

General Scheme of the Disability (Amendment) Bill 2025

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Abstract

The General Scheme of the Disability (Amendment) Bill 2025 seeks to reform the Assessment of Need process to make it more effective and efficient for children and families. The policy and legislative context to the General Scheme, including previous reviews of the Assessment of Need process, is examined. Key implications of the legislative proposals are identified including provision for a person-centred, holistic, multidisciplinary, needs-based approach to Assessment of Need, as recommended by previous reviews of the area. Following publication of the General Scheme, the name of the Bill was changed to the Disability (Assessment of Need) Bill in the Government Legislation Programme for Summer 2026.



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Executive Summary

The **General Scheme** of the Disability (Amendment) Bill 2025 which seeks to reform the Assessment of Need (AoN) process was approved by Government in December 2025 with the Committee's pre-legislative scrutiny (PLS) report published in April 2026. The proposed reforms include changes to Part 2 of the **Disability Act 2005**, which provides for a statutory right for disabled people, born on or after 1 June 2002, to an assessment of health and education needs and services required to meet those needs. On publishing the General Scheme in February 2026, the Department of Children, Disability and Equality (DCDE) outlined that the "objective of the proposed legislative changes is to make the Assessment of Need process more effective and efficient for children and families, and to move towards more assessments being delivered within the statutory 6-month timeframe, set out in the Disability Act." Key amendments seek to:

- Clarify that a determination by the Assessment Officer that the applicant has a disability is a prerequisite for an assessment to be conducted of health and education needs and the services required to meet those needs (Heads 3 and 4).
- Provide for the issuing of statutory guidance regarding the assessment process (Head 6).
- Provide that the proposed amendments will apply to any applications received by the HSE where the assessment process has not commenced on or before the proposed Act comes into effect (Head 7).

The AoN process is undertaken by a HSE Assessment Officer with support from health or education professionals as required. An AoN has two parts: 1) identify whether an applicant has a disability and 2) if a disability is determined that the health and education needs of the applicant and services required to meet those needs are identified in an Assessment Report and accompanying Service Statement. A survey conducted by the National Clinical Programme for People with Disability (NCPD) of 22 Assessment Officers found that the majority (59%) had a clinical background with nursing being the most prevalent. The results showed that most Assessment Officers (86%) reported feeling confident in determining whether a referral for clinical assessment was warranted. However, less than half of Assessment Officers (45%) reported feeling confident making a 'no disability' determination at Stage 1, with less than a third (29%) perceiving that the supports in place to make such a determination were adequate.

Over 20,000 assessments were overdue for completion at the end of 2025. Additionally, the average duration of the AoN process is 27 months – well beyond the six-month statutory timeframe. The HSE has implemented various measures to make the process more efficient, however the rising demand for AoN over time has outpaced these improvements.

Regarding relevant international law, the UNCRPD (United Nations Convention on the Rights of Persons with Disabilities) and UNCRC (United Nations Convention on the Rights of the Child) both emphasise equality, participation in society and the child's best interests.

A 2022 High Court Judgement found that under the Disability Act, children are entitled to a comprehensive assessment of the extent and nature of their disability which identifies needs and services appropriate to those needs and the timeframe in which ideally, the services would

be provided. In July 2023, the NCPPD launched the Interim Guidance to replace aspects of the AoN Standard Operating Procedure (i.e. Preliminary Team Assessments) that were found to be non-compliant with the Disability Act 2005.

In a NCPPD survey of 72 clinicians involved in the AoN process, the majority (66%) reported that the Interim Guidance supports clinical autonomy. Based on recent assessments completed by the clinicians, the survey results indicated that 22% of AoNs met a ‘no disability’ determination and the majority resulted in an Autism diagnosis. Based on the survey evidence, the NCPPD reviewers concluded that diagnostic criteria are being appropriately applied in line with the Interim Guidance and that, in many cases, it is possible to identify a person’s needs in compliance with the Disability Act 2005 without a definitive diagnosis, reflecting the utility of needs-based approach.

Recent reviews of the AoN process in Ireland have been published by the NCPPD in 2026, HIQA in 2024 and the Ombudsman for Children’s Office (OCO) in 2020. The HIQA review also examined AoN practices internationally. The HIQA and the OCO reviews emphasised the importance of a person-centred, holistic approach to AoN which focuses on support needs rather than diagnosis to promote early intervention, whilst the NCPPD identified proposed changes to existing guidance, improved interagency collaboration and system-level improvements to strengthen the AoN process.

Key implications of the General Scheme identified from the review of the legal and policy context are summarised in Box 1.

Box 1: Key implications of the legislative proposals

- The proposed removal of the “statement of the nature and extent of the disability” may diminish applicants’ existing rights under the 2005 Act as interpreted by the 2022 High Court decision, to a comprehensive assessment of the *cause* of their disability and associated needs and services required.
- The proposed amendments clarifying that a disability determination is required to have an entitlement to an assessment of education and health needs may place an increased onus on Assessment Officers to make determinations of disability (as defined) at the first stage of the AoN process, despite their perception that the required supports are not in place to do so.
- The findings and recommendations of recent reviews of AoN (by the OCO and HIQA) which support a person-centred, holistic, need-based approach to AoN reflecting the rights of disabled people do not appear to have been substantively addressed in the General Scheme.
- Applicants still awaiting an assessment may be disadvantaged, particularly, if the proposed assessment process is less likely to result in a diagnosis of the person’s disability.

Contents

Executive Summary	2
Box 1: Key implications of the legislative proposals	3
Introduction.....	7
Key amendments	8
Policy context to the General Scheme of the Bill.....	10
What is Assessment of Need?	10
Box 2: What is the Assessment of Need process?	10
Assessment of education needs	11
Role of Assessment Officers	11
Issues with implementation of Assessment of Need.....	13
Demand and waiting times for Assessment of Need.....	13
Preliminary Team Assessments	14
Interim guidance (2023) which replaced Preliminary Team Assessments.....	16
Experiences and views of Assessment Officers regarding the Assessment of Need process	16
Experiences and views of clinicians regarding the Assessment of Need process	18
Legislative context to the General Scheme.....	20
Irish legislative context	20
Disability Act 2005 (Principal Act)	20
Disability (Miscellaneous Provisions) Bill 2023	21
International law	22
UN Convention on the Rights of the Child (UNCRC).....	23
UN Convention on the Rights of Persons with Disabilities (UNCRPD)	23
Reviews of Assessment of Need.....	24
NCPPD review of the Interim Guidance for Assessment of Need	24
HIQA’s scoping review to inform standards	25
Box 3: Key findings of the HIQA scoping review of assessment of need processes in other jurisdictions	27
Report of the Ombudsman for Children’s Office on Assessment of Need	27

Legislative proposal	29
Pre-legislative scrutiny report	29
Key implications	30
Conclusion	31

