



**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.

2<sup>nd</sup> July 2024

Deputy Pat Buckley,  
Dail Eireann,  
Leinster House,  
Kildare Street,  
Dublin 2.  
E-mail: [pat.buckley@oireachtas.ie](mailto:pat.buckley@oireachtas.ie)

Dear Deputy Buckley,

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: 27953/24**

*To ask the Minister for Health to provide a breakdown of all the legal costs incurred by the HSE, or his Department, in providing protection where families have taken legal action claiming a failure to provide child assessments for disabilities in a timely manner, from 2020, in tabular form.*

**HSE Response**

An Assessment of Need (AON) is a legal entitlement under the Disability Act 2005. Part 2 of the Disability Act (2005) requires the HSE to provide Assessments of Need for persons born on or after 1<sup>st</sup> June 2005 who may have a disability. The Disability Act outlines the statutory timelines under which AON must be completed. In summary, the assessment report must be completed within 6 months of the date the application was received.

The demand for assessments of need (AONs) under the Disability Act, 2005 has increased significantly in recent years, with a 25% increase in the number of applications for AON received in 2023 – from 6,775 in 2022 to 8,472 in 2023. This growth has continued into 2024, with a further 2,603 received in Quarter 1 (569 up on same period last year). The total number of applications ‘overdue for completion’ at end of Quarter 1, 2024, now stands at 9,924 (including 369 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) – which represents an increase of 115% on the end 2022 figure of 4,613.

Waiting lists are growing as demand outstrips system capacity. We are receiving circa 8,500 applications annually, with around 3,200 – 3,400 AONs completed each year. In this regard, we anticipate that, by the end of 2024, there will be over 22,500 AONs due for completion, comprising: AONs overdue at end 2023; AONs expected during the course of 2024; as well as Preliminary Team Assessments carried out under the previous Standard Operating Procedure (SOP), an approach found by the High Court not to have met the requirements of the Disability Act.



The recently announced AON waiting list initiative will target those families waiting longest for AONs. We know that 8,141 of the outstanding AONs are overdue for longer than 3 months and that there may be up to 5,000 PTAs carried out under the previous SOP that require further assessment. The CHO Areas will be in a position to identify the longest waiters.

### **Statutory Complaints Mechanism**

The Disability Act 2005 provides an elaborate and detailed statutory complaints mechanism for applicants.

The grounds for complaint provided for under section 14 are as follows:

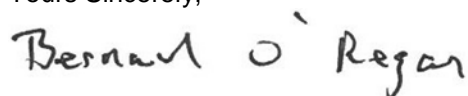
- a) a determination by the assessment officer concerned that he or she does not have a disability;
- b) the fact, if it be the case, that the assessment under section 9 was not commenced within the time specified in section 9(5) or was not completed without undue delay;
- c) the fact, if it be the case, that the assessment under section 9 was not conducted in a manner that conforms to the standards determined by a body referred to in section 10;
- d) the contents of the service statement provided to the applicant;
- e) the fact, if it be the case, that the Executive or the education service provider, as the case may be, failed to provide or to fully provide a service specified in the service statement.

With regard to the request for a breakdown of all the legal costs incurred by the HSE, where families have taken legal action claiming a failure to provide child assessments for disabilities in a timely manner, the Legal Cost Unit (LCU) of the State Claims Agency captures Assessment of Need matters as a standalone HSE category.

However, the LCU of the State Claims Agency inform that they cannot dissect this category further and therefore would not be able to capture legal costs specifically in relation to claims brought due to failure to provide Assessment of need within the legal time frames as outlined in the Disability Act 2005 .

Therefore, the LCU do not have a breakdown of the spend on this specific subcategory of AON legal costs.

Yours Sincerely,



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

