

# **STANDARDS FOR THE *ASSESSMENT OF NEED***

*These standards have been adopted by the Board of the Interim Health Information Quality Authority (iHIQA). These standards will be determined under section 10 of the Disability Act 2005 by the Health Information and Quality Authority, following its establishment.*

**May 2007**

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## **Foreword by Ministers for Health and Children and Education and Science**

The National Disability Strategy includes specific legislation to deal with the special education and health needs of people with a disability. The Disability Act 2005 and the EPSEN Act 2004 will form a key part of the way in which services will be planned and delivered in future:

We are very pleased to publish the standards for the Assessment of Need process, as provided for in Part 2 of the Disability Act 2005. Part 2 establishes a system for the assessment of individual health service needs occasioned by the disability and, where appropriate, education needs for persons with disabilities over age 18 years. This means that people with a disability and/or special education need will be entitled to apply for an Assessment of Need.

Those who carry out the assessment will be statutorily independent and the assessment itself will be undertaken without regard to existing service levels or related cost considerations.

Part 2 of the Disability Act 2005 will be commenced for children aged under 5 years with effect from 1 June 2007. It will apply to this age group first to reflect the importance of intervention early in life, which can have a significant impact on the disabling effects of a condition or impairment. Part 2 will be commenced in respect of children aged 5-18 in tandem with the implementation of the EPSEN Act. The statutory requirements of Part 2 of the Disability Act will be extended to adults as soon as possible but no later than 2011.

These standards were prepared jointly by representatives of the health and education sectors. They are a reflection of the co-operation that will be vital between all stakeholders in the years ahead so that we can develop the highest quality services for people with a disability.

Our two Departments are fully committed to leading this co-operation.

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**Mary Harney T.D**  
**Minister for Health and Children**

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**Mary Hanafin T.D**  
**Minister for Education and Science**

## **Introduction**

In 2004, the Irish Government launched the National Disability Strategy as a framework of positive action measures to support the participation of people with disabilities in Irish society. Two new pieces of legislation – the Education for Persons with Special Education Needs Act, 2004 (EPSEN Act 2004 hereafter) and the Disability Act, 2005 – form an integral part of this strategy and deal with the special education and/or health needs of persons. These Acts and other relevant Acts can be accessed on the Oireachtas website ([www.oireachtas.ie](http://www.oireachtas.ie)) or can be purchased in the Dublin Stationery Office, Molesworth Street, Dublin 2.

At the outset, it is important to highlight that these standards encompass the *Assessment of Need* for both the education and health sectors. However, it should be noted that legislation and regulations for the education and health sectors are to be implemented within different timeframes. The following paragraphs give a broad overview of the standards for the *Assessment of Need* from the educational and health perspective.

### **A New Approach to the *Assessment of Need***

The EPSEN Act, 2004 and the Disability Act, 2005 set out a new approach to assessing the needs of eligible persons with disabilities and/or special educational needs for health and/or educational services.

People with disabilities and/or special educational needs are entitled to apply for an *Assessment of Need*, without regard to the cost or capacity to provide any of the services they need. At the end of the *Assessment of Need* process the person will receive a document on his/her *Assessment of Need*. This document has a specific name under each of the Acts:

1. Under the EPSEN Act 2004, the document is called a *Statement of Findings*.
2. Under the Disability Act 2005, the document is called an *Assessment Report*.

A more detailed overview of this new approach can be found in Section 5 of the Department of Health and Children's Sectoral Plan ([www.doh.ie](http://www.doh.ie)) and Sections 2.6 and 2.7 of the National Council for Special Education's Implementation Plan ([www.ncse.ie](http://www.ncse.ie)).

### **The *Assessment of Need* – Health Services**

The Department of Health and Children's Sectoral Plan, outlines the time frames for this new process:

- With effect from 1 June 2007, children with a disability aged under 5 years will be entitled to apply for an *Assessment of Need*
- *Assessment of Need* services for children with disabilities in the 5-18 age group will be commenced in tandem with the implementation of the EPSEN

Act 2004. In preparation for its implementation, health related support services for children aged 5 to 18 years will continue to be enhanced to enable the Health Services Executive to meet needs identified for this group

- While services for adults with disabilities and/or special education needs will continue to be developed and enhanced, an *Assessment of Need* will be available to all adults no later than 2011

### **The *Assessment of Need* – Educational Services**

It is intended that *Assessments of Need* will be available under the EPSEN Act 2004, to children with special educational needs by 2010. It should be noted that additional specific requirements may apply in relation to resource allocation processes administered by the National Council for Special Education. Details of these are available from the Council whose address is Mill Street, Trim, Co Meath ([www.ncse.ie](http://www.ncse.ie)).

