



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,
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4th October 2023

Deputy Denis Naughten,
Dail Eireann,
Leinster House,
Kildare Street,
Dublin 2.
E-mail: denis.naughten@oireachtas.ie

Dear Deputy Naughten,

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: 39507/23

To ask the Minister for Children; Equality; Disability; Integration and Youth the total number of assessment of needs applications carried out in-house by the HSE and which were not outsourced, by CHO, in 2022 and to the end of June 2023, in tabular form; and if he will make a statement on the matter.

HSE Response

The Assessment of Need process is set out in the Disability Act, 2005. The aim of an Assessment of Need under the Disability Act is to identify whether a person has a disability, the nature and extent of the disability, any health and education needs arising from that disability, as well as what services are required to meet those needs.

The numbers of applications for AON under the Act have risen steadily since its implementation in June 2007. 7,612 applications for AON were received in the most recent 4 quarters (Q3, 2022 – Q2 2023). This was the highest number of applications received in any 12 month period 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 persons born after 1st June 2002 who are suspected of having a disability, 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 and young people seeking access.

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.

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.

Please see the table below which gives information on the number of AONs completed for each quarter in 2022 and for each quarter so far in 2023. Please note that this information is extracted from the Assessment Officer System Database which does not distinguish between Assessments of Need carried out privately or by the HSE.

AONs completed

2022		2023	
Q1	1719	Q1	560
Q2	455	Q2	874
Q3	450	Q3	
Q4	447	Q4	
Total 2022	3,071	Total	

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.

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).

Progressing the outsourcing of these assessments is challenging however, in this regard, Disability Services nationally 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.

In parallel, a large scale international procurement process is also being progressed.

In addition, six Regional AON Administrative Hubs are now in place in order to streamline AON processes ensuring maximum efficiencies and equity of demand across all areas.

The HSE is committed to the delivery of appropriate services for children with disabilities and working with families and staff to develop services that meet their needs. It is important to note that children do not require an Assessment of Need to access health services and parents may refer their child directly to their local Children's Disability Network Team (CDNT).

Yours Sincerely,

A handwritten signature in black ink that reads "Bernard O'Regan". The signature is written in a cursive style with a clear, legible font.

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

