



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.

25th October 2024

Deputy Jim O'Callaghan,
Dail Eireann,
Leinster House,
Kildare Street,
Dublin 2.
E-mail: 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: 39865/24

To ask the Minister for Children; Equality; Disability; Integration and Youth the estimated full-year cost to the Exchequer of including assessments of need under the National Treatment Purchase Fund.

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 3, 2024, 10.3% of assessments were completed within the timeframes set out in the Disability Act 2005 and accompanying Regulations.

The total number of applications 'overdue for completion' at end of Quarter 3, 2024, now stands at 12,722 (including 558 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 30% on the end 2023 figure of 8,893. This is largely due to the following:

- A 25% increase in the number of applications for AON received in 2023 – from 6,775 to 8,472. This growth has continued into 2024, with a further **7,852 received to end Quarter 3** (1,640 up on same period last year).



- A total of 3,205 AONs were completed in 2023. The percentage of these AONs that show ‘No Disability’ has increased significantly from 15.8% in 2010 to 27% in 2023. The significance of this is that the AO and possibly Assessors would have spent time assessing these applications as they would have either gone through the AON process and deemed not to have a disability (as defined by the Disability Act), or they would have begun the process and been identified as not having a disability during the desk-top phase. **This trend has continued into 2024, with 32% of AONs indicating ‘no disability’.**
- The judgement in the case of CTM & JA v the HSE March 2022 found that the Preliminary Team Assessment (PTA) approach described in the HSE’s SOP for Assessment of Need did not meet the requirements of the Disability Act. The HSE is now required to deliver diagnostic assessments where necessary and appropriate as part of the AON.
- The number of applications for AON under the Act has risen steadily since its implementation in June 2007, largely driven by the High Court ruling in 2009 which confirmed that eligibility for AON applies to persons born on or after 1st June 2002.
- The non-commencement of the Education for Persons with Special Education Needs (EPSEN) Act (2004). 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%. To date in 2024, this figure has increased to 64%.** This is a reflection that the AON process is an accumulative process in terms of numbers of children and young people seeking access.

Assessment of Need -Disability Act, 2005

All aspects of the Assessment of Need process must be performed within the AON legislation. The new Assessment of Need Standard Operating Procedure (Disability Act 2005) was updated and finally approved on the 14/7/2023. This procedure applies to all Assessment Officers and clinicians involved in the Assessment of Need process.

There are two aspects to Assessment of Need. The administrative process (Assessment of Need Officer) and the clinical aspect (assessment undertaken by Clinicians).

It is the Assessment of Need Officer, appointed by the HSE, who coordinates and arranges Assessments of Need as required under Part 2 of the Disability Act (2005). Only an Assessment Officer (AO) can issue the Assessment of Need report. This cannot be completed by a private provider and/or voluntary provider

A Liaison Officer (LO) also appointed by the HSE, performs the functions described at Section 11 of the Disability Act (2005), which is to provide service statements for persons for whom an Assessment of Need report has been issued

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.

National Treatment Purchase Fund (NTPF)

The NTPF is a corporate body with functions and responsibilities as set out under Statutory Instrument 179 - National Treatment Purchase Fund (Establishment) Order, 2004 and the Nursing Homes Support Scheme Act (2009).

At present, the National Treatment Purchase Fund is tasked primarily with reducing waiting times for inpatient/day case treatment and does not have statutory remit to arrange or fund any non-hospital services, although the HSE understands that the Department of Children, Equality, Disability, Integration and Youth is examining the potential involvement of the National Treatment Purchase Fund in procuring private assessments of need for children with disabilities, under the Disability Act, 2005.

We are therefore not currently in a position to estimate the full-year cost to the Exchequer of including assessments of need under the National Treatment Purchase Fund.



Assessments of Need under the Disability Act 2005 completed

To date in 2024, 2,888 AONs have been completed, which is a 24% increase on the same period last year. This increase is due in part to the new targeted waiting list initiative that commenced end of May 2024, where the Government allocated funding of €6.89 million to facilitate the HSE to procure up to 2,500 additional AONs, with delivery targeted over the next 6 months. This funding is in addition to existing HSE core funding of the €5m, allocated for procurement of private assessments.

This waiting list initiative will target those families waiting longest for AONs, with the HSE reimbursing clinicians directly through the procurement of capacity from approved private providers. This provides a more equitable and fair approach rather than reimbursement of parents directly. It is envisaged that this initiative will be progressed through the existing framework of providers procured by each CHO Area, while also seeking to expand the list with any new private provision.

Information received from the CHO Areas indicates that under this targeted initiative, 1,410 AONs have been commissioned from private providers/assessors during June, July, August and September at a cost of €4,655,182. This suggests that the average cost per AON is €3,300.

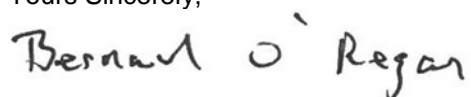
	Number of AONs	Cost	Average Cost per AON
June	379	€1,245,455	€3,300
July	342	€1,155,703	€3,379
August	371	€1,173,031	€3,162
September	318	€1,080,993	€3,399
Total to date	1,410	€4,655,182	€3,302

However, despite this increased activity in relation to AON, waiting lists are growing as demand outstrips system capacity. In this regard, we anticipate that, by the end of 2024, there will be over 17,472 AONs due for completion, comprising: AONs overdue at end of Q3 2024 (12,722); AONs expected during the remainder of 2024 (2,250); as well as 2,500 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 increased numbers of applications for Assessment of Need, which is a legal entitlement under the Disability Act 2005, is a reflection of the increase in population and of families exploring all options for accessing services for their child.

However, an AON is not required to access Primary Care, Children's Disability Services or Mental Health Services providing services including assessment, goals setting, intervention and follow up services. This direct access ensures more efficient and timely access for many families.

Yours Sincerely,



Bernard O'Regan
Assistant National Director
National Disability Team