Table of Tables

Table 1: Overview of key amendments proposed in the General Scheme	8
Table 2: Background of Assessment Officers.....	12
Table 3: Assessment pathways available to Assessment Officers (N=22)	17
Table 4: Additional domestic legislation relevant to the proposed Bill	22
Table 5: Recommendations of the NCPPD review of the Interim Guidance for Assessment of Need.....	24
Table 6: Key recommendations of the Ombudsman for Children’s Office report (2020) relating to the Disability Act 2005	28
Table 7: Potential key implications of the General Scheme of the Disability Act (Amendment) Bill 2025.....	30

Introduction

The [General Scheme](#) of the Disability (Amendment) Bill 2025, which seeks to reform the Assessment of Need process, was approved by Government on 9th December 2025.¹ It was renamed the Disability (Assessment of Need) Bill in the Summer 2026 Legislation Programme. The Department of Children, Disability and Equality referred the General Scheme to the Joint Committee on Disability Matters for pre-legislative scrutiny (PLS) in February 2026. The proposed reforms include changes to Part 2 of the [Disability Act 2005](#), which provides for Assessment of Need (AoN). On publication of the General Scheme in February 2026, the DCDE outlined that the “objective of the proposed legislative changes is to make the Assessment of Need process more effective and efficient for children and families, and to move towards more assessments being delivered within the statutory 6-month timeframe, set out in the Disability Act.” The Department also stated that these changes will *not* remove any rights for parents to apply for an Assessment of Need for their child, *nor* will they change the statutory six-month time limit set out in the 2005 Act.² The PLS report was published in April 2026 and contained 31 recommendations based on the stakeholder evidence and the Committee’s assessment of how to strengthen the proposals to ensure they are fair, rights-compliant and effective in practice.³

Representatives from the HSE emphasised during PLS that the proposed Bill represents an initial step in aligning the Disability Act with a rights-based, needs-led model of disability support, as set out in the [National Human Rights Strategy for Disabled People 2025-2030](#). As such, the proposals aim to introduce several critical clarifications and operational improvements to streamline the AON process. Meanwhile, more comprehensive reforms to further progress alignment with the UNCPRD framework are being scoped, including links to the ongoing review of education legislation.⁴

In parallel with the legislative reforms, the HSE is focused on developing and implementing a range of non-legislative measures to improve the efficiency, quality and consistency of the AoN process, including improved supports for Assessment Officers to enhance decision-making capacity and the establishment of 11 new multidisciplinary teams initially to support HSE assessment processes, including AoN. There are also broader sectoral initiatives underway to address wider system challenges, including the introduction by the HSE of a Single Point of Access system to ensure a child is not on numerous waiting lists, but is on the right waiting list for their service need. Also, the Department of Education and Youth is working to remove the

¹ Response to PQ (13 Jan 2026) on ‘Special Educational Needs’ Available [here](#).

² DCDE (12 Feb 2026) ‘Assessment of Needs Process and Proposed Changes’ Available [here](#).

³ Joint Committee on Disability Matters (2026) ‘Report on Pre-Legislative Scrutiny of the General Scheme of the Disability (Amendment) Bill 2025’ Available [here](#).

⁴ Joint Committee on Disability Matters debate (18 Mar 2026) ‘General Scheme of the Disability (Amendment) Bill 2025: Discussion (Resumed)’ Available [here](#).

requirement for a professional report for entry to special schools and special classes and will instead adopt a needs-based approach.^{5,6}

Key amendments

The key proposed amendments in the General Scheme are outlined in Table 1.

Table 1: Overview of key amendments proposed in the General Scheme

Head	Key amendments
Head 3	<p>This Head seeks to clarify that there are 2 parts to an “assessment”:</p> <ol style="list-style-type: none"> 1. determining whether the person has a disability; and 2. if they are deemed to have a disability, to assess their health and education needs, and the health and education services required to meet those needs. <p>Head 3 also amends the definition of the term “substantial restriction” in section 7 of the 2005 Act by substituting the word “disability” for the word “restriction” to shift the focus of the assessment to the amelioration of the person’s restrictions rather than focusing on ameliorating the disability in line with the purpose of the Act and obligations under the UN Convention on the Rights of Person with Disabilities (UNCRPD).</p>
Head 4	<p>This Head seeks to clarify that a person must be deemed to have a disability by an Assessment Officer, before a referral can be made to the NCSE for an assessment of education needs.</p> <p>For those deemed to have a disability, Head 4 also replaces the inclusion of “a statement of the nature and extent of the disability” in the assessment report for:</p> <p>“a statement of the significant difficulty in communication, learning or mobility or the significantly disordered cognitive processes, as the case may be, which gives rise to the need for services”</p> <p>In the explanatory note regarding Head 4, the department highlights that this change is not intended to result in a reduction in rights under Part 2 and that assessments will still be carried out without regard to cost or capacity to provide any services identified. The department also notes that a diagnostic</p>

⁵ Response to PQ (10 Feb 2026) on ‘Disability Assessments’ [9670/26] Available [here](#).

⁶ DCDE (18 Dec 2025) ‘Disabilities Assessments’ [72968/25] Available [here](#).

Head	Key amendments
	approach may still apply where it is deemed necessary to determine a person's health and education needs.
Head 6	It provides for the issuing of guidance in respect of the assessment process relating to: a) the interpretation of legal definitions in the Principal Act such as the definition of disability, b) the process of determining whether an applicant has a disability, as defined, c) the requirement to carry out assessments of health and education needs, and d) operational matters in conducting the assessment process and the preparation of "an assessment report".
Head 7	The proposed amendments will apply to any applications received by the HSE where the assessment process has not started on or before this Bill comes into operation (known as transitional provisions).

Policy context to the General Scheme of the Bill

What is Assessment of Need?

The Disability Act 2005 Act provides for an Assessment of Need (AoN) in order to determine the health and education needs (if any) of a person who has, or may have, a disability. The process is undertaken by the HSE, and people born on or after 1 June 2002 are eligible for an AoN. There is a statutory time limit of six months for completion of an AoN. The Assessment of Need is to be carried out without regard to the cost of, or the capacity to, provide any services considered necessary to meet the person's needs as per [Section 8\(5\)](#) of the Disability Act 2005. A description of the AoN process is provided in Box 2. As most applications for an AoN are for children (i.e. aged under 18), the description largely focuses on the process for children requiring an assessment.

Box 2: What is the Assessment of Need process?

An Assessment of Need (AON) under the 2005 Act identifies a child's health and education needs and what services are needed to meet those needs. An application can be made by a parent, legal guardian or personal advocate of the child. A young person aged over 16 can apply for their own Assessment of Need. The HSE Assessment Officer decides if an applicant is eligible for an Assessment of Need within the terms of the Disability Act 2025. As part of the initial review of eligibility, the Assessment Officer will ask the applicant to provide any information to help to show the nature and extent of the child's disability. If eligible, the child will be referred to health professionals, known as assessors, to carry out the assessment. In line with HIQA's [Standards for Assessment of Need](#), the assessors decide what health needs arise from the child's disability and what services are needed to meet those needs. When the Assessment of Need is complete, the HSE Assessment Officer writes an assessment report which states whether or not the child has a disability. If the child is deemed to have a disability, the assessment report will be given to a Liaison Officer. The Liaison Officer will use the report to draw up a Service Statement which lists the services the HSE proposes to provide to meet the child's needs. After the Service Statement is complete, the Liaison Officer arranges the delivery of services with the relevant service providers. If needs other than health (e.g., housing, or transport) are identified, the Assessment Officer can refer the matter to the relevant public body.

