



An Roinn Oideachais
Department of Education

Assessment of Need Process and the Role of the Education Sector

Frequently Asked Questions

April 2024



This living document is a joint publication of the Department of Education and the NCSE, which will be updated accordingly.

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Acronyms

AO	Assessment Officer
AON	Assessment of Need
DoE	Department of Education
GDPR	General Data Protection Regulation
HIQA	Health Information and Quality Authority
HSE	Health Service Executive
NCSE	National Council for Special Education

Which organisation is responsible for the Assessment of Need (AON) process?

The Assessment of Need (AON) process is provided for under the [Disability Act 2005](#) and is a process under the remit and responsibility of the Health Service Executive (HSE).

What is the purpose of an Assessment of Need (AON)?

The Assessment of Need process seeks to identify the health and, if necessary, education needs of children and young people as set out in the Disability Act 2005.

If a parent/guardian makes an application to the HSE for an AON, this application is reviewed by an Assessment Officer (AO), who is employed by the HSE and decides whether the child or young person is likely to have a disability. The Assessment Officer is obliged to ensure that the HSE Assessment of Need Report is prepared in accordance with the Health Information and Quality Authority's (HIQA's) [Standards for the Assessment of Need](#).

The Assessment Officer coordinates the assessment process and completes the assessment report.

How does this process start?

The AON process commences when the parent/guardian makes an application for their child to the HSE for an Assessment of Need.

Why is education now part of a HSE process and what role do schools play in the AON process?

Following a legal judgement in 2021, it was clarified that the National Council for Special Education (NCSE) has the responsibility to nominate an appropriate person to carry out an assessment of education needs for children and young people **on behalf of the HSE** under the AON process.

If the HSE Assessment Officer forms the opinion that there may be a need for an education service to be provided to an applicant, they will request the National Council for Special Education (NCSE) to nominate a person with the appropriate expertise to assist in carrying out the assessment of education needs. The NCSE will then request schools to assist in an assessment of education needs by completing a Report of Education Needs and returning this to the NCSE. The AO coordinates the wider assessment process in respect of all of the applicant's needs, including educational needs, and then completes an AON Assessment Report.

Who has the appropriate expertise in schools to assist in carrying out an assessment of education needs?

A recent court judgement confirmed that qualified teachers have the appropriate expertise and are suitably qualified to be nominated by the NCSE to assist in contributing to an assessment of education needs, as part of the wider HSE AON process.

What is the role of the teacher in the Assessment of Need (AON) process?

The role of the teacher is to assist the HSE Assessment Officer in the identification of the education needs of an AON applicant and the services which might be required by the AON applicant. The teacher does this by reflecting on the full range of information available to them relating to the child or young person's education needs.

Specifically, the teacher is requested to assist in carrying out the assessment of education needs by completing an NCSE Report of Education Needs. The completed report is forwarded to the HSE to assist the AO in the AON process.

What is the purpose of the NCSE Report of Education Needs?

The completed NCSE Report of Education Needs provides information to the HSE Assessment Officer to enable them to make a determination as to a child and young person's health and education needs and the services that are required to meet those needs.

How many forms will the teacher be expected to complete?

The Department of Education (DoE) 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 needs, they will be requested to complete an NCSE Report of Education Needs. This is the only form that teachers are required to complete in this process. The NCSE encourages schools to email aon@ncse.ie when principals have been asked to complete additional AON related forms sent to them by agencies other than the NCSE.

What type of information can a teacher use to assist in carrying out an assessment of education needs?

Teachers, typically, will have comprehensive information on the education needs of individual students, through interactions with them on a regular basis in the school context. All of this information may be included in the NCSE Report of Education Needs. Some of this may be recorded in the Student Support File. However, the teacher is not limited to providing information from the Student Support File where they consider additional information to be relevant to the Assessment of Need (AON). Teachers can reflect on their own knowledge and experience of working with the student 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 student's education needs and the impact of those needs on their learning. For example, a teacher may have identified needs relating to the student's language and communication, learning, social, emotional, behavioural, motor and/or sensory development as well as their personal development. For those students with a wide range of needs, not all may be prioritised in a Student Support Plan. These may, therefore, be referenced in the NCSE Report of Education Need, even if they do not form part of the current Student Support Plan.

Does this new process affect the Student Support File?

No. In fact, having the Student Support file to hand may be beneficial to the completion of the NCSE Report of Education Needs.

Schools are providing information gathered from a variety of sources, such as ongoing assessment approaches and other professional reports, which are recorded in the Student Support File.

Will there be legal implications for schools?

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.

Will the school receive additional resources identified for the student as part of the HSE Assessment of Need (AON) process?

The information provided by the school informs the AON process and the Service Statement that may be provided for the child arising from the process. It is important to note that section 11(6) of the [Disability Act 2005](#) states that a Service Statement shall not contain any provisions relating to education services where the subject of the statement is a child.

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 can avail of existing processes through the NCSE to seek additional resources or supports.

Can a teacher identify services or resources that may be needed by the student that are not currently available in the school?

Yes. Teachers' recommendations in respect of education services for students on whom they are reporting, need not be restricted to those services which are available in their school. The NCSE Report of Education Needs completed by teachers will be used by the AO as part of the HSE Assessment of Need. The 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 student's needs as per section 8(5) of the Disability Act 2005. It is a 'gold standard'¹ assessment. As such, teachers should identify any education services they believe are appropriate to address the education needs of the student.

Examples of services are listed in Circular 0025/2024.

Where will teachers get the time to complete the NCSE Report of Education Needs?

Teachers in mainstream schools can use Special Education Teacher (SET) coordination time to complete the NCSE 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 NCSE Report of Education Needs will be prioritised by the NCSE.

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.

Is there specific guidance for schools to assist in completing the Report of Education Need form?

Yes, a [guidance note](#) for schools has been prepared following extensive consultation with schools and stakeholders.

How will the school system be supported in this process?

The Department of Education and the NCSE have put in place a suite of supports to assist in completing the educational component of the HSE's AON process. These include:

- Detailed guidance: [Guidance Note for Schools](#)
- Email support at aon@ncse.ie
- Phone support at 01 603 3456 to access administrative support or further access to specialist support

If a school receives a large number of requests, can they get support to assist in completion of same?

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 Circular 0025/2024.

Furthermore, the NCSE has committed to providing on-site advisor support, if required.

What is the position with General Data Protection Regulation (GDPR) and consent for schools in this process?

The HSE obtains consent from parents/legal guardians prior to starting this process. This consent allows the data sharing between education service providers (school), HSE and NCSE.

Do schools have consent to share information with the NCSE as part of this process?

When a parent/guardian applies to the HSE for an Assessment of Need, parents/guardians provide consent to the HSE to allow the sharing of information between the HSE, NCSE and schools. The NCSE also contacts the parent/guardian to reconfirm that consent is in the place.

Will this impact applications/processes provided by the DoE or the NCSE?

No. This is an entirely separate process that is under the remit of the HSE.

With regards to resources and support provided by the DoE or the NCSE, the processes remain the same.

Will schools be involved in the appeals process?

It is not envisaged that schools will be involved in the appeals process.

The Act provides for a statutory complaints and appeals process. AON applicants can make complaints on the following grounds:

- 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.

The above grounds relate to the health aspect of the process. Furthermore, education is not covered within the service statement as per the Disability Act Part 2 S.11.6

** NB – service statements for children must not refer to education*



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