



**Oifig an Stiúrthóir Cúnta Náisiúnta,**  
Foireann Míchumais Náisiúnta,  
An Chéad Urlár - Oifigí 13, 14, 15,  
Áras Phlásóg na Rós, Coimpléasc Gnó na hOllscoile,  
Páirc Náisiúnta Teicneolaíochta,  
Caladh an Treoigh,  
Luimneach.

**Office of the Assistant National Director,**  
National Disability Team,  
First Floor- Offices 13, 14, 15,  
Roselawn House, University Business Complex,  
National Technology Park,  
Castletroy,  
Limerick.

7<sup>th</sup> May 2024

Deputy Bernard Durkan,  
Dail Eireann,  
Leinster House,  
Kildare Street,  
Dublin 2.  
E-mail: [bernard.durkan@oireachtas.ie](mailto:bernard.durkan@oireachtas.ie)

Dear Deputy Durkan,

The Health Service Executive has been requested to reply directly to you in the context of the following parliamentary question, which was submitted to this department for response.

**PQ: 14179/24**

*To ask the Minister for Children; Equality; Disability; Integration and Youth to clarify whether early access to therapy and support services can be provided to a child when one guardian consents and one guardian refuses to consent; if any guidelines have issued in this particular area or are planned; and if he will make a statement on the matter.*

**HSE Response**

The HSE National Consent Policy 2022 v1.2 sets out what should happen in circumstances where there is a dispute between parents or guardians in relation to treatment for a child and specifically states that at all times the primacy of the best interests of the child should be recognised.

Section 4.1 of the HSE National Consent Policy states: Where both parents, or all legal guardians, have indicated a wish to be involved in the consent process and there is a dispute between parents or the legal guardians as to the appropriate course of action, then unless the matter is urgent, the intervention should be deferred and an attempt should be made to reach a consensus decision.

At all times, the primacy of the best interests of the child should be recognised. If a consensus between the child's parents or legal guardians cannot be reached, the healthcare worker should notify the parents or legal guardians that the healthcare worker intends to proceed with the course of action which the healthcare worker considers to be in the best interests of the child on the basis of the consent of one parent.

The healthcare worker should inform the parent or legal guardian who has a contrary view that they may make an application to the Court for a direction to prevent this. In such circumstances, the healthcare worker should seek legal



advice as to whether an application to Court should be made by the service provider, particularly in cases where the intervention is high risk or has potentially serious consequences.

Yours Sincerely,

*Bernard O'Regan*

**Bernard O'Regan**  
**Assistant National Director**  
**National Disability Team**