### **Standards for the *Assessment of Need***

Standards for the *Assessment of Need* are the desired and achievable levels of performance against which actual performance can be measured. Each standard has a number of criteria. These criteria are measurements, by which the meeting of each standard will be judged. Under the legislation and regulations the *Assessment of Need* must be conducted in accordance with specific standards. The standards are intended to ensure that each *Assessment of Need* is conducted in a consistent manner in order to identify the needs of the person being assessed, accurately and efficiently.

These standards aim to put the “person” at the centre of the *Assessment of Need* process. The “person” referred to throughout these standards is the person undergoing the *Assessment of Need* who may have a disability and/or special education need. In certain circumstances due to the person’s age and/or the nature and extent of their disability and/or special education need he/she will require representation by another person to represent his/her interests. This person who represents the interests of the person undergoing the *Assessment of Need* may be:

- A spouse, parent or relative of person undergoing the *Assessment of Need*
- Guardian of the person or a person acting in loco parentis
- Legal representative of that person, or
- A personal advocate assigned by the Citizens Information Board to represent that person

A person’s concerns in relation to representation and consent are to be dealt with in accordance with the Health Services Executive (HSE) and/or National Council for Special Educational Needs (NCSE) policy and procedures.

Where the person is dissatisfied with the *Assessment of Need* they may make a complaint under the different pieces of legislation, Section 9 of the Health Act 2004 and Sections 14 and 15 of the Disability Act 2005. An appeal is provided for under

the EPSEN Act 2004 and the Disability Act 2005. Complaints/appeals are dealt with differently under each piece of legislation and the mechanism of making and dealing with complaints/appeals is outlined in Standard 2: Criteria 2.6.

The Health Information and Quality Authority (HIQA), to be established in 2007 as an independent statutory body, is the organisation that will review the standards for the *Assessment of Need*. HIQA will monitor how the standards are delivered in practice. HIQA will have responsibility for developing, reviewing and monitoring standards across the health and social services. As a standard setting and monitoring body, HIQA is committed to consulting with all stakeholders and in particular services users. Service users, service providers and other stakeholders will be asked for their views on how the standards are being implemented when a service is monitored. HIQA will publish all of the monitoring reports.

### **Development of *Assessment of Need* Standards**

In October 2006, the Department of Health and Children and the Department of Education and Science set up a Cross Sectoral team with representatives from both Departments, as well as representatives of the Health Service Executive and the National Council for Special Education. The team will oversee and coordinate the implementation of the Disability Act, (2005) and the EPSEN Act, (2004).

The Cross Sectoral team established a Sub Group to prepare standards for the *Assessment of Need*, pending the establishment of the Health Information and Quality Authority. Membership of the Standards for the *Assessment of Need* Sub Group is set out in Appendix 1.

The Sub-Group drew up a draft standards document which was distributed to a broad range of service users and service providers in January 2007. In February 2007, following the distribution of this document, two facilitated consultations days took place to give service users and service providers an opportunity to review and comment on the standards.

Together with written submissions, the outcome of these two days were compiled to form a composite report, which the Standards Sub-group used to inform the final document.

