



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,
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23rd January 2023

Deputy Mark Ward,
Dail Eireann,
Leinster House,
Kildare Street,
Dublin 2.
E-mail: mark.ward@oireachtas.ie

Dear Deputy Ward,

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: 42149/23

To ask the Minister for Health if he will provide an update on the efficacy of the new standard operating procedures for assessment of needs since 2020; if this has been reviewed; if new standard operating procedures are being considered; if so, if he will outline these; 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 8,700 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 implementation 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 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 will be required to meet the requirements of the Act. Additional funding has been secured to support the additional assessments required.

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 is being updated following consideration of a recent legal opinion.

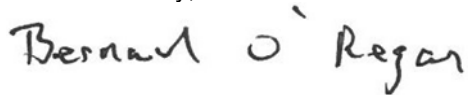


The National Clinical Programme for People with Disability (NCPD) has also committed to establishing a Task Group on Assessment of Need to address other issues related to the Assessment of Need process that are not addressed in the Interim Clinical Guidance. This group will include representatives from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

Once the Interim Clinical Guidance has been finalised, 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,

A handwritten signature in black ink that reads "Bernard O'Regan". The signature is written in a cursive, slightly slanted style.

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

