



Circular 0025/2024

To: Managerial Authorities, Principals and Teachers of Recognised Primary, Secondary Community and Comprehensive Schools and The Chief Executives of Education and Training Boards.

Report of Education Needs for the Purpose of the Assessment of Need Disability Act 2005

This Circular replaces and supersedes Information Notes SE 0002/2022 and SE 0001/2023.

Key messages

- **Assessment of Need (AON) is a statutory process under the Disability Act (2005).**
- **The Health Service Executive is responsible for the AON process. The Assessment of Need process is a HSE led process. The Disability Act 2005 outlines the legal responsibility for the AON process which lies with the HSE. Within the Disability Act, the NCSE has a statutory obligation to nominate ‘appropriate persons’ to assist the HSE in the AON process.**
- **The AON process requires an Assessment Officer, working for the HSE, to determine the health and education needs of an AON applicant.**
- **If an Assessment Officer forms the opinion there may be a need for an education service to be provided, the NCSE has a statutory obligation to nominate ‘appropriate persons’ to assist the HSE in the AON process.**
- **The Department of Education is satisfied that teachers are suitably qualified and therefore ‘appropriate persons’ to be nominated by the NCSE, as appropriate, to assist the HSE in the AON process.**
- **Teachers are suitably qualified to assist in the AON process due to their expertise and professional judgement and this position has been upheld in a recent court judgement. One of the functions of a school, as detailed in the Education Act (1998), is to ensure that the education needs of all children/young people, including those with a disability or other special educational needs, are identified and provided for. Further, the EPSEN Act (2004) requires schools to**



cooperate with the National Council for Special Education in the performance by the Council of its functions. Therefore, schools are required to complete the Report of Education Needs in order to meet this requirement.

- Teachers in mainstream schools can use Special Education Teacher (SET) coordination time to complete the Report of Education Needs and can request support from the NCSE, as required. As an interim measure, and until special schools are provided with additional administrative and teaching supports, in September 2024, requests for support on how to complete the Report of Education Needs will be prioritised by the NCSE.
- Teachers can use their professional knowledge and experience of working with the child/young person to identify educational needs and may use any information known to them in identifying the child/young person's education needs including any relevant available reports.
- Teacher recommendations in respect of education services for children/young people on whom they are reporting, need not be restricted to those services which are available in their school. The Report of Education Needs completed by teachers will be used by the Assessment Officer as part of the HSE Assessment of Need.
- This HSE Assessment of Need is to be carried out without regard to the cost of, or the capacity to provide any services considered necessary to meet the child/young person's needs as per Section 8(5) of the Disability Act 2005. It is a 'gold standard' assessment. As such, teachers should identify any education services they believe are appropriate to address the education needs of the child/young person.
- In finalising the AON report, the Assessment Officer in the HSE is required to make a professional judgement based on all of the information available to them, including that provided by the teacher.
- In cases where schools experience a larger number of AON referrals, additional AON support hours will be allocated to those schools.
- The NCSE will continue to provide comprehensive guidance and support to schools to assist them in this process. Details of the guidance can be found -

<https://ncse.ie/wpcontent/uploads/2024/04/NCSE-Guidance-Note-for-Schools.pdf>



1. Introduction and Purpose

The Assessment of Need (AON) is a statutory process under the Disability Act (2005) whereby the Health Service Executive (HSE) reports on the health and education needs of a child/young person. All children/young people born on or after 1st June 2002 are eligible to apply for an Assessment of Need (AON) under the Disability Act (2005).

The purpose of this Circular is to inform schools of developments on foot of recent court cases relating to the AON process. The circular also clarifies the roles and responsibilities of both schools and of the National Council for Special Education (NCSE) in assisting the HSE by carrying out an assessment of education needs for children and young people attending schools.

2. Background

The AON process is provided for under the Disability Act 2005 and is under the remit and responsibility of the Health Service Executive (HSE). The AON process commences when the parent/guardian makes an application for their child to the HSE. There is a statutory obligation on the NCSE to nominate an appropriate person to **assist** the HSE as part of the HSE's AON process.

Assessment Officers working under the remit of the HSE are charged with arranging an AON which culminates in the provision of an Assessment of Need Report and Service Statement for those who apply under the Disability Act.

The Assessment Officer coordinates and completes the Assessment Report and makes a determination as to whether or not a child or young person meets the [definition of disability](#) detailed in the Act.

If the HSE Assessment Officer forms the opinion there may be a need for an education service to be provided to an applicant, they will request the NCSE to nominate persons with the appropriate expertise to assist in carrying out the assessment of education needs. In response, the NCSE will seek the completion of the NCSE Report of Education Needs by the nominated person(s). On receipt of the completed report, the NCSE will forward a copy to the Assessment Officer. The Assessment Officer coordinates the wider assessment process in respect of all of the applicant's needs, including education needs, and then completes an AON Assessment Report. The HSE Assessment Officer is obliged to ensure that their assessment of needs report is prepared in accordance with HIQA's *Standards for the Assessment of Need*.

