



Office of the Disability Appeals Officer  
Oifig an Oifigigh Achomhairc um Míchumas

First Floor,  
Hawkins House,  
Hawkins Street,  
Dublin 2.  
D02 VW90

An Chéad Urlár,  
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Sráid Haicin,  
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D02 VW90

**Determination of an Appeal on behalf of**  
[REDACTED] **Ref: AP0304**

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 3<sup>rd</sup> January 2018 from [REDACTED] in respect of her son, [REDACTED]. This appeal was against the non-implementation by the HSE of a recommendation of a Complaints Officer within the specified timeframe and the failure of the HSE to provide specified intervention services.

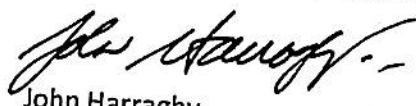
Section 18 (3) of the Disability Act requires an appeal to be submitted within six weeks of the date of the finding of the HSE's Disability Complaints Officer. In this case the Complaint Officer's Report was dated 5<sup>th</sup> December 2017 and was deemed to be a valid appeal.

The Complaints Officer's Report dated 5<sup>th</sup> December, 2017 recommended that [REDACTED] ASD/OT Assessments are completed no later than 12<sup>th</sup> January 2018. [REDACTED] Final Assessment Report should be issued no later than 19<sup>th</sup> January 2018 and [REDACTED] Service Statement should be issued in conjunction with his final assessment report no later than 19<sup>th</sup> February 2018.

Information furnished to my office by the HSE's General Manager, Disability Services CHO1 in Rooskey, Co Monaghan on 11<sup>th</sup> April, 2018 stated that [REDACTED] remains on the Occupational therapy waiting list and therefore he has not received an Occupational Therapy Assessment. [REDACTED] ASD assessment commenced on 15<sup>th</sup> March, 2018.

This timeline is in breach of the timeline set by the Complaint's Officer for the issue of the OT assessment and I, accordingly, uphold this appeal.

The HSE has a statutory obligation under the Disability Act 2005 to ensure that the Assessment of Need process, including the provision of a Service Statement, is completed within the specified timelines.

  
John Harraghy,  
Disability Appeals Officer,  
20<sup>th</sup> April 2018

Lo Call 1850-211583



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First Floor,  
Hawkins House,  
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D02 VW90

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Teach Haicin,  
Sráid Haicin,  
Baile Átha Cliath 2.  
D02 VW90

**Determination of an Appeal on behalf of**  
**[REDACTED] AP0305**

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 2<sup>nd</sup> January, 2018 from [REDACTED] in respect of her son [REDACTED]. This appeal was against the failure of the HSE to complete the assessment within the legislative timeframe and against the non-implementation by the HSE of a recommendation of a Complaints Officer.

The Complaints Officer's Report dated 21<sup>st</sup> November, 2017 recommended that [REDACTED] ASD assessment is completed no later than 26<sup>th</sup> December, 2017. [REDACTED] Final Assessment Report should be issued to the Case Manager for preparation of his Service Statement no later than the 2<sup>nd</sup> January, 2018. Should there be an entitlement to a Service Statement this should be issued in conjunction with his final assessment report no later than the 2<sup>nd</sup> February, 2018.

Information furnished to my office by the HSE's Assessment Officer by letter dated 1<sup>st</sup> February, 2018 stated that an assessment was requested for [REDACTED] from the North Cork Autism Spectrum Disorder (ASD) Service on 10<sup>th</sup> August, 2017. Due to the high volume of requests for ASD assessments it is likely that [REDACTED] will be waiting a further 4/5 months for his ASD assessment.

The timeline for completion of [REDACTED] ASD Assessment is outside of the timeline recommended by the Complaint's Officer and I, accordingly, uphold this appeal. [REDACTED] Final Assessment Report and Service Statement need to be completed and issued without further delays.

Robbie Breen,  
Disability Appeals Officer,  
13<sup>th</sup> February, 2018



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Hawkins House,  
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Sráid Haicin,  
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**Determination of an Appeal on behalf of**  
**Ref: AP0306**

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 11<sup>th</sup> January, 2018 from [REDACTED] in respect of her son [REDACTED]. This appeal was against the failure of the HSE to complete the assessment without undue delay and against the non-implementation by the HSE of a recommendation of a Complaints Officer.

Section 18 (3) of the Disability Act requires an appeal to be submitted within six weeks of the date of the finding of the HSE's Disability Complaints Officer. In this case the Complaint Officer's Report was dated 10<sup>th</sup> November, 2017 and the appeal was received in this office on 11<sup>th</sup> January, 2018. This was outside the six week statutory timeframe for receipt of appeal applications. However, under Section 18 (4) of the Disability Act 2005 I may extend this six week period by a further twelve weeks if I am satisfied that there is reasonable cause for the extension. I accepted [REDACTED] request for an extension in her letter to this office received on 17<sup>th</sup> January, 2018.

The Complaints Officer's Report dated 10<sup>th</sup> November, 2017 recommended that [REDACTED] Occupational Therapy assessment is completed no later than 15<sup>th</sup> December, 2017. [REDACTED] Final Assessment Report should be issued to the Case Manager for preparation of his Service Statement no later than the 22<sup>nd</sup> December, 2017. Should there be an entitlement to a Service Statement this should be issued in conjunction with his final assessment report no later than the 22<sup>nd</sup> January, 2018.

Information furnished to my office by the HSE's Assessment Officer by email dated 9<sup>th</sup> March, 2018 stated that [REDACTED] was referred for an OT assessment on 21<sup>st</sup> April, 2017. [REDACTED] is still waiting for this assessment.

The timeline for completion of [REDACTED] OT Assessment is outside of the timeline recommended by the Complaint's Officer and I, accordingly, uphold this appeal. [REDACTED] Final Assessment Report and Service Statement need to be completed and issued without further delays.

*Robbie Breen*  
Robbie Breen,  
Disability Appeals Officer,  
16<sup>th</sup> March, 2018

Lo Call 1850-211583



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**Determination of an Appeal on behalf of**  
[REDACTED] **Ref: AP0307**

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 11<sup>th</sup> January, 2018 from [REDACTED] of her son [REDACTED]. This appeal was against the failure of the HSE to complete the assessment without undue delay and against the non-implementation by the HSE of a recommendation of a Complaints Officer.

The Complaints Officer's Report dated 7<sup>th</sup> December, 2017 recommended that [REDACTED] ASD assessment is completed no later than 11<sup>th</sup> January, 2018. [REDACTED] Final Assessment Report should be issued to the Case Manager for preparation of his Service Statement no later than the 18<sup>th</sup> January, 2018. Should there be an entitlement to a Service Statement this should be issued in conjunction with his final assessment report no later than the 18<sup>th</sup> February, 2018.

Information furnished to my office by the HSE's Assessment Officer by email dated 30<sup>th</sup> January, 2018 stated that a copy of the Complaint's Officer's Report was sent to Marian House on 11<sup>th</sup> December, 2017. [REDACTED] is still waiting for a date to be allocated by Marian House for the commencement of his ASD assessment.

The timeline for completion of [REDACTED] ASD Assessment is outside of the timeline recommended by the Complaint's Officer and I, accordingly, uphold this appeal. [REDACTED] Final Assessment Report and Service Statement need to be completed and issued without further delays.

Robbie Breen,  
Disability Appeals Officer,  
23<sup>rd</sup> March, 2018

Lo Call 1850-211583





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**Determination of an Appeal on behalf of**  
**[REDACTED] AP0308**

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 12<sup>th</sup> January, 2018 from [REDACTED]

[REDACTED] in respect of her son [REDACTED]. This appeal was against the failure of the HSE to complete the assessment without undue delay and against the non-implementation by the HSE of a recommendation of a Complaints Officer.

The Complaints Officer's Report dated 5<sup>th</sup> December, 2017 recommended that [REDACTED] Occupational Therapy assessment is completed no later than 9<sup>th</sup> January, 2018. [REDACTED] Final Assessment Report should be issued to the Case Manager for preparation of his Service Statement no later than the 16<sup>th</sup> January, 2018. Should there be an entitlement to a Service Statement this should be issued in conjunction with his final assessment report no later than the 16<sup>th</sup> February, 2018.

Information furnished to my office by the HSE's Assessment Officer by letter dated 1<sup>st</sup> February, 2018 stated that [REDACTED] was allocated an appointment date of 29<sup>th</sup> January, 2018 with the HSE Occupational Therapy Service. As soon as this report is received the Assessment Officer will proceed to conclude the Assessment of Need process.

The timeline for completion of [REDACTED] OT Assessment is outside of the timeline recommended by the Complaint's Officer and I, accordingly, uphold this appeal. [REDACTED] Final Assessment Report and Service Statement need to be completed and issued without further delays.

