



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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24th November 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 questions, which were submitted to this department for response.

PQ: 58300/22

To ask the Minister for Health further to Parliamentary Question No. 171 of 26 October 2022, the number of children who have had an assessment of needs completed since preliminary team assessments were ceased; and if he will make a statement on the matter.

PQ: 58301/22

To ask the Minister for Health further to Parliamentary Question No. 171 of 26 October 2022, if legal advice on the new interim clinical guidance has found it to be in compliance with the Disability Act 2005 if the new interim clinical guidance has been issued to children's disability network teams; if not, the timeframe for the new interim clinical guidance to be issued to CDNTs; and if he will make a statement on the matter.

HSE Response

The Disability Act (2005) provides for an Assessment of Need (AON) that outlines the health and education needs for people born on or after 1st June 2002 who are suspected of having a disability. 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 (PTA).

The HSE receives approximately 6,000 applications for Assessment of Need each year.

The judgement of Ms Justice Phelan in the High Court delivered on 11th March 2022 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. As a consequence of the judgement, Assessment Officers cannot complete assessments based on the HSE's Preliminary Team Assessment format. 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. Assessments of Need are currently being progressed in line with the pre PTA model. All clinicians are required to use their clinical judgement to determine the type and level of assessment required by each applicant.

Assessment of Need is reported on quarterly. 2,624 Assessments of Need have been completed in total by the end of Quarter 3 2022. Of these, 1,719 Assessments of Need were completed by the end of Quarter 1 (end of March) 2022 (some of which were progressed in line with the pre PTA model.)

Since the beginning of Quarter 2 2022 and the end of Quarter 3 2022, 905 Assessments of Need have been completed (all of which were progressed in line with the pre PTA model.)

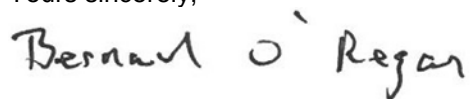
The HSE are continuing to review the files of all children who received a preliminary team assessment and engaging directly with families to establish what additional assessments are required to meet the requirements of the Act. Additional funding has been secured to support the additional assessments required.

The National Clinical Programme for People with Disability (NCPPD) has developed interim clinical guidance for assessors who are involved in the Assessment of Need process. This has not yet been circulated to the system as the HSE is awaiting legal advice and also engaging with staff representative bodies with regard to any changes to the process.

The HSE has secured €11.7m to address the requirement for additional assessments under the terms of the Disability Act (2005) through a range of measures including recruitment of dedicated AON assessment teams, private procurement and overtime initiatives for existing staff.

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
Head of Operations - Disability Services,
Community Operations

