



Circular 0069/2025

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

Assessment of Need

This Circular supersedes Circular 0025/2024

Key messages

- **Assessment of Need (AON) is a statutory process under the Disability Act (2005). The Disability Act (2005) establishes that the HSE has legal responsibility for the AON process.**
- **The HSE is responsible for leading the AON process. Within the Disability Act, the National Council for Special Education (NCSE) has a statutory obligation to nominate ‘a person with appropriate expertise’ to assist the Health Service Executive (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 a person with appropriate expertise to assist the HSE in the AON process.**
- **The Department of Education and Youth is satisfied that teachers are suitably qualified and therefore persons with ‘appropriate expertise’ 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 recent High Court judgments. 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 NCSE in the performance by the Council of its functions. Therefore, the nominated person should complete the Report of Education**



Needs when requested by the NCSE to do so, subject to what is outlined hereunder.

- It is acknowledged that there may be legitimate reasons or circumstances where a nominated person may not be in a position to complete the form or may only be able to part-complete a Report of Education Needs. Examples of these circumstances are provided in Appendix 1 for illustrative purposes.
- Mainstream schools are advised to use the Special Education Teacher (SET) coordination time to complete the Report of Education Needs and can request support from the NCSE, as required.
- Teachers can use their professional knowledge and experience of working with the child/young person to identify educational needs. They may draw upon information contained in a Student Support Plan but 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 AON.
- This HSE AON process 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, and in so doing are not required to consider the cost of such services
- In finalising the AON report, the Assessment Officer in the HSE is required to make a professional judgement based on all the information available to them, including that provided by the person nominated by the NCSE.
- Additional AON support hours will be allocated to those schools that receive a large volume of AON requests.
- 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/wp-content/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. Anyone born on or after 1st June 2002 is eligible to apply for an 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 schools and 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 HSE. The AON process commences when the parent/guardian makes an application for their child to the HSE. A young person aged 16 or 17 years can apply for their own Assessment of Need.

Assessment Officers working under the remit of the HSE are charged with arranging an AON, which culminates in the provision of an AON Report. At the conclusion of this process the HSE Liaison Officer issues a Service Statement for those who apply under the Disability Act.

The Assessment Officer makes a determination as to whether or not the applicant meets the definition of disability detailed in the Act, and coordinates and completes the Assessment Report.

If the HSE Assessment Officer forms the opinion that the applicant may need an education service, they will request the NCSE to nominate a person with the appropriate expertise to assist in carrying out the assessment of education needs. There is a statutory obligation on the NCSE to nominate a person with the appropriate expertise to assist the HSE as part of the HSE's AON process.

In response to the HSE's request, the NCSE will seek the assistance of a person with appropriate expertise to complete the NCSE Report of Education Needs. On receipt of the completed form, the NCSE will forward a copy to the Assessment Officer. The Assessment Officer coordinates the wider assessment process in respect of the applicant's needs, including education needs, and then completes an Assessment of Need Report. The HSE Assessment Officer is obliged to ensure that their AON report is prepared in accordance with HIQA's National Standards for Health and Social Care Services.



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 applicant 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.

Recent court judgments confirm 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, nominated persons should complete the Report of Education Needs when requested by the NCSE to do so, subject to what is outlined hereunder.

It is recognised that there may be legitimate reasons as to why a teacher or school may not be in a position to complete a Report of Education Needs for an applicant enrolled in that school, or may only be able to provide some assistance, but not all of it.

For example, the student may be a reluctant school attendee and consequently school personnel may not be sufficiently familiar with their interests, strengths and needs. Similarly, the student may have very poor attendance due to illness. Examples of these circumstances are provided in Appendix 1 for illustrative purposes.

In such situations, upon notification, the NCSE, in collaboration with the Department, will engage with the school, as necessary, to support the school in relation to the nomination made by the NCSE, including assisting with the completion of the Report of Education Needs where applicable.

This list of examples provided in Appendix 1 is not intended to be exhaustive, and it is recognised that other circumstances may arise which could reasonably prevent a nominated person from undertaking the work. Where such circumstances occur, the NCSE and the Department will consider how best to address them, in consultation with the nominated person and school concerned.



3. The role of nominated person

Identification of interests, strengths and education needs is central to effective teaching, learning and assessment practices and the provision of an education which is appropriate to a child/young person's abilities. Schools use their available resources to provide an education to all children and young people, in line with their interests, strengths and needs.

The role of the nominated person 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 person 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 person 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.

Where nominated, teachers typically will have comprehensive information on the education needs of individual children/young people, through regular interactions in the school context. This information may be included in the Report of Education Needs. Most of this information will be available in a properly completed student support file and in the current and previous Student Support Plans that are in the file. However, if nominated the teacher is not limited to providing information from the Student Support Plan where they consider additional information to be relevant to the AON. Where nominated, the 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 Plan, 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 included 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.

