Seirbhís Leabharlainne 7 Taighde
Library & Research Service

Bill Digest

Disability (Amendment) Bill 2026

Emily Heery
Senior Parliamentary Researcher (Social Science)

22 September 2026

Bill Digest: Bill No. 88 of 2026

Abstract

The Disability (Amendment) Bill 2026 proposes to amend the *Disability Act 2005* by introducing targeted changes to the Assessment of Need process including clarifying that a determination of disability is a prerequisite for an assessment of needs and services required to meet those needs to be undertaken, introducing statutory guidelines, setting rules regarding the withdrawal and reinstatement of applications, and amending key terms to shift the focus from a diagnostic-led to a needs-led approach.

Tithe an Oireachtais
Houses of the Oireachtas

Library & Research Service

Email: library.and.research@oireachtas.ie

This L&RS publication may be cited as:

Oireachtas Library & Research Service, 2026. Bill Digest: Bill No. 88 of 2026. Disability (Amendment) Bill 2026

Legal Disclaimer

No liability is accepted to any person arising out of any reliance on the contents of this paper. Nothing herein constitutes professional advice of any kind. This document contains a general summary of developments and is not complete or definitive. It has been prepared for distribution to Members to aid them in their parliamentary duties. Some papers, such as a Bill Digest, are prepared at very short notice: they are produced in the time available between the publication of a Bill and its scheduling for second stage debate. Authors are available to discuss the contents of these papers with Members and their staff but not with members of the general public.

© Houses of the Oireachtas 2026

Contact

Houses of the Oireachtas
Leinster House
Kildare Street
Dublin 2
D02 XR20

Tel: +353 (0)1 6183000
Twitter/X: @OireachtasNews

www.oireachtas.ie



Summary

The Disability (Amendment) Bill 2026 (the Bill) and the Explanatory Memorandum (EM) were published on 18 Sep 2026. The second stage debate on the Bill is scheduled for Wednesday 23 September 2026 in Dáil Éireann. The Bill seeks to make targeted changes to Part 2 of the *Disability Act 2005* (the '2005 Act'), which governs Assessment of Need (AoN).

The Bill clarifies that a determination of disability is a prerequisite for an assessment to be undertaken of the health and education needs (if any) resulting from the disability and the health and education services required to meet those needs. The Bill also replaces the requirement that the assessment report includes "a statement of the nature and extent of the disability" with a requirement that the report includes "a statement of the substantial restriction to which the applicant is subject". According to the EM, this change reflects the wording used in the definition of disability and is intended to move the emphasis from a diagnostic-led approach to a needs-based approach, bringing it more in line with Ireland's international obligations, particularly under the UN Convention on the Rights of Persons with Disabilities (UNCRPD).

The Bill also enables applicants, their families and the HSE to withdraw, close and reinstate applications within specified rules. The Bill also introduces a requirement, following a request from the Minister, for the HSE to prepare and submit statutory guidelines regarding the assessment process for approval by the Minister. As noted by the EM, it is intended that the Statutory Guidelines will be used to support HSE assessment officers in the performance of their functions and to ensure consistency in how assessments are conducted.

The Bill, as published, responds to several of the pre-legislative scrutiny (PLS) recommendations of the Joint Committee on Disability Matters. For example, the published Bill includes an opportunity to reinstate applications following withdrawal and the need for the statutory guidelines to be published. Nonetheless, the Bill remains (as originally intended) a targeted, clarificatory reform of Part 2 of the 2005 Act, primarily designed to address inefficiencies and inconsistencies in the AoN process, rather than being a comprehensive reform of the 2005 Act.

Contents

Summary 2
Introduction 4
Background 5
Overview of the policy background 6
Previous related legislation 8
Irish law 8
International law and standards 8
Regulatory Impact Analysis 9
Pre-legislative scrutiny of the General Scheme of the Bill 10
Principal provisions of the Bill 13
Implications 16

Introduction

The Disability (Amendment) Bill 2026 was introduced on 18 September 2026 and is scheduled for Second Stage debate on 23 September 2026 in Dáil Éireann.