Source: Citizens Information (updated 20 Aug 2024) [Assessment of need for people with disabilities](#)

Assessment of education needs: If the HSE Assessment Officer determines that a child may require an educational service, they will make a referral to the National Council for Special Education (NCSE) as required by the Disability Act 2005. The NCSE has the responsibility to nominate an appropriate person to carry out an assessment of education needs on behalf of the HSE under the AoN process. Recent High Court judgements have found that teachers have the appropriate expertise to be nominated by the NCSE to assess a child's educational needs.^{7,8} The Report of Education Needs is required to fulfil the educational part of the HSE AoN process. The Report may be completed by the school principal, or a teacher nominated by the school principal who is familiar with the student. The Report provides information to the HSE on:⁹

- Any additional educational needs identified by the school; and
- Views on the education services required to meet the student's needs.

Teacher recommendations regarding the educational services required do not need to be restricted to services already available in the school, as the AoN should be conducted without regard to cost or capacity. Examples of such services might include placement in a special class or special school, access to assistive technology, a psychologist, a speech or occupational therapist, or access to a Special Needs Assistant. The department and the NCSE have put in place a range of measures to support schools who are undertaking the educational component of AoN.^{10,11}

Role of Assessment Officers

This section examines the qualifications and experience of Assessment Officers.

Qualifications and experience: The eligibility criteria contained in a recent [job specification](#) for the role of Assessment Officer in the HSE included the following:

- Significant experience working with children and families dealing with complex issues relevant to the role of an Assessment Officer;
- Significant experience working in a community health service within the public or voluntary sector;
- Experience of working with a multi-disciplinary team;

⁷ Department of Education and Youth 'Assessment of Need' circular 0069/2025 Available [here](#).

⁸ [2024] IHEC 11

⁹ NCSE (2025) Guidance Note for Schools 'Report of Education Needs for the purpose of Assessment of Need (Disability Act 2005)' Available [here](#).

¹⁰ Department of Education and Youth press release (15 Apr 2024) 'Ministers Foley and Naughton announce revised assessment of need process for schools' [updated 6 Aug 2024] Available [here](#).

¹¹ Department of Education and Youth press release (20 October 2022) 'Report of Education Needs for the purpose of Assessment of Need (Disability Act 2005)' [last updated 27 Nov. 2025] Available [here](#).

- Possess the requisite knowledge, ability and experience to fulfil the duties of the post;
- Demonstrate depth and breadth of experience in conducting and/or co-ordinating a high-quality assessment; and
- Demonstrate depth and breadth of experience in the area of disability.

Table 2: Background of Assessment Officers

Service	Response Percent	Response Total
Clinical - Psychology	9%	2
Clinical - Speech and Language Therapy	5%	1
Clinical - Occupational Therapy	9%	2
Clinical - Physiotherapy	0%	0
Clinical - Nursing	36%	8
Education	0%	0
Administration	23%	5
Other (please specify)	18%	4

Note: Other (n=4): roles in social care, psychology research, disability services management, and training support for people with disabilities. Source: National Clinical Programme for People with Disability (2026) 'Review and Recommendations for Interim Guidance (2023) which replaced the Preliminary Team Assessment Section of the HSE Assessment of Need Standard Operation Procedure' HSE Available [here](#).

No educational or health professional qualifications were included in the eligibility criteria for the role advertised. However, the results of a survey of 22 Assessment Officers with representation across all Community Health Organisations (CHOs) found that the majority (59%) had a clinical background, with nursing being the most prevalent (see Table 2).¹² In response to questions at a Committee meeting in February 2026 about the role of Assessment Officers in making disability determinations, the Minister of State with responsibility for Disability, Emer Higgins T.D., outlined that the DCDE has asked the HSE to look at the post

¹² National Clinical Programme for People with Disability (NCPD) (2026) 'Review and Recommendations for Interim Guidance (2023) which replaced the Preliminary Team Assessment Section of the HSE Assessment of Need Standard Operation Procedure' HSE Available [here](#).

requirements in terms of skills and knowledge to ensure the right people are in the right role and Assessment Officers are clinically supported.¹³

Issues with implementation of Assessment of Need

There is a statutory time limit of six months for completion of an AoN from receipt of application by the HSE. However over 20,000 assessments were overdue for completion at the end of 2025.¹⁴ Additionally, the average duration of the AoN process is 27 months – well beyond the six-month statutory timeframe.¹⁵ The HSE has implemented various measures to make the process more efficient, however the rising demand for Assessment of Need over time has outpaced these improvements in the numbers of assessments completed.

Demand and waiting times for Assessment of Need

Demand for an AoN has increased significantly in recent years. The number of applications has increased substantially since 2020, rising from 4,700 applications to over 13,000 in 2025. This increased demand reflects increased population, families exploring all options to access services for their child and the changing needs and awareness of disability in society.¹⁶

There has been a noted improvement in the number of completed assessments with over 4,100 completed in 2024, an increase of 30% compared to 2023.¹⁷ Recent HSE data shows that this trend continued in 2025 with 5,939 reports completed. This represents a 43% increase on the number completed in 2024.¹⁸ This has been achieved through various measures, including the AoN Targeted Waitlist Initiative. This Initiative focuses on families waiting longest for AoNs, with the HSE reimbursing clinicians directly through the procurement of capacity from approved private providers. HSE data shows that over 7,700 clinical assessments have been commissioned from private providers since the Initiative started in June 2024.¹⁹

¹³ Select Committee on Disability Matters debate (25 Feb 2026) ‘Vote 40 - Children, Disability and Equality (Revised)’ Available [here](#).

¹⁴ Response to PQ (10 Feb 2026) on ‘Disability Assessments’ [9670/26] Available [here](#).

¹⁵ Response to PQ (13 Jan 2026) on ‘Disabilities Assessments’ [74848/25] Available [here](#).

¹⁶ Response to PQ (12 Nov 2025) on ‘Disabilities Assessments’ Available [here](#).

