

# 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 Íochtarach,  
Baile Átha Cliath 2,  
D02 XW14.

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

**Ref: APO400. D.O.B. 7th July 2016**

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 2nd October 2018, in respect of [REDACTED] daughter of [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 August 2018 and was deemed to be a valid appeal.

The Complaints Officer's Report dated 31st August 2018 recommended that [REDACTED] Assessment is completed without delay and that the Final Assessment Report is issued to the Case Manager for preparation of the Service Statement no later than 3 months from the Complaint's Officer report date. [REDACTED] Service Statement should be issued in conjunction with the final assessment report no later than one month after that.

Information furnished to my office by the HSE Disability Services in South East Community Healthcare on 7th May 2019 confirms that [REDACTED] had a speech and language therapy assessment appointment will be rescheduled by agreement. An occupational therapy appointment is scheduled for [REDACTED] for 17th May 2019.

While the update from the HSE is welcome, this timeline significantly breaches the timeline set by the Complaint's Officer for the issue of the completion of the 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, South East Community Healthcare, does not have the capacity to complete the assessment, then alternative arrangements must be made in a more timely manner to ensure that their statutory obligations are met.

  
John Harraghy,  
Disability Appeals Officer,  
15 May 2019

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

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Baile Átha Cliath 2,  
D02 XW14.

## **Determination of an Appeal on Behalf of:** **Ref: AP0401**

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 5<sup>th</sup> October 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 24<sup>th</sup> September 2018 and was deemed to be a valid appeal.

The Complaints Officer's Report dated 24<sup>th</sup> September 2018 recommended that [REDACTED] ASD Assessment is completed no later than 29<sup>th</sup> October 2018 and that the Final Assessment Report is issued no later than 5<sup>th</sup> November 2018. [REDACTED] Service Statement should be issued in conjunction with his final assessment report no later than 5<sup>th</sup> December 2018.

Information furnished to my office by the HSE Disability Services in Cork Kerry Community Healthcare on 19<sup>th</sup> November 2018 confirms that [REDACTED] ASD assessment remains outstanding. The HSE Disability Services have also confirmed that, a decision was made to prioritise Appeals waiting for an ASD assessment and a HSE funded private assessment will be offered early in 2019.

While this development is helpful, the 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,  
30<sup>th</sup> November 2018.

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

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Baile Átha Cliath 2,  
D02 XW14.

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

**Ref: AP0402**

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 9<sup>th</sup> October 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.

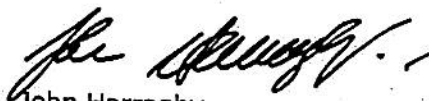
Section 18 (3) of the Disability Act requires an appeal to be submitted within six weeks of the date of the finding of the HSE's Disability Complaints Officer. In this case the Complaints Officer's Report was dated 7<sup>th</sup> September 2018 and was deemed to be a valid appeal.

The Complaints Officer's Report dated 7<sup>th</sup> September 2018 recommended that [REDACTED] ASD Assessment is completed no later than 14<sup>th</sup> October 2018 and that the Final Assessment Report is issued no later than 21<sup>st</sup> October 2018. [REDACTED] Service Statement should be issued in conjunction with his final assessment report no later than 21<sup>st</sup> November 2018.

Information furnished to my office by the HSE Disability Services in Cork Kerry Community Healthcare on 22<sup>nd</sup> October 2018 confirms that [REDACTED] ASD assessment remains outstanding. The HSE Disability Services have also confirmed that [REDACTED] number 216 on the wait list for Marian House ASD Services. It was not indicated what timeframe is currently envisaged.

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> November 2018.

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



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Baile Átha Cliath 2,  
D02 XW14.

## Determination of an Appeal on Behalf of: [REDACTED] **Ref: AP0403**

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 11<sup>th</sup> October 2018 from [REDACTED]

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

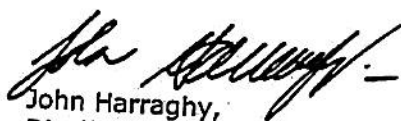
Section 18 (3) of the Disability Act requires an appeal to be submitted within six weeks of the date of the finding of the HSE's Disability Complaints Officer. In this case the Complaints Officer's Report was dated 20<sup>th</sup> September 2018 and was deemed to be a valid appeal.

