



Thursday, 24th May 2018

Deputy Michael Moynihan,
Dail Eireann,
Leinster House,
Kildare Street,
DUBLIN 2

PQ Ref. No 22747/18 - To ask the Minister for Health the status of the removal of the in loco parentis clause in HSE homecare nursing packages in view of the motion which was passed in Dáil Éireann on 27 March 2018; and if he will make a statement on the matter.

Dear Deputy Moynihan,

The Health Service Executive (HSE) has been requested to reply directly to you in the context of the above Parliamentary Question, which you submitted to the Minister for Health for response.

The most appropriate place for children to be is at home with their parents unless there are insurmountable difficulties that prevent this. Many children being discharged following the acute phase of their treatment have complex needs that may require ongoing clinical inputs in their homes.

Where the level of support required is in excess of what it is possible to provide through existing services, nursing and related support is often provided by the HSE using a Home Care Package. The HSE endeavours to facilitate the child to lead as normal a life as possible in order to maximise child quality of life and developmental opportunities and to keep the child out of hospital as much as possible. The purpose of the home care package is to provide additional clinical support and is not designed to supersede the rights and responsibilities of parents in relation to the welfare of their child.

Parental responsibility is unchanged by the home care package. Overall responsibility for the welfare of the child is that of the child's parents and the providers of the home care package should work in tandem with parents to support their role. Staff will not assume sole responsibility for a child where parents may not be available and a designated and competent individual (appointed by the parents) must be available to act in loco parentis as in any other family situation.

The Nurses/Health Care Assistants are recruited by the service providers including the HSE and not directly by the parents. The staff are responsible for the clinical care of the child. The requirement for the nominated

person is to have a second person present in the event of an acute emergency. Parents should not be told that they have to be there with the child and nurse at all times, however, should be advised that they must find identify an appropriate adult to act in loco parentis should the situation warrant it.

I trust the above is of assistance.

Yours sincerely,



**David Walsh,
Head of Operations
Community Services**