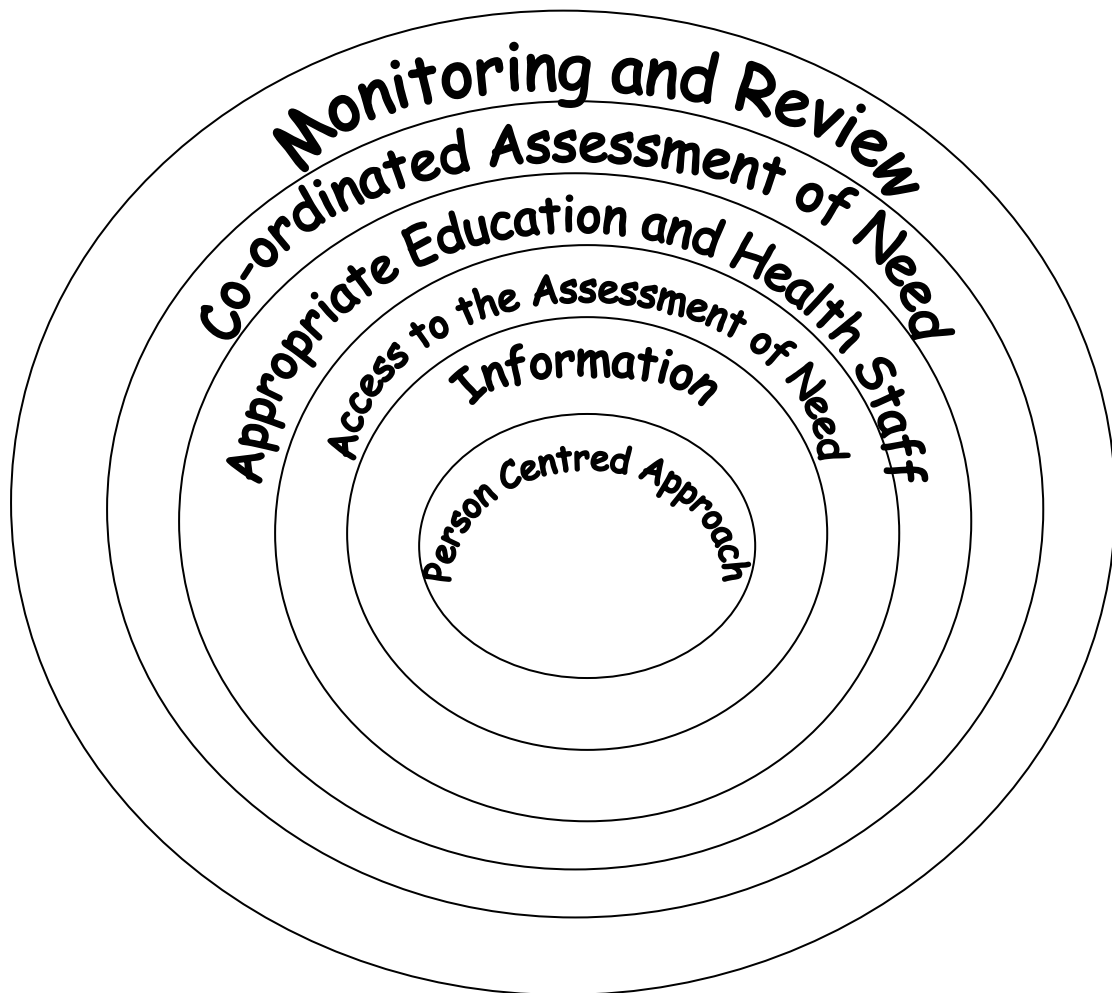
On completion of the Standards Sub-group's work the standards were signed off by the Cross Sectoral team and the standards were then handed over to the Health Information Health Authority who has formally adopted them.

## Structure of the Standards

This document sets out the standards for the *Assessment of Need*. It is divided into six standards as follows:

1. Person Centred Approach
2. Information
3. Access to the *Assessment of Need*
4. Involving Appropriate Education and Health Staff
5. Coordination of the *Assessment of Need*
6. Monitoring and Review

**Figure 1: Standards for the Assessment of Need**



There are a number of criteria for achieving each of the standards. Each criterion outlines the mandatory level of performance that the intervention is required to meet.

# 1. Person Centred Approach

## Standard

The *Assessment of Need* is person centred at all stages. The person is enabled to express what is important to him/her as a person. The *Assessment of Need* is built around the person, appreciates the person as an individual and focuses on outcomes important to him/her.

**The “person” referred to throughout these standards is the person undergoing the *Assessment of Need* who may have a disability and/or special education need. In certain circumstances due to the person’s age and/or the nature and extent of their disability and/or special education need he/she will require representation by another person to represent his/her interests. This person who represents the interests of the person undergoing the *Assessment of Need* may be:**

- **A spouse, parent or relative of person undergoing the *Assessment of Need***
- **Guardian of the person or a person acting in loco parentis**
- **Legal representative of that person, or**
- **A personal advocate assigned by the Citizens Information Board to represent that person**

**A person’s concerns in relation to representation and consent are to be dealt with in accordance with the Health Services Executive (HSE) and/or National Council for Special Educational Needs (NCSE) policy and procedures.**

## Criteria

### 1.1 ***Assessments of Need* are conducted without regard to the cost of, or capacity to provide, any service identified in the *Assessment of Need***

The person’s *Assessment of Need* is not influenced by considerations of the availability of resources, including services.

### 1.2 **The person is appreciated and respected as an individual and their dignity is upheld throughout the *Assessment of Need***

The person is appreciated and respected as an individual and the dignity and respect of the person is upheld throughout the *Assessment of Need*. The person is respected for their knowledge and the experience that they bring to the process. Diversity is recognised and respected.