The General Scheme of the Bill was published by the Department of Children, Disability and Equality ('DCDE') on 12 February 2026. It was referred to the Joint Committee on Disability Matters (the 'Committee') for pre-legislative scrutiny ('PLS') in February 2026. The Committee's PLS report was published in April 2026. It contains 31 recommendations based on the Committee's engagement with 9 stakeholders at 3 public hearings and 16 written submissions received by the Committee from stakeholder organisations and representative bodies.

On presenting the Bill to Government in September 2026, the Minister for Children, Disability, and Equality, Norma Foley TD (the 'Minister'), stated that:[1]

> *The Disability (Amendment) Bill 2026… will play an important role in helping to improve the Assessment of Need process for children and their families. Assessment of Need, in its current format, does not meet the needs of families. I know that the increased wait times have become a source of deep frustration for families.*
>
> *The Disability (Amendment) Bill 2026 will introduce changes that will make the Assessment of Need process more efficient, consistent, fair, and transparent for children and families.*

Before publication of the Bill, the Library and Research Service (L&RS) published a *Policy and Legislative Briefing Paper* on the General Scheme. The paper examined the draft heads of the bill, outlining the policy and legislative context and identifying key implications of the legislative proposals; this is not reproduced here.

This Digest provides an overview of the Regulatory Impact Analysis, the findings of PLS, the Bill's principal provisions and key implications of the Bill.

[1] Department of Children, Disability and Equality press release (16 Sep 2026) Minister Foley and Minister of State Higgins present changes to the Assessment of Need process to Government Available here.

Background

Part 2 of the *Disability Act 2005* (the '2005 Act') currently provides for a statutory right for an assessment to be conducted to determine, in respect of a person with a disability, the health and education needs (if any) occasioned by the disability and the health services or education services (if any) required to meet those needs. This statutory right occurs through the Assessment of Need (AoN) process. As noted by the Minister for Children, Disability, and Equality, Norma Foley TD (the 'Minister'), there has been consistent growth in the numbers of AoN applications since the first full year of implementation in 2008, leading to long waiting times negatively impacting applicants and their families.[2] As part of addressing this issue, the Government committed in the Programme for Government to reform the 2005 Act in consultation with stakeholders.[3]

Aside from legislative reform, the Minister has announced that a range of non-legislative measures are being introduced to expand access to assessment outside of the assessment of need process, and to expand access to support services, including:[4]

- The HSE's Single Point of Access system for referral to children's services. This referral model seeks to ensure that children are referred to the right service as early as possible - whether Children's Disability Network Teams (CDNTs), Primary Care Services for Children, or Child and Adolescent Mental Health Services (CAMHS) teams.
- The national Autism Assessment Protocol (launched in May 2026) will provide a standardised assessment process across primary care, mental health, and disability services.
- The Department of Education and Youth is developing a new needs-led, education-based model for special classes and special schools that aims to remove the requirement for a diagnosis and to ensure access is based on a child's educational support needs.

On 29 May 2026, the L&RS published a Policy and Legislative Briefing Paper which reviews the policy and legal context to the General Scheme of the Bill and considers the legislative changes proposed by it. Key areas examined in the Briefing Paper include:

- experiences and views of Assessment Officers and clinicians regarding the AoN process; and
- reviews of AoN;

---

[2] Department of Children, Disability and Equality press release (16 Sep 2026) Minister Foley and Minister of State Higgins present changes to the Assessment of Need process to Government Available here.

[3] Government of Ireland (2025) 'Programme for Government 2025 - Securing Ireland's Future' Available here.

[4] Department of Children, Disability and Equality press release (16 Sep 2026) Minister Foley and Minister of State Higgins present changes to the Assessment of Need process to Government Available here.

The Briefing Paper also includes key implications of the General Scheme identified from the review of the legal and policy context. It is recommended to read this Policy and Legislative Briefing Paper in conjunction with this Bill Digest where the reader is looking for further policy and legislative context.