Robbie Breen,  
Disability Appeals Officer,  
16<sup>th</sup> February, 2018.



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**Determination of an Appeal on behalf of**  
[redacted] **Ref: AP0309**

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 18<sup>th</sup> January, 2018 from [redacted] in respect of her son [redacted]. This appeal was against the failure of the HSE to complete the assessment without undue delay and against the non-implementation by the HSE of a recommendation of a Complaints Officer.

Section 18 (3) of the Disability Act requires an appeal to be submitted within six weeks of the date of the finding of the HSE's Disability Complaints Officer. In this case the Complaint Officer's Report was dated 21<sup>st</sup> November, 2017 and the appeal was received in this office on 18<sup>th</sup> January, 2018. This was outside the six week statutory timeframe for receipt of appeal applications. However, under Section 18 (4) of the Disability Act 2005 I may extend this six week period by a further twelve weeks if I am satisfied that there is reasonable cause for the extension. I accepted [redacted] request for an extension in her letter to this office dated 23<sup>rd</sup> January, 2018.

The Complaints Officer's Report dated 21<sup>st</sup> November, 2017 recommended that [redacted] ASD assessment is completed no later than 26<sup>th</sup> December, 2017. [redacted] Final Assessment Report should be issued to the Case Manager for preparation of his Service Statement no later than the 2<sup>nd</sup> January, 2018. Should there be an entitlement to a Service Statement this should be issued in conjunction with his final assessment report no later than the 2<sup>nd</sup> February, 2018.

Information furnished to my office by the HSE's Assessment Officer by email dated 16<sup>th</sup> March, 2018 stated that [redacted] was referred to St Joseph's Foundation for an ASD assessment on 21<sup>st</sup> July, 2017. [redacted] is still awaiting this assessment.

The timeline for completion of [redacted] assessment is outside of the timeline recommended by the Complaint's Officer and I, accordingly, uphold this appeal. [redacted] Final Assessment Report and Service Statement need to be completed and issued without further delays.

Robbie Breen,  
Disability Appeals Officer,  
29<sup>th</sup> March, 2018

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Teach Haicin,  
Sráid Haicin,  
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**Determination of an Appeal on behalf of**  
**[REDACTED] - AP0310**

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 22<sup>nd</sup> January, 2018 from [REDACTED] in respect of her son [REDACTED]. This appeal was against the failure of the HSE to complete the assessment within the legislative timeframe and against the non-implementation by the HSE of a recommendation of a Complaints Officer.

The Complaints Officer's Report dated 14<sup>th</sup> December, 2017 recommended that [REDACTED] ASD assessment is completed no later than 18<sup>th</sup> January, 2018. [REDACTED] Final Assessment Report should be issued to the Case Manager for preparation of his Service Statement no later than the 25<sup>th</sup> January, 2018. Should there be an entitlement to a Service Statement this should be issued in conjunction with his final assessment report no later than the 25<sup>th</sup> February, 2018.

Information furnished to my office by the HSE's Assessment Officer by email dated 20<sup>th</sup> February, 2018 stated that an assessment was requested for [REDACTED] from the Autism Spectrum Disorder (ASD) Service at Marian House. To date, no date has been provided by Marian House for the commencement of [REDACTED] assessment.

The timeline for completion of [REDACTED] ASD Assessment is outside of the timeline recommended by the Complaint's Officer and I, accordingly, uphold this appeal. [REDACTED] Final Assessment Report and Service Statement need to be completed and issued without further delays.

Robbie Breen,  
Disability Appeals Officer,  
9<sup>th</sup> March, 2018



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**Determination of an Appeal on behalf of**  
**[REDACTED] Ref: AP0312**

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 26<sup>th</sup> January 2018 from [REDACTED] in respect of her son, [REDACTED]. This appeal was against the non-implementation by the HSE of a recommendation of a Complaints Officer within the specified timeframe.

Section 18 (3) of the Disability Act requires an appeal to be submitted within six weeks of the date of the finding of the HSE's Disability Complaints Officer. In this case the Complaint Officer's Report was stated, on the Appeal Application Form, to be dated August 2017 and therefore was deemed to be an invalid appeal. However, on receipt of clarification from [REDACTED] all the Complaints Officer report was in fact dated 15<sup>th</sup> December 2017 and in that context the appeal was subsequently deemed valid.

The Complaints Officer's Report dated 15<sup>th</sup> December 2017 recommended that [REDACTED] ASD Assessment is completed no later than 19<sup>th</sup> January 2018 and that the Final Assessment Report is issued no later than 26<sup>th</sup> January 2018. [REDACTED] Service Statement should be issued in conjunction with his final assessment report no later than 26<sup>th</sup> February 2018.

Information furnished to my office by the HSE Disability Services in Cork on 25<sup>th</sup> April 2018 confirms that [REDACTED] ASD assessment remains outstanding. It was also clarified that [REDACTED] "assessment will be either the last week in August (at the very earliest) or early September." I also understand that it is the HSE'S position that this assessment is dependent of staff availability during the summer.

This timeline is now significantly in breach of the timeline set by the Complaint's Officer for the issue of the ASD Assessment and I, accordingly, uphold this appeal.



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The HSE has a statutory obligation under the Disability Act 2005 to ensure that the Assessment of Need process, including the provision of a Service Statement, is completed within the specified timelines. It is the HSE's responsibility to make the necessary arrangements to comply with this. If the HSE Disability Services, Cork, does not have the capacity to complete the assessment, then alternative arrangements must be made.

A handwritten signature in black ink, appearing to read 'John Harraghy', is written over a horizontal line.

John Harraghy,  
Disability Appeals Officer,  
1<sup>st</sup> May 2018.

Lo Call 1850-211583





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Hawkins Street,  
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Teach Haicin,  
Sráid Haicin,  
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**Determination of an Appeal on behalf of**  
**AP0313**

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 26<sup>th</sup> January, 2018 from [REDACTED] in respect of her son [REDACTED]. This appeal was against the failure of the HSE to complete the assessment within the legislative timeframe and against the non-implementation by the HSE of a recommendation of a Complaints Officer.

The Complaints Officer's Report dated 6<sup>th</sup> December 2017 recommended that [REDACTED] ASD assessment is completed no later than 10<sup>th</sup> January 2018. [REDACTED] Final Assessment Report should be issued to the Case Manager for preparation of his Service Statement no later than the 17<sup>th</sup> January 2018. Should there be an entitlement to a Service Statement this should be issued in conjunction with his final assessment report no later than the 17<sup>th</sup> February 2018.

Information furnished to my office by the HSE's Assessment Officer by email dated 6<sup>th</sup> April 2018 stated that an assessment was requested for [REDACTED] from the Cope Foundation on 20<sup>th</sup> June 2017. [REDACTED] is still awaiting his ASD assessment.

The timeline for completion of [REDACTED] ASD Assessment is outside of the timeline recommended by the Complaint's Officer and I, accordingly, uphold this appeal. [REDACTED] Final Assessment Report and Service Statement need to be completed and issued without further delays.

John Harraghy  
Disability Appeals Officer,  
17<sup>th</sup> April 2018

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Sráid Haicin,  
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**Determination of an Appeal on behalf of**

**Ref: AP0314**

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 30th January, 2018 from [REDACTED]

[REDACTED] in respect of her son. This appeal was against the failure of the HSE to complete the assessment without undue delay and against the non-implementation by the HSE of a recommendation of a Complaints Officer.

Section 18 (3) of the Disability Act requires an appeal to be submitted within six weeks of the date of the finding of the HSE's Disability Complaints Officer. In this case the Complaint Officer's Report was dated 15<sup>th</sup> December, 2017 and the appeal was received in this office on 30<sup>th</sup> January, 2018. This was outside the six week statutory timeframe for receipt of appeal applications. However, under Section 18 (4) of the Disability Act 2005 I may extend this six week period by a further twelve weeks if I am satisfied that there is reasonable cause for the extension. [REDACTED] request for an extension in her letter to this office received on 17<sup>th</sup> January, 2018 was accepted.

The Complaints Officer's Report dated 15<sup>th</sup> December 2017 recommended that [REDACTED] ASD assessment is completed no later than 19<sup>th</sup> January 2018. [REDACTED] Final Assessment Report should be issued to the Case Manager for preparation of his Service Statement no later than the 26<sup>th</sup> January 2018. Should there be an entitlement to a Service Statement this should be issued in conjunction with his final assessment report no later than the 26<sup>th</sup> February, 2018.

Information furnished to my office by the HSE's Assessment Officer by email dated 9<sup>th</sup> April, 2018 stated that [REDACTED] is still waiting for this ASD assessment.

The timeline for completion of [REDACTED] ASD Assessment is outside of the timeline recommended by the Complaint's Officer and I, accordingly, uphold this appeal. [REDACTED] Final Assessment Report and Service Statement need to be completed and issued without further delays.

