



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,
31-33 Catherine Street, Limerick.

T: 00353 (0) 61 483369
Suíomh Gréasáin/Website: <http://www.hse.ie>

16th May 2022

Deputy Pauline Tully,
Dail Eireann,
Leinster House,
Kildare Street,
Dublin 2.
E-mail: pauline.tully@oireachtas.ie

Dear Deputy Tully,

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: 22431/22

To ask the Minister for Health the details of the persons appointed to sit on the Assessment of Need Review Group; the details of the terms of reference of this group; if the terms of reference can be accessed by the public; the dates when the group has met; the dates of any future planned meetings; 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. As part of its implementation the HSE and the Fórsa Trade Union jointly commissioned a review of the SOP. The Terms of Reference for this review are attached at Appendix 1. The Cyber attack in May 2021 had a significant impact on the capacity of this group to meet and provide its interim reports.

The recent judgement of Ms Justice Phelan in the High Court in the case of CTM and JA v HSE has superseded the outcome of this review.

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.

Assessment of Need reports will no longer be issued on the basis of a Preliminary Team Assessment and the HSE will engage directly with the families of those who received a PTA to establish if they wish to receive a further assessment under the terms of the Disability Act. Where appointments have already been scheduled with children, these will form the first step in their AON process. 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**





Agreement for the Review of the HSE Standard Operating Procedure for Assessment of Need

17th February 2021

Terms of Reference

The parties to this agreement are the HSE and Fórsa Trade Union.

An independently chaired, joint HSE / Fórsa review group is established to review the 2019 Standard Operating Procedure for Assessment of Need.

The membership and timelines for the group will comprise of the following:

Independent Chair:	Mr Robbie Ryan
Membership:	Five Fórsa and five HSE nominated representatives (see appendix 1).
Timeframe:	This review will take place over a twelve-month period. <i>(extensions to this timeline will be granted by the parties to this agreement, in exceptional circumstances, upon request from the Chairperson).</i>
Report:	To be provided to the parties to this agreement. Interim reports at 3 months, 6 months and final report at 12 months.
Meeting Schedule:	Will be determined by the Chairperson and agreed with the nominated representatives on the group.



Secretarial support:

The HSE will provide the necessary secretarial support required by the Chairperson to support the work of the review group

The role of the Chairperson will be to examine, in consultation with the review group the issues identified below. The Chairperson will produce three reports (as detailed above) to include recommendations in relation to the following matters:

- Examine the current SOP for Assessment of Need, in particular the issues arising with regards to the Preliminary Team Assessment.
- Examine and quantify existing staff resources, both clinical and administrative, associated with meeting the requirements of Assessment of Need under the Disability Act (2005). Identify any shortfalls and make recommendations for remedies.
- Examine infrastructural resource requirements for the delivery of AON. e.g. non staff related resources such as IT supports, etc. Make any appropriate recommendations.
- Evaluate the impact of the SOP for Assessment of Need. This will include examination of Assessment of Need activity data with a particular focus on the numbers of assessments completed and compliance with statutory timeframes.

The Chairperson is responsible for considering the views of all members of the review group for the purposes of writing his report and recommendations.

The Chairperson may decide to invite submissions from any other party he considers relevant for the purposes of this review. e.g. CORU, HIQA, professional bodies etc.

The parties to this agreement will provide the Chairperson with any data, information or reports deemed appropriate to the scope of this review.

Interim and Final Reports & Recommendations

The Chairperson will issue the following schedule of reports to the parties to this agreement:

At Three Months: The Chairperson will issue an interim report after three months. This interim report will be specifically related to the issues arising from the AON summary report form.

At Six Months: The Chairperson will provide a further interim report after six months in relation to the remainder of the issues covered by the above terms of reference.



At Twelve Months: The Chairperson will provide his full and final report and recommendations after twelve months.

The recommendations contained in the Chairperson's reports will be will be considered by the parties to this agreement.

Important note regarding confidentiality:

Any information, data, records or discussions had in the course of this review for the purposes of its deliberations will be treated with the strictest of confidentiality by all. It may not be shared with others beyond the membership of this joint review group without the express consent of the Chairperson and the parties to this agreement; HSE and Fórsa.



Signed: _____
Chris Cully, on behalf of Fórsa



Signed: _____
Deborah Smullen, on behalf of HSE



Signed: _____
Catherine Keogh, on behalf of Fórsa



Signed: _____
Angela O'Neill, on behalf of HSE