### 1.3 **The person is fully informed throughout the *Assessment of Need***

The *Assessment of Need* is explained by the Assessment Co-ordinator to the participating person in a way that is accessible and understandable. The person is



made aware of his/her rights and responsibilities, including the purpose of the *Assessment of Need*. (See Standard 2.2)

#### **1.4 The person is entitled to actively participate in the *Assessment of Need***

The person is involved throughout the *Assessment of Need*. The person is supported to actively participate in the *Assessment of Need*. The Assessment Co-ordinator endeavours to ensure that the person/persons carrying out the *Assessment of Need*;

- Communicates with the person or his/her representative in a manner which facilitates appropriate participation by him/her in the *Assessment of Need*
- Promotes dialogue about the nature of the *Assessment of Need*
- Documents the views (if any) of the person or his/her representative concerning his/her needs

#### **1.5 The person's contribution to the *Assessment of Need* is central**

The person's contribution is central to the *Assessment of Need* and is acknowledged and respected. The views of the person are listened to, documented and used in relation to the identification and prioritisation of needs.

The person is encouraged to give feedback, where relevant, throughout the *Assessment of Need*. The *Assessment of Need*, where relevant takes into account the views and feedback of the person.

#### **1.6 The person's privacy with regard to environment and information is respected and safeguarded**

The *Assessment of Need* is conducted in an environment, which is appropriate to the *Assessment of Need* and respects the person's right to privacy.

Confidential and personal information is dealt with in strict confidence.

#### **1.7 The *Assessment of Need* report is a comprehensive, evidence based, up to date and accurate record of the findings of the person's *Assessment of Need***

The views of the person are central to the *Assessment of Need* report.

The report clearly indicates how evidence for the opinions formed is gathered and used, including information on assessment tools used.

The *Assessment of Need* report is written using standardised, national report formats.

The *Assessment of Need* report contains the following information:

- Whether the applicant has a disability and/or special education need

- Nature and extent of the disability and/or special education need
- Health and special education needs (if any)
- Prioritisation of these needs
- Interventions deemed appropriate and ideally, the period of time for provision
- Period within which a review of the *Assessment of Need* should be carried out, where relevant

A person with a disability and/or special education need may reapply for an *Assessment of his/her Needs*, if he/she is of the opinion that since the date of the initial *Assessment of Need*:

- There has been a material change of circumstances
- Further information has become available which either relates to the personal circumstances of the applicant or to the interventions deemed appropriate to meet the needs of the applicant, or
- A material mistake of fact is identified in the assessment report

Clear referral pathways and agreed written protocols are in place to deal effectively with further referrals to other agencies.

### **1.8 The person is informed of the complaints/appeals process and of his/her entitlements to make a complaint/appeal**

The person is entitled to make a complaint under Section 14 of the Disability Act (2005).

The person is entitled to make an appeal under Sections 18 & 20 of the Disability Act (2005) and under Sections 6 & 12 of the EPSEN Act (2004) \*.

Complaints/appeals are dealt with in a timely and efficient manner and in accordance with the legislation.

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\* This section of the EPSEN Act 2004 has not yet been commenced.

## 2. Information

### Standard

Accurate information and records regarding the *Assessment of Need* process are provided, communicated and maintained in a way that is accessible, understandable and in a manner that is appropriate for all persons.

### Criteria

#### 2.1 Information regarding the *Assessment of Need* process is widely distributed, clearly stated and readily available in a range of accessible formats

Information regarding the *Assessment of Need* process is publicly available and distributed widely.

Information is available in an accessible format, which may include accessible HTML (websites), large print, picture symbols, child friendly formats, audio recording, Braille, Easy to Read and different languages, as appropriate.

The information outlines clearly what the *Assessment of Need* process is and what can be expected. General information about the *Assessment of Need* process is provided to include:

- How to make an application for *Assessment of Need*
- Where the *Assessment of Need* takes place
- Contact details for the *Assessment of Need*
- How it will be undertaken and by whom
- The components of the *Assessment of Need*
- The outcome of the *Assessment of Need*
- What will happen following the *Assessment of Need*
- How to make a complaint or an appeal

A point of contact is provided for those applying for an *Assessment of Need*. Assistance is provided where required for those applying for an *Assessment of Need*.

#### 2.2 Information is communicated effectively and in an easily understandable and timely manner during all stages of the *Assessment of Need* process

The Assessment Co-ordinator ensures that the person is given comprehensive information about the *Assessment of Need* process, the outcome of the *Assessment of Need* and the next steps.

The person is enabled and supported to ask questions and raise any concerns. There is a response to questions and concerns.

