



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

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12th July 2022

Deputy Michael Moynihan,
Dail Eireann,
Leinster House,
Kildare Street,
Dublin 2.
E-mail: michael.moynihan@oireachtas.ie

Dear Deputy Moynihan,

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: 36346/22

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

HSE Response

Since 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. However, it is acknowledged that the numbers of assessments overdue for completion remain high.

Activity for 2021 indicates that there has been significant progress in the number of Assessment of Need reports completed during the year, 8,353 by year end. This has led to a significant reduction in the total number of applications 'overdue for completion', which now stands at 1,464 (excluding those applications for which an extended time-frame was negotiated with the parent on the grounds of there being exceptional circumstances as provided for in paragraph 10 of the regulations).

The most recent information regarding the number of children and young persons on waiting lists for an assessment of need is given in the Table below.

Applications overdue for completion

Of the 1,718 applications that are overdue, 1,113 (65%) are overdue for longer than 3 months. Months overdue are calculated based on the statutory timelines of 3 months from start stage 2 and no more than 6 months from the application date. This overdue figure does not include applications that have been put on hold, are closed or are ineligible for Assessment.



CHO	Total Overdue ¹	Overdue/ Exceptional Circumstances ²	Overdue/ No Exceptional Circumstances	<1 month	1 - 3 Months	>3 Months
AREA 1	62	3	59	23	10	29
AREA 2	33	1	32	17	11	5
AREA 3	8	0	8	0	1	7
AREA 4	566	232	334	41	53	472
AREA 5	86	2	84	11	24	51
AREA 6	56	2	54	18	20	18
AREA 7	213	0	213	55	50	108
AREA 8	165	8	157	26	58	81
AREA 9	529	6	523	76	111	342
Total	1718	254	1464	267	338	1113

¹All assessment reports that were not completed within 6 months of application or within 3 months of Start Stage 2 and before the end of the quarter are included in this report.

²The number of Assessment Reports for which an extended time-frame was negotiated with the parent on the grounds of there being exceptional circumstances as provided for in paragraph 10 of the regulations. Consent to extension is only valid if agreed extension date has not already passed

However, a High Court judgement delivered on 11th March 2022 has impacted on the completion of assessments since that date. As a consequence of the judgement, Assessment Officers cannot complete assessments based on the agreed Preliminary Team Assessment format.

Additional funding allocated to the Assessment of Need (AON) process via Slaintecare in 2021 has been utilised to provide additional assessments through a range of options including overtime for existing staff and private procurement. The total number of overdue AONs has reduced by 72% since this additional funding was allocated. The requirement to provide diagnostic assessments under the terms of the Act for children who applied for their AONs between January 2020 and December 2021 will impact significantly on compliance in the coming months.

The new Standard Operating Procedure for Assessment of Need (SOP) was implemented for all new applications for AON from 15th January 2020. 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 in relation to other relevant cases will be considered as soon as this becomes available.

The Preliminary Team Assessments approach, as defined in the HSE's 2019 Standard Operating Procedure for Assessment of Need, will no longer be utilised to fulfil our obligations under the Disability Act 2005. Assessment of Need reports will no longer be issued on the basis of a Preliminary Team Assessment. A memo has issued to all stakeholders to this effect.

Where appointments have already been scheduled with children, these will form the first step in child's Assessment of Need. It is acknowledged that additional appointments may be required and clinicians have been advised to use their clinical judgement to determine the level and type of assessment required. Assessment Officers have also been asked not to issue any final Assessment of Need Reports based on previously carried out PTAs.

The HSE are reviewing 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. Plans to address these needs will be finalised in the coming weeks.

The HSE's Clinical Programme for People with Disability in cooperation with Community Operations, Disability Services will implement a process over the coming weeks for a revised approach to Assessment of Need. In developing this clinical guidance, the HSE is engaging with a wide range of stakeholders, including families, service 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.

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

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

