



Feidhmeannacht na Seirbhíse Sláinte
Health Service Executive

Oifig an Cheannaire Oibríochtaí,
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1st March 2021

Deputy Michael Moynihan,
Dail Eireann,
Leinster House,
Kildare Street,
Dublin 2.
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Dear Deputy Moynihan,

The Health Service Executive has been requested to reply directly to you in the context of the following parliamentary questions, which were submitted to this department for response.

PQ 9245/21

To ask the Minister for Health his views on claims that the preliminary team assessment falls short of the standard required to deliver a proper assessment of a possible diagnosis of a child and that it is the direct opposite of that planned in the Disability Act 2005; and his further views on assertions that the implementation of the preliminary team assessment has exacerbated an already intolerable situation for the children and their families and should cease immediately.

PQ 9246/21

To ask the Minister for Health his views on claims the preliminary team assessment could be in breach of codes of conduct and ethics set down by the regulator of the sector, CORU; and his views on the assertion that it is unethical to expect clinicians to complete a 90-minute assessment and make a determination of disability.

HSE Response

Since the commencement of Part 2 of the Disability Act in June 2007 the HSE has endeavoured to meet its legislative requirements as set out in the Act. Under the Act, any person suspected of having a disability, born on or after June 1st 2002 is eligible to apply for an AON.

The Disability Act 2005 outlines the statutory timelines under which AONs must be completed. In effect the assessment must be completed within six months of the application date with a further month to issue the report and service statement.

The numbers of applications for AON under the Act have risen steadily since its implementation in June 2007. In 2008, 2,535 applications for AON were received with 1,392 assessments completed. In 2019 the number of applications received had grown to 6,596 with 3,312 assessments completed. In 2020, the number of new applications reduced due to the impact of the COVID-19 pandemic. However, from the 1st June 2007 to 31st December 2020 a total of 60,465 completed applications have been received by the HSE. When originally implemented, it was envisaged that AON would apply to children aged less than five years and the Education for Persons with Special Education Needs Act (2004) (EPSEN) would address the needs of older children. The relevant sections of the EPSEN Act have not been commenced.



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Furthermore, as a consequence of a High Court ruling of December 2009, the effect of which was to open eligibility to all children born after 1st June 2002, the number of children aged five and over has risen steadily as a percentage of all applications received. At the end of 2011, the figure stood at 26%, while throughout 2020, this figure averaged 54%. This is a reflection that the AON process is an accumulative process in terms of numbers of children seeking access.

An internal HSE review of the practice of implementation of Part 2 of the Act in 2016 confirmed anecdotal evidence that the approach to AON was not consistent across the country. It was apparent that practice varied widely across the 9 Community Health Organisation (CHO) areas as well as within CHO areas. While a large number of "Guidance Notes" regarding AON processes had been issued since 2007, there had been no nationally standardised or agreed definition of an Assessment of Need. This led to an inconsistent approach to assessment as well as inequity in terms of time afforded to 'assessment' versus 'support or treatment' interventions with children and their families.

Whilst the Disability Act does not attempt to define an AON, it does state that the Assessment Officer must prepare a report of the results of the assessment. This report must set out the findings of the assessment together with determinations in relation to:

- a) whether the applicant has a disability
- b) where the applicant has a disability
 - (i). a statement of the nature and extent of the disability
 - (ii). a statement of the health needs (if any) occasioned to the person by the disability
 - (iii). a statement of the services considered appropriate to meet the needs of the applicant and the period of time ideally required for the provision of those services and the order of such provision
 - (iv). a statement of the period within which a review of the assessment should be carried out

In practice, Assessment Officers and clinicians have, because of a perceived legislative requirement to undertake a very detailed and comprehensive assessment, erred on the side of requesting and administering a wide range of assessments in as short a time frame as possible. In some cases, children may undergo numerous assessments in a short time frame where a period of diagnostic intervention may be more appropriate.

In an effort to standardise procedures and to facilitate timely assessments the HSE developed a Standard Operating Procedure (SOP) for AON. This SOP replaces the suite of approximately 50 guidance notes that had been issued since 2007 and defines the assessment. The SOP was implemented for all applications for AON from January 2020. AON now comprises a Preliminary Team Assessment that will determine a child's needs and will identify initial interventions that will be required to meet these needs. Clinicians undertaking Assessments of Need will use their clinical judgement to determine the format of the assessment based on the presenting needs of the child.

These changes are intended to alleviate the current situation where children in some parts of the country may wait a number of years before they can access an assessment. During this waiting period, they often have little or no access to intervention or support. It is intended that the changes in the SOP, particularly the new preliminary assessment, will facilitate children with disabilities to access assessment in a timelier fashion. Timely assessment will then ensure that children will be prioritised for intervention based on their presenting needs.

The HSE does not believe that the SOP and the Preliminary Team Assessment format represents a breach of the codes of conduct and professional ethics set out by CORU. It should be noted that the HSE has committed to a review of the SOP which will commence in Quarter 1 of this year. Further detail will be available on completion of this review.

Yours sincerely,



Dr. Cathal Morgan,
Head of Operations - Disability Services,
Community Operations