### **2.3 The person is entitled to access information in connection with his/her *Assessment of Need***

The person can access information about his/her *Assessment of Need*.

On completion of the *Assessment of Need*, the person is given a copy of his/her *Assessment of Need* report, in an appropriate format and in accordance with relevant legislation.

Professional reports relating to the person's *Assessment of Need* can also be accessed by the person subject to the policies of the Health and Education sectors.

### **2.4 Policies and Procedures governing the *Assessment of Need* process are made known to and followed by staff and communicated to participating persons**

Documented policies and procedures are in place for the *Assessment of Need*, consistent with legislation EPSEN Act, (2004)\* and Disability Act, (2005)} and regulations as provided for under Section 21 of the Disability Act (2005). These policies and procedures are made known to and followed by staff. Policies and procedures address all stages and components of the *Assessment of Need*.

Policies and procedures are developed, reviewed, audited and updated on a regular basis.

### **2.5 All information and records gathered during the *Assessment of Needs* are held in a secure manner and all information is held and dealt with in confidence**

All confidential and personal information is handled in compliance with relevant legislation.

Due care is taken not to release or disclose information unless necessary to fulfil legal and professional requirements. Records, including computerised records, are safeguarded against loss, damage or use by unauthorised persons.

An Information Management policy is in place in relation to the collection, storage and transfer of information.

### **2.6 Complaints and appeals in relation to the *Assessment of Need* are dealt with in accordance with legislation**

The person is provided with information in relation to complaints and appeals for the *Assessment of Need*.

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\* This section of the EPSEN Act 2004 has not yet been commenced.

Complaints and/or appeals can be made under the following legislation:

- The EPSEN Act (2004)
- The Health Act (2004)
- The Disability Act (200

**Under the EPSEN Act 2004, Sections 6 and 12, parents may, in respect of their child, make appeals.**

**Under Section 6 of the EPSEN Act 2004**, parents may, in respect of their child; appeal to the Appeals Board against an assessment made under:

- 1) Section 3: Preparation of education plan by school (including steps preliminary to such preparation), and/or
- 2) Section 4: Assessment of Child by or on behalf of Health Services Executive or Council

in relation to the child on the ground that it was not carried out in a manner which conforms with the standards determined under section 5(5) of the EPSEN Act 2004.

*“The Appeals Board shall hear and determine an appeal under this section within 2 months after the making thereof and such a determination may be one either to –*

- a) Allow the appeal and give such direction as it considers appropriate to the principal, the Health Services Executive or the Council, as appropriate, (which may include a direction requiring a fresh assessment under section 3 or 4 to be carried out in relation to the child), or*
- b) Dismiss the appeal.”*

**Under Section 12 of the EPSEN Act 2004**, parents may, in respect of their child, appeal to the Appeals Board against -

*“The discharge by the Council or a principal of a school of its or his or her duties in relation to:*

- 1) Any statement or description of their child’s special educational needs as set out in an educational plan, or*
- 2) Any other statement or description appearing in the education plan as initially prepared or as it stands amended for the time being in consequence of a review,*
- 3) On the ground that a statement or description is incorrect or inadequate to meet the child’s special educational needs.*
- 4) The discharge by a school or Health Services Executive of its duties with respect to an education plan on the ground that there has been a failure by it to implement any part of the plan.” (EPSEN Act, 2004: Section 12)*

*“The Appeals Board hear and determine an appeal under section 12 of the EPSEN Act, 2004 within two months from the making thereof and such a determination may be one either to –*

- 1) Allow the appeal and, as appropriate, give a direction to the principal of the relevant school or the Council requiring the principal or the Council to amend the plan in such manner as the Appeals Board considers appropriate and specifies in its direction or give such other direction to the principal, the relevant Health Services Executive or the Council relating to the child’s education as the Board considers appropriate, or*
- 2) Dismiss the appeal.” (EPSEN Act 2004, Section 12)*

**Under the Health Act (2004)** Part 9, Sections 45 to 55 deal with complaints.

**Under the Disability Act, (2005)** a person may make a complaint to the Health Services Executive (HSE) about:

- 1) *“A determination by the Assessment Co-ordinator concerned that he/she does not have a disability*
- 2) *The fact, if it be the case, that the assessment under section 9 was not commenced within the time specified in section 9(5) or was not completed without undue delay.*
- 3) *The fact, if it be the case, that the assessment under section 9 was not conducted in a manner that conforms to the standards determined by a body referred to in section 10” (Disability Act, 2005).*

Complaints are heard by a Complaints Officer. The complaint is resolved informally, if possible. If informal resolution is not possible, the complaint is investigated and a recommendation is issued with a timeframe for the action directed.