The NCSE is obliged to nominate a person with appropriate expertise to assist in the carrying out of the assessment of education needs. Where the child/young person is enrolled in a school, the Education for Persons with



Special Educational Needs Act (EPSEN) 2004 identifies the principal as one of the person(s) the NCSE can nominate. In turn, the principal may nominate a teacher in the school to assist in carrying out an assessment of education needs.

A recent court judgment found that teachers have the appropriate expertise and are suitably qualified to be nominated by the NCSE to assist in carrying out an assessment of education needs.

One of the functions of a school, as detailed in the Education Act (1998), is to ensure that the education needs of all children and young people, including those with a disability or other special educational needs, are identified and provided for. Further, the EPSEN Act 2004, Section 14, requires schools to cooperate with the National Council for Special Education in the performance by the Council of its functions. Therefore, schools are required to complete the Report of Education Needs in order to meet this requirement.

In rare circumstances, a teacher or a school may not be in a position to complete a Report of Education Needs for a child/young person enrolled in that school; for example, school personnel may not be familiar with the child/young person as they do not regularly attend due to illness. In these circumstances, when notified, the NCSE, in collaboration with the Department, will work with the school to support the process of completion of the Report of Education Needs.

3. The role of school

Identification of education needs is central to the way schools and teachers provide for the inclusion and participation of all children and young people and provide an education which is appropriate to a child/young person's abilities. Schools use their available resources to ensure that the education needs of all children and young people, including those with a disability or other special educational needs, are identified and supported.

The role of the nominated teacher, therefore, is to assist the HSE's Assessment Officer by completing the Report of Education Needs which involves the identification of the education needs of an AON applicant and the services which might be required by the AON applicant.

Specifically, the nominated teacher is requested to assist in carrying out the assessment of education need by completing a Report of Education Needs, which is returned to the NCSE. This will then be forwarded by the NCSE to the HSE's Assessment Officer who is responsible for the AON Assessment Report.

The nominated teacher does this by reflecting on the full range of information available to them relating to the child/young person's education needs at the time of receipt of the request from the NCSE.



Teachers, typically, will have comprehensive information on the education needs of individual children/young people, through interactions with them on a regular basis in the school context. All of this information may be included in the Report of Education Needs. Some of this may be recorded in the Student Support File. However, the nominated teacher is not limited to providing information from the Student Support File where they consider additional information to be relevant to the AON. Nominated teachers can reflect on their own knowledge and experience of working with the child/young person to outline education needs that may not be recorded in the Student Support File, but which are deemed relevant to assisting in carrying out an assessment of education needs.

The needs identified may encompass any or all aspects of the child/young person's education needs and the impact of those needs on their learning. For example, a teacher may have identified needs relating to the child/young person's language and communication, learning, social, emotional, behavioural, motor and/or sensory development as well as their personal development. For those children/young people with a wide range of needs, not all may be prioritised in a Student Support Plan. These may be referenced in the Report of Education Needs, even if they do not form part of the current Student Support Plan.

Nominated teachers may identify, and are free to give their professional opinions and views, if any, of the child/young person's education needs that they consider could be met by the provision of education services that are not available in the child/young person's school. In identifying education needs and services, nominated teachers should not be constrained by the cost, availability or capacity to provide for that need/service, in either their own school or another recognised school or centre of education. As per section 8(5) of the Disability Act 2005, the assessment of education need is to be a resource blind¹ 'gold standard' assessment.

Examples of services might include placement in a special class or special school, access to assistive technology, a psychologist, a speech or occupational therapist or access to a Special Needs Assistant. Please note that this is not an exhaustive list. An indicative list of services which may be required by a child or young person is provided in Appendix 1 below.

The information provided by the school informs the AON process. It is important to note, however, that section 11(6) of the Disability Act 2005 states

¹ Under Disability Act 2005 s. 8(5), the assessment must be carried out without regard to the cost of or the capacity to provide, any service identified in the assessment as being appropriate to meet the needs of the applicant concerned. It thus will indicate the "gold standard" of service requirements.



that a Service Statement, prepared by the Assessment Officer shall not contain any provisions relating to education services where the subject of the statement is a child.

In that regard, schools are expected to deploy additional resources provided to them to meet the needs of children and young people with special educational needs based on the principle that the child or young person with the greatest level of need should receive the greatest level of support. Schools should avail of existing processes through the NCSE to seek additional resources or supports.

