



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

Office of the Head of Operations,
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10th August 2022

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

Dear Deputy Boyd Barrett,

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: 41519/22

To ask the Minister for Health the estimated full-year cost of ensuring that the timelines for assessment of needs outlined in the Disability Act 2005 are adhered to for every child in need of such an assessment; and if he will make a statement on the matter.

HSE Response

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. The March 2022 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 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.

While it is difficult to give the estimated full-year cost of ensuring that the timelines for assessment of needs outlined in the Disability Act 2005 are adhered to for every child in need of such an assessment, funding has been secured for a waiting list initiative that will facilitate the HSE to source assessments through a range of mechanisms including overtime, the establishment of dedicated assessment teams and private procurement. €3.8m has been approved for the first phase of the AON project.

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

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

