



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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8th July 2022

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

Dear O'Callaghan,

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 35072/22

To ask the Minister for Health the status of the establishment of the National HSE disability office group that is being set up to develop a revised approach to assessment of need under the Disability Act 2005; and if he will make a statement on the matter.

PQ 35073/22

To ask the Minister for Health the updated timeline for the resumption of preliminary team assessments given the March 2022 High Court judgement stating that the assessment of need standard operating procedure failed to comply with the Disability Act 2005; and if he will make a statement on the matter.

HSE Response

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, is no longer being 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.

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. Assessment



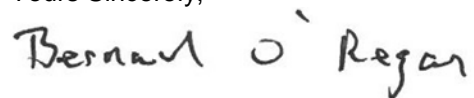
Officers have also been asked not to issue any final Assessment of Need Reports based on previously completed PTAs.

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.

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 will seek legal opinion to ensure that the revised process complies with the requirements of the Disability Act (2005).

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 clear first name and a last name with an apostrophe.

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