**Motion**

That Dáil Éireann:

Notes that:

* early intervention is essential to meet the health and educational needs of children with disabilities and additional needs to improve their quality of life from a young age;
* the Disability Act 2005 provides that an assessment of need (AON) must be commenced and completed within 6 months;
* section 8 (7) of the Disability Act 2005 requires an Assessment of Need to state determinations on whether the applicant has a disability, the nature and extent of the disability, the health and educational needs of the applicant, and the services required by the applicant;
* the Assessment of Need process took an average of 29 clinical hours to complete before the introduction of the Standard Operating Procedure (SOP) which has limited the clinical time to 90 minutes, a reduction of 99.95% in clinical hours for an Assessment, which the Irish Human Rights and Equality Commission has said “undermines disability rights”;
* that while Assessment of Need waiting lists have been reduced following the introduction of the SOP and “preliminary team assessments” (PTA), the professional associations representing the therapists and psychologists providing these services has said that the PTA is “*not fit for purpose*,” “*the direct opposite of what is intended by the Disability Act*,” - “*dilute professional standards of assessment for vulnerable children in need*” and “*results in the child being referred onto another waiting list for further assessment. This further assessment does not fall under the Disability Act so there are no statutory obligations for these assessments to be completed in a timely manner*”;
* Section 13 of the Disability Act 2005 mandates the annual reporting and publication of aggregate unmet need for the purposes of identifying gaps in service provision and the resources required to meet need, yet no report has been published since 2009;
* 212 legal actions were taken against the HSE between 2018 and 2020 in relation to overdue assessments of need amounting to €701,000 in legal costs for the state;
* In October 2021 the Minister of State advised the Oireachtas that the children’s disability teams were short 400 staff; and
* A survey conducted by AsIam in June 2021, “Every Child Counts” found that 80% of parents and guardians have had to wait a year or more to receive an autism diagnosis for their child and 79% said they were not in receipt of any support from either the Early Intervention or School Age Going Teams; and

Further notes that:

* there are long waiting lists for access to occupational therapy, speech and language therapy, and psychology services, including:
  + 18,303 children on occupational therapy waiting lists,
  + 9,532 children on psychology waiting lists, and
  + 8,167 children on speech and language therapy waiting lists; and

Condemns the fact that:

* In many cases parents are forced to pay privately for assessments of need and associated therapies and interventions for their children in order to access the necessary supports and interventions; and
* The current situation represents a gross and unjustifiable inequity in healthcare and education provision where children whose parents cannot afford to pay privately, take legal action, or who live in areas with long waiting lists, are at a significant disadvantage in accessing the supports which they need and deserve; and

Calls on the Government to:

* Cease using the Standard Operating Procedure to skirt its responsibilities under the Disability Act to children in need of support;
* Provide appropriate, comprehensive, and clinically ethical Assessments of Need in line with best practice as outlined by the professional associations representing occupational therapists, speech and language therapists, and psychologists,
* Ensure prompt access to a diagnosis where required to access specialist health or education services and further statutory entitlements;
* Immediately inform the Dáil of the measures it intends to take to ensure that all children receive a comprehensive assessment of need within the timeframe set down by the Disability Act 2005, and to ensure that these children have real access to the services which they need;
* Publish a costed and timebound implementation strategy for the Disability Services Capacity Review which includes targets to meet staffing needs;
* Publish a cross-departmental strategic workforce development plan to train, recruit, and retain enough health and social care professionals;
* Publish all waiting lists for preliminary team assessments, further multi-disciplinary assessments following Preliminary Team Assessment, the number of open cases per Children’s Disability Network Teams and the number of children with and without an Individual Family Support Plan, as well as lists for access to services and interventions which are past their due date;
* Establish Children’s Disability Network Teams in full, including the establishment of governance arrangements which include a Family Forum attached to each CDN;
* Recommence reporting of data and publication of reports pursuant to Section 13 of the Disability Act 2005 to provide an evidence base for future planning of service capacity for unmet need;
* Immediately ratify the Optional Protocol of the UN Convention on the Rights of Persons with Disabilities; and
* Amend the Disability Act 2005 to provide for a multidisciplinary, needs-based approach to assessment of need as recommended by the Ombudsman for Children in the October 2020 report “Unmet Needs”; and
* Require the Disability Appeals Officer to apply for relevant enforcement orders where there are breaches of the Disability Act to avoid parents having to take lengthy court cases to vindicate the rights of their children.