



**Oifig an Cheannaire Oibríochtaí,**  
Na Seirbhísí Míchumais/An Rannán Cúram Sóisialta,  
31-33 Sráid Chaitríona, Luimneach.

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13<sup>th</sup> April 2022

Deputy David Cullinane,  
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Dear Deputy Cullinane,

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

**PQ 17417/22**

*To ask the Minister for Health the number of times an assessment officer has requested an expert nominated by the National Council For Special Education to assist in the carrying out of an assessment of need under section 8(3) of the Disability Act 2005; and if he will make a statement on the matter.*

**HSE Response**

Part two of the Disability Act (2005) provides for, an Assessment of Need (AON) of people with disabilities. Any person born on or after June 1st 2002 who is suspected of having a disability is eligible to apply for an Assessment of Need that will detail the health and education needs arising from their disability.

Section 8(3) of the Disability Act requires the HSE to request the National Council for Special Education (NCSE) to assist in the assessment of applicants who require an education service. As the corresponding sections of the Education for Persons with Special Education Needs (EPSEN) Act (2004) were not commenced, the HSE could not facilitate such referrals.

The High Court judgement in the case of CM v HSE determined that the HSE was obliged to make these referrals regardless of the status of the EPSEN Act. The Department of Education, in collaboration with the NCSE, are currently finalising a process for managing such referrals. Once this process is finalised, the NCSE will be in a position to assist in Assessments of Need.

The HSE remains committed to the delivery of appropriate services for children with disabilities and will work with families and staff to develop services that meet their needs.

Yours sincerely

**Bernard O'Regan**  
**Head of Operations - Disability Services,**  
**Community Operations**

