dates to return property and records etc)
- support for wellbeing and process for asking questions and addressing concerns.

Ensure staff and participants are informed of the impending closure at the same time, or a similar time.

### » TRANSFER OF EMPLOYMENT

Consider arrangements for the transfer of staff to a new employer if this is an option that is available. Where employees transfer as part of a 'transfer of business', the *Fair Work Act 2009* will place requirements on the new employer in the employment of the transferring staff.

### » EMPLOYEE ENTITLEMENTS

Providers should ensure all employee entitlements, including notice (if not worked), redundancy pay and superannuation, are correctly calculated and paid on termination. It is important to understand the operation of any applicable entitlements to support staff who may wish to seek alternative employment during the notice period.

### » REDUNDANCIES

Consider a redundancy strategy for staff, including:

- managing redundancies and terminations
- implementing redundancy support procedures
- ensuring that the payment on termination to each employee is correct, which will rely on accurate payroll information being produced.

### » ABSENT STAFF

Develop a strategy to communicate and consult with staff who are absent on long term leave during the transition.

### » VOLUNTEERS

Communicate the closure with volunteers including:

- rationale for ceasing the delivery of services
- impact on volunteers and options
- key milestones and important dates (e.g. when access to systems will stop, dates to return property and records etc)
- support for wellbeing and the process for asking questions and addressing concerns.

### » RETENTION OF STAFF TO THE EXIT DATE

Appropriate safeguards must remain in place throughout the closure period to maintain safe staffing levels, an appropriate skill mix and adequate clinical supervision, ensuring continuity and quality of care. To ensure that this happens, consider offering incentives to key staff to ensure retention through to the exit date.

### » BUSINESS CONTINUATION PLAN

Develop a plan for how services will continue to be staffed if key staff exit prior to service closure.

### » COUNSELLING ACCESS

Providers should support staff wellbeing by providing access to an Employee Assistance Program (EAP) or similar service throughout the closure process.

## Third parties

Develop a plan relating to associated providers and other contractors. In doing so, review the notice requirements for terminating agreements with associated providers and other contractors, including related matters such as:

- record keeping or record retention policies
- assignment of intellectual property rights
- termination of IT or software licences
- confidentiality obligations
- final invoicing and reporting

## Other

### » TRANSFER OF ASSETS

If the exit plan involves an assets transfer, consider documenting a transfer under a 'Transfer of Assets Agreement', being an agreement that documents matters, such as:

- a list of transferring assets
- the basis upon which the assets are transferred (including the agreed state and condition of those assets)
- the treatment of associated records
- the release of any security interests over the assets
- the amount payable for the assets.

### » RECORD KEEPING

Assess and/or develop a record retention policy and procedure to ensure records are maintained as per the requirements of the *Aged Care Act 2024* (specifically Chapter 7, Part 3, Section 543), and relevant state laws. Any record that was required to be kept while in operation as a provider needs to be retained for 7 years (unless transferred to another provider).

### » INSURANCE

Assess what run-off cover is included in any insurances (if applicable). This may require an extension of cover or additional cover. Develop a plan to ensure insurance remains current until the transition is complete.

### » MEDIA PLAN

Develop a media plan, if appropriate.

## STEP 2: NOTIFY THE AUTHORITIES

Develop and execute a clear plan which includes timeframes for notifications as well as clear roles and responsibilities. In doing so consider the following.

### Change of circumstances notification

Review any reporting obligations under section 167 of the *Aged Care Act 2024* and, where applicable, notify the Aged Care Quality and Safety Commission within 14 days of a change in circumstance.

### Cessation notice

A cessation notice must be given to the Department and Commission within 28 days of ceasing the delivery of services, through a service delivery branch of the provider. It must be in the prescribed form and include the following:

- the name of the individual
- the day the provider ceased to deliver funded aged care services to the individual
- the reason for ceasing the delivery of funded aged care services to the individual.

Within 28 calendar days of the exit date the provider must also notify Services Australia that the participant has ceased services.

### Application to transfer to another provider

If the intention is to transfer a service delivery branch to another provider, submit an application to transfer a service delivery branch to another registered provider at least 90 days before the proposed transfer date. The Department will review the application and confirm or reject it and give the provider notice.Given the potential impact of the Department's decision on staff and participants, the application should be submitted as early as practicable.

Following approval, the transferring provider and new registered provider are responsible for finalising the arrangements necessary to complete the transfer, including any settlement requirements. The Department may liaise with Services Australia as part of the transfer process and associated claims and funding arrangements.