Overview of the policy background

Currently, the AoN process is undertaken by a HSE Assessment Officer with support from health or educational professionals as required. An AoN has two parts: 1) identifying whether an applicant has a disability and 2) if a disability is determined, 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.[5] A survey conducted by the National Clinical Programme for People with Disability (NCPPD) of 22 Assessment Officers found that the majority of officers (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 the Assessment Officers surveyed (45%) reported feeling confident in 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.[6]

Over 23,000 assessments were overdue for completion at the end of June 2026.[7] Additionally, the average duration of the AoN process is 27 months – well beyond the six-month statutory timeframe.[8] 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.

In 2022, in the case of *CTM v Assessment Officer of the Health Service Executive*, Justice Phelan found that under the 2005 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.[9] In July 2023, the National Clinical Programme for People with Disability ('NCPPD') launched the Interim

---

[5] Citizens Information (updated 20 Aug 2024) Assessment of need for people with disabilities Available here.

[6] National Clinical Programme for People with Disability (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.

[7] Response to PQ (28 Jul 2026) on 'Disability Assessments' [57968/26]] Available here.

[8] Response to PQ (13 Jan 2026) on 'Disabilities Assessments' [74848/25] Available here.

[9] [2022] IEHC 131.

Guidance to replace aspects of the AoN Standard Operating Procedure (i.e. Preliminary Team Assessments) that were found to be non-compliant with the 2005 Act.[10]

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 2005 Act without a definitive diagnosis, reflecting the utility of a needs-based approach.[11]

Recent reviews of the AoN process in Ireland have been published by the NCPPD in 2026[12], Health Information and Quality Authority ('HIQA') in 2024[13] and the Ombudsman for Children's Office (OCO) in 2020[14]. The HIQA review also examined AoN practices internationally and found that many jurisdictions have moved towards a strengths-based approach, focused on the individual's abilities, resources, goals and needs. This approach supports the individual to access the supports that work best for them and their family. Both the HIQA and the OCO reviews emphasised the importance of a person-centred 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.

---

[10] National Clinical Programme for People with Disability (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.

[11] National Clinical Programme for People with Disability (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.

[12] National Clinical Programme for People with Disability (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.

[13] Health Information and Quality Authority (2024) 'Scoping review to inform standards for assessment of need' Available here.

[14] Ombudsman for Children's Office (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.

Previous related legislation

Irish law

Disability Act 2005 (The Principal Act)

According to the Government, the *Disability Act 2005* (the '2005 Act') seeks to advance the quality of life and participation of people with disabilities in Irish society.[15] The proposed legislation seeks to amend Part 2 of the 2005 Act, 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.

Education for Persons with Special Educational Needs Act 2004

The Education for Persons with Special Educational Needs Act 2004 (the '2004 Act') establishes that children with Special Educational Need (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 2004 Act providing for an assessment of educational needs, individual education plans (IEPs), and appeals processes have not been fully commenced.

Disability (Miscellaneous Provisions) Bill 2023 [PMB]

This Private Member's Bill (PMB) introduced by Senator Tom Clonan and sponsored by 18 other senators aims to place a statutory obligation on the HSE and State to provide the services (therapies and supports) identified in an Assessment of Need. 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 which emphasises taking a rights-based approach. The PMB completed its legislative passage through the Seanad on 26 November 2026 but is yet to be debated in the Dáil.

International law and standards

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 of children, respectively. The right to equal access to education and the highest attainable health standard is set out in both treaties. They both focus on equality, non-discrimination, and active participation in society. Both treaties also emphasise that all actions concerning children must prioritise the child's best interest.

---

[15] Department of Children, Disability and Equality (2026) 'Disability Across Government' Available here.

Regulatory Impact Analysis

A summary of the RIA conducted by the Department is presented in Table 1.