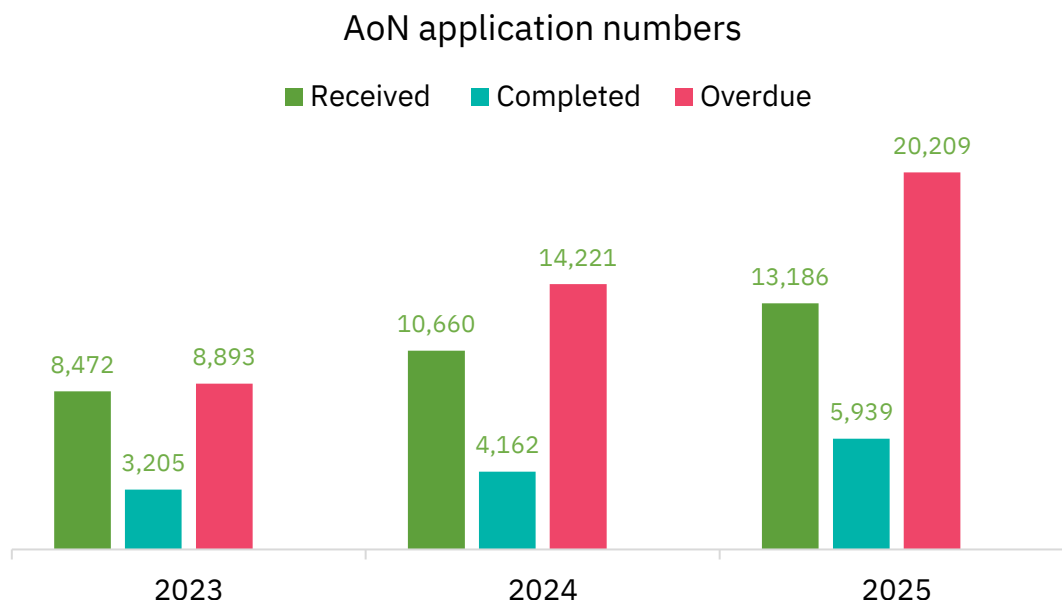
¹⁷ Response to PQ (23 Sep 2025) on ‘Disabilities Assessments’ [49706/25] Available [here](#).

¹⁸ Response to PQ (10 Feb 2026) on ‘Disability Assessments’ [9670/26] Available [here](#).

¹⁹ Ibid

Despite recent improvements in the numbers of assessments completed, the numbers completed have not kept pace with rising demand. This is shown by the increase in numbers of AoNs overdue from 8,893 in Q4 2023 to 20,209 in Q4 2025 (see Fig. 1).²⁰

Figure 1: Numbers of Assessment of Need (AoN) applications by application status at year end (2023-2025)



Source: Oireachtas (2023-2026) [Parliamentary Questions](#).

Preliminary Team Assessments

In January 2020, in an effort to reduce the long waiting list for AoN, a new Standard Operating Procedure (SOP) was introduced by the HSE. The SOP involved Preliminary Team Assessments (PTAs) which were an assessment of up to 90 minutes by two clinicians, from which a statement of the nature and extent of needs was provided without requirement for diagnostic assessments. The PTA, which was usually conducted by the Children's Disability Network Team (CDNT), identified initial interventions, and any further diagnostic assessments that may be required were included in the child's Service Statement as part of the AoN process. While

²⁰ HSE (2025) 'Roadmap for Service Improvement 2023 – 2026, Disability Services for Children and Young People Quarter 3, 2025 Report' Available [here](#).

assessment forms were completed by parents, no formalised or diagnostic assessments took place as part of the preliminary assessment.^{21,22,23}

Following a 2022 High Court judgement, a number of PTAs that had been previously completed were found not to fulfil the requirements of the Disability Act 2005. Justice Siobhán Phelan found that under the Disability Act, children are entitled to a comprehensive assessment of the extent and nature of their disability which identifies needs and services appropriate to those needs and the timeframe in which ideally, they would be provided:²⁴

...what is required under Part 2 is an assessment of the nature and extent of the disability without any conditioning of the assessment as “preliminary” but rather a full and comprehensive assessment which identifies needs, identifies services appropriate to those needs and the time-frame in which ideally they would be provided. None of this can be effectively achieved without also assessing the cause of the child's disability in an accurate and competent manner.

Justice Phelan also found that appropriate diagnostic assessments are required to determine the nature and extent of a child’s disability:²⁵

I am thus satisfied that to determine the existence of a disability and its nature and extent, it is necessary to consider and reach a decision on the cause of the restrictions through appropriate and indicated diagnostic assessments.

The Judgement also clarifies that the 2005 Act does not require a definitive diagnosis in every case, but that the nature and extent of a disability should be fully assessed as far as practicable during the Part 2 process.²⁶

The *Irish Medical Times* reported in 2022 that nearly 10,000 PTAs had been carried out since the process was introduced in January 2020 which had led to a large backlog.²⁷ In response to a parliamentary question in January 2025, the then Minister of State at the Department of Children, Anne Rabbitte, T.D., confirmed that the HSE are continuing to review the files of all children who received a PTA and are engaging directly with families to establish what additional assessments are required, if any, to meet the requirements of the Act.²⁸

²¹ The Psychological Society of Ireland (Feb. 2021) ‘Survey of Psychologists’ experiences of the Health Service Executive (HSE) Preliminary Team Assessment (PTA) process’ Available [here](#).

²² [2022] IEHC 131

²³ Response to PQ (19 Oct 2021) on ‘Disabilities Assessments’ [48678/21] Available [here](#).

²⁴ [2022] IEHC 131

²⁵ Ibid

²⁶ Ibid

²⁷ *Irish Medical Times* (7 Apr 2022) ‘Up to 10,000 children assessed unlawfully by HSE’ Available [here](#).

²⁸ Response to PQ (22 Jan 2025) on ‘Disabilities Assessments’ [1623/25] Available [here](#).

Interim guidance (2023) which replaced Preliminary Team Assessments

In July 2023, the HSE's National Clinical Programme for People with Disability (NCPD) launched the Interim Guidance to replace the Preliminary Team Assessment Section of the Assessment of Need SOP. The Interim Guidance was developed to supplement the existing SOP and to replace the PTA, which Justice Phelan found to be non-compliant with the Disability Act 2005.^{29,30}

The Interim Guidance outlines the process for the Assessment Officer Review (Stage 1), Clinical Assessment and Continuing Clinical Assessment (Stage 2), and the Assessment of Need Report and Service Statement. It aims to support clinicians by providing a clear and structured process for conducting clinical assessments as part of AoN.

The clinical assessment process, when required, can be understood as a series of complementary assessments undertaken in accordance with professional clinical judgement. At various points, clinicians may appropriately conclude the assessment process, thereby fulfilling their obligations under the Disability Act 2005.³¹

Experiences and views of Assessment Officers regarding the Assessment of Need process

As part of a review of the Interim Guidance by the NCPD, the experiences and views of the Assessment Officers regarding the AoN process were examined. The research, published in February 2026, used a mixed methods approach combining a survey of, and interviews with, Assessment Officers, and a Task Group workshop.³² The results of the survey of 22 Assessment Officers³³ with representation across all CHOs found that the Children's Disability Network Team (CDNT)³⁴ assessment pathway (91%) was the most accessible pathway to them, while the Child and Adolescent Mental Health Services (CAMHS)³⁵ assessment pathway

²⁹ [2022] IEHC 131

³⁰ National Clinical Programme for People with Disability (NCPD) (2026) 'Review and Recommendations for Interim Guidance (2023) which replaced the Preliminary Team Assessment Section of the HSE Assessment of Need Standard Operation Procedure' HSE Available [here](#).

³¹ Ibid

³² Ibid

³³ A total of 31 Assessment Officers were asked to complete the survey and 22 of those completed the survey giving a response rate of 71%.

³⁴ [Children's disability network teams \(CDNTs\)](#) support children up to age 18 who have complex needs. A child doesn't need a diagnosis or an assessment of need report to access CDNT services, but a referral is required.