The Complaints Officer's Report dated 20<sup>th</sup> September 2018 recommended that [REDACTED] ASD Assessment is completed no later than 27<sup>th</sup> October 2018 and that the Final Assessment Report is issued no later than 4<sup>th</sup> November 2018. [REDACTED] Service Statement should be issued in conjunction with his final assessment report no later than 4<sup>th</sup> December 2018.

Information furnished to my office by the HSE Disability Services in Cork Kerry Community Healthcare on 19<sup>th</sup> November 2018 confirms that [REDACTED] ASD assessment remains outstanding. The HSE Disability Services have also confirmed that a decision was made to prioritise Appeals waiting for an ASD assessment and a HSE funded private assessment will be offered early in 2019.

While this development is helpful, the timeline is now in breach of the timeline set by the Complaints 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,  
30<sup>th</sup> November 2018.

Lo Call: 1850 211 583  
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D02 XW14.

## **Determination of an Appeal on Behalf of:** **Ref: AP0404**

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 16th October 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 Complaint Officer's Report was dated 14th June 2018 and the appeal was received in this office on 16th October 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 note to this office which accompanied her application.

The Complaints Officer's Report dated 14th June 2018 recommended that [REDACTED] ASD Assessment is completed no later than 20th July 2018 and that the Final Assessment Report is issued no later than 27th July 2018. [REDACTED] Service Statement should be issued in conjunction with her final assessment report no later than 27th August 2018.

Information furnished to my office by the HSE Disability Services in Cork Kerry Community Healthcare on 9th November 2018 confirms that [REDACTED] ASD assessment remains outstanding. The HSE Disability Services have also confirmed that, a decision was made to prioritise Appeals waiting for an ASD assessment and a HSE funded private assessment will be offered by the end of January 2019.

While this development is helpful, the 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,  
30<sup>th</sup> November 2018.

Lo Call: 1850 211 583  
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D02 XW14.

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

**Ref: AP0405**

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 16th October 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.

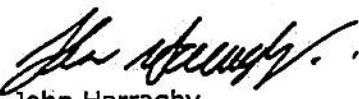
Section 18 (3) of the Disability Act requires an appeal to be submitted within six weeks of the date of the finding of the HSE's Disability Complaints Officer. In this case the Complaints Officer's Report was dated 5<sup>th</sup> September 2018 and was deemed to be a valid appeal.

The Complaints Officer's Report dated 5<sup>th</sup> September 2018 recommended that [REDACTED] ASD Assessment is completed no later than 12<sup>th</sup> October 2018 and that the Final Assessment Report is issued no later than 19<sup>th</sup> October 2018. [REDACTED] Service Statement should be issued in conjunction with her final assessment report no later than 19<sup>th</sup> November 2018.

Information furnished to my office by the HSE Disability Services in Cork Kerry Community Healthcare on 9th November 2018 confirms that [REDACTED] ASD assessment remains outstanding. The HSE Disability Services have also confirmed that, a decision was made to prioritise Appeals waiting for an ASD assessment and a HSE funded private assessment will be offered by the end of January 2019.

While this development is helpful, the timeline is now in breach of the timeline set by the Complaints 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,  
30<sup>th</sup> November 2018.

Lo Call: 1850 211 583  
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D02 XW14.

## **Determination of an Appeal on Behalf of:** **Ref: AP0406**

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 19<sup>th</sup> October 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 10<sup>th</sup> September 2018 and was deemed to be a valid appeal.

The Complaints Officer's Report dated 10<sup>th</sup> September 2018 recommended that [REDACTED] ASD Assessment is completed no later than 17<sup>th</sup> October 2018 and that the Final Assessment Report is issued no later than 24<sup>th</sup> October 2018. [REDACTED] Service Statement should be issued in conjunction with her final assessment report no later than 24<sup>th</sup> November 2018.

Information furnished to my office by the HSE Disability Services in Cork Kerry Community Healthcare on 9th November 2018 confirms that [REDACTED] ASD assessment remains outstanding. The HSE Disability Services have also confirmed that, a decision was made to prioritise Appeals waiting for an ASD assessment and a HSE funded private assessment will be offered by the end of January 2019.

