



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

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14<sup>th</sup> December 2023

Deputy Jim O'Callaghan,  
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Leinster House,  
Kildare Street,  
Dublin 2.  
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Dear Deputy O'Callaghan,

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: 54509/23**

*To ask the Minister for Children; Equality; Disability; Integration and Youth the number of children as of 1 December 2023 or latest date available that were awaiting a first assessment from the HSE under the Disability Act 2005, for each LHO area, in tabular form.*

**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 and represents a 23% increase on the number of AON applications received in the previous 12 months.

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).

Overall, it is estimated that there are approximately 11,666 applications 'overdue for completion' at this time. This includes AONs currently overdue and Preliminary Team Assessments that now require diagnostic assessment.

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

Please see the table below which gives the number of AON applications overdue at end of Quarter 2 2023. This is the most recent validated information available. Of the 6,495 applications that are overdue, 4,972 (77%) are overdue for longer than 3 months.

Months overdue are calculated based on the statutory timelines of 3 months from start stage 2 and no more than 6 months from the application date. This overdue figure does not include applications that have been put on hold, are closed or are ineligible for Assessment.

**Table 1- Applications overdue for completion. End of Quarter 2 2023**

CHO	LHO	Overdue	<1 month	1 - 3 Months	>3 Months
<b>AREA 1</b>		<b>304</b>	<b>20</b>	<b>85</b>	<b>199</b>
	Cavan/Monaghan	120	6	42	72
	Donegal	152	10	19	123
	Sligo/Leitrim	32	4	24	4
<b>AREA 2</b>		<b>87</b>	<b>11</b>	<b>21</b>	<b>55</b>
	Galway	50	7	13	30
	Mayo	35	4	7	24
	Roscommon	2	0	1	1
<b>AREA 3</b>		<b>328</b>	<b>13</b>	<b>41</b>	<b>274</b>
	Clare	37	2	3	32
	Limerick	189	3	20	166
	Tipperary N.R	102	8	18	76
<b>AREA 4</b>		<b>706</b>	<b>45</b>	<b>99</b>	<b>562</b>
	Kerry	43	10	4	29
	Cork North	113	5	17	91
	Cork North Lee	344	17	38	289
	Cork South Lee	181	11	32	138
	Cork West	25	2	8	15
<b>AREA 5</b>		<b>328</b>	<b>21</b>	<b>53</b>	<b>254</b>
	Carlow/Kilkenny	50	0	7	43
	Tipperary S.R	52	1	11	40
	Waterford	78	10	22	46
	Wexford	148	10	13	125



<b>AREA 6</b>		<b>417</b>	<b>45</b>	<b>97</b>	<b>275</b>
	Dublin South East	54	9	13	32
	Dublin South	127	14	38	75
	Wicklow	236	22	46	168
<b>AREA 7</b>		<b>1986</b>	<b>110</b>	<b>280</b>	<b>1596</b>
	Dublin South City	180	11	34	135
	Dublin South West	609	39	76	494
	Dublin West	576	31	84	461
	Kildare/West Wicklow	621	29	86	506
<b>AREA 8</b>		<b>433</b>	<b>52</b>	<b>113</b>	<b>268</b>
	Laois/Offaly	137	11	39	87
	Longford/Westmeath	32	4	7	21
	Louth	82	18	24	40
	Meath	182	19	43	120
<b>AREA 9</b>		<b>1906</b>	<b>131</b>	<b>286</b>	<b>1489</b>
	North Dublin	1272	112	232	928
	Dublin North Centre	88	4	12	72
	North West Dublin	546	15	42	489
<b>Total</b>		<b>6495</b>	<b>448</b>	<b>1075</b>	<b>4972</b>

### **Actions to address AON waiting lists**

A revised AON Standard Operating Procedure (SOP) incorporating guidance on completion of clinical assessment was launched on July 14<sup>th</sup> to reflect the High Court ruling in CMT & JA vs HSE 2022. This includes also the Interim Guidance on Replacement of the PTA in the AON SOP.

### **Additional funding**

Approximately €11m has been allocated to address waiting lists for clinical assessments identified through the Assessment of Need process. This funding is being utilised to procure diagnostic ASD assessments from the private sector.

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, the HSE at local level is using time related savings to source AON assessments privately for children in the order as registered on the AOS (AON information management system).

In line with appropriate procurement procedures, Garda vetting and due diligence practice, private providers are currently being contracted by the HSE to provide assessments and / or interventions. In such instances, the HSE ensures that the contracted providers are appropriately qualified and that any assessments or interventions are provided in line with the appropriate standards.

### **Assessment of Need Administrative Hubs**

AON Administrative Hubs are now in place in Community Healthcare Areas (CHOs) 1, 4, 5, 7, and 8.

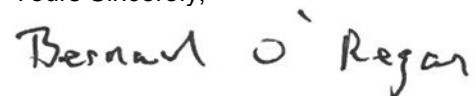


**Assessment hubs** have been established in CHOs 3, 6 and 9. CHO 3 is utilising existing staff reassigned from CDNT service. CHO 6's hub is pending recruitment of clinical specialist posts and in interim, the AON process is outsourced to a private service provider.

CHO 9 has recruited 2 of its 3 clinical specialists and recruitment of the 3<sup>rd</sup> is in train.

**It is important to note that children do not require an Assessment of Need as defined by the Disability Act (2005) in order to access a CDNT or Primary Care service.** They can be referred by a healthcare professional or parent/carer to the CDNT for children with complex needs as a result of their disability, or to Primary Care for children with non-complex needs.

Yours Sincerely,



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