³⁵ [Child and Adolescent Mental Health Services \(CAMHS\)](#) is a specialist service for people under 18 with moderate to severe mental health difficulties. A GP or other healthcare professional referral is needed to access CAMHS.

was the least accessible (14%) (see Table 3). A large proportion of Officers (73%) have access to both uni-disciplinary and multi-disciplinary (MDT) clinical assessment pathways with MDT assessment identified as the most frequently arranged assessment pathway.³⁶

During the Assessment Officer Review (Stage 1), Additional Information Forms, relevant clinical reports, and engagement with clinicians were utilised by *all* Assessment Officers (10%). Additionally, the vast majority of Assessment Officers utilise engagement with families (95%). In addition to those identified in the Interim Guidance, Assessment Officers reported that educational sources (crèche, pre-school, school) were a key factor informing their decision-making. However, many reported difficulties accessing educational professionals to obtain the necessary information or discuss cognitive and learning difficulty referral pathways.

Table 3: Assessment pathways available to Assessment Officers (N=22)

Service	Response Percent	Response Total
Assessment of Need Hub	18%	4
Primary Care	64%	14
Children’s Disability Network Teams (CDNTs)	91%	20
Child and Adolescent Mental Health Services (CAMHS)	14%	3
Private Providers	77%	17
Other (please specify)	18%	4

Source: National Clinical Programme for People with Disability (2026) ‘Review and Recommendations for Interim Guidance (2023) which replaced the Preliminary Team Assessment Section of the HSE Assessment of Need Standard Operation Procedure’ HSE Available [here](#).

The survey results showed that most Assessment Officers (86%) reported feeling confident in determining whether a referral for clinical assessment was warranted and about three-quarters (76%) felt the supports in place to make such a decision were adequate. However, less than half of Assessment Officers (45%) felt confident making a ‘no disability’ determination at Stage 1 with the less than a third (29%) perceiving that the supports in place

³⁶ NCPPD (2026) ‘Review and Recommendations for Interim Guidance (2023) which replaced the Preliminary Team Assessment Section of the HSE Assessment of Need Standard Operation Procedure’ HSE Available [here](#).

to make a 'no disability' determination were adequate. The Officers also identified additional supports which would assist with decisions at Stage 1 regarding whether a disability is present and/or whether a referral for clinical assessment is needed, including access to: ³⁷

- Mental health professionals to discuss mental health or referral pathways
- Education professionals to discuss cognitive and learning difficulty referral pathways
- Clinical opinion
- A shared forum for Assessment Officer peer support

Experiences and views of clinicians regarding the Assessment of Need process

As part of a review of the Interim Guidance by the NCPPD, the experiences and views of clinicians regarding the AoN process were examined using a survey, site visits and a Task Group Workshop. Between April and May 2024, a survey was conducted with 72 clinicians involved in the AoN process with representation across all CHO areas and all disciplines. The majority of respondents (63%) were located in Children's Disability Network Teams (CDNTs), followed by private agencies (23%).³⁸

The survey results indicated that the minimum time spent on Stage 2 clinical assessments and report writing by a clinician ranged from two to twenty-five hours, while the maximum time reported ranged from three to more than thirty hours. The NCPPD review concluded that the variability in time spent on clinical assessments reflects the wide-ranging needs, levels of complexity and backgrounds of the children seen. As such, clinicians appear to match the nature and duration of their assessments to the complexity of presentation, ensuring that each assessment is appropriate and compliant with the 2005 Act.

The survey also revealed that the majority of assessments (86%) were completed using a MDT format, while uni-disciplinary assessments (e.g., cognitive assessments) were used less often (14%). The NCPPD concluded that existing AoN resources should be configured to promote MDT working where appropriate or necessary. They also concluded that a clinician representing a single discipline may be sufficient to assess an individual where the disability falls within a domain that a single discipline can competently assess.

Regarding diagnosis, the respondents reported that the majority of AoNs conducted result in an Autism diagnosis. Based on recent assessments completed by the respondents, the results indicated that 22% of AoNs met a 'no disability' determination.

Based on the survey evidence, the NCPPD reviewers found that diagnostic criteria are being appropriately applied in line with the Interim Guidance. The clinicians reported that, in many cases, it is possible to identify a person's needs in compliance with the Disability Act 2005

³⁷ Ibid

³⁸ Ibid

without a definitive diagnosis. The reviewers concluded that this reflects the practical utility of a needs-based approach.

Commenting on the effectiveness of the Interim Guidance in supporting clinical autonomy while ensuring compliance with the 2005 Act, the majority of clinicians (66%) reported that the Interim Guidance supports clinical autonomy. The remainder of respondents (34%) highlighted issues such as:

- Lack of implementation/awareness of the Interim Guidance
- Pressures to provide a diagnosis as part of the AoN process
- Pressure to adhere to legal timeframes
- Variation in practice between private providers and lead agencies

Those attending the focus group and taskgroup workshop also expressed concern about the use of private providers. Thus, the NCPPD reviewers recommended that outsourcing assessments should be limited where possible to ensure that best practice processes are streamlined and monitored for quality assurance purposes. They noted that outsourcing assessments often results in different clinicians undertaking assessment and intervention, which can undermine the iterative nature of formulation and diagnosis while increasing the financial burden on the system as a whole.

Other concerns highlighted by clinicians included:³⁹

- Lack of access to assessment pathways for mental health, emotional and behavioural or attachment issues
- Balancing AoN responsibilities with intervention work
- The need for professional support for differential diagnosis

Clinicians also indicated in the survey that increased clinical engagement in the Stage 1 process should be considered. This suggestion chimed with the task group description of the close interplay between the Stage 1 and Stage 2 processes.

Regarding assessment issues, a key conclusion of the NCPPD review was that clinicians should be supported to access appropriate assessment pathways. Also, clinicians completing assessments should have the necessary competencies, training, and experience to conduct assessments and accurately make differential diagnoses.⁴⁰

³⁹ Ibid

⁴⁰ Ibid

Legislative context to the General Scheme

An overview of the domestic and international legislative context to the General Scheme is provided below.

Irish legislative context

This section provides an overview of the key provisions in the Disability Act 2005, particularly Part 2, which the proposed legislation seeks to amend. It also provides an overview of other related Irish legislation (see Table 4).

Disability Act 2005 (Principal Act)

The 2005 Act seeks to advance the quality of life and participation of people with disabilities in Irish society by providing for:

- Equal access to mainstream public buildings, services and information for people with disabilities;
- Public bodies to be proactive in employing people with disabilities;
- Sectoral Plans for six key Departments to ensure that access for people with disabilities becomes an integral part of service planning and provision; and
- An independent Assessment of Need for people with a disability.

The 2005 Act defines disability as a “substantial restriction” in a person's capacity due to an enduring physical, sensory, mental health or intellectual impairment that significantly restricts a person's participation in professional, business, occupational, social, or cultural life.

Part 2, section 7 defines “substantial restriction” as a 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 to the need 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.”

The General Scheme proposes amendments to Part 2 of the Disability Act 2005 which provides for an independent assessment of health and education needs (if any) of a person who has, or may have, a disability.