The Department of Education has engaged extensively with the HSE in respect of what may be required of schools. Where schools receive a request from the NCSE to assist in carrying out an assessment of education need, they will be requested to complete a Report of Education Needs. **This is the only report that teachers are required to complete in this process.** A copy of the report can be found on the Department and NCSE website as follows: www.gov.ie and www.ncse.ie

Nominated teachers in mainstream schools can use Special Education Teacher (SET) coordination time to complete the Report of Education Needs and can request support from the NCSE, as required. As an interim measure, and until special schools are provided with additional administrative and teaching supports, in September 2024, requests for support on completing the Report of Education Needs will be prioritised by the NCSE.

4. The role of the NCSE

If requested to assist the HSE in the AON process, the NCSE will forward to the school a '*Report of Education Needs for the purpose of Assessment of Need (Disability Act 2005)*'. Where forwarded to a school, this form should be completed by the school principal/deputy principal, or a teacher nominated by the school principal who is familiar with the child/young person (e.g. Class/Subject Teacher, Special Education Teacher).

The NCSE will specify a preferred date whereby a school should endeavor to return the Report of Education Needs for the purpose of Assessment of Need (Disability Act 2005). Under the Education Act 1998 and EPSEN Act 2004, there is a requirement for schools to co-operate with the NCSE in meeting its statutory obligation under the Disability Act 2005.

The completed NCSE Report of Education Needs is returned to the NCSE for onward transmission to the HSE's Assessment Officer in order for them to complete the HSE Assessment of Need Report.



The NCSE provides comprehensive supports for schools as outlined below.

5. Supports available to schools

On foot of engagement with schools and with the education stakeholders, the following updated supports have been put in place for schools by the NCSE:

- Detailed guidance: AON Guidance - <https://ncse.ie/wpcontent/uploads/2024/04/NCSE-Guidance-Note-for-Schools.pdf>
- An FAQ document
- Email support at aon@ncse.ie
- Phone support at 01 603 3456 to access administrative support, or further access to online and in person specialist support

A working group consisting of members from the Department, the National Educational Psychological Service (NEPS) and NCSE has been involved in development of the guidance, materials and trialing the process. The working group will continue to monitor and support the process as it is rolled out.

In addition to the above supports the NCSE will prepare and make available to schools further resources and supports. These will be available on the NCSE website.

In situations where schools require specialist support, the NCSE can provide that support online and in-person. For example, a school may receive a request to complete several Reports of Education Needs at the same time, or a school may receive its first request to complete a report and seek guidance initially. NEPS will also be available to advise in this process, if needed, via requests from the NCSE Advisor who has been supporting the school.

The Department and NCSE are committed to developing supports as required by schools. In that regard, the Department and NCSE will continue to engage with the education stakeholders.

Additional Support to schools experiencing large number of AON referrals

It is estimated that on average there are 6,000 to 7,000 requests for AON each year. The latest available data suggests 70% relate to school age children/young people. The breakdown by sector is 88% primary and 12% post primary. When spread across all 4,000 primary and post primary schools this should equate to a small number of referrals to schools and therefore, schools can use Special Education Teacher (SET) hours to complete the Report of Education Needs. Schools can also request support from the NCSE, as required.



In cases where schools experience a larger number of AON referrals, additional resources will be allocated to those schools. In those circumstances, schools will be provided with a once off additional allocation of AON support hours as outlined in the following table.

Primary

No. of AON Referrals received <u>per term</u>	Additional AON support hours allocated
>5	5 hours
>15	10 hours

Post Primary

No. of AON Referrals received <u>per term</u>	Additional AON support hours allocated
>5	6 hours
>15	12 hours

The NCSE will notify the Department each term, of the number of referrals for each school. The Department will then arrange for AON support hours to be provided to schools in line with the thresholds above.

6. Circulation and Queries

Please ensure that the contents of this Circular are brought to the attention of all members of the Board of Management and all relevant staff in the school. Further information and guidance on this process, can be found on the Department of Education and NCSE website on www.gov.ie/en/organisation/departments-of-education and www.ncse.ie.

Brendan Doody
Principal Officer
Special Education Section
11th April 2024



Appendix 1

The following list of services is intended to be indicative only and does not reflect the full range of services which may be available locally for children and young people.

- Special school placement
- Special class placement
- Special Needs Assistant
- Assistive technology eg laptop
- Bus escort
- Access to a speech and language therapist
- Access to an occupational therapist
- Access to other therapy supports, including physiotherapy
- Access to / enhanced access to a Special Education Teacher
- Access to CAMHS supports
- Additional nursing supports within school
- Access to Home Tuition
- Additional NEPS supports
- Access to the Summer Programme
- Visiting Teacher support
- Braille/ISL supports
- Typing tuition
- Physical alterations to the school environment