John Harraghy  
Disability Appeals Officer,  
17<sup>th</sup> April 2018

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Sráid Haicin,  
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**Determination of an Appeal on behalf of**  
**Ref: AP0315**

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 31<sup>st</sup> January, 2018 from [REDACTED] in respect of her son, [REDACTED]. This appeal was against the non-implementation by the HSE of a recommendation of a Complaints Officer within the specified timeframe and the failure of the HSE to provide specified intervention services.

Section 18 (3) of the Disability Act requires an appeal to be submitted within six weeks of the date of the finding of the HSE's Disability Complaints Officer. In this case the Complaint Officer's Report was dated 20<sup>th</sup> December 2017 and was deemed to be a valid appeal.

The Complaints Officer's Report dated 20<sup>th</sup> December, 2017 recommended that the Multidisciplinary team assessments are completed no later than 28<sup>th</sup> January 2018 and that the Final Assessment Report is issued no later than 5<sup>th</sup> February 2018. [REDACTED] Service Statement should be issued in conjunction with his final assessment report no later than 5<sup>th</sup> March 2018.

Information furnished to my office by the HSE's General Manager, Disability Services CHO1 in Rooskey, Co Monaghan on 12<sup>th</sup> April, 2018 stated that [REDACTED] Autism Assessment has commenced but [REDACTED] has not received an Occupational Therapy Assessment.

This timeline is in breach of the timeline set by the Complaint's Officer for the issue of the Multidisciplinary team assessments and I, accordingly, uphold this appeal.

The HSE has a statutory obligation under the Disability Act 2005 to ensure that the Assessment of Need process, including the provision of a Service Statement, is completed within the specified timelines.

  
John Harraghy,  
Disability Appeals Officer,  
20<sup>th</sup> April 2018

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Sráid Haicin,  
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**Determination of an Appeal on behalf of:**

**Ref: AP0316**

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 1<sup>st</sup> February 2018 from [REDACTED]

[REDACTED] This appeal was against the failure of the HSE to complete the assessment without undue delay and against the non-implementation by the HSE of a recommendation of a Complaints Officer.

Section 18 (3) of the Disability Act requires an appeal to be submitted within six weeks of the date of the finding of the HSE's Disability Complaints Officer. In this case the Complaint Officer's Report was dated 12<sup>th</sup> December 2017 and the appeal was received in this office on 1<sup>st</sup> February 2018. This was outside the six week statutory timeframe for receipt of appeal applications. However, under Section 18 (4) of the Disability Act 2005 I may extend this six week period by a further twelve weeks if I am satisfied that there is reasonable cause for the extension. I accepted [REDACTED] request for an extension in her e-mail to this office received on 19<sup>th</sup> February 2018.

The Complaints Officer's Report dated 12<sup>th</sup> December 2017 recommended that [REDACTED] Paediatric/OT/PT assessments are completed no later than 19<sup>th</sup> January 2018. [REDACTED] Final Assessment Report should be issued to the Case Manager for preparation of his Service Statement no later than the 26<sup>th</sup> January 2018. Should there be an entitlement to a Service Statement this should be issued in conjunction with his final assessment report no later than the 26<sup>th</sup> February 2018.

Information furnished to my office by the HSE's Disability Officer by email dated 3<sup>rd</sup> July 2018 stated that [REDACTED] has now received a joint OT and Physiotherapy appointment for 10<sup>th</sup> July 2018. This is a welcome development and I note that [REDACTED] has confirmed that she is able to attend the appointment.

The timeline for completion of [REDACTED] Assessment is outside of the timeline recommended by the Complaint's Officer and I, accordingly, uphold this appeal.

John Harraghy,  
Disability Appeals Officer,  
10<sup>th</sup> July 2018.

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**Determination of an Appeal on behalf of**  
**[REDACTED] AP0317**

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 2<sup>nd</sup> February, 2018 from [REDACTED] in respect of her son [REDACTED]. This appeal was against the failure of the HSE to complete the assessment without undue delay and against the non-implementation by the HSE of a recommendation of a Complaints Officer.

The Complaints Officer's Report dated 2<sup>nd</sup> January, 2018 recommended that [REDACTED] ASD assessment is completed no later than 6<sup>th</sup> February, 2018. [REDACTED] Final Assessment Report should be issued to the Case Manager for preparation of his Service Statement no later than the 13<sup>th</sup> February, 2018. Should there be an entitlement to a Service Statement this should be issued in conjunction with his final assessment report no later than the 13<sup>th</sup> March, 2018.

Information furnished to my office by the HSE's Assessment Officer by email dated 20<sup>th</sup> February, 2018 stated that an assessment was requested for [REDACTED] from the Autism Spectrum Disorder (ASD) Service at Marian House. To date, no date has been provided by Marian House for the commencement of [REDACTED] assessment.

The timeline for completion of [REDACTED] ASD Assessment is outside of the timeline recommended by the Complaint's Officer and I, accordingly, uphold this appeal. [REDACTED] Final Assessment Report and Service Statement need to be completed and issued without further delays.

A handwritten signature in black ink, appearing to read 'Robbie Breen', written in a cursive style.

Robbie Breen,  
Disability Appeals Officer,  
23<sup>rd</sup> March, 2018





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**Determination of an Appeal on behalf of**

**Ref: AP0320**

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 12<sup>th</sup> February 2018 from [REDACTED] in respect of her son, [REDACTED]. This appeal was against the non-implementation by the HSE of a recommendation of a Complaints Officer within the specified timeframe and the failure of the HSE to provide specified intervention services.

Section 18 (3) of the Disability Act requires an appeal to be submitted within six weeks of the date of the finding of the HSE's Disability Complaints Officer. In this case the Complaint Officer's Report was dated 9<sup>th</sup> January and was deemed to be a valid appeal.

The Complaints Officer's Report dated 9<sup>th</sup> January 2018 recommended that [REDACTED] DCD Assessment is completed no later than 16<sup>th</sup> February and that the Final Assessment Report is issued no later than 23<sup>rd</sup> February 2018. [REDACTED] Service Statement should be issued in conjunction with his final assessment report no later than 23<sup>rd</sup> March 2018.

Information furnished to my office by the HSE's General Manager, Disability Services CHO1 in Rooskey, Co Monaghan on 11<sup>th</sup> April, 2018 stated that [REDACTED] appointment with the Occupational Therapy and Physiotherapy was arranged for 17<sup>th</sup> April 2018.

While this is a welcome development for [REDACTED] this timeline is in breach of the timeline set by the Complaint's Officer for the DCD Assessment and I, accordingly, uphold this appeal.

The HSE has a statutory obligation under the Disability Act 2005 to ensure that the Assessment of Need process, including the provision of a Service Statement, is completed within the specified timelines.

John Harraghy,  
Disability Appeals Officer,  
20<sup>th</sup> April 2018

Lo Call 1850-211583

# Office of the Disability Appeals Officer *Oifig an Oifigigh Achomhairc um Míchumas*

Office of the Disability Appeals Officer  
Block 1,  
Miesian Plaza,  
50-58 Lower Baggot Street,  
Dublin 2,  
D02 XW14.

Oifig an Oifigigh Achomhairc um Míchumas  
Bloc 1,  
Plaza Míseach,  
50-58 Sráid Bhagóid Iochtarach,  
Baile Átha Cliath 2,  
D02 XW14.

## Determination of an Appeal on Behalf of: [REDACTED] Ref: AP0323

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 5<sup>th</sup> March 2018 from [REDACTED] in respect of her son [REDACTED]. This appeal was against the non-implementation by the HSE of a recommendation of a Complaints Officer within the specified timeframe.

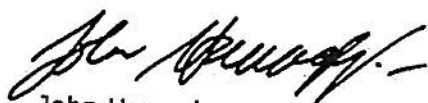
Section 18 (3) of the Disability Act requires an appeal to be submitted within six weeks of the date of the finding of the HSE's Disability Complaints Officer. In this case the Complaints Officer's Report was dated 16<sup>th</sup> January 2018 and was deemed to be a valid appeal. However, a delay in providing a copy of the report to this office until 10<sup>th</sup> July 2018 resulted in a delay in the appeal process.

The Complaints Officer's Report dated 16<sup>th</sup> January 2018 recommended that [REDACTED] Final Assessment Report is completed no later than 6<sup>th</sup> February 2018 and that [REDACTED] Service Statement should be issued in conjunction with his final assessment report no later than 6<sup>th</sup> March 2018.

Information furnished to my office by the HSE Disability Services in St John's Hospital, Enniscorthy on 9<sup>th</sup> November 2018 confirms that [REDACTED] Assessment Report was issued on 30<sup>th</sup> October 2018 and that the Service Statement was issued on 1<sup>st</sup> November 2018.