A person may lodge an appeal against the recommendation of a Complaints Officer. Appeals are investigated by an independent Appeals Officer. If the parties to the appeal agree, an appeal may be resolved by mediation. Otherwise, an appeal hearing will take place and a formal determination will issue. The Appeals Officer’s determination is final and may only be appealed on a point of law to the High Court.

### **3. Access to the Assessment of Need**

#### **Standard**

The *Assessment of Need* will be easy to access, responsive to the needs of those requiring the service and conducted in a timely manner in accordance with legislation.

#### **Criteria**

##### **3.1 The application process is simple, efficient and accessible**

Applications (which must be in writing), can be initiated in a number of ways by the person or a representative as outlined in the legislation:

- By phone call, followed by a written application
- By letter
- By email
- By a visit to facilities, followed by a written application

Information and support, as required, is available for those making an application.

Reasonable efforts are made to encourage and ensure access to the *Assessment of Need* process.

##### **3.2 Applications are dealt with in a prompt and efficient manner**

Each application is acknowledged within 2 weeks of receipt in a relevant format.

Assessments of Need are carried out in accordance with legislation and regulations under the Disability Act 2005:

- “Where the person is eligible for an Assessment of Need under the Disability Act, and Part 2 of the Disability Act has been commenced in respect of the person, the Assessment of Need is guaranteed to commence within 3 months of the date of receipt of the completed application” (Disability Act, 2005)
- “Where the EPSEN Act 2004\* applies in respect of a request for an Assessment of Need that Assessment of Need is guaranteed to commence within 1 month of the date of receipt of the completed application or request under the EPSEN Act, 2004, when the relevant section of the EPSEN Act (2004) is commenced”

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\* This section of the EPSEN Act 2004 has not yet been commenced.

- *“The person’s Assessment of Need will aim to be completed without undue delay EPSEN Act (2004) Section (4) (4); Disability Act, (2005) (9) (5).”*

**3.3 The Assessment of Need is conducted in an environment that is safe and accessible to the person**

Locations for the conduct of Assessments are determined with due consideration given to suitability, safety and access.



## **4. Involving Appropriate Education and Health Staff in the *Assessment of Need* Process**

### **Standard**

Staff engaged in the *Assessment of Need* process will be competent in conducting or co-ordinating a high quality *Assessment of Need*. Recruitment, management and on-going training practices will support the achievement of a high quality *Assessment of Need*.

### **Criteria**

#### **4.1 Child and adult protection**

Staff engaged in the *Assessment of Need* process have up-to-date Garda Clearance prior to taking up their positions.

Staff engaged in the *Assessment of Need* process are familiar with, and adhere to, policies and protocols on child protection and on the protection of vulnerable adults.

#### **4.2 Staff are suitably qualified**

Managers ensure staff hold suitable qualifications and have relevant experience for *Assessment of Need*.

Professionals conduct the *Assessment of Need* in accordance with professional codes of practice as set out by their professional body.

#### **4.3 Induction, training and supervision of staff carrying out the *Assessment of Need***

Professionals conducting the *Assessment of Need*, currently practice in a relevant field and keep up to date with evidence based developments.

Staff involved in the *Assessment of Need* process receive appropriate induction, with an emphasis on person-centred practice and multi-disciplinary approaches.

Staff involved in the *Assessment of Need* receive training relevant to the process.

Staff involved in the *Assessment of Need* process receive ongoing support, including supervision.

#### **4.4 Equality and diversity is promoted and valued among staff**

Staff are supported to promote and value equality and diversity.

#### **4.5 Assessments of Need are conducted in a consistent manner nationally**

*Assessments of Need* are conducted in accordance with nationally agreed guidelines.

Methods of assessment are reviewed on a regular basis to reflect developing best practice and to promote consistency in the *Assessment of Need*.

#### **4.6 Continuity in Assessment of Need**

Procedures are in place to ensure continuity of the *Assessment of Need* process.

Insofar as possible, there is continuity of personnel involved in the *Assessment of Need* process.

## **5. Co-ordinated *Assessment of Need***

### **Standard**

The *Assessment of Need* is effectively coordinated in order to accurately identify the needs of the person and to achieve a comprehensive report for the person.

