



**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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23<sup>rd</sup> January 2023

Deputy Mattie McGrath,  
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Kildare Street,  
Dublin 2.  
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Dear Deputy McGrath,

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: 63577/22**

*To ask the Minister for Health the number of children who received a preliminary team assessment in place of a full assessment of needs; of those who received a PTA which was found to not satisfy the statutory right to an assessment of needs; the number of children that have subsequently received a full assessment of needs; the number that have been offered a full assessment of needs; if a breakdown can be provided with the number of children who received a PTA by CHO area; the number who have been offered a full AON by CHO; the number who have received a full AON by CHO; 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 1<sup>st</sup> June 2002 who are suspected of having a disability.

The HSE receives approximately 6,000 applications for these assessments each year.

Since Part 2 of 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.

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. Since then, approximately 8,700 Preliminary Team Assessments have been completed. The breakdown of these assessments by Community Healthcare Organisation is provided in the table on the next page.



<b>CHO Area</b>	<b>Estimated PTAs completed</b>
<b>CHO1</b>	606
<b>CHO2</b>	247
<b>CHO3</b>	884
<b>CHO4</b>	1092
<b>CHO5</b>	443
<b>CHO6</b>	517
<b>CHO7</b>	1792
<b>CHO8</b>	1275
<b>CHO9</b>	1830
<b>Total</b>	<b>8686</b>

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 are no longer completing assessments based on the HSE's Preliminary Team Assessment format. This has impacted significantly on the numbers of AONs overdue for completion. At 31<sup>st</sup> December 2022 there were 4,523 Assessments of Need overdue for completion. This figure excludes those delayed due to exceptional circumstances.

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 Preliminary Team Assessments.

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.

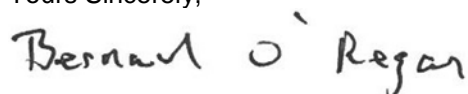
The HSE's National Clinical Programme for People with Disability (NCPD) has led the process of developing Interim Clinical Guidance to replace the element of the Standard Operating Procedure which was found to be non-compliant with the Disability Act (2005) – the Preliminary Team Assessment. This new Interim Clinical Guidance is being updated following consideration of a recent legal opinion and has been shared with staff representative bodies.

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,



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