Under Part 2, section 8, an Assessment Officer, appointed by the HSE, shall carry out assessments of AoN applicants or arrange for their carrying out by other employees of the HSE or by other persons with appropriate experience.

Where there may be a need for an education service, the Assessment Officer must request the NCSE to nominate a person with appropriate expertise to assist in the carrying out of the assessment.

Under Part 2, section 8, the Assessment Officer must set out their findings along with determinations in relation to whether the applicant has a disability in the Assessment Report. If the applicant has a disability, the Assessment Report must also include a:

- Statement of the nature and extent of the disability;
- Statement of the health and education needs (if any) arising from the disability;
- Statement of the services considered to meet the needs of the applicant, and the period of time ideally required for the provision of those services and the order of such provision; and
- Statement of the period within which a review of the assessment should be carried out.

Under section 8, an AoN must be carried out without regard to the cost of, or the capacity to provide, any service identified in the assessment as being appropriate to meet the needs of the applicant concerned.

Disability (Miscellaneous Provisions) Bill 2023

The [Disability \(Miscellaneous Provisions\) Bill 2023](#) is a Private Member's Bill (PMB) tabled by Senator Tom Clonan which aims to place a statutory obligation on the HSE and State to provide the services (therapies and supports) identified in an Assessment of Need. The Bill seeks to amend the Disability Act 2005 and the Equal Status Act 2000 and has passed all stages in the Seanad. It aims to align Irish law with the UN Convention on the Rights of Persons with Disabilities, and the recently published Government strategy on disabilities. During the last Seanad debate in November 2025, Minister Higgins expressed that the Government supports the intent of the Bill and has chosen not to oppose it, but there “are significant challenges in the reality of the fact that the State has limited resources”.⁴¹ The status of the Bill in the Summer 2026 Government Legislation Programmes indicates that the Heads of the Bill are in preparation.⁴²

⁴¹ Seanad Éireann debate (26 Nov 2025) ‘Disability (Miscellaneous Provisions) Bill 2023: Report and Final Stages’ Available [here](#).

⁴² [Government_Legislation_Programme_Summer_2026.pdf](#)

Table 4: Additional domestic legislation relevant to the proposed Bill

Legislation	Overview
Education Act 1998 - 2022	The Act provides that everyone living in Ireland, including people with disabilities and people who have other special educational needs (SEN), have available support services and a level and quality of education appropriate to his/her needs and abilities. Under the Act, schools must use their resources to ensure that the educational needs of learners with disabilities or other SEN are identified and provided for. The Act emphasises inclusivity and equality of access and sets out the rights of parents to send their children to a school of their choice.
The Equal Status Act 2000-2018	The Acts prohibit discrimination in the provision of goods and services, accommodation and education on nine grounds including disability.
Education for Persons with Special Educational Needs Act 2004	It establishes that children with SEN should be educated, wherever possible, in an inclusive environment with children who do not have SEN. It provides for the greater involvement of parents in the education of their children and decision making and establishes the National Council for Special Education (NCSE) on a statutory basis. The sections of the Act providing for an assessment of educational needs, individual education plans (IEPs), and appeals processes have not been fully commenced. ⁴³
Education (Admission to Schools) Act 2018	It provides that where a child (with special needs or otherwise) cannot find a school place, the NCSE or Tusla (Child and Family Agency) may designate a school place for the child. Also, upon advice from the NCSE, it permits the Minister to compel a school to make additional provision in respect of children with SEN i.e. open a special class. ⁴⁴

Source: Compiled by L&RS from various sources, including, the relevant Acts and footnoted sources.

International law

The UNCRPD ([UN Convention on the Rights of Persons with Disabilities](#)) and the UNCRC ([UN Convention on the Rights of the Child](#)) are key international treaties which outline the fundamental human rights of people with disabilities and children, respectively. They both focus on equality, non-discrimination, and active participation in society. Both treaties also emphasise that all action concerning children must prioritise the child's best interest.

⁴³ Citizen's Information (updated 25 June 2024) 'Special needs education' Available [here](#).

⁴⁴ Department of Education press release (updated 26 September 2019) Minister Bruton commences key provisions in Education (Admission to Schools) Act, 2018) Available [here](#).

UN Convention on the Rights of the Child (UNCRC)

The UNCRC sets out children's rights to healthcare and an education. Under the UNCRC, children have the right to the highest attainable health standard (Article 24) and the right to equal access to an education to fulfil their potential as human beings (Articles 28 & 29). Children with disabilities have the right to special care, education, healthcare and rehabilitation services designed to help them achieve the fullest possible self-reliance, individual development and social integration in society (Article 23).⁴⁵ The UNCRC is underpinned by four key principles:⁴⁶

- all rights guaranteed by the Convention must be available to all children without discrimination (Article 2);
- the best interests of the child must be a primary consideration in all actions concerning children (Article 3);
- every child has the right to life, survival and development (Article 6); and
- the child's views must be considered in all matters affecting him or her (Article 12).

The Irish Government ratified the UNCRC in 1992.⁴⁷

UN Convention on the Rights of Persons with Disabilities (UNCRPD)

The UNCRPD was adopted by the United Nations in 2006. It is intended as a human rights instrument with an explicit, social development dimension. It reaffirms that all persons with all types of disabilities must enjoy all human rights and fundamental freedoms. States which ratify the UN Convention commit to delivering civil and political rights to people with disabilities, and to progressive realisation of social and economic rights.⁴⁸ Article 24 sets out the right of people with disabilities to education without discrimination and based on equal opportunity. State Parties must ensure an inclusive education system at all levels and lifelong learning aimed at developing disabled persons' full potential and participation in society. Under Article 24 on health, disabled people have the right to the highest attainable standard of health without discrimination based on disability.⁴⁹ Ireland signed the Convention in 2007 and following its ratification in March 2018, it entered into force from 19 April 2018.⁵⁰ The Optional Protocol, which establishes an individual complaints mechanism for the UNCRPD, was ratified by Ireland in October 2024.⁵¹

⁴⁵ [UN Convention on the Rights of the Child](#)

⁴⁶ DCDE (updated 28 Jan 2026) 'What is the UNCRC?' Available [here](#).

⁴⁷ Ibid

⁴⁸ National Disability Authority 'UN Convention on the Rights of Persons with Disabilities' Available [here](#).

⁴⁹ [UN Convention on the Rights of Persons with Disabilities](#)

⁵⁰ DCDE (updated 1 Sep 2023) 'Ireland and the UNCRPD' Available [here](#).

⁵¹ National Disability Authority 'UN Convention on the Rights of Persons with Disabilities' Available [here](#).

Reviews of Assessment of Need

Recent reviews of the AoN process in Ireland have been published by the NCPPD (2026), HIQA (2024) and the Ombudsman for Children’s Office (2020). The HIQA review also includes a review of AoN practices internationally. The HIQA and the Ombudsman’s review emphasised the importance of a person-centred, holistic approach to AoN which focuses on support needs rather than diagnosis to promote early intervention, whilst the NCPPD identified changes to existing guidance, improved interagency collaboration and system-level improvements to strengthen the AoN process. An overview of the key findings of these reviews is presented in this section.