While this update is welcome the timeline was significantly in breach of the timeline set by the Complaints Officer for the issue of the Final Assessment and Service Statement and I, accordingly, uphold this appeal.

The HSE has a statutory obligation under the Disability Act 2005 to ensure that the Assessment of Need process, including the provision of a Service Statement, is completed within the specified timelines. It is the HSE's responsibility to make the necessary arrangements to comply with this.



John Harraghy,  
Disability Appeals Officer,  
30<sup>th</sup> November 2018.

Lo Call: 1850 211 583  
Email: [appeal@odao.ie](mailto:appeal@odao.ie)



Office of the Disability Appeals Officer  
Oifig an Oifigigh Achomhairc um Míchumas

First Floor,  
Hawkins House,  
Hawkins Street,  
Dublin 2.  
D02 VW90

An Chéad Urlár,  
Teach Haicin,  
Sráid Haicin,  
Baile Átha Cliath 2.  
D02 VW90

**Determination of an Appeal on Behalf of:**  
**Ref: AP0324**

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 7th March 2018 from [REDACTED] in respect of her son [REDACTED]. This appeal was against the non-implementation by the HSE of a recommendation of a Complaints Officer within the specified timeframe.

Section 18 (3) of the Disability Act requires an appeal to be submitted within six weeks of the date of the finding of the HSE's Disability Complaints Officer. In this case the Complaint Officer's Report was dated 26<sup>th</sup> February 2018 and was deemed to be a premature appeal. On 17<sup>th</sup> April 2018 the appeal was at that time deemed to be valid.

The Complaints Officer's Report dated 26<sup>th</sup> February 2018 recommended that [REDACTED] ASD Assessment is completed no later than 2<sup>nd</sup> April 2018 and that the Final Assessment Report is issued no later than 9<sup>th</sup> April 2018. [REDACTED] Service Statement should be issued in conjunction with his final assessment report no later than 9<sup>th</sup> May 2018.

Information furnished to my office by the HSE ASD Services, South Lee, Cork on 25<sup>th</sup> April 2018 indicates that [REDACTED] assessment has taken place and that a report will be issued in a few weeks.

While this is a welcome development it is still in breach of the designated timeline set by the Complaint's Officer for the issue of the ASD Assessment and I, accordingly, uphold this appeal.

The HSE has a statutory obligation under the Disability Act 2005 to ensure that the Assessment of Need process, including the provision of a Service Statement, is completed within the specified timelines. It is the HSE's responsibility to make the necessary arrangements to comply with this.

  
John Harraghy,  
Disability Appeals Officer,  
1<sup>st</sup> May 2018.

Lo Call 1850-211583



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First Floor,  
Hawkins House,  
Hawkins Street,  
Dublin 2.  
D02 VW90

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Teach Haicin,  
Sráid Haicin,  
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D02 VW90

**Determination of an Appeal on behalf of**  
**[REDACTED] Ref: AP0325**

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 9<sup>th</sup> March 2018 from [REDACTED], in respect of her son [REDACTED]

This appeal was against the non-implementation by the HSE of a recommendation of a Complaints Officer within the specified timeframe.

Section 18 (3) of the Disability Act requires an appeal to be submitted within six weeks of the date of the finding of the HSE's Disability Complaints Officer. In this case the Complaint Officer's Report was dated 26<sup>th</sup> February 2018 and was deemed to be a valid appeal with effect from 17<sup>th</sup> April 2018.

The Complaints Officer's Report dated 26<sup>th</sup> February 2018 recommended that [REDACTED] ASD Assessment is completed no later than 2<sup>nd</sup> April 2018 and that the Final Assessment Report is issued no later than 9<sup>th</sup> April 2018. [REDACTED] Service Statement should be issued in conjunction with his final assessment report no later than 9<sup>th</sup> May 2018

Information furnished to my office by the HSE Disability Services, Assessment of Need Office, Cork on 25<sup>th</sup> April 2018 stated that [REDACTED] assessment for ASD services with Marian House remains outstanding and it is estimated that "he will be seen in the next twelve months."

This timeline is significantly in breach of the timeline set by the Complaint's Officer for the issue of the ASD Assessment and I, accordingly, uphold this appeal.

The HSE has a statutory obligation under the Disability Act 2005 to ensure that the Assessment of Need process, including the provision of a Service Statement, is completed within the specified timelines. It is the HSE's responsibility to make the necessary arrangements to comply with this. If the HSE Disability Services, Cork does not have the capacity to complete the assessment, then alternative arrangements must be made.

John Harraghy,  
Disability Appeals Officer,  
1<sup>st</sup> May 2018.

Lo Call 1850-211583





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50-58 Lower Baggot Street,  
Dublin 2,  
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Bloc 1,  
Plaza Míseach,  
50-58 Sráid Bhagóid Íochtarach,  
Baile Átha Cliath 2,  
D02 XW14

**Determination of an Appeal on Behalf of:**  
**Ref: AP0326**

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 9<sup>th</sup> March 2018 from [REDACTED] in respect of her son [REDACTED]. This appeal was against the non-implementation by the HSE of a recommendation of a Complaints Officer within the specified timeframe.

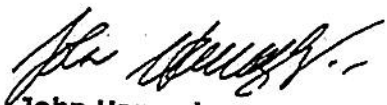
Section 18 (3) of the Disability Act requires an appeal to be submitted within six weeks of the date of the finding of the HSE's Disability Complaints Officer. In this case the Complaints Officer's Report was dated 31st January 2018 and was deemed to be a valid appeal.

The Complaints Officer's Report dated 31<sup>st</sup> January 2018 recommended that [REDACTED] Final Assessment Report be completed no later than 21<sup>st</sup> February 2018. [REDACTED] Service Statement should be issued in conjunction with his final assessment report no later than 21<sup>st</sup> March 2018.

Information furnished to my office by the HSE Disability Services in Midlands Louth Meath on 5<sup>th</sup> September 2018 confirms that the deadlines in the Complaints Officer's Report were not met. The HSE Disability Services in Midlands Louth have also confirmed that [REDACTED] Assessment report was issued on 3<sup>rd</sup> May 2018 and that the Service Statement was issued on 5<sup>th</sup> September 2018.

While this update is welcome and helpful, these timelines are significantly in breach of the timelines set by the Complaints Officer for the issue of the Assessment Report and Service Statement and I, accordingly, uphold this appeal.

The HSE has a statutory obligation under the Disability Act 2005 to ensure that the Assessment of Need process, including the provision of a Service Statement, is completed within the specified timelines. It is the HSE's responsibility to make the necessary arrangements to comply with this.

  
John Harraghy,  
Disability Appeals Officer,  
7<sup>th</sup> September 2018.

Lo Call 1850-211583





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First Floor,  
Hawkins House,  
Hawkins Street,  
Dublin 2.  
D02 VW90

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D02 VW90

**Determination of an Appeal on behalf of:**

**Ref: AP0328**

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 15<sup>th</sup> March 2018 from [REDACTED] in respect of her son [REDACTED]. This appeal was against the failure of the HSE to complete the assessment without undue delay and against the non-implementation by the HSE of a recommendation of a Complaints Officer.

Section 18 (3) of the Disability Act requires an appeal to be submitted within six weeks of the date of the finding of the HSE's Disability Complaints Officer. In this case the Complaint Officer's Report was dated 30<sup>th</sup> January 2018 and the appeal was received in this office on 15<sup>th</sup> March 2018. This was outside the six week statutory timeframe for receipt of appeal applications. However, under Section 18 (4) of the Disability Act 2005 I may extend this six week period by a further twelve weeks if I am satisfied that there is reasonable cause for the extension. I accepted [REDACTED] request for an extension in her letter to this office received on 28<sup>th</sup> March, 2018.

The Complaints Officer's Report dated 30<sup>th</sup> January 2018 recommended that [REDACTED] ASD assessment is completed no later than 6<sup>th</sup> March 2018. [REDACTED] Final Assessment Report should be issued to the Case Manager for preparation of his Service Statement no later than the 13<sup>th</sup> March 2018. Should there be an entitlement to a Service Statement this should be issued in conjunction with his final assessment report no later than the 13<sup>th</sup> April 2018.

Information furnished to my office by the HSE's Assessment Officer by e mail dated 8<sup>th</sup> May 2018 stated that [REDACTED] was progressed to Stage 2 on 3<sup>rd</sup> October 2017 and the assessment was requested from the North Lee ASD Team on 3<sup>rd</sup> October 2017. The HSE indicate that there is a waiting period of two years for this assessment. [REDACTED] is still waiting for this assessment.