Where 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 and supports 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 for 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 2.

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 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 form that nominated persons will be requested to complete by the NCSE in this process.** A copy of the form can be found on the Department and NCSE websites as follows: www.gov.ie and www.ncse.ie

Mainstream schools may use Special Education Teacher (SET) coordination time to complete the Report of Education Needs and can request support from the NCSE, as required.

¹ Under the *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.



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). This is subject to the other aspects of this Circular outlined above and hereunder.

The NCSE will specify a preferred date whereby a school should endeavour to return the Report of Education Needs for the purpose of Assessment of Need (Disability Act 2005), and where possible the school should inform the NCSE if the timeline cannot be met. 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 HSE's Assessment Officer, via the NCSE, in order for them to complete the HSE Assessment of Need Report.

5. Supports available to schools

The NCSE provides comprehensive supports for schools as outlined below.

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:

- Dedicated AON Resources located on the NCSE [Padlet](#)
- Detailed guidance: AON Guidance - <https://ncse.ie/wp-content/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 comprising Department officials, the National Educational Psychological Service (NEPS) and NCSE developed guidance and resources for schools to support them in completing the Report of Education Needs. 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 further resources and supports. These will be available on the [NCSE Padlet](#).

In situations where schools require specialist support to complete the Report of Education Needs, 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 are available to provide support to NCSE Advisors in the completion of this process.

The Department is 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 numbers of AON referrals

In cases where schools experience large numbers of requests to complete Reports of Education Needs, additional resources will be allocated. In these circumstances, schools will be allocated a once-off provision of additional AON support hours for the term, as detailed in the following table. This allocation is not recurring and does not apply on a weekly basis.

Primary/Special

| No. of AON Referrals received <u>per term</u> | Additional AON support hours allocated |
|---|--|
| >5 | 5 hours |
| >10 | 7.5 hours |
| >15 | 10 hours |

Post Primary

| No. of AON Referrals received <u>per term</u> | Additional AON support hours allocated |
|---|--|
| >5 | 6 hours |
| >10 | 9 hours |
| >15 | 12 hours |

The NCSE will notify the Department each term of the number of referrals for each school. Upon return of the completed referrals, the Department will arrange for AON support hours to be allocated to the school 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.

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APPENDIX 1

The following are examples of circumstances, for illustrative purposes, that may be considered legitimate grounds for a school being unable to assist with carrying out the assessment of education needs, or only being able to provide some of the assistance, although this is dependent on the individual circumstances that pertain to the nomination concerned.

This list of examples is not intended to be exhaustive, and it is recognised that other circumstances may arise which could be considered legitimate grounds to reasonably prevent a school from undertaking the work.

Where there are legitimate grounds for a school being unable to assist with carrying out the assessment of education needs, or only being able to provide some of the assistance, the NCSE and the Department will consider how best to address them, in consultation with the school concerned.

1. Lack of Sufficient Knowledge of the Student

- The student has not attended school regularly or recently (e.g. due to prolonged illness, non-engagement), and the nominated person does not have adequate familiarity to make an informed report.

2. Recent Enrolment or Transition

- The student has only recently enrolled and has been attending for less than a month, and the nominated person has not had sufficient time or opportunity to assess or observe the student's educational needs.

3. Student Not Currently on the School Roll

- The applicant is no longer enrolled in the school (e.g. has transferred or left), and the school is no longer the appropriate party to provide current information.

4. School Closure or Emergency Circumstances

- The school is temporarily closed (e.g. due to public health, building issues, or unforeseen emergencies), limiting their ability to access records or personnel.

5. Absence of Key Personnel

- The teacher(s) with direct knowledge of the student are on extended leave (e.g. maternity, illness), and no other staff members are in a position to provide the information required.

6. Withdrawal of consent for AON process from Parent/Guardian

- Where a parent/guardian has withdrawn their consent for the AON process, that would impede the ability of the nominated person to release any information to the HSE.



APPENDIX 2

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
- Assistive technology e.g. laptop
- Bus escort / access to school transport
- Access to a speech and language therapist
- Access to an occupational therapist
- Access to other therapy supports, including physiotherapy
- Access to / enhanced access to Special Needs Assistant
- 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
- Access to a quiet space (regulation space) or sensory room/garden
- Inclusion in the school's continuum of support provision
- Team-taught lessons
- Monitoring by the school's Student Support Team
- School based counselling
- Support through the school's 'check and connect' system
- Support for regulation/organisation skills/communication/life skills development
- Access to Level 1 and 2 programmes at Junior Cycle and Senior Cycle
- Access to homework clubs / support for completion of homework