NCPPD review of the Interim Guidance for Assessment of Need

As described above, the HSE’s National Clinical Programme for People with Disability (NCPPD) led the development of Interim Guidance to replace aspects of the AoN that were found to be non-compliant with the Disability Act 2005. A mixed methods evaluation of the implementation of the 2023 Interim Guidance was conducted by a time-limited Task Group. The NCPPD tasked the group with gathering feedback and identifying opportunities to strengthen the guidance and its implementation. It involved site visits to three CHOs along with surveys, interviews and workshops with key stakeholders: Assessment Officers, Liaison Officers, clinicians, and parents. The findings, published in February 2026, indicated that stakeholders broadly support the Interim Guidance, but several needs were highlighted (see Table 5:⁵²

Table 5: Recommendations of the NCPPD review of the Interim Guidance for Assessment of Need

Key proposed changes

Improvements to the Stage 1 process (Assessment Officer Review) such as:

- Develop a streamlined Stage 1 process
- Provide Assessment Officers with access to screening tools, peer support and clinical engagement
- Expanded sources of information to include educational placements (school, preschool, crèche) and Tusla, where a child is in State care
- Include indicative timelines for Assessment Officer Stage 1 processes to reflect the average time spent per referral (1–4+ hours)
- Improved communication with the education sector
- Review the ‘no disability’ determination process to avoid unnecessary referrals to Stage 2

⁵² Ibid

Key proposed changes

Enhanced training and support structures for Assessment Officers, Liaison Officers and Clinicians including legal guidance and establishment of a national support forum.

Better interagency collaboration, including a designated AoN clinical contact within each region and improved access to assessment pathways (particularly mental health).

Improve communication between Liaison Officers and service providers to support timely Service Statement completion.

Configure AoN resources to enable multidisciplinary team working and reduce reliance on outsourcing.

Improved family engagement, such as develop easy-to-read information for parents and children to improve understanding of the AoN process and clear signposting to services outside the AoN pathway.

System-level improvements, such as establish a central AoN database and invest in additional resources including staffing, infrastructure and IT systems.

Source: NCPPD (2026) 'Review and Recommendations for Interim Guidance (2023) which replaced the Preliminary Team Assessment Section of the HSE Assessment of Need Standard Operation Procedure' HSE Available [here](#).

An overview of the findings relating to the Interim Guidance is available on p. 4- 7 of the NCPPD [Review and Recommendations for Interim Guidance](#) report.

HIQA's scoping review to inform standards

HIQA is the authorised body for setting standards for Assessment of Need under the Disability Act 2005. HIQA conducted a scoping review to inform standards for AoN which was published in 2024. The scoping review examined both national and international systems for AoN and identified current best practice and areas for consideration for Ireland. It included a review of AoN processes in 10 jurisdictions: England, Scotland, Wales, Northern Ireland, Australia, New Zealand, Iceland, Romania, Hong Kong and Singapore. Some of the key findings regarding the approaches taken in other jurisdictions are summarised in Box 3.⁵³ Regarding Ireland, HIQA emphasised that previous reviews of AoN have "raised serious concerns about ongoing violations of the rights of children with disabilities and the need to take a child-centred and

⁵³ HIQA (2024) 'Scoping review to inform standards for assessment of need' Available [here](#).

rights-based approach to Assessment of Need (p.35).”⁵⁴ They also noted that reports by the Joint Committee on Children, Equality, Disability, Integration and Youth, the Ombudsman for Children’s Office, and the National Disability Authority have each called for an update to the Disability Act 2005 and the EPSEN Act to enable a best interest, holistic, multi-disciplinary, needs-based approach to AoN.^{55,56,57} The HIQA reviewers also highlighted that the 2005 Act gives the right to an AoN, but does not give people the right to services following an assessment.⁵⁸

Box 3: Key findings of the HIQA scoping review of assessment of need processes in other jurisdictions

- Many jurisdictions have moved towards a holistic, strengths-based approach to assessment of need, focused on the individual’s abilities, resources, goals and needs. This approach supports the person to access the supports that work best for them and their family.
- This person-centred approach to assessment of need focuses on support needs rather than diagnosis; this enables early support and intervention.
- Statutory guidance and codes of practice are used internationally, based on legislation, to set out the principles of a holistic, strengths-based and integrated approach to AoN.
- Specific standards for AoN were not identified internationally; often statutory guidance, frameworks, or codes of practice are in place for AoN.
- Each jurisdiction included in HIQA’s review faced challenges related to AoN including, inconsistent delivery of AoN across regions leading to inequities in care; and long waiting lists and difficulties in accessing services - often due to lack of resources and staffing issues.
- The assessment of need process is also perceived as complex and confusing in some jurisdictions, and it was highlighted that the system needs to be person-centred and easy to navigate.

Source: HIQA (2024) [Scoping review to inform standards for assessment of need](#)

⁵⁴ HIQA (2024) p. 35

⁵⁵ National Disability Authority (2011) ‘Report on the Practice of Assessment of Need under Part 2 of the Disability Act 2005’ Available [here](#).

⁵⁶ Ombudsman for Children (2020) ‘Unmet needs: A report by the Ombudsman for Children’s Office on the challenges faced by children in Ireland who require an assessment of their needs’ Available [here](#).

⁵⁷ Joint Committee on Children, Equality, Disability, Integration and Youth (2023) ‘Report on Assessments of Need for Children’ Available [here](#).

⁵⁸ HIQA (2024) ‘Scoping review to inform standards for assessment of need’ Available [here](#).

Report of the Ombudsman for Children's Office on Assessment of Need

A 2020 report by the Ombudsman for Children's Office (OCO) entitled '**Unmet Needs**' examined the challenges faced by children in Ireland who require an assessment of their needs. Key findings of the report included:

- Long waiting times for an AoN which exceeded statutory obligations -with only 8.8% of AoNs completed on time in 2018.
- Lack of consistency across the HSE local Community Health Organisations (CHOs) regarding the number of AoN applications received, Assessment Reports completed, and Service Statements finalised.
- The AoN is an assessment of the need for services, rather than an assessment of the health and development needs of the child. Thus, if an Assessment Officer finds that a child does not have a disability, a Liaison Officer cannot provide a Service Statement, regardless of the child's other identified needs.
- The 2005 Act contains an adult definition of disability. With its emphasis on productivity and participation, this definition fails to take account of the child and their needs.

Commenting on the report's findings, the Ombudsman for Children, Dr Niall Muldoon highlighted the experience of parents who waited for years to receive an AoN for their child and then struggled to get the services:⁵⁹

The OCO has received countless complaints from distraught parents whose children have been on a waiting list for years to access an assessment of need for their child. Additionally, many have found that once their child is assessed, they then struggle to get any or all of the services recommended to help their child talk, move, learn and grow.