While this development is helpful, the 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,  
30<sup>th</sup> November 2018.

Lo Call: 1850 211 583  
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D02 XW14.

## **Determination of an Appeal on Behalf of:** **Ref: AP0407**

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 19<sup>th</sup> October 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 18<sup>th</sup> June 2018 and the appeal was received in this office on 19<sup>th</sup> October. 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> October, 2018.

The Complaints Officer's Report dated 18<sup>th</sup> June 2018 recommended that [REDACTED] ASD Assessment is completed no later than 23<sup>rd</sup> July 2018 and that the Final Assessment Report is issued no later than 30<sup>th</sup> July 2018. [REDACTED] Service Statement should be issued in conjunction with his final assessment report no later than 30<sup>th</sup> August 2018.

Information furnished to my office by the HSE Disability Services in Cork Kerry Community Healthcare on 09<sup>th</sup> November 2018 confirms that [REDACTED] ASD assessment remains outstanding. The HSE Disability Services have also confirmed that, a decision was made to prioritise Appeals waiting for an ASD assessment and a HSE funded private assessment will be offered by the end of January 2019.

While this development is helpful, the 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,  
30<sup>th</sup> November 2018.

Lo Call: 1850 211 583  
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## **Determination of an Appeal on Behalf of:** **Ref: AP0408**

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 09<sup>th</sup> November 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.

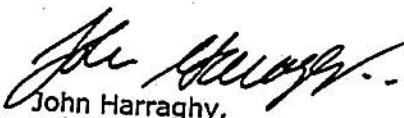
Section 18 (3) of the Disability Act requires an appeal to be submitted within six weeks of the date of the finding of the HSE's Disability Complaints Officer. In this case the Complaints Officer's Report was dated 15<sup>th</sup> October 2018 and was deemed to be a valid appeal.

The Complaints Officer's Report dated 15<sup>th</sup> October 2018 recommended that [REDACTED] ASD Assessment is completed no later than 10<sup>th</sup> October 2018 and that the Final Assessment Report is issued no later than 17<sup>th</sup> October 2018. [REDACTED] Service Statement should be issued in conjunction with his final assessment report no later than 17<sup>th</sup> November 2018.

Information furnished to my office by the HSE Disability Services in Cork Kerry Community Healthcare on 27<sup>th</sup> November 2018 confirms that [REDACTED] ASD assessment remains outstanding. The HSE Disability Services have also confirmed that, a decision was made to prioritise Appeals waiting for an ASD assessment and a HSE funded private ASD assessment will be offered early in 2019.

While this development is helpful, the timeline is now in breach of the timeline set by the Complaints 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,  
11<sup>th</sup> December 2018.

Lo Call: 1850 211 583  
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## Determination of an Appeal on Behalf of: [REDACTED] **Ref: AP0409**

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 5<sup>th</sup> October 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 14<sup>th</sup> September 2018 and was deemed to be a valid appeal.

The Complaints Officer's Report dated 14<sup>th</sup> September 2018 recommended that [REDACTED] ASD Assessment is completed no later than 21<sup>st</sup> October 2018 and that the Final Assessment Report is issued no later than 28<sup>th</sup> October 2018. [REDACTED] Service Statement should be issued in conjunction with his final assessment report no later than 28<sup>th</sup> November 2018.

Information furnished to my office by the HSE Disability Services in Cork Kerry Community Healthcare on 09<sup>th</sup> November 2018 confirms that [REDACTED] ASD assessment remains outstanding. The HSE Disability Services have also confirmed that, a decision was made to prioritise Appeals waiting for an ASD assessment and a HSE funded private assessment will be scheduled before the end of January 2019.

While this development is helpful, the 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.

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

Lo Call: 1850 211 583  
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## **Determination of an Appeal on Behalf of:** **Ref: AP0410**

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 24<sup>th</sup> October 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 12<sup>th</sup> September 2018 and was deemed to be a valid appeal.

