



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

Office of the Head of Operations,
Disability Services/Social Care Division,
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30th December 2022

Deputy Jim O'Callaghan,
Dail Eireann,
Leinster House,
Kildare Street,
Dublin 2.
E-mail: jim.ocallaghan@oireachtas.ie

Dear Deputy O'Callaghan,

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: 63029/22

To ask the Minister for Health the number of children who were awaiting a first assessment from the HSE under the Disability Act 2005 for each LHO area as of 1 December 2022, or the latest date available in tabular form.

HSE Response

The Disability Act (2005) provides for an Assessment of Need (AON) that outlines the health and education needs for people born on or after 1st June 2002 who are suspected of having a disability.

The HSE receives approximately 6,000 applications for these assessments each year.

Since Part 2 of the Disability Act commenced in June 2007, the HSE has endeavoured to meet its legislative obligations under the Act. However, 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, and in addition of school-going age, has risen steadily as a percentage of all applications received. At the end of 2011, the figure stood at 26%, while throughout 2021, this figure averaged 53%. This is a reflection that the AON process is an accumulative process in terms of numbers of children seeking access.

The HSE's Standard Operating Procedure for Assessment of Need (SOP) was implemented for all new applications for AON from 15th January 2020. This SOP included a standardised approach to assessment which was described as a Preliminary Team Assessment. Since then, approximately 10,000 Preliminary Team Assessments have been completed.

Activity for 2021 indicates that there was significant progress in the number of Assessment of Need reports completed during the year, 8,353 by year end. This led to a significant reduction in the total number of applications 'overdue for completion'

The judgement of Ms Justice Phelan in the High Court delivered on 11th March 2022 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.



As a consequence of the judgement, Assessment Officers cannot complete assessments based on the HSE's Preliminary Team Assessment format. This has impacted significantly on the numbers of AONs overdue for completion.

The Table below gives the most recent information regarding applications overdue for completion – at end of Quarter 3, 2022. (Reports are available on a Quarterly basis). 3,494 applications are overdue for completion with 72 of these on the grounds of there being exceptional circumstances as provided for in paragraph 10 of the regulations.

Applications overdue for completion - End of Quarter 3, 2022

CHO	Total Overdue ¹	Overdue/ Exceptional Circumstances ²	Overdue/ No Exceptional Circumstances
AREA 1	160	19	141
AREA 2	72	15	57
AREA 3	176	0	176
AREA 4	589	9	580
AREA 5	149	4	145
AREA 6	181	0	181
AREA 7	899	1	898
AREA 8	305	5	300
AREA 9	963	19	944
Total	3494	72	3422

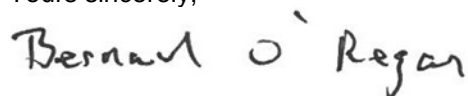
The standardised Preliminary Team Assessment approach, as defined in the SOP, is no longer being utilised to fulfil our obligations under the Disability Act 2005. Pending the completion of clinical guidance for Assessments of Need, clinicians have been advised to use their clinical judgement to determine the level and type of assessment required.

The HSE are continuing to review the files of all children who received a preliminary team assessment and engaging directly with families to establish what additional assessments will be required to meet the requirements of the Act. Additional funding has been secured to support the additional assessments required.

The HSE's National Clinical Programme for People with Disability (NCPD) has led the process of developing Interim Clinical Guidance to replace the Preliminary Team Assessment. This new Interim Clinical Guidance has now been clinically approved and legal advice is awaited to confirm its compliance with the Disability Act (2005). The approach to assessment has to be designed in a manner which is clinically appropriate, prior to legal advice being sought.

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

