



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>

14th March 2022

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 11557/22

To ask the Minister for Health the last instance on which he was furnished with a report pursuant to section 13 of the Disability Act 2005; if any report has been compiled since 2009; if so, if these reports will be published as required under the Act; if he intends to ensure resumption of reporting under section 13 by the HSE; and if he will make a statement on the matter.

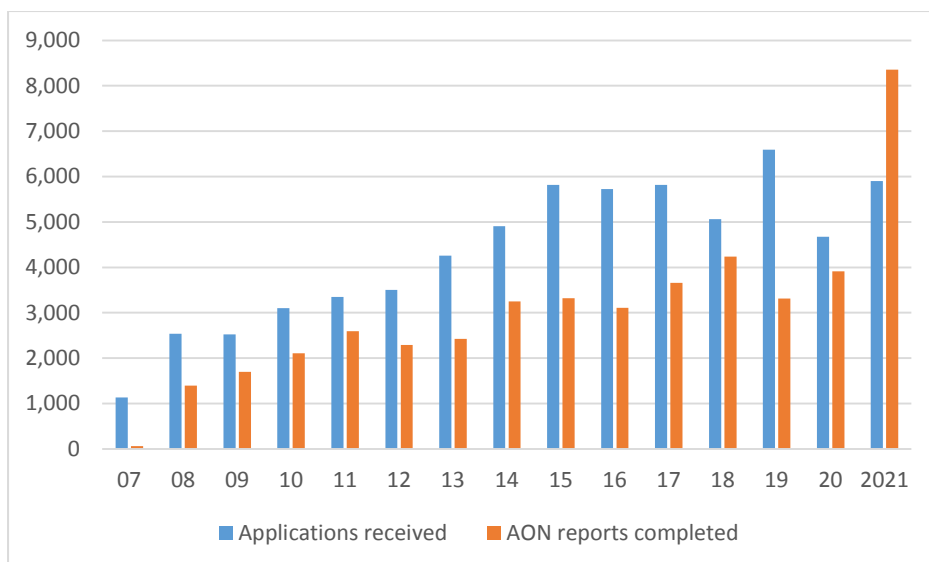
HSE Response

Since the Disability Act commenced in June 2007, the HSE has endeavoured to meet its legislative obligations under the Act. It was originally intended that the Assessment of Need process would apply to children aged under 5 years who were suspected of having a disability, however, as a consequence of a High Court ruling in December 2009 eligibility was extended to all persons suspected of having a disability who were born after 1st June 2002. The number of applications for AON has risen steadily since 2007 and is currently circa 6,000 applications per annum. The non-commencement of the Education for Persons with Special Education Needs (EPSEN) Act (2004) is a significant contributory factor.

Activity for 2021 indicates that there has been significant progress in the number of Assessment of Need reports completed during 2021, 8,353 by year end. This has led to a significant reduction in the total number of applications 'overdue for completion', which now stands at 1,793 (excluding those 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 following graph illustrates the increase in applications and the corresponding increase in the number of AONs completed each year.





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. Furthermore, 4,220 service statements were provided during 2021.

The increase in activity in 2021 can be attributed to the additional funding allocated to the AON process via Slaintecare. This has been utilised to provide additional assessments through a range of options including overtime for existing staff and private procurement. The total number of overdue AONs has reduced by 63% since this additional funding was allocated.

Under Sláintecare, dedicated funding was provided from September 2020 to eliminate overdue AON assessments (n = 6,558). As of end January 2022, a total of 6,288 of these overdue assessments of need have been completed with the remainder being progressed over the coming period. The position by CHO is provided below.