The Complaints Officer's Report dated 12<sup>th</sup> September 2018 recommended that [REDACTED] ASD Assessment is completed no later than 17<sup>th</sup> October 2018 and that the Final Assessment Report is issued no later than 24<sup>th</sup> October 2018. [REDACTED] Service Statement should be issued in conjunction with her final assessment report no later than 24<sup>th</sup> November 2018.

Information furnished to my office by the HSE Disability Services in South East Community Healthcare on 30<sup>th</sup> October 2018 confirms that [REDACTED] ASD assessment remains outstanding. The HSE Disability Services have also confirmed that, a decision was made to outsource this assessment and [REDACTED] has agreed dates in December 2018.

While this development is helpful, the timeline is now in breach of the timeline set by the Complaints 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,  
30<sup>th</sup> November 2018.

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## Determination of an Appeal on Behalf of: [REDACTED] Ref: AP0413

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 30<sup>th</sup> October 2018 from [REDACTED] in respect of her [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 24<sup>th</sup> September 2018 and was deemed to be a valid appeal.

The Complaints Officer's Report dated 24<sup>th</sup> September 2018 recommended that [REDACTED] ASD Assessment is completed no later than 29<sup>th</sup> October 2018 and that the Final Assessment Report is issued no later than 05<sup>th</sup> November 2018. [REDACTED] Service Statement should be issued in conjunction with her final assessment report no later than 5<sup>th</sup> December 2018.

Information furnished to my office by the HSE Disability Services in Cork Kerry Community Healthcare on 19<sup>th</sup> November 2018 confirms that [REDACTED] ASD assessment remains outstanding. The HSE Disability Services have also confirmed that, a decision was made to prioritise Appeals waiting for an ASD assessment and a HSE funded private assessment will be offered early in 2019.

While this development is helpful, the 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.



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

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

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D02 XW14.

## **Determination of an Appeal on Behalf of:** **Ref: AP0414**

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

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

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 15<sup>th</sup> October 2018 and was deemed to be a valid appeal.

The Complaints Officer's Report dated 15<sup>th</sup> October 2018 recommended that [REDACTED] assessment process is commenced without delay. The Report also stated that the assessment process should be completed no later than three months from the date of issue of the report and that the Service Statement should be issued no later than one month after the completion of the assessment.

Information furnished to my office by the HSE Disability Services in Kildare/West Wicklow Disability Services on 2<sup>nd</sup> January 2019 confirms that [REDACTED] is waiting for a Psychological Assessment. The HSE Disability Services have also confirmed that [REDACTED] has not been assigned to an assessor and there was no indication of when this would occur.

This timeline for the completion of Anna's is now significantly in breach of the timeline set by the Complaint's Officer for the issue of the Assessment and Service Statement. 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, Kildare/West Wicklow, does not have the capacity to complete the assessment, then alternative arrangements must be made.

  
John Harraghy,  
Disability Appeals Officer,  
15<sup>th</sup> January 2019.

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



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D02 XW14.

## **Determination of an Appeal on Behalf of:** **Ref: AP0415**

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 30<sup>th</sup> October 2018 from [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 15<sup>th</sup> October 2018 and was deemed to be a valid appeal.

The Complaints Officer's Report dated 15<sup>th</sup> October 2018 recommended that [REDACTED] assessment process is commenced without delay. The Report also stated that the assessment process should be completed no later than three months from the date of issue of the report and that the Service Statement should be issued no later than one month after the completion of the assessment.

Information furnished to my office by the HSE Disability Services in Kildare/West Wicklow Disability Services on 2<sup>nd</sup> January 2019 confirms that [REDACTED] is waiting for a Multidisciplinary Team Assessment. The HSE Disability Services have also confirmed that Oliver has not been assigned to an assessor and there was no indication of when this would occur.

This timeline for the completion of [REDACTED] assessment is now significantly in breach of the timeline set by the Complaints Officer for the issue of the Assessment and Service Statement. 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, Kildare/West Wicklow, does not have the capacity to complete the assessment, then alternative arrangements must be made.

  
John Harraghy,  
Disability Appeals Officer,  
15<sup>th</sup> January 2019.

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

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D02 XW14.