The timeline for completion of [REDACTED] ASD Assessment is outside of the timeline recommended by the Complaint's Officer and I, accordingly, uphold this appeal. [REDACTED] Final Assessment Report and Service Statement need to be completed and issued without further delays. It is the HSE's responsibility to make the necessary arrangements to comply with this. If the HSE

**Lo Call 1850-211583**



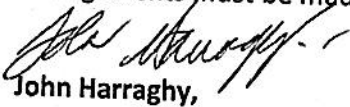
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D02 VW90

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Disability Services does not have the capacity to complete the assessment, then alternative arrangements must be made.

  
John Harraghy,  
Disability Appeals Officer,  
18<sup>th</sup> May 2018.



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Hawkins House,  
Hawkins Street,  
Dublin 2.  
D02 VW90

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Sráid Haicin,  
Baile Átha Cliath 2.  
D02 VW90

**Determination of an Appeal on behalf of**  
**Jordan Walsh**

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 15<sup>th</sup> March 2018 from [REDACTED], in respect of her son [REDACTED]. This appeal was against the failure of the HSE to complete the assessment without undue delay and against the non-implementation by the HSE of a recommendation of a Complaints Officer.

The Complaints Officer's Report dated 16<sup>th</sup> February recommended that [REDACTED] ASD Assessment is completed no later than 23<sup>rd</sup> March 2018. [REDACTED] Final Assessment Report should be issued to the Case Manager for preparation of his Service Statement no later than the 30<sup>th</sup> March, 2018. Should there be an entitlement to a Service Statement this should be issued in conjunction with his final assessment report no later than the 30<sup>th</sup> April 2018.

Information furnished to my office by the HSE's Assessment Officer by email dated 18<sup>th</sup> April 2018 stated that [REDACTED] application was received on 4<sup>th</sup> November 2016 and on 3<sup>rd</sup> April 2017 was reassigned and moved to stage 2 which was a referral to the HSE Autism Team for assessment. The ASD team in the HSE confirmed that there is a waiting time "in excess of 24 months."

The timeline for completion of [REDACTED] Assessment is outside of the timeline recommended by the Complaint's Officer and I, accordingly, uphold this appeal. [REDACTED] Assessment Report and Service Statement need to be completed and issued without further delays.

The HSE has a statutory obligation under the Disability Act 2005 to ensure that the Assessment of Need process, including the provision of a Service Statement, is completed within the specified timelines.

  
John Harraghy  
Disability Appeals Officer  
20th April 2018

Lo Call 1850-211583



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First Floor,  
Hawkins House,  
Hawkins Street,  
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D02 VW90

Determination of an Appeal on behalf of  
[REDACTED] AP0330

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 16<sup>th</sup> March, 2018 from [REDACTED] in respect of her son [REDACTED]. This appeal was against the failure of the HSE to complete the assessment within the legislative timeframe and against the non-implementation by the HSE of a recommendation of a Complaints Officer.

The Complaints Officer's Report dated 2<sup>nd</sup> February 2018 recommended that [REDACTED] ASD assessment is completed no later than 9<sup>th</sup> March 2018. [REDACTED] Final Assessment Report should be issued to the Case Manager for preparation of his Service Statement no later than the 16<sup>th</sup> March 2018. Should there be an entitlement to a Service Statement this should be issued in conjunction with his final assessment report no later than the 16<sup>th</sup> April 2018.

Information furnished to my office by the HSE's Assessment Officer by email dated 6<sup>th</sup> April 2018 stated that an assessment is still outstanding with the North Lee ASD team.

The timeline for completion of [REDACTED] ASD Assessment is outside of the timeline recommended by the Complaint's Officer and I, accordingly, uphold this appeal. [REDACTED] Final Assessment Report and Service Statement need to be completed and issued without further delays.

John Harraghy  
Disability Appeals Officer,  
17<sup>th</sup> April 2018



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First Floor,  
Hawkins House,  
Hawkins Street,  
Dublin 2.  
D02 VW90

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Teach Haicin,  
Sráid Haicin,  
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**Determination of an Appeal on behalf of**  
**[REDACTED] AP0331**

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 16<sup>th</sup> March, 2018 from [REDACTED] in respect of her son [REDACTED]. This appeal was against the failure of the HSE to complete the assessment within the legislative timeframe and against the non-implementation by the HSE of a recommendation of a Complaints Officer.

The Complaints Officer's Report dated 7<sup>th</sup> February 2018 recommended that [REDACTED] ASD assessment is completed no later than 14<sup>th</sup> March 2018. [REDACTED] Final Assessment Report should be issued to the Case Manager for preparation of his Service Statement no later than the 21<sup>st</sup> March 2018. Should there be an entitlement to a Service Statement this should be issued in conjunction with his final assessment report no later than the 21<sup>st</sup> April 2018.

Information furnished to my office by the HSE's Assessment Officer by email dated 6<sup>th</sup> April 2018 stated that an assessment was requested for [REDACTED] from the Cope Foundation on 24<sup>th</sup> November 2016. [REDACTED] is still awaiting his ASD assessment.

The timeline for completion of [REDACTED] ASD Assessment is outside of the timeline recommended by the Complaint's Officer and I, accordingly, uphold this appeal. [REDACTED] Final Assessment Report and Service Statement need to be completed and issued without further delays.

A handwritten signature in black ink, appearing to read 'John Harraghy'.

John Harraghy  
Disability Appeals Officer,  
17<sup>th</sup> April 2018





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First Floor,  
Hawkins House,  
Hawkins Street,  
Dublin 2.  
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Teach Haicin,  
Sráid Haicin,  
Baile Átha Cliath 2.  
D02 VW90

Determination of an Appeal on behalf of

Ref: AP0332

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 21<sup>st</sup> March, 2018 from [REDACTED] in respect of her daughter [REDACTED]. This appeal was against the failure of the HSE to complete the assessment without undue delay and against the non-implementation by the HSE of a recommendation of a Complaints Officer.

The Complaints Officer's Report dated 9<sup>th</sup> February 2018 recommended that [REDACTED] ASD assessment is completed no later than 16<sup>th</sup> March 2018. [REDACTED] Final Assessment Report should be issued to the Case Manager for preparation of her Service Statement no later than the 23<sup>rd</sup> March 2018. Should there be an entitlement to a Service Statement this should be issued in conjunction with her final assessment report no later than the 23<sup>rd</sup> April, 2018.

Information furnished to my office by the HSE's Assessment Officer by email dated 3<sup>rd</sup> April, 2018 stated that [REDACTED] is still waiting for her ASD assessment.

The timeline for completion of [REDACTED] ASD Assessment is outside of the timeline recommended by the Complaint's Officer and I, accordingly, uphold this appeal. [REDACTED] Final Assessment Report and Service Statement need to be completed and issued without further delays.

A handwritten signature in black ink, appearing to read 'John Harraghy', is written over a horizontal line.

John Harraghy  
Disability Appeals Officer,  
20<sup>th</sup> April 2018

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Office of the Disability Appeals Officer  
Block 1,  
Miesian Plaza,  
50-58 Lower Baggot Street,  
Dublin 2,  
D02 XW14.

Oifig an Oifigigh Achomhairc um Míchumas  
Bloc 1,  
Plaza Míseach,  
50-58 Sráid Bhagóid Íochtarach,  
Baile Átha Cliath 2,  
D02 XW14.

## **Determination of an Appeal on behalf of:**

**Ref: AP0333**

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 3<sup>rd</sup> April 2018 from [REDACTED] in respect of her son [REDACTED]. This appeal was against the failure of the HSE to complete the assessment without undue delay and against the non-implementation by the HSE of a recommendation of a Complaints Officer.

Section 18 (3) of the Disability Act requires an appeal to be submitted within six weeks of the date of the finding of the HSE's Disability Complaints Officer. In this case the Complaint Officer's Report was dated 14<sup>th</sup> February 2018 and the appeal was received in this office on 3<sup>rd</sup> April 2018. This was outside the six week statutory timeframe for receipt of appeal applications. However, under Section 18 (4) of the Disability Act 2005 I may extend this six week period by a further twelve weeks if I am satisfied that there is reasonable cause for the extension. I accepted [REDACTED] request for an extension in her letter to this office received on 18<sup>th</sup> June, 2018.

The Complaints Officer's Report dated 14<sup>th</sup> February 2018 recommended that [REDACTED] ASD assessment is completed no later than 21<sup>st</sup> March 2018. [REDACTED] Final Assessment Report should be issued to the Case Manager for preparation of his Service Statement no later than the 28<sup>th</sup> March 2018. Should there be an entitlement to a Service Statement this should be issued in conjunction with his/her final assessment report no later than the 28<sup>th</sup> April 2018.

Information furnished to my office by the HSE's Disability Services by email dated 14<sup>th</sup> September 2018 stated that [REDACTED] is now "number 2 on the Priority 1 waiting list with regional ASD".