Table 1: Regulatory Impact Analysis (RIA)

Options	Expected outcomes
Policy	
A - Do nothing	Retaining the existing provisions relating to Assessment of Need under Part 2 of the *Disability Act 2005* (the '2005 Act') and focusing solely on non-legislative actions to address challenges within the Assessment of Need ('AoN') process.
B - Targeted reform of Part 2 of the 2005 Act	Targeted reform of Part 2 of the 2005 Act while also ensuring that non-legislative actions are progressed in tandem with the with the following outcomes: • Early determination of disability • Shorter, streamlined assessment process • Earliest possible provision of assessment report leading to greater compliance with statutory obligations
Costs	
A - Do nothing	Lengthy delays in the provision of an AoN report. Significant financial costs to the State: • Legal costs • Cost of accessing private capacity to supplement the public system
B - Targeted reform of Part 2 of the 2005 Act	Likely that litigation and associated costs will continue, but will reduce over time as backlog reduces, but can't estimate how long this will take. Potential costs related to any successful court challenges to the proposed amendments. Such costs cannot be determined. It is expected that the number of hours spent on AoNs will decrease and the reliance on private capacity will reduce

Options	Expected outcomes
Benefits	
A - Do nothing	No appreciable benefits
B - Targeted reform of Part 2 of the 2005 Act	Children applying will be directed to the appropriate support as early as possible in line with needs and regardless of disability determination. Use of proportionate levels of clinical assessment Improved process quality, efficiency, legal clarity and better support for assessment officers in decision-making Step towards re-aligning 2005 Act with UNCPRD
Impacts	
People with disabilities	Positive impact ensuring a more efficient and effective AoN process and anticipated increased capacity over time for HSE therapists to provide therapeutic interventions
The rights of citizens	Legal advice indicates that the amendments will not reduce existing rights of applicants
Poverty	Increased HSE clinical capacity will result in more equitable access for families on lower incomes

Pre-legislative scrutiny of the General Scheme of the Bill

The Joint Committee on Disability Matters (the 'Committee') undertook pre-legislative scrutiny ('PLS') of the General Scheme of the Bill. The Committee engaged with9 stakeholder groups at 3 public hearings and received 16 written submissions from stakeholder organisations and representative bodies. The Committee published their Report on Pre-Legislative Scrutiny of the General Scheme of the Disability (Amendment) Bill 2025 ('PLS Report') in April 2026, with 31 recommendations identified.

The Committee concluded that the General Scheme addresses:[16]

> "... pressing operational issues, but that it must be strengthened to ensure that reform is rights-based, fair in practice, and capable of improving outcomes for children and families."

In particular, the Committee's recommendations sought to ensure that any reforms to the Assessment of Need ('AoN') process:

- do not restrict access for children and families;
- preserve the integrity and quality of multidisciplinary assessment;
- provide clear and robust procedural safeguards; and
- are capable of being implemented in a system that is already under very significant operational strain.

In carrying out PLS, the Committee was particularly mindful that the proposed legislation was not presented as a comprehensive reform of the *Disability Act 2005* (the '2005 Act'), but also considered that even targeted or clarificatory amendments can have significant practical implications, particularly where they affect thresholds, sequencing, guidance or procedural safeguards.

There was broad agreement across the stakeholder evidence that the current AoN system is under significant strain and needs reform. A dominant theme across submissions and hearings was that the existing legislative framework is not sufficiently aligned with a rights-based approach and contemporary understandings of disability. The international evidence, presented by the Health Information and Quality Authority ('HIQA'), highlighted that many jurisdictions favour multidisciplinary, best-interest-led and needs-based approaches to assessment, often with clearer links to service provision than currently exist in Ireland. The Committee also heard opinions that reforms should not narrow access, weaken procedural safeguards, or reduce the quality and integrity of assessment. Based on the evidence given, the Committee raised concerns that the HSE argument for a proportionate approach to assessment did not become a proxy for "thin or truncated" assessment.[17]

Stakeholders highlighted that one of the most consequential aspects of the General Scheme is the stronger embedding of the disability determination within the assessment process. For example, stakeholders raised concerns that if disability determination is treated as a strengthened threshold before a fuller assessment can proceed, children with complex, fluctuating or less visible needs which do not neatly fit the statutory definition of 'disability' could be screened out earlier than under current practice. Another key theme, particularly in the evidence from clinical stakeholders was that any reform must preserve the comprehensive, multidisciplinary and person-centred nature of assessment. Based on this

---

[16] PLS Report, p. 7.

