



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

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8th June 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 26632/22

To ask the Minister for Health the number of children who were waiting for a first assessment from the HSE under the Disability Act 2005, as of 1 May 2022 or the latest date available; and if he will make a statement on the matter.

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 on 31st March 2022

CHO	Total Overdue¹	Overdue/ Exceptional Circumstances²	Overdue/ No Exceptional Circumstances
AREA 1	62	3	59
AREA 2	33	1	32
AREA 3	8	0	8



AREA 4	566	232	334
AREA 5	86	2	84
AREA 6	56	2	54
AREA 7	213	0	213
AREA 8	165	8	157
AREA 9	529	6	523
Total	1718	254	1464

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

The increase in activity in 2021 can be attributed to the additional funding allocated to the AON process via Slaintecare. This 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 63% since this additional funding was allocated.

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.

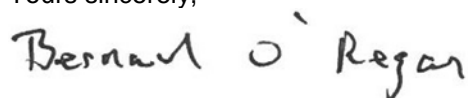
Where appointments have already been scheduled with children, these will form the first step in child's Assessment of Need. It is acknowledged that additional appointments may be required and clinicians have been advised to use their clinical judgement to determine the level and type of assessment required. 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,



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

