



**Oifig an Stiúrthóir Cúnta Náisiúnta,**  
Foireann Míchumais Náisiúnta,  
An Chéad Urlár - Oifigí 13, 14, 15,  
Àras Phlásóg na Rós, Coimpléasc Gnó na hOllscoile,  
Páirc Náisiúnta Teicneolaíochta,  
Caladh an Treoigh,  
Luimneach.

**Office of the Assistant National Director,**  
National Disability Team,  
First Floor- Offices 13, 14, 15,  
Roselawn House, University Business Complex,  
National Technology Park,  
Castletroy,  
Limerick.

9<sup>th</sup> April 2024

Deputy Jim O'Callaghan  
Dail Eireann,  
Leinster House,  
Kildare Street,  
Dublin 2.  
E-mail: [jim.ocallaghan@oireachtas.ie](mailto:jim.ocallaghan@oireachtas.ie)

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: 14460/24**

*To ask the Minister for Health the number of children as of 1 April 2024 or latest date available that were awaiting a first assessment from the HSE for each LHO area under the Disability Act 2005, 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 Disability Act outlines the statutory timelines under which Assessments of Need under the Act must be completed. In summary, the assessment report must be completed within 6 months of the date the application was received. While the HSE endeavours to meet its legislative obligations under the Act, it has struggled to achieve compliance with these timeframes. At end of Quarter 4, 2023, 13% of assessments were completed within the timeframes set out in the Disability Act 2005 and accompanying Regulations.

The numbers of applications for AON under the Act have risen steadily since its implementation in June 2007. 8,472 applications for AON were received in 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 2023, this figure averaged 62%. 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 2023 indicates that there has been an increase in the total number of applications 'overdue for completion', which now stands at 8,893 (including 343 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 14,000 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 8,000 new AONs are anticipated during 2024 based on the number of AONs received over in 2023.

Assessment of Need is reported on quarterly. Please see the table below which gives the number of AON applications overdue at the end of Quarter 4 2023. This is the most recent information available. The Quarter 1 2024 Report is not available as yet.

### Applications overdue for Completion on 31<sup>st</sup> December 2023.

#### Applications overdue for Completion and applicants consent

| CHO           | LHO            | Total Overdue <sup>1</sup> | Overdue/ Exceptional Circumstances <sup>2</sup> | Overdue/ No Exceptional Circumstances |
|---------------|----------------|----------------------------|---|---------------------------------------|
| <b>AREA 1</b> |                | <b>389</b>                 | <b>12</b>                                       | <b>377</b>                            |
|               | Cavan/Monaghan | 133                        | 3   | 130                                   |
|               | Donegal        | 202                        | 9   | 193                                   |
|               | Sligo/Leitrim  | 54                         | 0   | 54                                    |
| <b>AREA 2</b> |                | <b>182</b>                 | <b>15</b>                                       | <b>167</b>                            |
|               | Galway         | 103                        | 8   | 95                                    |
|               | Mayo           | 62                         | 7   | 55                                    |
|               | Roscommon      | 17                         | 0   | 17                                    |
| <b>AREA 3</b> |                | <b>369</b>                 | <b>0</b>  | <b>369</b>                            |
|               | Clare          | 45                         | 0   | 45                                    |
|               | Limerick       | 201                        | 0   | 201                                   |
|               | Tipperary N.R  | 123                        | 0   | 123                                   |



|               |                      |             |            |             |
|---------------|----------------------|-------------|------------|-------------|
| <b>AREA 4</b> |                      | <b>780</b>  | <b>20</b>  | <b>760</b>  |
|               | Kerry                | 38          | 1          | 37          |
|               | Cork North           | 178         | 8          | 170         |
|               | Cork North Lee       | 345         | 4          | 341         |
|               | Cork South Lee       | 193         | 4          | 189         |
|               | Cork West            | 26          | 3          | 23          |
| <b>AREA 5</b> |                      | <b>398</b>  | <b>28</b>  | <b>370</b>  |
|               | Carlow/Kilkenny      | 78          | 1          | 77          |
|               | Tipperary S.R        | 62          | 6          | 56          |
|               | Waterford            | 95          | 10         | 85          |
|               | Wexford              | 163         | 11         | 152         |
| <b>AREA 6</b> |                      | <b>706</b>  | <b>103</b> | <b>603</b>  |
|               | Dublin South East    | 134         | 20         | 114         |
|               | Dublin South         | 186         | 22         | 164         |
|               | Wicklow              | 386         | 61         | 325         |
| <b>AREA 7</b> |                      | <b>2843</b> | <b>2</b>   | <b>2841</b> |
|               | Dublin South City    | 252         | 0          | 252         |
|               | Dublin South West    | 875         | 0          | 875         |
|               | Dublin West          | 809         | 1          | 808         |
|               | Kildare/West Wicklow | 907         | 1          | 906         |
| <b>AREA 8</b> |                      | <b>750</b>  | <b>81</b>  | <b>669</b>  |
|               | Laois/Offaly         | 207         | 11         | 196         |
|               | Longford/Westmeath   | 41          | 1          | 40          |
|               | Louth                | 193         | 59         | 134         |
|               | Meath                | 309         | 10         | 299         |
| <b>AREA 9</b> |                      | <b>2476</b> | <b>82</b>  | <b>2394</b> |
|               | North Dublin         | 1716        | 61         | 1655        |
|               | Dublin North Centre  | 125         | 3          | 122         |
|               | North West Dublin    | 635         | 18         | 617         |
| <b>Total</b>  |                      | <b>8893</b> | <b>343</b> | <b>8550</b> |

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

The HSE's National Clinical Programme for People with Disability (NCPDP) has led the process of developing a revised AON Standard Operating Procedure (SOP) incorporating guidance on completion of clinical assessment to replace the element of the SOP which was found to be non-compliant with the Disability Act (2005) – the Preliminary Team Assessment. This was launched on July 14<sup>th</sup> 2023.

### **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. 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).

Progressing the outsourcing of these assessments is challenging however, in this regard, Disability Services nationally is working with HSE Procurement to complete 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.

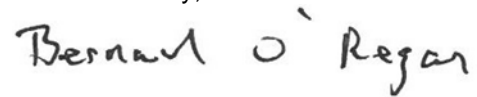
In line with appropriate procurement procedures, Garda vetting and due diligence practice, private providers are currently being contracted by the HSE to provide assessments and / or interventions. In



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.

**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,

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

**Bernard O'Regan**  
**Assistant National Director,**  
**Disability Services Team**

