



Oifig an Cheannaire Oibríochtaí,
Na Seirbhísí Míchumais/An Rannán Cúram Sóisialta,
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27th July 2023

Deputy Pauline Tully,
Dail Eireann,
Leinster House,
Kildare Street,
Dublin 2.
E-mail: pauline.tully@oireachtas.ie

Dear Deputy Tully,

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

PQ: 35362/23

To ask the Minister for Children; Equality; Disability; Integration and Youth the number of children who were initially assessed by a children's disability network team under the preliminary team assessment who have subsequently had an assessment of needs completed; the number of these children who are still waiting to have an assessment of need completed; and if he will make a statement on the matter.

PQ: 35197/23

To ask the Minister for Children; Equality; Disability; Integration and Youth the number of people here awaiting an assessment of need here; the number who have been waiting less than three months; the number that have been waiting 3- 6 months; the number that have been waiting 6-12 months; the number that have been waiting more than 12 months; broken down in tabular form; and if he will make a statement on the matter.

HSE Response

Children do not require an Assessment of Need as defined by the Disability Act (2005) in order to access a Children's Disability Network Team (CDNT) service. A healthcare professional or parent/carer can refer children with complex needs as a result of their disability to the CDNT, or to Primary Care for children with non-complex needs.

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.



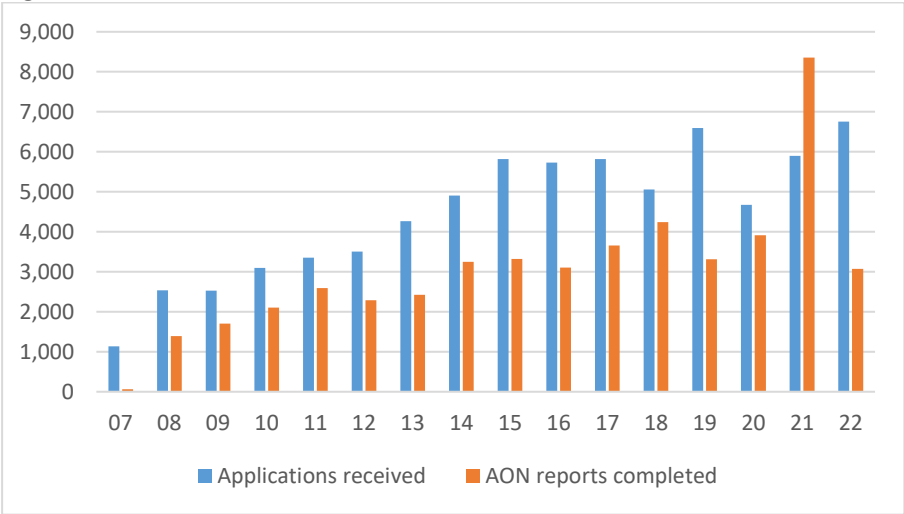
The numbers of applications for Assessment of Need under the Act have risen steadily since its implementation in June 2007. This rise is illustrated in the graph below

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 second quarter of 2023 indicates that there has been an increase in the total number of applications ‘overdue for completion’, which now stands at 6495



(including 236 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).

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

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.

When the 5,171 Preliminary Team Assessments requiring an assessment are added to the 6,495 AONs overdue at the end of Q2 2023 (including 236 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), the total number of applications 'overdue for completion' at this time is 11,666.

In addition, an estimated 7,612 new AONs are anticipated in 2023 based on the number of AONs received over the previous four quarters.

Approximately €11m has been allocated to address waiting lists for clinical assessments identified through the Assessment of Need process. This funding will be utilised to procure diagnostic ASD assessments from the private sector. A successful procurement process will facilitate the Children's Disability Network Teams to focus on the provision of intervention for children on their caseloads. In addition, the HSE at local level uses time related savings from time to time to source AON assessments privately for children in the order as registered on the AOS (AON information management system).

Actions to address AON waiting lists

A revised AON Standard Operating Procedure incorporating guidance on completion of clinical assessment was launched on July 14th to reflect the High Court ruling in CMT & JA vs HSE 2022.

Regional Assessment Hubs

The development of Regional Hubs to undertake AON Assessments is currently under discussion within the HSE, including National Units and the local CHO Areas. The HSE is committed to the development of six Regional Hubs and is working across the CHO Areas to have these in place by 1st August this year. While the CHOs are at various stages in the development process, there are a number that have established Hubs or are at an advanced stage in the development process: These would accelerate the



process of dealing with the long waiting lists for assessment, and take this work away from the Children's Disability Network Teams so they can prioritise providing services to children with disabilities.

Approximately €11.5m has been allocated to address waiting lists for clinical assessments identified through the Assessment of Need process. It is intended that this funding will be utilised to procure diagnostic ASD assessments from the private sector. The CHO areas are at various stages of engagement with private providers for the provision of AON. There are some challenges with the outsourcing of these assessments due to a number of factors, including:

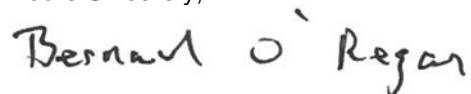
- The lack of availability of suitable Private Providers;
- The limited capacity of the Private Sector to deliver assessments due to recruitment issues;
- Variations in costs quoted by Private Providers - Some tenders received by the CHOs are price prohibitive and there are often additional costs, particularly if a cognitive assessment is required, such as school observations, travel costs etc;
- The location of the Private Provider - In some situations, it is not possible or advisable for a child to travel to private providers;
- The provision of ASD assessments through Private Providers can be challenging in terms of meeting deadlines, completing reports, responding to correspondence etc.

Procurement

As mentioned above, to address the challenges in outsourcing AON, National Disability Services is working with HSE Procurement to develop a tender process and Service Specification for the delivery of Assessment of Need from private providers. A successful procurement process will facilitate the CDNTs to focus on the provision of intervention for children on their caseloads. This is at an advanced stage and will be concluded towards the end of July.

The HSE remains committed to the delivery of appropriate services for children with disabilities and will work with families and staff to develop services and improve retention, attraction, recruitment and workforce planning in Disability Services that meet their needs

Yours Sincerely,



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

