



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

Office of the Head of Operations,
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31st January 2024

Deputy Alan Kelly,
Dail Eireann,
Leinster House,
Kildare Street,
Dublin 2.
E-mail: alan.kelly@oireachtas.ie

Dear Deputy Kelly,

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: 2950/24

To ask the Minister for Children; Equality; Disability; Integration and Youth the number of therapists working in children's disability network teams who are responsible for undertaking of assessment of needs determination.

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.

Assessment Officers prepare Assessment of Need reports. Liaison Officers provide service statements for persons for whom an Assessment of Need report has been issued which includes a determination that the person has a disability and the provision of health services or education services or both are appropriate for the applicant concerned.

91 Childrens Disability Network Teams (CDNTs) are currently providing services and supports for 45,741 children and strategies and supports for urgent cases on the waitlist where staffing resources allow. Clinicians working on CDNTs undertake assessments, reviews and provide interventions for children on their caseloads.

Undertaking clinical assessments, either from direct referral to the CDNTs or following a request from an Assessment Officer as part of the legislative Assessment of Need (AON) process, is an integral function of the everyday work of all clinical staff on CDNTs.

Team clinicians allocate their time between assessments and interventions based on a number of factors, including the legislative requirement of AON under the Disability Act 2005, the National Prioritisation Policy for CDNTs, their clinical judgement, caseload management and current service demands.



However, there are significant challenges for CDNTs including:

- Significant staffing vacancies
- Growth in numbers of children with complex need
- Growth in demand for Assessment of Need, diverting further resources away from interventions.

Due to the ongoing FORSA industrial action, the most recent validated information is the CDNT Staffing Census (Oct 2022). There are over 700 vacant whole time equivalent posts in CDNTs. The vacancy rate in SLT, Occupational Therapy and Psychology are of particular concern to the HSE as these grades of staff are essential for the delivery of legislative obligations for Assessment of Need as determined in the Disability Act 2005.

Demand for Assessment of Need

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.

Actions to address AON waiting lists

A revised AON Standard Operating Procedure (SOP) incorporating guidance on completion of clinical assessment was launched on July 14th 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

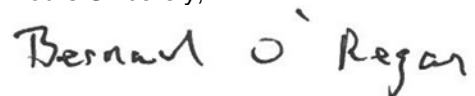
Approximately €11m has been allocated to address waiting lists for clinical assessments identified through the Assessment of Need process. This funding is being utilised to procure diagnostic ASD assessments from the private sector. In addition, the HSE at local level is using time related savings to 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,



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

