



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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11th October 2022

Deputy Alan Farrell,
Dail Eireann,
Leinster House,
Kildare Street,
Dublin 2.
E-mail: alan.farrell@oireachtas.ie

Dear Deputy Farrell,

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 47538/22

To ask the Minister for Health if the HSE has contacted all children who had a preliminary team assessment and were offered an assessment of need in the way that the Disability Act 2005 outlines; and if he will make a statement on the matter.

PQ 47539/22

To ask the Minister for Health the number of children who had a preliminary team assessment carried out who opted to have an assessment of need as the Disability Act 2005 outlines; 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. Since then, approximately 10,000 Preliminary Team Assessments have been completed. The March 2022 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 Preliminary Team Assessment 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 are no longer being issued on the basis of a Preliminary Team Assessment.

Pending the completion of interim 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 is continuing to review the files of all children who received a PTA and engaging directly with families to establish what additional assessments will be required to meet the requirements of the Act.



Each Community Healthcare Organisation area is managing the requirement for additional assessments and the response to same across their area. This information is not collected nationally.

The HSE will utilise a range of approaches to address the requirement to provide additional assessments for children who received a Preliminary Team Assessment. This will include supporting CDNTs to provide additional assessments and also procuring additional assessments as part of a waiting list initiative.

Funding has been secured for a waiting list initiative that will facilitate the HSE to source assessments through a range of mechanisms including overtime, the establishment of dedicated assessment teams and private procurement

Activity for the second quarter of 2022 indicates that there has been an increase in the total number of applications for Assessment of Need overdue for completion.

The requirement to provide diagnostic assessments under the terms of the Act for children who applied for their AONs since January 2020 will further impact on compliance in the coming months.

The second quarter of 2022 has also seen a further increase in the number of applications for assessment of need received.

The HSE's National Clinical Programme for People with Disability (NCPD) has led the process of developing Interim Clinical Guidance to replace the element of the Standard Operating Procedure which was found to be non-compliant with the Disability Act (2005) – the Preliminary Team Assessment. This new Interim Clinical Guidance has now been clinically approved and legal advice is awaited to confirm its compliance with the Disability Act (2005).

The National Clinical Programme for People with Disability (NCPD) has also committed to establishing a Task Group on Assessment of Need to address other issues related to the Assessment of Need process that are not addressed in the Interim Clinical Guidance. This group will include representatives from all the key stakeholders and particularly those with lived experience, and will meet monthly over the next 12 months.

Following legal advice on the Interim Clinical Guidance, Disability Operations, in collaboration with the Clinical Programme, will provide further information to service users and service providers, including a training webinar to support adoption of the Interim Clinical Guidance.

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