While this update is helpful, the timeline for completion of [REDACTED] ASD Assessment is outside of the timeline recommended by the Complaint's Officer and I, accordingly, uphold this appeal. [REDACTED] Final Assessment Report and Service Statement need to be completed and issued without further delays.



John Harraghy,  
Disability Appeals Officer,  
2<sup>nd</sup> October, 2018

Lo Call: 1850 211 583  
Email: [appeal@odao.ie](mailto:appeal@odao.ie)



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First Floor,  
Hawkins House,  
Hawkins Street,  
Dublin 2.  
D02 VW90

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Teach Haicin,  
Sráid Haicin,  
Baile Átha Cliath 2.  
D02 VW90

**Determination of an Appeal on behalf of**

**Ref: AP0334**

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 3<sup>rd</sup> April 2018 from [REDACTED] in respect of her son [REDACTED]. This appeal was against the non-implementation by the HSE of a recommendation of a Complaints Officer within the specified timeframe.


Section 18 (3) of the Disability Act requires an appeal to be submitted within six weeks of the date of the finding of the HSE's Disability Complaints Officer. In this case the Complaint Officer's Report was dated 20<sup>th</sup> February 2018 and was deemed to be a valid appeal.

The Complaints Officer's Report dated 20<sup>th</sup> February 2018 recommended that [REDACTED] ASD Assessment is completed no later than 27<sup>th</sup> March and that the Final Assessment Report is issued no later than 3<sup>rd</sup> April 2018. [REDACTED] Service Statement should he be entitled to this should be issued in conjunction with his final assessment report no later than 3<sup>rd</sup> May 2018.

Information furnished to my office by the HSE Disability Services, Assessment of Need Office, Cork on 25<sup>th</sup> April 2018 stated that [REDACTED] ASD assessment with Marian House remains outstanding and it is estimated that *"he will be seen in the next three months."*

This timeline is in breach of the timeline set by the Complaint's Officer for the issue of the ASD Assessment and I, accordingly, uphold this appeal.

The HSE has a statutory obligation under the Disability Act 2005 to ensure that the Assessment of Need process, including the provision of a Service Statement, is completed within the specified timelines. It is the HSE's responsibility to make the necessary arrangements to comply with this. If the HSE Disability Services, Cork does not have the capacity to complete the assessment, then alternative arrangements must be made.

  
John Harraghy,  
Disability Appeals Officer,  
1<sup>st</sup> May 2018.

Lo Call 1850-211583



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First Floor,  
Hawkins House,  
Hawkins Street,  
Dublin 2.  
D02 VW90

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D02 VW90

**Determination of an Appeal on behalf of:**

**Ref: AP0335**

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 6<sup>th</sup> April 2018 from [REDACTED] in respect of her son [REDACTED]. This appeal was against the failure of the HSE to complete the assessment without undue delay and against the non-implementation by the HSE of a recommendation of a Complaints Officer.

Section 18 (3) of the Disability Act requires an appeal to be submitted within six weeks of the date of the finding of the HSE's Disability Complaints Officer. In this case the Complaint Officer's Report was dated 16<sup>th</sup> February 2018 and the appeal was received in this office on 6<sup>th</sup> April 2018. This was outside the six week statutory timeframe for receipt of appeal applications. However, under Section 18 (4) of the Disability Act 2005 I may extend this six week period by a further twelve weeks if I am satisfied that there is reasonable cause for the extension. I accepted [REDACTED] request for an extension in her letter to this office received on 19<sup>th</sup> April, 2018.

The Complaints Officer's Report dated 16<sup>th</sup> February 2018 recommended that [REDACTED] ASD Assessment is completed no later than 23<sup>rd</sup> March 2018. [REDACTED] Final Assessment Report should be issued to the Case Manager for preparation of his Service Statement no later than the 30<sup>th</sup> March. Should there be an entitlement to a Service Statement this should be issued in conjunction with his final assessment report no later than the 30<sup>th</sup> April 2018.

Information furnished to my office by the HSE's Assessment Officer by email dated 3<sup>rd</sup> May 2018 stated that [REDACTED] was referred to the Brothers of Charity Autism Services, Marian House, for an ASD assessment on 14<sup>th</sup> March 2018. Further information received on 8<sup>th</sup> May 2018 indicates that the current estimated waiting time is three months. In that context [REDACTED] is still waiting for this assessment and no date for the assessment has been communicated to the assessment officer.

The timeline for completion of [REDACTED] ASD Assessment is outside of the timeline recommended by the Complaint's Officer and I, accordingly, uphold this appeal. [REDACTED] Final Assessment Report and Service Statement need to be completed and issued without further delays.

Lo Call 1850-211583





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It is the HSE's responsibility to make the necessary arrangements to comply with this. If the HSE Disability Services does not have the capacity to complete the assessment, then alternative arrangements must be made.

A handwritten signature in black ink, appearing to read 'John Harraghy', is written over a horizontal line.

John Harraghy,  
Disability Appeals Officer,  
18<sup>th</sup> May, 2018.



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First Floor,  
Hawkins House,  
Hawkins Street,  
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**Determination of an Appeal on Behalf of:**

**Ref: AP0336**

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 6<sup>th</sup> April 2018 from [REDACTED] in respect of her son [REDACTED]. This appeal was against the non-implementation by the HSE of a recommendation of a Complaints Officer within the specified timeframe.

Section 18 (3) of the Disability Act requires an appeal to be submitted within six weeks of the date of the finding of the HSE's Disability Complaints Officer. In this case the Complaint Officer's Report was dated 26<sup>th</sup> February 2018 and was deemed to be a valid appeal.

The Complaints Officer's Report dated 26<sup>th</sup> February 2018 recommended that [REDACTED] Assessment is completed no later than 2<sup>nd</sup> April 2018 and that the Final Assessment Report is issued no later than 9<sup>th</sup> April 2018. [REDACTED] Service Statement should be issued in conjunction with his final assessment report no later than 9<sup>th</sup> May 2018.

Information furnished to my office by the HSE Disability Services in Mallow Primary Healthcare Centre on 7<sup>th</sup> June 2018 confirms that [REDACTED] assessment remains outstanding. In that context I am informed that the waiting time is currently two years from the date of the original request for an ASD assessment with the North Lee ASD Service. It was indicated that [REDACTED] may be seen for assessment in July 2018.

This timeline is now significantly in breach of the timeline set by the Complaint's Officer for the issue of the ASD Assessment and I, accordingly, uphold this appeal.

The HSE has a statutory obligation under the Disability Act 2005 to ensure that the Assessment of Need process, including the provision of a Service Statement, is completed within the specified timelines. It is the HSE's responsibility to make the necessary arrangements to comply with this.

Lo Call 1850-211583



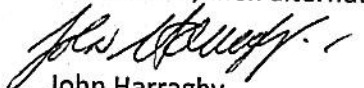
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If the HSE Disability Services, Cork, does not have the capacity to complete the assessment, then alternative arrangements must be made.

  
John Harraghy,  
Disability Appeals Officer,  
12<sup>th</sup> June 2018.



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**Determination of an Appeal on behalf of:**

**Ref: AP0337**

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 6<sup>th</sup> April 2018 from [REDACTED] in respect of her son [REDACTED].

This appeal was against the failure of the HSE to complete the assessment without undue delay and against the non-implementation by the HSE of a recommendation of a Complaints Officer.

Section 18 (3) of the Disability Act requires an appeal to be submitted within six weeks of the date of the finding of the HSE's Disability Complaints Officer. In this case the Complaint Officer's Report was dated 7<sup>th</sup> February 2018 and the appeal was received in this office on 6<sup>th</sup> April 2018. This was outside the six week statutory timeframe for receipt of appeal applications. However, under Section 18 (4) of the Disability Act 2005 I may extend this six week period by a further twelve weeks if I am satisfied that there is reasonable cause for the extension. I accepted [REDACTED] request for an extension in her e-mail to this office received on 1<sup>st</sup> May 2018.

The Complaints Officer's Report dated 7<sup>th</sup> February 2018 recommended that [REDACTED] ASD assessment is completed no later than 14<sup>th</sup> March 2018. [REDACTED] Final Assessment Report should be issued to the Case Manager for preparation of his Service Statement no later than the 21<sup>st</sup> March 2018. Should there be an entitlement to a Service Statement this should be issued in conjunction with his final assessment report no later than the 21<sup>st</sup> April 2018.

Information furnished to my office by the HSE's Assessment Officer by email dated 14<sup>th</sup> June 2018 stated that [REDACTED] was referred for an ASD assessment in February 2017. [REDACTED] is still waiting for this assessment and I am now informed that he is number 19 on the waiting list and I understand that this means he will most likely be seen in 8 to 10 weeks.