The OCO concluded that the 2005 Act is a diagnosis led, rather than a needs led, model. The OCO argued that the focus of the AoN mechanism should be on early identification of needs rather than early diagnosis of disability. In line with the UNCRC Committee's holistic interpretation of a child's development, the Ombudsman emphasised that the assessment and identification of a child's development needs should be holistic in nature and multidisciplinary in approach. Based on their findings, the OCO made several recommendations relating to the 2005 Act (see Table 6 for an overview):

⁵⁹ Ibid

Table 6: Key recommendations of the Ombudsman for Children's Office report (2020) relating to the Disability Act 2005

Key recommendations

Add a section setting out the guiding principles -aligned with Article 42A.1 of the Constitution and international human rights standards - which must inform the interpretation and implementation of the provisions in the 2005 Act that concern children.

Amend the definition of disability in section 2 of the 2005 Act to a definition which is rights-based, child-centred and inclusive.

Amend section 7 of the 2005 Act to ensure a best interest, holistic, multidisciplinary, needs-based approach to Assessment of Need.

Amend section 18 of the 2005 Act to expand the powers of the Disability Appeals Officer to provide compensation as a remedy for breaches under the Act.

Source: Ombudsman for Children (2020) 'Unmet needs: A report by the Ombudsman for Children's Office on the challenges faced by children in Ireland who require an assessment of their needs' [Available here](#).

Legislative proposal

As outlined by the Department at the third PLS hearing, the overarching aim of the legislative reform is to ensure that “all children who apply for an Assessment of Need are directed to the appropriate supports at the earliest possible juncture, consistent with their needs, and regardless of the determination of disability as set out in the Act.”⁶⁰

The proposed changes seek to provide for the creation of statutory guidelines to support the decisions of Assessment Officers, use of proportionate levels of assessment in the AoN process, and the earliest possible provision of the Assessment Report to applicants. The proposals also seek to provide for applications to be closed or withdrawn within certain parameters to be set by the Minister for Children, Disability, and Equality. Relatedly, the proposed creation of statutory guidelines seeks to ensure that the AoN process is delivered efficiently, effectively and consistently across the country.⁶¹

Pre-legislative scrutiny report

The Minister for Children, Disability and Equality, Norma Foley T.D., referred the General Scheme of the Disability (Amendment) Bill 2025 to the Joint Committee on Disability Matters on 4th February 2026. The Committee engaged with nine key stakeholder groups at three public hearings on 3rd, 4th, and 18th March 2026 and received 16 written submissions from stakeholder organisations and representative bodies. The Committee's **PLS report** was published in April 2026. It contained 31 recommendations informed by stakeholder evidence and reflects the Committee's assessment of how the legislative proposals can be strengthened to ensure they are fair, transparent, rights-compliant and effective in practice. The Committee accepted that the purpose of the General Scheme is not comprehensive legislative reform. However, the Committee was also conscious of the evidence that even targeted or clarificatory amendments can have significant practical consequences, especially where they affect thresholds, sequencing, guidance or procedural safeguards.⁶²

PLS and the recommendations arising will be examined in the Bill Digest for this bill, which the L&RS intends to publish ahead of the Second Stage debate.

⁶⁰ Joint Committee on Disability Matters debate (18 Mar 2026) 'General Scheme of the Disability (Amendment) Bill 2025: Discussion (Resumed)' Available [here](#).

⁶¹ Department of Children, Disability and Equality press release (9 Dec 2025) 'Government moves to improve Assessment of Need process for children and families' (last updated 7 Feb) Available [here](#).

⁶² Joint Committee on Disability Matters (2026) 'Report on Pre-Legislative Scrutiny of the General Scheme of the Disability (Amendment) Bill 2025' Available [here](#).

Key implications

Based on this review of the policy and legislative context to the General Scheme some key implications or issues regarding the proposals were identified by the L&RS (See Table 7).

Table 7: Potential key implications of the General Scheme of the Disability Act (Amendment) Bill 2025

Key implications

- A 2022 High Court decision found that “to determine the existence of a disability and its nature and extent, it is necessary to consider and reach a decision on the cause of the restrictions through appropriate and indicated diagnostic assessments”. As such, the proposed removal of the “statement of the nature and extent of the disability” may diminish applicants’ existing rights under the 2005 Act as defined by the 2022 High Court decision, to a comprehensive assessment of the *cause* of their disability and associated needs and services required, while recognising that a definitive diagnosis may not be practicable in every case.
- The proposed amendments clarifying that a disability determination is required to have an entitlement to an assessment of education and health needs may place an increased onus on Assessment Officers to make determinations of disability (as defined) at the first stage of the AoN process. However, given that a 2026 survey revealed that less than half of Assessment Officers (45%) felt confident making a ‘no disability’ determination at Stage 1 with the less than a third (29%) perceiving that the supports in place to make a ‘no disability’ determination were adequate, this may be challenging to implement.
- The 2020 Ombudsman for Children Office (OCO) report made several recommendations relating to the 2005 Act, such as ensuring a best interest, holistic, multidisciplinary, needs-based approach to AoN and moving away from the adult-focused definition of disability contained in the 2005 Act to a child-centred, rights-based definition. The 2024 HIQA scoping review also concluded that many jurisdictions have moved towards a holistic, strengths-based approach to assessment of need, focused on the individual’s abilities, resources, goals and needs. These findings and recommendations do not appear to have been substantively accounted for in the General Scheme, although the goal of the proposed amendments to support the earliest possible identification of needs to support early intervention is aligned with the OCO and HIQA findings.
- The proposed amendments will apply to any applications received by the HSE where the assessment process has not started on or before the proposed Bill comes into operation. Applicants whose process exceeds statutory time-limits (over 20,000 at the end of 2025) may be subject to the proposed legislation even though their application was made under the existing 2005 Act, potentially disadvantaging them if the proposed assessment process is less likely to result in a diagnosis of the person’s disability.

Conclusion

The General Scheme of the Disability (Amendment) Bill 2025 seeks to reform the AoN process in Ireland. The then Minister of State with responsibility for disability, Hildegard Naughton T.D., stated in November 2025 that the Assessment of Need system is “no longer fit for purpose”.⁶³ This is due to the large and rising numbers of applicants overdue for an Assessment, despite continued efforts to reduce waiting times. Prior reviews of the AoN process have emphasised the need to move towards a person-centred, strengths-based approach in line with other jurisdictions and a rights-based framework.

The PLS recommendations reflected the Committee’s assessment of how the legislative proposals can be strengthened to ensure they are fair, transparent, rights-compliant and effective in practice. The Committee accepted that the purpose of the General Scheme is not comprehensive legislative reform but was also conscious of the evidence that even targeted or clarificatory amendments can have significant practical consequences. Key potential implications of the legislative proposals identified from this review of the policy and legislative context included: diminishing applicants’ rights to a comprehensive assessment of the *cause* of their disability and associated needs and services; and placing an increased onus on Assessment Officers to make determinations of disability earlier in the process which may pose implementation challenges due to the perceived lack of necessary supports. Another implication is that the recommendations of previous reviews which emphasise taking a holistic, right-based approach to AoN do not seem to have been substantively addressed in the General Scheme proposals.

⁶³ *RTÉ News* (18 Nov 2025) ‘Assessment of need system ‘no longer fit for purpose’ – minister’ Available [here](#).