The transferring provider must notify the Department when it reaches a settlement to transfer the service delivery branch with the new registered provider on or before the transfer date. Transfer will not proceed unless the Department receives confirmation from the provider that settlement has been completed.

### Revocation request

Support at Home providers wishing to cease service delivery in full must submit a request for the revocation of their approval status as a registered provider to the Commission. The Commission can only revoke a provider's registration when it is satisfied the provider has met requirements regarding registration conditions and transition arrangements.

Support at Home providers that also deliver other aged care programs (e.g. CHSP) and intend to relinquish only their Support at Home services must clearly specify in their request to the Commission that the relinquishment applies solely to the Support at Home program. This will help ensure that approval is limited to the Support at Home program and does not inadvertently result in the relinquishment of other aged care services.

The Commission has discretion as to whether they revoke registration.In deciding whether to revoke the registration, the Commission must consider whether appropriate arrangements are in place to ensure continuity of care for individuals to whom the provider is delivering funded aged care services.

## STEP 3: IMPLEMENT A COMMUNICATIONS PLAN

Implement the communications plan for staff and participants as formulated in the transition plan for ceasing service delivery.

The communications plan should:

- include verbal and written correspondence to staff and participants (in a way people can understand) about the closure and transfer; and
- ensure written correspondence to participants is issued well in advance, noting that the *Aged Care Act 2024* requires this be issued no less than 14 days prior to services being terminated.

## STEP 4: SUPPORT CONTINUITY OF CARE

Providers must ensure appropriate continuity of care arrangements are in place for participants affected by ceasing service delivery. This includes identifying participants who have not yet secured ongoing service arrangements and considering what additional support may be required to help them understand their options, engage a new provider and continue accessing services.

Providers must actively work with the Department and new provider/s in transferring services to ensure participants continue receiving care without disruption. This includes supporting the transition of:

- goods (only if applicable)

- up-to-date participant details, care plans and records (including authority of release from the participants)
- details on inactive participants and participant waitlists (if any)
- staff knowledge (e.g. treatment of records, compiling reports and handover notes)
- other service elements or insights necessary for ongoing delivery.

Where staff and associated assets are transferred to another provider, consideration should be given to the Transfer of Business Rules, which may require the new employer to recognise an employee's prior service.

If assets are to transfer, it could be structured as part of the Department's transition out/in requirements.Otherwise, consideration should be given to documenting a transfer under a Transfer of Assets Agreement.

For Assistive Technology and Home Modifications (AT-HM) services, providers should also ensure continuity of any prescribed assistive technology, equipment purchases or loans, home modifications, and the management of any outstanding claims.

If a participant enters into a Service Agreement with a new registered provider, the former provider must provide the participant's account balance information to the new registered provider in accordance with section 149-46 of the Aged Care Rules 2025. This must be done within 28 days of being notified that the individual has entered into a service agreement with the new registered provider.

## STEP 5: RECONCILIATION AND CLAIMING

Prior to service closure, ensure all subsidy claims have been finalised. Providers have 60 days to finalise claims from the date of ceasing participant services. Services Australia cannot process any claims for a Service Delivery Branch that is inactive or closed. Contact Services Australia to ensure all claims have been processed and to ensure any required lodgement of claims have occurred.

### HCP unspent funds

- Providers may still hold unspent HCP funds from the period prior to September 2021. Calculate the Commonwealth portion and participant portion of HCP unspent funds, if applicable.
- Providers must return the Commonwealth funds to Services Australia within 60 days of ceasing services.

If the provider holds any participant portion funds (such as income tested care fees), they must return these to the participant.

## STEP 6: UPDATE MY AGED CARE RECORDS

Be sure to make the provider or outlet details inactive in My Aged Care. This step is important to ensure service information is current and participants are not referred to services that are no longer available.

## STEP 7: FINALISE REPORTING AND ACQUITTALS

Once services have fully transitioned:

- complete and submit all required outstanding reporting milestones related to the period in which you delivered services.
- issue final participant invoices and monthly statement.

Ensure roles and responsibilities for the above activities are clearly defined, recognising that some reporting obligations may continue after the service has closed. This is particularly important where organisational structures or staffing arrangements may change during the closure process.

## STEP 8: CLOSURE WITH THE COMMUNITY

Consider a closure event or closure communications to recognise the history and contribution of your organisation to the lives of participants and the community.

