



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

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13th April 2022

Deputy Richard Bruton,
Dail Eireann,
Leinster House,
Kildare Street,
Dublin 2.
E-mail: richard.bruton@oireachtas.ie

Dear Deputy Bruton,

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 18574/22

To ask the Minister for Health the criteria used in the early assessment of the special needs of a child under the new system of triaging children operated by the HSE; and if the form of assessment is sufficient to determine access to early intervention classes.; and if he will make a statement on the matter.

HSE Response

Assessment of Need Standard Operating Procedure.

The HSE's Standard Operating Procedure for Assessment of Need (SOP) was implemented for all new applications for AON from 15th January 2020. In line with this procedure, Stage 2 of the Assessment of Need process, comprised a Preliminary Team Assessment to identify initial interventions and any further assessments that may be required. Since then approximately 10,000 Preliminary Team Assessments have been completed.

The recent judgement of Ms Justice Phelan in the High Court directed that the Preliminary Team Assessment approach does not fulfil the requirements of the Disability Act. The judgement states that a diagnosis is required to determine the nature and extent of a person's disability. The implications of any ruling from the Court of Appeal will be considered as soon as this becomes available.

The HSE will implement a process over the coming weeks for a revised approach to Assessment of Need. In developing this, the HSE will include a wide range of stakeholders, including families, providers, staff and representative bodies, in an intensive consultation to develop a pathway for AONs that seeks to comply with the requirements of the Act but also protects the commitment to the provision of intervention and principles as set out above.

Assessment of Need reports will no longer be issued on the basis of a Preliminary Team Assessment and the HSE will engage directly with the families of those who received a PTA to establish if they wish to receive a further assessment under the terms of the Disability Act. Where appointments have already been scheduled with children, these will form the first step in their AON process. 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.

Figures for 2021 indicate that 4,951 Preliminary Team Assessments were provided under the terms of the SOP during the year. While this data indicates that there is substantial variation in outcomes across the 9 CHO areas, 86% of children are being referred for intervention on the basis of their PTA. This represents a significant improvement in the pathway to intervention for children and their families. Only 54% of children who received a Preliminary Team Assessment in 2021 were identified as requiring further assessment. This requirement did not delay their access to intervention. This cohort of children will be prioritised for completion of their AONs.

	Total PTA Activity 2021				
	No. of PTAs completed	No. referred for intervention	% referred for intervention	No. referred for further Ax	% referred for further Ax
CHO1	366	356	97%	309	84%
CHO2	132	130	98%	121	92%
CHO3	375	242	65%	330	88%
CHO4	554	542	98%	252	45%
CHO5	139	138	99%	84	60%
CHO6	207	155	75%	111	54%
CHO7	1407	1300	92%	551	39%
CHO8	719	490	68%	411	57%
CHO9	1052	884	84%	511	49%
	4951	4237	86%	2680	54%

The HSE are reviewing the files of all children who received a preliminary team assessment to establish what additional assessments will be required to meet the requirements of the Act. Plans to address these needs will be finalised in the coming weeks.

Section 8(3) of the Disability Act (2005) 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.

Assessment of applicants who require an education service

The Report of the Inter-Departmental Group on Supporting Access to the Early Childhood Care and Education (ECCE) Programme for Children with a Disability sets out a clear vision for a comprehensive, child-centred model of supports which will ensure that children with disabilities can access and meaningfully participate in the Early Childhood Care and Education (ECCE) Programme in mainstream pre-school settings.

This model, entitled the Access and Inclusion Model or AIM, involves seven levels of progressive support, moving from universal to highly targeted based on the strengths and needs of both the child and the pre-school.

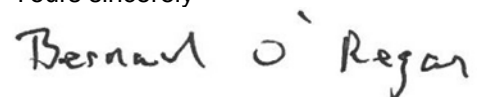


AIM supports are provided through the ECCE programme. Where universal supports are not enough to meet the needs of an individual child, targeted supports are available to ensure the child can meaningfully participate in pre-school. In addition to targeted and universal supports, AIM also provides universal design guidelines for Early Learning and Care settings and AIM Inclusive Play resources.

It is important to note children do not require an Assessment of Need under the Disability Act or a diagnostic assessment to access any health service including pre-school services. However, in order to access placements in special schools and special classes in the education sector, diagnostic assessments are required.

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

A handwritten signature in black ink that reads "Bernard O'Regan". The signature is written in a cursive style with a distinct loop for the letter 'O'.

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