[17] PLS Report, p. 43.

evidence, the Committee determined that the operation of the proposed framework will depend to a significant extent on how Assessment Officers are supported to make decisions, including their access to specialist input, the clarity of the relevant legal and policy framework, and the safeguards available to applicants.

Stakeholders repeatedly emphasised that assessment should be considered as only one part of a broader pathway and that, for affected families, the key question is whether assessment leads in practice to timely and appropriate supports. As such, the Committee highlighted that the AoN process cannot be considered in isolation from the wider disability, health and education systems.

Principal provisions of the Bill

This section of the Bill Digest considers the principal provisions of the Bill, which contains eight sections. The Bill proposes to amend the *Disability Act 2005* (the '2005 Act').

Section 1 defines the term 'Principal Act', for the purposes of this Bill, as the 2005 Act.

Section 2: Amendment of section 7 of Principal Act

Section 2(a) of the Bill seeks to amend Section 7 of the 2005 Act by inserting a new definition of "assessment". This new definition clarifies that an assessment is undertaken or arranged by the HSE') in respect of *an applicant* (rather than a person with a disability, as previously) and involves **two** distinct parts:

1. determining whether the applicant has a disability, and
2. where the HSE has deemed that an applicant has a disability, to assess the health and education needs (if any) resulting from the disability and the health and education services required to meet those needs.

Section 2(b) proposes to amend the definition of the term "substantial restriction" in section 7 of the 2005 Act by substituting the word ' restriction' for the word 'disability '.

Section 3: Amendment of section 8 of Principal Act

Section 3(a) of the Bill proposes to amend section 8 of the 2005 Act to clarify that if a HSE Assessment Officer makes a determination that an individual has a disability and the officer is of the opinion that they may be a need for an education service to be provided to the individual, the officer must request the National Council for Special Education (NCSE) in writing to nominate a person with appropriate expertise to assist the Assessment Officer in the assessment of needs and services required by the individual and the NSCE must comply with the request.

Section 3(b) of the Bill seeks to substitute a clause into section 8(7)(b)(i) of the 2005 Act, to require an assessment officer to include in an assessment report "a statement of the substantial restriction to which the applicant is subject" instead of the previous requirement that the report must include "a statement of the nature and extent of the disability".

The Explanatory Memorandum to the Bill states that this amendment does not preclude a diagnostic approach where it is deemed necessary by the Assessment Officer in order to determine an applicant's health and education needs, but it may reduce the pressure to carry out exhaustive diagnostic assessments where this may not be necessary to determine needs in the specific case.

Section 4: Amendment of section 9 of Principal Act

Section 4 of the Bill looks to amend section 9 of the 2005 Act by substituting the term "Citizens Information Board" for "Comhairle".

Section 4(b) seeks to insert a number of subsections after subsection (8) of section 9 of the 2005 Act providing for the withdrawal and closure, and the reinstatement of applications. It sets out that an applicant or the person making the application on their behalf may withdraw an Assessment of Need ('AoN') application at any time before a service statement is provided to the applicant, by giving formal notice of an intention to withdraw to the HSE. Section 4(b) of the Bill also sets out that a HSE employee may withdraw an application arranged by a HSE employee which was made by, or on behalf of, a person who appears to have a disability (under section 9(4) of the 2005 Act), by giving written notice where one or more of the prescribed circumstances applies (under section 21(ba)(i) of the 2005 Act). Section 4(b) of the Bill would also provide that where an Assessment Officer has not issued an assessment report, and one or more of the circumstances prescribed under section 21(ba)(ii) of the 2005 Act applies, the HSE may withdraw the application by giving written notice.

Under S.4(b) of the Bill, if inserted into the 2005 Act, subsections (14)-(17) would provide for the reinstatement of withdrawn applications by the applicant, or a person applying on their behalf, or a HSE employee by providing written notice to the HSE within 12 months of the date of withdrawal.

