



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

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3rd February 2023

Deputy Mattie McGrath,
Dail Eireann,
Leinster House,
Kildare Street,
Dublin 2.
E-mail: mattie.mcgrath@oireachtas.ie

Dear Deputy McGrath,

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: 3440/23

To ask the Minister for Health the total number of assessment of needs' applications that were received in 2022; the amount per CHO; the number that are incomplete; and the number that have been completed; and if he will make a statement on the matter.

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 1st June 2002 who are suspected of having a disability.

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. Please see table below for breakdown of applications by CHO Area.

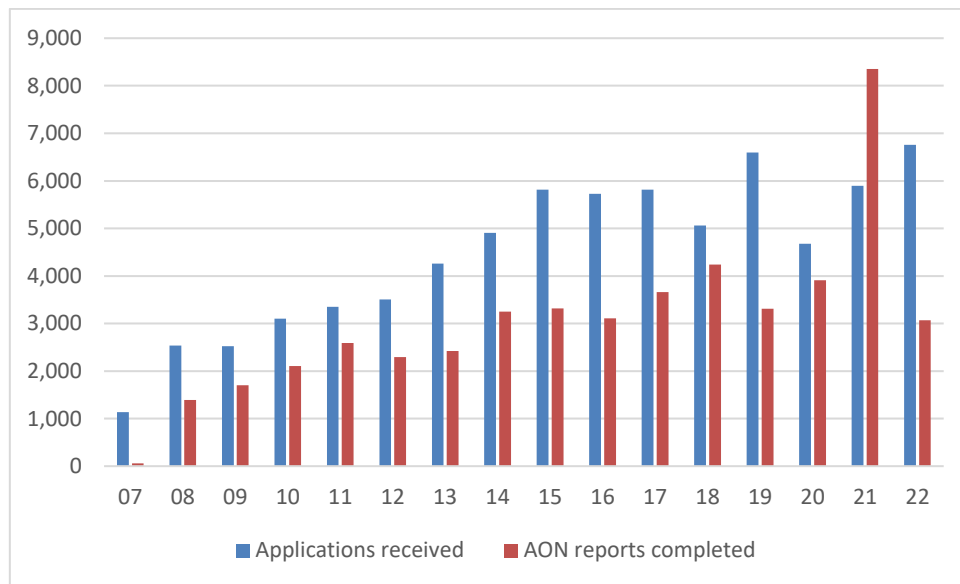
CHO	Qtr 1 2022	Qtr 2 2022	Qtr 3 2022	Qtr 4 2022	Total for 2022
AREA 1	88	113	98	156	455
AREA 2	37	60	40	60	197
AREA 3	150	119	62	64	395
AREA 4	154	165	182	182	683
AREA 5	58	99	88	96	341
AREA 6	84	131	130	150	495
AREA 7	473	462	384	426	1745
AREA 8	234	213	189	280	916
AREA 9	367	394	342	425	1528
Totals	1645	1756	1515	1839	6755



The numbers of applications for Assessment of Need under the Act have risen steadily since its implementation in June 2007. This rise is illustrated in the graph below. The non-commencement of the Education for Persons with Special Education Needs (EPSEN) Act (2004) is a significant contributory factor. When originally implemented it was envisaged that the Assessment of Need would apply to children aged less than five years. Following a High Court ruling in 2009 eligibility was expanded to include all persons born on or after June 1st 2002. This has also contributed to the rise in applications. 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 following graph illustrates the increase in applications and the corresponding increase in the number of AONs completed each year.

Figure 1



5,899 applications for AON were received in 2021 and 8,353 AONs were completed. As evidenced in the graph above this was the highest number of completed assessments since Part 2 of the Act was commenced in June 2007. The number of assessments completed in 2022 was 3,071. This reduction in numbers of AONs in 2022 was as a direct result of the High Court judgement in March 2022 in the case of CTM and JA v HSE.

High Court – Challenge to the Standard Operating Procedure for AON

The judgement of Ms Justice S Phelan in the case of CTM & JA v the HSE was delivered in March 2022. This judgment 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

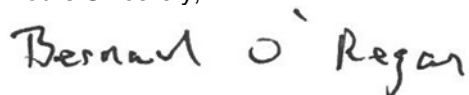
CHO Area	Overdue	<1 month	1 - 3 Months	>3 Months
AREA 1	191	27	34	130
AREA 2	77	22	18	37
AREA 3	260	41	60	159
AREA 4	665	73	76	516
AREA 5	208	24	36	148
AREA 6	271	55	55	161
AREA 7	1321	168	274	879
AREA 8	353	52	88	213
AREA 9	1267	142	213	912
Total	4613	604	854	3155

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**