The timeline for completion of [REDACTED] Assessment is outside of the timeline recommended by the Complaint's Officer and I, accordingly, uphold this appeal.





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Oliver's Final Assessment Report and Service Statement need to be completed and issued without further delays. It is the HSE's responsibility to make the necessary arrangements to comply with this.

  
John Harraghy,  
Disability Appeals Officer,  
15<sup>th</sup> June 2018.

Lo Call 1850-211583



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**Determination of an Appeal on Behalf of:**

**Ref: AP0338**

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 12th April 2018 from [REDACTED] in respect of their son [REDACTED]. This appeal was against the non-implementation by the HSE of a recommendation of a Complaints Officer within the specified timeframe.

Section 18 (3) of the Disability Act requires an appeal to be submitted within six weeks of the date of the finding of the HSE's Disability Complaints Officer. In this case the Complaint Officer's Report was dated 20<sup>th</sup> March 2018 and was deemed to be a valid appeal.

The Complaints Officer's Report dated 20<sup>th</sup> March 2018 recommended that [REDACTED] Final Assessment Report is completed no later than 10<sup>th</sup> April 2018. [REDACTED] Service Statement should be issued in conjunction with his final assessment report no later than 10<sup>th</sup> May 2018.

Information furnished to my office by the HSE Disability Services in Community Services Building, Cherry Orchard Hospital on 20<sup>th</sup> June 2018 confirms that the MDT report was received on 5<sup>th</sup> June 2018 and that the final AON report was completed on 12<sup>th</sup> June 2018. A response is awaited from the Early Intervention team before a service statement is issued.

While this update is welcome the timeline was in breach of the timeline set by the Complaint's Officer for the issue of the ASD Assessment and I, accordingly, uphold this appeal.

The HSE has a statutory obligation under the Disability Act 2005 to ensure that the Assessment of Need process, including the provision of a Service Statement, is completed within the specified timelines.

Lo Call 1850-211583



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It is the HSE's responsibility to make the necessary arrangements to comply with this

A handwritten signature in black ink, appearing to read 'John Harraghy', is written over a light grey, curved background element.

John Harraghy,  
Disability Appeals Officer,  
29<sup>th</sup> June 2018.



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**Determination of an Appeal on behalf of:**

**Ref: AP0339**

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 13<sup>th</sup> April 2018 from [REDACTED], in respect of her daughter [REDACTED]. This appeal was against the failure of the HSE to complete the assessment without undue delay and against the non-implementation by the HSE of a recommendation of a Complaints Officer.

Section 18 (3) of the Disability Act requires an appeal to be submitted within six weeks of the date of the finding of the HSE's Disability Complaints Officer. In this case the Complaint Officer's Report was dated 6<sup>th</sup> February 2018 and the appeal was received in this office on 13<sup>th</sup> April 2018. This was outside the six week statutory timeframe for receipt of appeal applications. However, under Section 18 (4) of the Disability Act 2005 I may extend this six week period by a further twelve weeks if I am satisfied that there is reasonable cause for the extension. I accepted [REDACTED] request for an extension in her letter to this office received on 8<sup>th</sup> May, 2018.

The Complaints Officer's Report dated 6<sup>th</sup> February 2018 recommended that [REDACTED] OT assessment is completed no later than 13<sup>th</sup> March 2018. [REDACTED] Final Assessment Report should be issued to the Case Manager for preparation of her Service Statement no later than the 20<sup>th</sup> March 2018. Should there be an entitlement to a Service Statement this should be issued in conjunction with her final assessment report no later than the 20<sup>th</sup> April 2018.

Information furnished to my office by the HSE's Assessment Officer by email dated 22<sup>nd</sup> May 2018 stated that [REDACTED] assessment was completed and that the outcome will be communicated to her parents.

The timeline for completion of [REDACTED] Assessment was outside of the timeline recommended by the Complaint's Officer and I, accordingly, uphold this appeal.

  
John Harraghy,  
Disability Appeals Officer,  
29<sup>th</sup> May, 2018.

Lo Call 1850-211583



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**Determination of an Appeal on behalf of:**

**Ref: AP0340**

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 24<sup>th</sup> April 2018 from [REDACTED] in respect of her son [REDACTED]

This appeal was against the failure of the HSE to complete the assessment without undue delay and against the non-implementation by the HSE of a recommendation of a Complaints Officer.

Section 18 (3) of the Disability Act requires an appeal to be submitted within six weeks of the date of the finding of the HSE's Disability Complaints Officer. In this case the Complaint Officer's Report was dated 1<sup>st</sup> May 2018 and the appeal was received in this office on 24<sup>th</sup> April 2018. This was outside the six week statutory timeframe for receipt of appeal applications. However, under Section 18 (4) of the Disability Act 2005 I may extend this six week period by a further twelve weeks if I am satisfied that there is reasonable cause for the extension. I accepted [REDACTED] request for an extension in her letter to this office received on 21<sup>st</sup> May 2018.

The Complaints Officer's Report dated 2<sup>nd</sup> May 2018 recommended that [REDACTED] ASD assessments are completed no later than 25<sup>th</sup> April 2018. [REDACTED] Final Assessment Report should be issued to the Case Manager for preparation of his Service Statement no later than the 2<sup>nd</sup> May 2018. Should there be an entitlement to a Service Statement this should be issued in conjunction with his final assessment report no later than the 2<sup>nd</sup> June 2018.

Information furnished to my office by the HSE's Assessment Officer by email dated 12th June 2018 stated that [REDACTED] was referred for an ASD assessment on 20<sup>th</sup> June 2017. [REDACTED] is still waiting for this assessment and I am informed that due to the volume of applications [REDACTED] will not be assessed for a further 12 months. A further update (13<sup>th</sup> June 2018) indicated that [REDACTED] is number 32 on the waiting list and in that context it is estimated that it will be January 2019 before he is seen.

The timeline for completion of [REDACTED] ASD Assessment is outside of the timeline recommended by the Complaint's Officer and I, accordingly, uphold this appeal. Pursuant to the provisions of the Disability Act 2005 I determine that this assessment should be commenced no later than three months from the date of this determination. [REDACTED] Final Assessment Report and Service Statement need to be completed and issued without further delays.

Lo Call 1850-211583





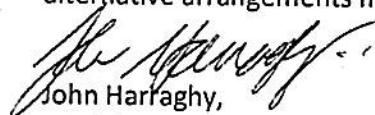
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It is the HSE's responsibility to make the necessary arrangements to comply with this. If the HSE Disability Services in HSE South does not have the capacity to complete the assessment, then alternative arrangements must be made.

  
John Harraghy,  
Disability Appeals Officer,  
15<sup>th</sup> June 2018.

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Office of the Disability Appeals Officer  
Block 1,  
Miesian Plaza,  
50-58 Lower Baggot Street,  
Dublin 2,  
D02 XW14.

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Bloc 1,  
Plaza Míseach,  
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Baile Átha Cliath 2,  
D02 XW14.

## Determination of an Appeal on Behalf of: [REDACTED] **Ref: AP0341**

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 27<sup>th</sup> April 2018 from [REDACTED] in respect of her daughter [REDACTED]. This appeal was against the non-implementation by the HSE of a recommendation of a Complaints Officer within the specified timeframe.

Section 18 (3) of the Disability Act requires an appeal to be submitted within six weeks of the date of the finding of the HSE's Disability Complaints Officer. In this case the Complaints Officer's Report was dated 11<sup>th</sup> April 2018 and was deemed to be a valid appeal.

The Complaints Officer's Report dated 11<sup>th</sup> April 2018 recommended that [REDACTED] Final Assessment Report is issued to the Case Manager for preparation of her Service Statement no later than 2<sup>nd</sup> May 2018. [REDACTED] service statement should be issued in conjunction with her final assessment report no later than 2<sup>nd</sup> June 2018.

Information furnished to my office by the HSE Disability Services in Cork Kerry Community Healthcare on 14<sup>th</sup> September 2018 confirms that [REDACTED] Assessment of Need report was issued on 5<sup>th</sup> May 2018. The HSE Disability Services have also confirmed that [REDACTED] has no disability and her case is now closed with the Assessment of Need Office.

In view of the update received this appeal is now deemed closed as a determination is not required.



John Harraghy,  
Disability Appeals Officer,  
2<sup>nd</sup> October 2018.



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Hawkins House,  
Hawkins Street,  
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**Determination of an Appeal on Behalf of:**

**Ref: AP0343**

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 1<sup>st</sup> May 2018 from [REDACTED] in respect of her son [REDACTED]

[REDACTED] This appeal was against the non-implementation by the HSE of a recommendation of a Complaints Officer within the specified timeframe.

Section 18 (3) of the Disability Act requires an appeal to be submitted within six weeks of the date of the finding of the HSE's Disability Complaints Officer. In this case the Complaint Officer's Report was dated 22<sup>nd</sup> March 2018 and was deemed to be a valid appeal.