# Good practice tips for providers

### Manage expectations in a changing environment

Plan communications carefully while acknowledging that circumstances may change. Clearly outline intended actions, while being transparent about potential changes to plans or service arrangements.

### Understand what matters to participants

Before planning a transition to an alternative provider, ask participants whether they want support with the transition and what qualities matter most to them in a new provider. Avoid assumptions and tailor support to their individual preferences and needs.

### Communicate sensitively with participants

Ensure participants understand their rights and the applicable legal framework, using clear, accessible and sensitive language that considers the tone and framing of the message.

### Support vulnerable participants

Recognise that participants who are vulnerable or have language barriers may require additional support to transition to a new provider. Consider the individual needs of these participants and put appropriate supports in place, such as more frequent communication, additional assistance to navigate the transition process, and early referral to OPAN advocacy services where appropriate. Be sensitive to reasons why a person may decline a proposed provider (e.g. Forgotten Australians who historically experienced trauma from organisations that are now providing aged care).

### Respect connection to Country and community

For Aboriginal and Torres Strait Islander older peoples, connection to Country, community and culture is fundamental to wellbeing, identity and belonging. When communicating changes to service availability, providers should take a culturally safe, respectful and person-centred approach, recognising the potential cultural, spiritual, social and personal impacts of accessing services off Country. Involve older people, their families and communities in discussions, clearly explain available options and work together to identify solutions that support continued access to services on Country and connection to community.

# Good practice tips for providers, *continued*

### Engage early with advocacy services

Include early engagement with your local OPAN Network Member and ensure they attend any meetings with participants and their representatives when closures are announced. Early engagement helps align OPAN Network Member activities for participants and their families from the beginning, ensuring a smoother process.

### Facilitate ongoing engagement with advocacy services

Build ongoing engagement with your OPAN Network Member into your communications plan to allow participants and families ample opportunity to engage with and receive independent information and support throughout the closure and transition processes.

### Establish a single media contact

Ensure your communications plan identifies one consistent point of contact for all media enquiries and engagement.

### Update communications materials

To prevent confusion and frustration for prospective participants and their representatives, ensure your website, brochures and other communications materials clearly reflect planned or completed service closures.

### Provide participants with closure

Acknowledge participants' time with the service and the relationships they have built with care workers and care managers. Where appropriate, offer opportunities for a meaningful farewell, such as a farewell event, recognising that this can be important to participants.

# Glossary

The meaning of the terms used in this guide are set out below. Other terms have the meaning given to them in the *Aged Care Act 2024*.

| Term | Meaning |
|---|---|
| **Commission** | Aged Care Quality and Safety Commission. |
| **Activity Continuity Plan** | A provider's plan for managing a cessation in service delivery, addressing any risks associated with being unable to continue services, and associated systems, policies and processes to manage, monitor and report incidents |
| **Aged Care Act** | *The Aged Care Act 2024 (Cth)* and the associated *Aged Care Rules 2025 (Cth)* |
| **Associated Provider** | An associated provider for the purposes of the *Aged Care Act 2024*, which includes third parties engaged by a provider to deliver services on their behalf |
| **CHSP** | Commonwealth Home Support Program |
| **Department** | Department of Health, Disability and Ageing (or any successor) |
| **FAM** | Funding Arrangement Manager for CHSP |
| **OPAN** | Older Persons Advocacy Network |
| **Participant** | An older person who receives funded aged care services in the home or community (being a client of a provider) |
| **Provider** | A registered provider under the *Aged Care Act 2024* |
| **Regulator** | A government department or agency that is responsible for administering or regulating the delivery of funded aged care services for the purposes of the *Aged Care Act 2024*, including the Department of Health, Disability and Ageing, the Aged Care Quality and Safety Commission, and the System Governor. |
| **Safe Harbour Protections** | Provisions in the *Corporations Act 2001* (Cth) that provide directors with protection from personal liability during insolvency. |
| **Service Agreement** | A service agreement between a provider and a participant. |
| **Transfer of Business Rules** | Rules under the *Fair Work Act 2009* (Cth) that result in a deemed transfer of certain employee entitlements as a result of an employee transferring to a new employer if:<br>▪ it occurs within three months of their termination;<br>▪ the worker is to perform substantially the same work; and<br>▪ there is a connection between the old and new employer, such as a transfer of assets from the old employer to the new employer. |

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Aged Care Quality and Safety Commission

Australian Nursing & Midwifery Federation

Health Services Union



Ageing Australia®

OPAN | Older Persons Advocacy Network

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