



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

Office of the Head of Operations,
Disability Services/Social Care Division,
31-33 Catherine Street, Limerick.

T: 00353 (0) 61 483369

Suíomh Gréasáin/Website: <http://www.hse.ie>

27th July 2023

Deputy David Cullinane,
Dail Eireann,
Leinster House,
Kildare Street,
Dublin 2.
E-mail: david.cullinane@oireachtas.ie

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 35084/23

To ask the Minister for Children; Equality; Disability; Integration and Youth the number of children on waiting lists for an assessment of need at the end of May and June 2018-2023, inclusive, in tabular form; the number overdue for completion; and the average length of wait.

HSE Response

Assessment of Need under The Disability Act (2005)

The Disability Act (2005) provides a legislated right to 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, but does not include a legislated right to service provision as an outcome of that AON.

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 the table below for a breakdown of the number of completed assessment of need applications received by each CHO in each of the last five years

CHO	Total for 2018	Total for 2019	Total for 2020	Total for 2021	Total for 2022
Area 1	110	240	265	440	455
Area 2	171	285	97	167	197
Area 3	546	719	413	478	395
Area 4	1132	1349	1097	734	683
Area 5	235	432	256	271	341
Area 6	258	340	245	323	495
Area 7	785	921	752	1224	1,745
Area 8	670	879	579	875	916
Area 9	1279	1431	970	1387	1,528
Totals	5,060	6,596	4,674	5,899	6,755



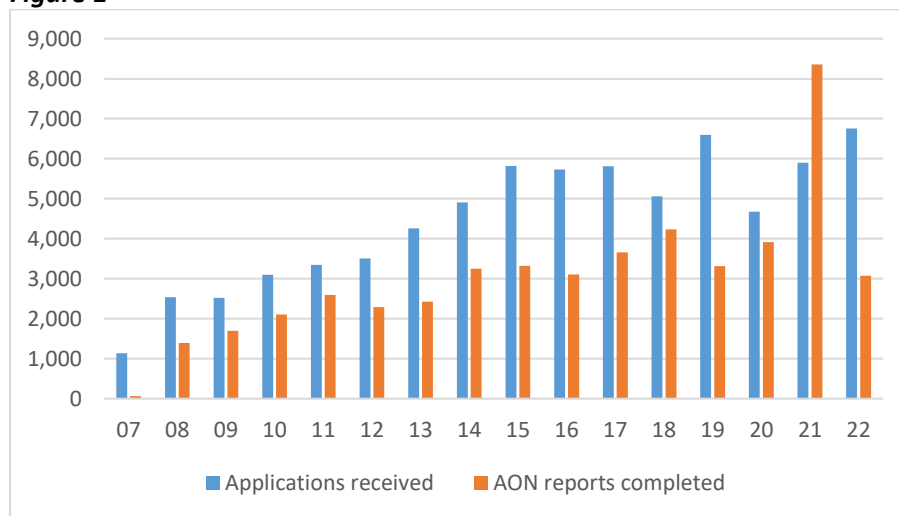
The numbers of applications for Assessment of Need under the Act have risen steadily since its implementation in June 2007. This rise is illustrated in the graph below

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 from end of 2007 to the end of 2022.

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.

As a result of the Judgement, activity for the first quarter of 2023 indicates that there has been an increase in the total number of applications 'overdue for completion', which now stands at 5,484 (including 180 applications for which an extended time-frame was negotiated with the parent on the grounds of there being exceptional circumstances as provided for in paragraph 10 of the regulations).

Information regarding Assessment of Need is reported on Quarterly basis. Please see the table below which gives the number of AON applications overdue at the end of Q2 2023.

Table 1: Applications overdue for completion – end of Q 2. 2023

Of the 6,495 applications that are overdue, 4,972 (77%) are overdue for longer than 3 months.

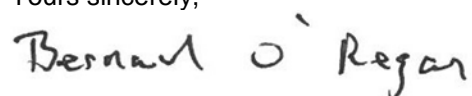
CHO	LHO	Overdue	<1 month	1 - 3 Months	>3 Months
AREA 1		304	20	85	199
AREA 2		87	11	21	55
AREA 3		328	13	41	274
AREA 4		706	45	99	562
AREA 5		328	21	53	254
AREA 6		417	45	97	275
AREA 7		1986	110	280	1596
AREA 8		433	52	113	268
AREA 9		1906	131	286	1489
Total		6495	448	1075	4972

Please see the attached Appendix which gives the requested activity for end of second Quarter (April, May, June) 2018, 2019, 2020, 2021 and 2022.

The HSE has reviewed the files of all children who received a preliminary team assessment and engaged directly with families to establish what additional assessments will be required to meet the requirements of the Act. Overall activity for the first quarter of 2023 indicates that there are approximately 5,171 Preliminary Team Assessments requiring a diagnostic assessment.

A revised AON Standard Operating Procedure incorporating guidance on completion of clinical assessment was launched on Friday July 14th 2023.

Yours sincerely,



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



Appendix

End of Quarter 2, 2018

CHO	Overdue	<1 month	1 - 3 Months	>3 Months
AREA 1	222	18	19	185
AREA 2	59	11	27	21
AREA 3	247	60	76	111
AREA 4	1593	70	64	1459
AREA 5	429	15	53	361
AREA 6	61	11	26	24
AREA 7	508	69	113	326
AREA 8	444	42	77	325
AREA 9	479	40	98	341
Total	4042	336	553	3153

End of Quarter 2, 2019

CHO	Overdue	<1 month	1 - 3 Months	>3 Months
AREA 1	72	5	13	54
AREA 2	46	19	13	14
AREA 3	372	49	97	226
AREA 4	905	85	126	694
AREA 5	401	9	23	369
AREA 6	157	33	39	85
AREA 7	500	46	96	358
AREA 8	454	50	82	322
AREA 9	861	85	170	606
Total	3768	381	659	2728

End of Quarter 2, 2020

CHO	Overdue	<1 month	1 - 3 Months	>3 Months
AREA 1	133	27	42	64
AREA 2	100	26	35	39
AREA 3	589	59	121	409
AREA 4	943	81	170	692
AREA 5	555	41	81	433
AREA 6	236	41	65	130
AREA 7	942	76	164	702
AREA 8	721	47	143	531
AREA 9	1314	100	186	1028
Total	5533	498	1007	4028



End of Quarter 2, 2021

CHO	Overdue	<1 month	1 - 3 Months	>3 Months
AREA 1	19	9	9	1
AREA 2	21	14	3	4
AREA 3	127	29	16	82
AREA 4	997	104	181	712
AREA 5	158	9	16	133
AREA 6	99	30	33	36
AREA 7	936	95	197	644
AREA 8	186	40	44	102
AREA 9	1066	109	179	778
Total	3609	439	678	2492

End of Quarter 2, 2022

CHO	Overdue	<1 month	1 - 3 Months	>3 Months
AREA 1	156	31	65	60
AREA 2	48	7	28	13
AREA 3	87	45	35	7
AREA 4	587	38	73	476
AREA 5	123	15	22	86
AREA 6	115	13	49	53
AREA 7	452	108	157	187
AREA 8	236	42	74	120
AREA 9	727	66	214	447
Total	2531	365	717	1449

