



**Oifig an Cheannaire Oibríochtaí,**  
Na Seirbhísí Míchumais/An Rannán Cúram Sóisialta,  
31-33 Sráid Chaitríona, Luimneach.

**Office of the Head of Operations,**  
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3<sup>rd</sup> February 2023

Deputy David Cullinane,  
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Leinster House,  
Kildare Street,  
Dublin 2.  
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Dear Deputy Cullinane,

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: 2697/23**

*To ask the Minister for Health the number of children on waiting lists for an assessment of need; the number overdue for completion; and the average length of wait.*

**HSE Response**

The Disability Act (2005) provides for an Assessment of Need (AON) that outlines the health and education needs for people born on or after 1<sup>st</sup> June 2002 who are suspected of having a disability.

The numbers of applications for AON under the Act have risen steadily since its implementation in June 2007. 6,755 applications for AON were received in 2022. This was the highest number of applications received in any year since Part 2 of the Act was commenced in June 2007.

The HSE has endeavoured to meet its legislative obligations under the Act. However, 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, and in addition of school-going age, has risen steadily as a percentage of all applications received. At the end of 2011, the figure stood at 26%, while throughout 2022, this figure averaged 55%. This is a reflection that the AON process is an accumulative process in terms of numbers of children seeking access.

The judgement of Ms Justice S Phelan in the case of CTM & JA v the HSE found that the Preliminary Team Assessment approach described in the HSE's Standard Operating Procedure for Assessment of Need does not meet the requirements of the Disability Act. This judgement in effect requires the HSE to deliver diagnostic assessments where necessary and appropriate as part of the Assessment of Need process. This ruling has a significant impact operationally and has resulted in a growth in the numbers of overdue Assessments of Need. The requirement for services to prioritise the statutory Assessment of Need process will also impact significantly on their capacity to provide necessary intervention / treatment for children with disabilities.

The Table below gives the most recent information regarding applications overdue for completion – at end of Quarter 4, 2022. (Reports are available on a Quarterly basis). 4,613 applications are overdue for completion



with 90 of these on the grounds of there being exceptional circumstances as provided for in paragraph 10 of the regulations.

**Applications overdue for completion - End of Quarter 4, 2022**

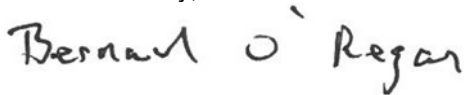
CHO Area	Overdue	<1 month	1 - 3 Months	>3 Months
AREA 1	191	27	34	130
AREA 2	77	22	18	37
AREA 3	260	41	60	159
AREA 4	665	73	76	516
AREA 5	208	24	36	148
AREA 6	271	55	55	161
AREA 7	1321	168	274	879
AREA 8	353	52	88	213
AREA 9	1267	142	213	912
<b>Total</b>	<b>4613</b>	<b>604</b>	<b>854</b>	<b>3155</b>

The HSE are continuing to review the files of all children who received a preliminary team assessment and engaging directly with families to establish what additional assessments will be required to meet the requirements of the Act. Additional funding has been secured to support the additional assessments required.

The HSE's National Clinical Programme for People with Disability (NCPPD) has led the process of developing Interim Clinical Guidance to replace the Preliminary Team Assessment. This new Interim Clinical Guidance has now been clinically approved and will be implemented following engagement with staff representative bodies.

The HSE remains committed to the delivery of appropriate services for children with disabilities and will work with families and staff to develop services that meet their needs.

Yours Sincerely,



**Mr Bernard O'Regan,  
Head of Operations - Disability Services,  
Community Operations**