Section 5: Amendment of section 21 of Principal Act

Section 5(a) of the Bill seeks to amend section 21 of the 2005 Act by providing that the Minister may make regulations in relation to matters relating to the nomination by the NSCE of a person or persons with appropriate expertise to assist an assessment officer in the making of a determination on an applicant's need for educational services.

Section 5(a) would also insert paragraphs (ba) and (bb) after paragraph (b) in section 21 of the 2005 Act, to empower the Minister to make regulations regarding the withdrawal and closure, and the reinstatement of applications, and requests for the same, made under section 9 of the 2005 Act (as amended).

Section 6: Guidelines

Section 6 proposes to insert a new section 21A after section 21 of the 2005 Act. The new section would provide for the preparation of guidelines by HSE following a request of the Minister. The Minister may approve or refuse to approve the draft guidelines. Once approved, the HSE must publish or cause to be publish the guidelines. The guidelines should include:

a) the interpretation of legal definitions in the 2005 Act and the application of those definitions such as the definition of the term 'disability';

b) the process of determining whether an applicant has a 'disability', within the context of an assessment;

c) the statutory requirement to carry out determinations of health and education needs as informed by best practice and applicable standards;

d) operational matters in conducting the assessment process;

e) the preparation of assessment reports;

f) the withdrawal, closure and reinstatement of applications, and requests for the same;

g) the preparation, review of services provided, and the amendment of, service statements

Section 21A of the Bill also seeks to provide that the HSE must exercise its powers under Part 2 of the 2005 Act in accordance with the published guidelines.

The aim of the Statutory Guidelines proposed in section 6 of the Bill is to set out how the changes under the Disability (Amendment) Bill 2026 will be implemented by the HSE. The Guidelines are agreed between the HSE and the Department of Children, Disability, and Equality, and are approved by the Minister.[18]

The proposed Guidelines are intended to assist Assessment Officers to conduct assessments of need and standardise procedures nationwide, across all six health regions. The intention is that the Guidelines will promote greater fairness and transparency in how assessments of need are processed.[19]

Section 7: Transitional provisions

Section 7 of the Bill looks to make provision for transitional arrangements to address how the changes proposed in Bill will affect existing applications. Section 7(1) of the Bill provides that sections 2-6 of the Bill will apply to all applications received by the HSE:

a) before section 7(1) of the enacted Bill comes into operation, where a specified step in the assessment process has **not** taken place, or

b) on or after section 7(1) of the enacted Bill comes into operation.

Section 7(2) would provide that for applications received by the HSE before section 7(2) of the enacted Bill comes into operation, where a specified step in conducting the assessment **has** taken place:

a) sections 2, 3 and 5(a) of the enacted Bill will **not** apply to those applications, and

b) sections 4, 5(b) and section 6 of the enacted Bill **will** apply to applications and requests subject to the proviso that reference to the guidelines would only be a reference to those guidelines on the withdrawal, closure and reinstatement of applications and requests.

[18] Personal communication from DCDE to L&RS

[19] Personal communication from DCDE to L&RS

Implications

Many stakeholders during PLS highlighted that the clearer embedding of disability determinations in the General Scheme may affect applicants with less visible, complex or fluctuating conditions, who may be at risk of being excluded from the Assessment of Need ('AoN') process at an early stage. This implies that there may be a need for assessment officers to be given access to multidisciplinary clinical support at an early stage in the assessment process and for the statutory guidelines to cover these concerns about narrowed access. Some of the Committee recommendations at PLS have been taken forward in the Bill, as published. These include the opportunity to reinstate applications following withdrawal, the need for the statutory guidelines to be published. Nonetheless, the Bill remains (as originally intended and discussed at PLS) a targeted, clarificatory reform of Part 2 of the *Disability Act 2005* (the '2005 Act') primarily designed to address inefficiencies and inconsistencies in the AoN process rather than a comprehensive reform of the 2005 Act - with a review of the *entire* Act recently commenced by the Department of Children, Disability and Equality.[20]

[20] The Explanatory Memorandum notes that a review of the 2005 Act as a whole has commenced and is being led by the Department of Children, Disability and Equality.