The Complaints Officer's Report dated 22<sup>nd</sup> March 2018 recommended that [REDACTED] ASD Assessment is completed no later than 26<sup>th</sup> April 2018 and that the Final Assessment Report is issued no later than 3<sup>rd</sup> May 2018. [REDACTED] Service Statement should be issued in conjunction with his final assessment report no later than 3<sup>rd</sup> June 2018.

Information furnished to my office by the HSE Disability Services from Mallow Primary Healthcare Centre on 31<sup>st</sup> May 2018 confirms that [REDACTED] ASD assessment remains outstanding. North Lee ASD services have advised that [REDACTED] will be seen for assessment in July 2018.

While this update is welcome, this timeline is still in breach of the timeline set by the Complaint's Officer for the issue of the ASD Assessment and I, accordingly, uphold this appeal.

The HSE has a statutory obligation under the Disability Act 2005 to ensure that the Assessment of Need process, including the provision of a Service Statement, is completed within the specified timelines. It is the HSE's responsibility to make the necessary arrangements to comply with this.

A handwritten signature in black ink, appearing to read 'John Harraghy', is written over a horizontal line.

John Harraghy,  
Disability Appeals Officer,  
12<sup>th</sup> June 2018.

Lo Call 1850-211583



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Hawkins Street,  
Dublin 2.  
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D02 VW90

**Determination of an Appeal on behalf of:**

**Ref: AP0344**

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 1st May 2018 from [REDACTED] in respect of his daughter [REDACTED]. This appeal was against the failure of the HSE to complete the assessment without undue delay and against the non-implementation by the HSE of a recommendation of a Complaints Officer.

Section 18 (3) of the Disability Act requires an appeal to be submitted within six weeks of the date of the finding of the HSE's Disability Complaints Officer. In this case the Complaint Officer's Report was dated 9th February 2018 and the appeal was received in this office on 1st May 2018. This was outside the six week statutory timeframe for receipt of appeal applications. However, under Section 18 (4) of the Disability Act 2005 I may extend this six week period by a further twelve weeks if I am satisfied that there is reasonable cause for the extension. I accepted [REDACTED] request for an extension in his letter to this office received on 21st May, 2018.

The Complaints Officer's Report dated 9th February 2018 recommended that [REDACTED] ASD assessment is completed no later than 16th March 2018. [REDACTED] Final Assessment Report should be issued to the Case Manager for preparation of her Service Statement no later than the 23rd March 2018. Should there be an entitlement to a Service Statement this should be issued in conjunction with her final assessment report no later than 23rd April 2018.

Information furnished to my office by the HSE Disability Services, HSE South, by email dated 25th June 2018 stated that [REDACTED] is number 175 on the waiting list for services in Marian House. Therefore, [REDACTED] is still waiting for her assessment.

The timeline for completion of [REDACTED] ASD Assessment is outside of the timeline recommended by the Complaint's Officer and I, accordingly, uphold this appeal. [REDACTED] Final Assessment Report and Service Statement need to be completed and issued without further delays.

John Harraghy,  
Disability Appeals Officer,  
29th June, 2018

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Block 1,  
Miesian Plaza,  
50-58 Lower Baggot Street,  
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Bloc 1,  
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50-58 Sráid Bhagóid Íochtarach,  
Baile Átha Cliath 2,  
D02 XW14.

## Determination of an Appeal on Behalf of: [REDACTED] Ref: AP0345

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 1<sup>st</sup> May 2018 from [REDACTED]. In respect of her son [REDACTED] This appeal was against the non-implementation by the HSE of a recommendation of a Complaints Officer within the specified timeframe.


Section 18 (3) of the Disability Act requires an appeal to be submitted within six weeks of the date of the finding of the HSE's Disability Complaints Officer. In this case the Complaints Officer's Report was dated 26<sup>th</sup> April 2018 and was deemed to be a valid appeal.

The Complaints Officer's Report dated 26<sup>th</sup> April 2018 recommended that [REDACTED] ASD Assessment is completed no later than 21<sup>st</sup> May 2018 and that the Final Assessment Report is issued no later than 7<sup>th</sup> June 2018. [REDACTED] Service Statement should be issued in conjunction with his final assessment report no later than 7<sup>th</sup> July 2018.

Information furnished to my office by the HSE Disability Services In Cork Kerry Community Healthcare on 14<sup>th</sup> September 2018 confirms that [REDACTED] ASD assessment remains outstanding. The HSE Disability Services have also confirmed that it is anticipated that [REDACTED] would be seen for assessment in May 2019.

This timeline is now significantly in breach of the timeline set by the Complaint's Officer for the issue of the ASD Assessment and I, accordingly, uphold this appeal.

The HSE has a statutory obligation under the Disability Act 2005 to ensure that the Assessment of Need process, including the provision of a Service Statement, is completed within the specified timelines. It is the HSE's responsibility to make the necessary arrangements to comply with this. If the HSE Disability Services, Cork, does not have the capacity to complete the assessment, then alternative arrangements must be made.



John Harraghy,  
Disability Appeals Officer,  
2<sup>nd</sup> October 2018.





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First Floor,  
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Hawkins Street,  
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**Determination of an Appeal on Behalf of:**

**Ref: AP0346**

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 1<sup>st</sup> May 2018 from [REDACTED] in respect of her son [REDACTED]. This appeal was against the non-implementation by the HSE of a recommendation of a Complaints Officer within the specified timeframe.

Section 18 (3) of the Disability Act requires an appeal to be submitted within six weeks of the date of the finding of the HSE's Disability Complaints Officer. In this case the Complaint Officer's Report was dated 20<sup>th</sup> March 2018 and was deemed to be a valid appeal.

The Complaints Officer's Report dated 20<sup>th</sup> March 2018 recommended that [REDACTED] ASD Assessment is completed no later than 24<sup>th</sup> April 2018 and that the Final Assessment Report is issued no later than 1<sup>st</sup> May 2018. [REDACTED] Service Statement should be issued in conjunction with his final assessment report no later than 1<sup>st</sup> June 2018.

Information furnished to my office by the HSE Disability Services in HSE North, Cork on 14<sup>th</sup> June 2018 confirms that [REDACTED] ASD assessment remains outstanding. However, it was also confirmed that Fareed is now number 26 on the waiting list. The implication of this is [REDACTED] will now be seen in the next 8 to 10 weeks.

This timeline is now significantly in breach of the timeline set by the Complaint's Officer for the issue of the ASD Assessment and I, accordingly, uphold this appeal.

The HSE has a statutory obligation under the Disability Act 2005 to ensure that the Assessment of Need process, including the provision of a Service Statement, is completed within the specified timelines.

Lo Call 1850-211583



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It is the HSE's responsibility to make the necessary arrangements to comply with this. If the HSE Disability Services, Cork, does not have the capacity to complete the assessment, then alternative arrangements must be made.

A handwritten signature in black ink, appearing to read 'John Harraghy', is written over a horizontal line.

John Harraghy,  
Disability Appeals Officer,  
15<sup>th</sup> June 2018.



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**Determination of an Appeal on Behalf of:**

**Ref: AP0348**

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 4<sup>th</sup> May 2018 from [REDACTED] in respect of her son [REDACTED]. This appeal was against the non-implementation by the HSE of a recommendation of a Complaints Officer within the specified timeframe.

Section 18 (3) of the Disability Act requires an appeal to be submitted within six weeks of the date of the finding of the HSE's Disability Complaints Officer. In this case the Complaint Officer's Report was dated 6<sup>th</sup> March 2018 and was deemed to be a valid appeal.

The Complaints Officer's Report dated 6<sup>th</sup> March 2018 recommended that [REDACTED] ASD Assessment is completed no later than 30<sup>th</sup> April 2018 and that the Final Assessment Report is issued no later than 7<sup>th</sup> May 2018. [REDACTED] Service Statement should be issued in conjunction with his final assessment report no later than 7<sup>th</sup> June 2018.

Information furnished to my office by the HSE Disability Services in HSE South on 14<sup>th</sup> June 2018 confirms that [REDACTED] ASD assessment remains outstanding.

This timeline is now in breach of the timeline set by the Complaint's Officer for the issue of the ASD Assessment and I, accordingly, uphold this appeal.

The HSE has a statutory obligation under the Disability Act 2005 to ensure that the Assessment of Need process, including the provision of a Service Statement, is completed within the specified timelines. It is the HSE's responsibility to make the necessary arrangements to comply with this. If the HSE Disability Services, Cork, does not have the capacity to complete the assessment, then alternative arrangements must be made.

John Harraghy,  
Disability Appeals Officer,  
15<sup>th</sup> June 2018.

Lo Call 1850-211583