



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

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5th April 2022

Deputy David Cullinane,
Dail Eireann,
Leinster House,
Kildare Street,
Dublin 2.
E-mail: david.cullinane@oireachtas.ie

Dear Deputy Cullinane,

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 14092/22

To ask the Minister for Health the guidance note, circular, memo or document which sets out the approach for handling queries or applications for assessment of need or referrals to the children's disability network team; and if he will make a statement on the matter.

HSE Response

The principle and importance of early intervention is recognised by the HSE across its services and in particular in the context of the services and supports it provides to children with disabilities, and their families. Additionally, in developing the national policy for the provision of services to children with disabilities, the focus of the HSE has been to develop a strategy for services that is:

- Reflective of best national and international practice
- Responsive to the requirements of the UN Convention on the Rights of Persons with Disabilities
- Family and child centred
- Providing services as close as possible to the community where children and their families live.

Separately, the commencement of Part 2 of the Disability Act in 2005 and the resulting Assessment of Needs for children, on a statutory basis, has presented the HSE with a significant challenge. The commencement of the AON legislation and regulations resulted in considerable waiting lists for both assessment and intervention. This in turn resulted in children not being able to access the services they needed on a timely basis and which the HSE was committed to providing.

In order to find the right balance between meeting the legal requirements for Assessment of Need, and ensuring children have access to the interventions they need as quickly as possible the HSE developed a Standard Operating Procedure for AONs. The SOP was not developed to prevent or reduce children's access to their legal entitlements, but rather sought to ensure that available resources were being used in the most effective way. It was developed following considerable engagement with stakeholders.



In parallel, the HSE worked with service providers, staff and families to complete the reconfiguration of the services in 2021 to 91 Children's Disability Network teams in order to ensure a coordinated and locally managed service delivery structure. In addition, in the National Service Plans from 2019 – 2022, the HSE provided for 475 additional staff to enable this provision. This was further supported by a separately funded waiting list initiative in 2021 to clear overdue Assessments of Need.

Notwithstanding all of the above, feedback from families and staff has demonstrated that the current service is not adequately meeting the needs of children.

Most recently, the judgement in the High Court which directed that the Preliminary Team Assessment approach outlined in the SOP does not fulfil the requirements of the Disability Act, has also been considered carefully by the HSE.

In light of the above, the HSE sets out the following to provide clarity and assurance

1. The HSE accepts the judgement in the recent High Court case and will not be appealing it. There is a separate case before the Court of Appeal and the HSE will consider that judgement when it issues. The HSE remains committed to meeting its legislative obligations with regard to Assessment of Need.
2. 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.
3. The HSE is working with the lead agencies and managers of the children's disability network teams to ensure that all teams prioritise direct engagement with children. It is expected that the majority of clinicians' time is spent directly in working with children. Further guidance on this will be developed and issued.
4. Progressing Children's Disability Services will continue to be the policy underpinning children's disability services. The HSE, working with the lead agencies, will seek to progress its implementation in the context of an absolute commitment to the provision of interventions to children as the main priority.

In the interim, in light of the High Court judgement but allowing for the further Court of Appeal judgement, the HSE is setting out the following:

- Children are entitled to an Assessment of Need under the Disability Act.
- The current Preliminary Team Assessment approach will continue to be available to families on a non-statutory basis. To date, over 50% of the children who have had this type of assessment were able to access services without further diagnostic assessment. The HSE will continue to make this option available.
- However, any family who wish to avail of an Assessment of Need under the provisions of the Disability Act, can continue to do so. The HSE will make every effort to meet the statutory timeframes for these assessments.
- Eligible families may apply for an AON at any time.

Since the introduction of the SOP, approximately 10,000 Preliminary Team Assessments have been completed. The HSE will engage directly with these families to establish if they wish to receive a further assessment under the terms of the Disability Act.



In addition, the HSE's National Policy on Access to Services for Children & Young People with Disability & Developmental Delay ensures that children are directed to the appropriate service based on the complexity of their presenting needs rather than based on diagnosis. Many children with a disability who have support needs can be effectively supported within mainstream health services. This policy provides a single point of entry, signposting parents and referrers to the most appropriate service (Primary Care for non-complex functional difficulties and Children's Disability Network Teams for complex functional difficulties).

The HSE is 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, legible font.

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