### **Criteria**

#### **5.1 The Assessment Co-ordinator ensures that all aspects of the *Assessment of Need* process are effectively coordinated**

The Assessment Co-ordinator ensures that:

- The *Assessment of Need* is as simple or as specialised as each person requires
- A multidisciplinary format for the *Assessment of Need* is used where appropriate
- All appointments which are part of the *Assessment of Need* are arranged in consultation with the person and are planned with a view to minimising duplication
- All information is collated and a single *Assessment of Need* report is compiled

#### **5.2 The Assessment Co-ordinator ensures that where a number of professionals are involved in the *Assessment of Need*, they work in a co-ordinated way**

Where a number of people are involved in the *Assessment of Need* they work in a co-ordinated way to achieve a comprehensive *Assessment of Need* report.

The assessment processes and report formats used facilitate ease of access to and transfer of information

#### **5.3 Effective links with other services**

Where *Assessment of Need* reports indicate a requirement for referral beyond the health and education sectors, guidelines and pathways for such referrals are in place.

## 6. Monitoring and Review

### Standard

The implementation of the Standards is regularly evaluated by the *Assessment of Need* provider, and independently monitored by HIQA, in order to ensure that Assessments of Need are conducted to an agreed level of quality.

### Criteria

**6.1 The implementation of the standards is monitored by HIQA in accordance with legislation**

Service users, service providers and other stakeholders are consulted as part of the monitoring process and their views are taken into consideration.

Monitoring reports and recommendations are published by HIQA.

**6.2 Providers of *Assessments of Need* are obliged to comply with these standards and conduct regular evaluations**

The contracting agency ensures that compliance with the standards is explicit in the contractual agreement. Regular evaluation includes internal audit by the provider to ensure consistency and compliance.

**6.3 The standards are reviewed and up-dated on a regular basis by HIQA in accordance with legislation**

Service users, service providers and other stakeholders are consulted as part of the review process and their views are taken into consideration.

## GLOSSARY

(This Glossary is not exhaustive and is for guidance only).

### **Advocate**

An advocate is a person who represents and speaks on behalf of the person with a disability and/or special education need.

### **Assessment Co-ordinator**

The person who co-ordinates the assessment process and may also produce the assessment report.

Under the Disability Act (2005) the Assessment Co-ordinator is officially known as the Assessment Officer.

Under the EPSEN Act (2004) the Assessment Co-ordinator may be:

- 1) The Special Education Needs Organiser (SENO)
- 2) The Principal of the School.

### **Assessment Report/Statement of Findings**

A report, which sets out the findings of the Assessment co-ordinator concerned, together with determinations in relation to the following:

- a) *“Whether the applicant has a disability and/or a special educational need*
- b) *In case the determination is that the applicant has a disability and/or a special educational need*
  - 1) *A statement of the nature and extent of the disability and/or special educational need*
  - 2) *A statement of the health and special education needs (if any) occasioned to the person by the disability*
  - 3) *A statement of the services considered appropriate to meet the needs of the applicant.*
  - 4) *A statement of the period within which a review of the assessment should be carried out (Disability Act (2005) Part 2 Section (8) (7)).”*

### **Carer**

A carer is any person who provides regular ongoing support to a person with a disability.

### **Citizens Information Board (Formally known as Comhairle)**

The Citizens Information Board is the national statutory agency responsible for supporting the provision of information, advice and advocacy on social services to the public. It supports the provision of information to the public through the nationwide network of Citizens Information Centres, the Citizens Information Phone Service and through the Citizens Information website.

The agency has a statutory commitment to assist and support people, particularly those with disabilities, in identifying and understanding their needs and options and in accessing their entitlements to social and civil services.

## **Criteria**

A measurement, by which the meeting of the standard, will be judged.

### **Definition of Disability (Disability Act 2005)**

Disability, in relation to a person, means a substantial restriction in the capacity of the person to carry on a profession, business or occupation in the State or to participate in social or cultural life in the State by reason of an enduring physical, sensory, mental health or intellectual impairment. Persons with a disability entitled to services in Part 2 of the Disability Act 2005 are those with a “substantial restriction” which is permanent or likely to be permanent, results in a significant difficulty in communication, learning or mobility or in significantly disordered cognitive processes and gives rise for services to be provided continually to the person whether or not a child, or, if the person is a child, to the need for services to be provided early in life to ameliorate the disability.

### **Definition of Special Education Needs (EPSEN Act 2004)**

Under the EPSEN Act (2004) “Special Education Needs” means, in relation to a person, a restriction in the capacity of the person to participate in and benefit from education on account of an enduring physical, sensory, mental health or learning disability or any other condition which results in a person learning differently from a person without that condition.

