



Feidhmeannacht na Seirbhíse Sláinte  
Health Service Executive

Oifig an Cheannaire Oibríochtaí,  
Na Seirbhísí Míchumais/An Rannán Cúram Sóisialta,  
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15<sup>th</sup> March 2021

Deputy Cian O'Callaghan,  
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Dear Deputy O'Callaghan,

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 11764/21**

*To ask the Minister for Health his response to the January 2019 Oireachtas Joint Committee on Health report on the New Standard Operating Procedure for Assessment of Need under the Disability Act 2005; if steps have been and are being taken to address the findings of the report; and if he will make a statement on the matter.*

#### **HSE Response**

Since the commencement of Part 2 of the Disability Act in June 2007 the HSE has endeavoured to meet its legislative requirements as set out in the Act. Under the Act, any person suspected of having a disability, born on or after June 1st 2002 is eligible to apply for an AON.

The Disability Act 2005 outlines the statutory timelines under which AONs must be completed. In effect the assessment must be completed within six months of the application date with a further month to issue the report and service statement.

The numbers of applications for AON under the Act have risen steadily since its implementation in June 2007. In 2008, 2,535 applications for AON were received with 1,392 assessments completed. In 2019 the number of applications received had grown to 6,596 with 3,312 assessments completed. In 2020, the number of new applications reduced due to the impact of the COVID-19 pandemic. However, from the 1st June 2007 to 31st December 2020 a total of 60,465 completed applications have been received by the HSE. When originally implemented, it was envisaged that AON would apply to children aged less than five years and the Education for Persons with Special Education Needs Act (2004) (EPSEN) would address the needs of older children. The relevant sections of the EPSEN Act have not been commenced.

Furthermore, as a consequence of a High Court ruling of December 2009, the effect of which was to open eligibility to all children born after 1st June 2002, the number of children aged five and over has risen steadily as a percentage of all applications received. At the end of 2011, the figure stood at 26%, while throughout 2020, this figure averaged 54%. This is a reflection that the AON process is an accumulative process in terms of numbers of children seeking access.

The HSE has been addressing the findings of the January 2019 Oireachtas Joint Committee on Health report on the New Standard Operating Procedure for Assessment of Need under the Disability Act 2005.

With regard to JCH recommendations regarding the benefits of early intervention and the allocation of sufficient resources to support this programme, the HSE wishes to advise that 76.5wte of 88 wte Children's Disability Network Managers (CDNMs) have now been appointed. This will facilitate the HSE and our partner Section 38 and Section 39 agencies to complete reconfiguration under the PDS project in Q1/Q2 2021.

With regard to further recommendations, that further consideration be given to the drafting of the Standard Additional Information Form and the concerns of stakeholders, updated versions of the standard referral and additional information forms were developed as part of the National Policy on Access to Services for Children & Young People with Disability & Developmental Delay and were circulated in May 2019. These forms were updated following consultation with service providers and clinicians across the country. Editable PDF versions of these forms as well as hard copies are now in use. Every appropriate support will continue to be provided for families who require assistance to complete these forms.

Other follow up actions to recommendations made include implementation of the new SOP in January 2020 following an extensive consultation process with the relevant staff representative body (Forsa). During this process Forsa secured an independent legal opinion in relation to the SOP. This opinion also concluded that the SOP complies with the requirements of the Disability Act.

A National Coordination Group for the Disability Act has been established comprising one Assessment Officer and one Liaison Officer representative from each CHO area. Communication with AOs and LOs is via these representatives.

As part of the HSE's continuous quality improvement programme and as agreed with the Fórsa trade union in January 2020, the HSE has committed to a comprehensive review of the operation of the SOP. The Terms of Reference for this review which will be chaired by Mr Robbie Ryan, have now been agreed. The review group will comprise five nominees from Fórsa and five from the HSE and will commence meetings in March 2021. These nominees will represent a range of stakeholders including Assessment Officers, Children's Disability Network Managers, Heads of Disability Services, National Clinical Programme for People with Disabilities, Occupational Therapists, Physiotherapists, Psychologists and Speech & Language Therapists.

The group will, over a 12 month period:

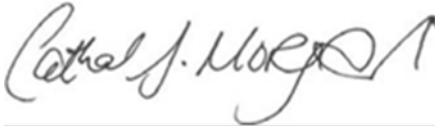
- Examine the current SOP for Assessment of Need, in particular the issues arising with regards to the Preliminary Team Assessment.
- Examine and quantify existing staff resources, both clinical and administrative, associated with meeting the requirements of Assessment of Need under the Disability Act (2005). Identify any shortfalls and make recommendations for remedies.
- Examine infrastructural resource requirements for the delivery of AON. e.g. non staff related resources such as IT supports, etc. Make any appropriate recommendations.
- Evaluate the impact of the SOP for Assessment of Need. This will include examination of Assessment of Need activity data with a particular focus on the numbers of assessments completed and compliance with statutory timeframes.

The Chairperson will issue interim reports after 3 months, 6 months and a final report after 12 months. The Chairperson may decide to invite submissions from any other party he considers relevant for the purposes of this review. e.g. CORU, HIQA, professional bodies etc.

With regard to the recommendation 7 regarding the establishment of a central database of Assessment of Need data which is accessible to all therapists, clinicians and administrators involved in AON, the expansion of the Management Information System piloted in the Mid West is currently at the tendering stage.

100 posts from 2019 are now in place. A further 50 posts have been allocated in 2021 with the potential for a further 50 to be provided. The allocation of these posts will be based on performance against AON targets and reconfiguration under PDS.

Yours sincerely,



**Dr. Cathal Morgan,  
Head of Operations - Disability Services,  
Community Operations**



Seirbhís Sláinte  
Níos Fearr  
á Forbairt

Building a  
Better Health  
Service