	AONs overdue @ 30/6/20	AONs completed @ 31/1/22	% Completed
CHO1	138	138	100%
CHO2	100	100	100%
CHO3	589	589	100%
CHO4	1098	1098	100%
CHO5	643	643	100%
CHO6	257	257	100%
CHO7	1056	1056	100%
CHO8	764	764	100%
CHO9	1913	1643	86%
Total	6558	6288	96%

Section 13 of the Disability Act 2005 – Annual Reports

The Disability Act 2005 requires certain records to be kept concerning the assessment of need process under Part 2 of the Act. Section 13(1) of the Act states that:



The Executive shall keep and maintain records for the purpose of:

- (a) Identifying persons to whom assessments or services are being provided pursuant to this Part or the Act of 2004.
- (b) Identifying those services and the persons providing the services pursuant to this Part.
- (c) Specifying the aggregate needs identified in assessment reports which have not been included in the service statements.
- (d) Specifying the number of applications for assessments made under section 9 and the number of assessments completed under that section.
- (e) Specifying the number of persons to whom services identified in assessment reports have not been provided, including the ages and the categories of disabilities of such persons.
- (f) Planning the provision of those assessments and services to persons with disabilities.

Section 13(2) requires the Executive to submit a report in relation to:

...the aggregate needs identified in assessment reports prepared including an indication of the periods of time ideally required for the provision of the services, the sequence of such provision and an estimate of the cost of such provision.

Since Part 2 of the Act was implemented in 2007, records have been kept in relation to 13(1) (a), (b), (d) and (f).

Early in the process of implementation, a decision was taken in conjunction with the (then) Department of Health and Children that children's needs should be identified in terms of the desired outcomes and goals rather than in terms of a quantum of a particular service or discipline. This immediately presented difficulties in respect of fulfilling the obligations imposed by section 13(1)(c).

In respect of 13(1)(e), the developments to the IT system implemented in 2011, ensured that the processes around the production of the Service Statement by the Liaison Officer were recorded on the system. This ensures that each individual's file includes the details of the services that are identified in the Assessment Report as being required and those that s/he will actually receive. The age and category of disability (where known) of each applicant have been recorded since implementation in 2007.

In discussions between the HSE and the Department of Health and Children, it was agreed that the phrase, *...aggregate needs identified in assessment reports...* contained in section 13(2), should be interpreted as meaning the difference between the needs identified in the Assessment Reports and the extent to which those needs are fulfilled by the services provided.

In order to aid compliance with the provisions of section 13(2), a system was introduced in 2011 which allowed for the estimation of the extent to which a child's needs, as identified in the Assessment Report, were met by the services arranged by the Liaison Officer, as identified in the Service Statement.

Converting need identified into a cost, as required, has proven problematic. Previous reports to the Minister under section 13 of the Act have outlined suggested methodologies aimed at identifying the whole-time-equivalent (WTE) requirement indicated by a given shortfall identified in a particular service. However, this would require the identification of indicative case-loads for particular disciplines. There are no internationally accepted guidelines in this regard.

A further issue arises from the fact that, children are referred to Children's Disability Network Teams for interdisciplinary team based intervention, rather than being referred for individual therapy services.



The requirement on Assessment Officers to identify services in terms of individual therapies is militating against this move towards more appropriate practice.

The HSE has prepared and presented S13 Annual Reports for the years 2007 to 2014 to the Department of Health. We are currently working on Reports for the years 2015-2020 to bring us up to date. However, we have experienced delays due to the recent Cyber-attack and the limitations of the AOS Database. It is intended that these reports will be completed by year end.

One of the issues for the HSE which has caused delays in the preparation of the S13 Annual Reports, lies in the outdated database we are currently using to facilitate the case management, planning and reporting of assessments and services to children with a disability eligible to apply for an assessment under the Disability Act, 2005 - The Assessment Officers' System Database (AOS).

The AOS was developed by a small software development company, which no longer provides maintenance or technical support for the system. The database is 20 years old and has not had the necessary upgrades or technical changes in recent years that are generally required by IT systems, to reflect changes in policy, operational practice and user requirements. This has created many challenges for both Disability Services nationally and for system users locally.

The HSE is committed to the development of a new integrated Management Information System for children's disability services, which will include a module on the Assessment of Need process under the Disability Act. This will facilitate the HSE to provide a wide range of reports on AON activity.

Yours sincerely



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