### **Individual Education Plan (IEP)**

An Individual Education Plan (IEP) is a written document prepared for a named student which specifies the learning goals that are to be achieved by the student over a set period of time and the teaching strategies, resources, and supports necessary to achieve these goals.

### **Interdisciplinary Assessment Team**

The interdisciplinary team is comprised of professionals from several disciplines. Evaluations can be a mixture of joint and individual assessments. The members collaborate with each other to interpret their findings and design intervention programmes.

### **Loco Parentis**

A person who is in the position of a parent in relation to a child, and has a duty to take reasonable care of that child.

### **Multidisciplinary Assessment Team**

A multidisciplinary assessment team is a group of people from various disciplines (both clinical and non-clinical) who work together to provide an *Assessment of Need* within a specified area.

### **Person Centred**

Person centredness is defined as ‘seeking to put the person first’. A person centred service is one which is ‘provided, organised and designed around what is important to the service users from his/her own perspective. Person Centred Services direct effective supports to facilitate these individual choices.

**Policy**

A definite course or method of action selected from among alternatives and in light of given conditions to guide and determine present and future decisions.

**Procedure**

A particular course of action taken to implement policy.

**Protocol**

A code of correct conduct.

**Regulations**

A governmental order having the force of law. Disability (Assessment of Needs, Service Statements and Redress) Regulations 2007, which will be made in 2007 under Section 21 of the Disability Act 2005.

**Service Provider**

Person(s) responsible for providing the service, this includes staff and management that are employed, self employed, visiting, temporary, volunteers, contracted or anyone who is responsible or accountable to the organisation when providing a service to the service user.

**Service Statement**

A statement, which specifies the health services and/or education services, which will be provided to the applicant by or on behalf of the Health Services Executive or an education service provider, as appropriate, and the period of time within such services, will be provided.

**Service User**

A person with a disability and/or a special education need who is receiving a service from a service provider.

**Stakeholders**

Relevant parties to the assessment of need, including people with disabilities / special educational needs, their families, advocates, carers, service providers.

**Standard**

A standard is the desired and achievable level of performance against which performance can be measured.

**Appendix 1: Membership of the Cross Sectoral Sub Group on Standards for the Assessment of Need**

Membership:

Department of Health and Children – Ms. Bernie McNally (Chair), Mr. Dermot Ryan, Ms. Vera McManamon, Ms. Sinead McEvoy,

Health Service Executive – Ms. Marion Meany, Mr. Tony Leahy, Ms. Maura Morgan

Department of Education and Science – Ms. Mary Horan, Ms. Maureen Costello (National Educational Psychological Service)

National Council for Special Education – Ms. Sheila Clifford, Mr. Sé Goulding

Mental Health Commission – Ms. Rosemary Smyth

National Disability Authority – Ms. Siobhan Barron, Mr. Erik Koornneef

Interim Health Information and Quality Authority – Dr. Tracey Cooper, Ms. Michele Clarke, Ms. Anne Geraghty.

Secretariat:

Ms. Aishling Cronin, Ms. Madeline Meade



## **Appendix 2: Relevant Legislation**

**(This list is not exhaustive)**

Assessment of Needs, Service Statements and Redress Regulations made under the Disability Act 2005  
Blind Persons Act 1920  
Carer's Leave Act 2001  
Child Care Acts 1991 and 2001  
Children Acts 1908 to 2001  
Citizens Information Act 2007  
Comptroller and Auditor General Acts 1866 to 1998  
Data Protection Acts 1988 and 2003  
Disability Act 2005  
Education Act 1998  
Education (Welfare) Act 2000  
Education for Persons with Special Educational Needs Act 2004  
Employment Equality Act 1998  
Equal Status Act 2000  
Equality Act 2004  
Freedom of Information Acts 1997 and 2003  
Guardianship of Infants Act 1964  
Health Acts 1947 to 2005  
Health Bill 2006  
Health and Social Care Professionals Act 2005  
Health Insurance Acts 1994 and 2003  
Housing Act 1988  
Irish Medicines Board Act 1995  
Medical Practitioners Acts 1978 to 2002  
Medical Practitioners Bill 2007  
Mental Health Act 2001  
Mental Treatment Act 1945 to 1961  
National Disability Authority Act 1999  
Nurses Act 1985

Ombudsman Acts 1980 to 1984

Ombudsman for Children Act 2002

Petty Sessions (Ireland) Act, 1851

Protection of Children (Hague Convention) Act 2000

Protections for Persons Reporting Child Abuse Act 1998

Public Service Management (Recruitment and Appointments) Act 2004

Safety, Health and Welfare at Work Acts 1989 and 2005