## **Determination of an Appeal on Behalf of:** [REDACTED] **Ref: AP0416**

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 29<sup>th</sup> October 2018 from [REDACTED]

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


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 5<sup>th</sup> October 2018 and was deemed to be a valid appeal.

The Complaints Officer's Report dated 5<sup>th</sup> October 2018 recommended that [REDACTED] Assessment is completed without delay and completed no later than three months from the date of the Complaint's Officers report, i.e., 5<sup>th</sup> October 2018. [REDACTED] Service Statement should be issued in conjunction with his final assessment report no later than one month after the completion of his assessment.

Information furnished to my office by the HSE Disability Services in Kildare, West Wicklow on 17<sup>th</sup> January 2019 confirms that [REDACTED] assessment remains outstanding. The HSE Disability Services have not confirmed when it is anticipated that [REDACTED] would be seen for assessment.

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,  
22<sup>nd</sup> January 2019.

Lo Call: 1850 211 583  
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D02 XW14.

## Determination of an Appeal on Behalf of: [REDACTED] Ref: AP0417

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 30<sup>th</sup> October 2018 from [REDACTED] of her [REDACTED]. This appeal was against the non-implementation by the HSE of a recommendation of a Complaints Officer within the specified timeframe.

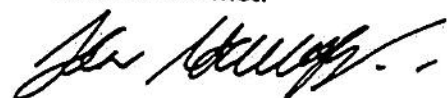
Section 18 (3) of the Disability Act requires an appeal to be submitted within six weeks of the date of the finding of the HSE's Disability Complaints Officer. In this case the Complaints Officer's Report was dated 26th September 2018 and was deemed to be a valid appeal.

The Complaints Officer's Report dated 26th September 2018 recommended that [REDACTED] CAHMS and ASD Assessments are completed no later than 31st October 2018 and that the Final Assessment Report is issued to the Case Manager for preparation of his Service Statement no later than 7th November 2018. [REDACTED] Service Statement should be issued in conjunction with his final assessment report no later than 7th December 2018.

Information furnished to my office by the HSE Disability Services in Cork Kerry Community Healthcare on 21<sup>st</sup> January 2019 confirms that [REDACTED] CAHMS and ASD assessments remain outstanding. The HSE Disability Services have also confirmed that a decision was made to prioritise Appeals waiting for ASD assessment and to offer a HSE funded private assessment via the waitlist initiative. The HSE Disability Services have confirmed that they anticipate that parents should be contacted by the private assessors to offer an appointment within 8 weeks of receipt of this Appeals determination.

While the update from the HSE is welcome, this timeline is now in breach of the timeline set by the Complaint's Officer for the issue of the CAHMS and ASD 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. 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 in a more timely manner to ensure that their statutory obligations are met.



John Harraghy,  
Disability Appeals Officer,  
29<sup>th</sup> January 2019.

Lo Call: 1850 211 583  
Email: [anneal@ndan.ie](mailto:anneal@ndan.ie)



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D02 XW14.

## Determination of an Appeal on Behalf of: [REDACTED] Ref: AP0418

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 30<sup>th</sup> October 2018 from [REDACTED] in respect of her [REDACTED]. This appeal was against the non-implementation by the HSE of a recommendation of a Complaints Officer within the specified timeframe.

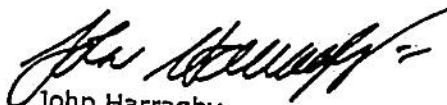
Section 18 (3) of the Disability Act requires an appeal to be submitted within six weeks of the date of the finding of the HSE's Disability Complaints Officer. In this case the Complaints Officer's Report was dated 25<sup>th</sup> September 2018 and was deemed to be a valid appeal.

The Complaints Officer's Report dated 25<sup>th</sup> September 2018 recommended that [REDACTED] ASD Assessment is completed no later than 25<sup>th</sup> October 2018 and that the Final Assessment Report is issued no later than 01<sup>st</sup> November 2018. [REDACTED] Service Statement should be issued in conjunction with his final assessment report no later than 01<sup>st</sup> December 2018.

Information furnished to my office by the HSE Disability Services in Cork Kerry Community Healthcare on 19th November 2018 confirms that [REDACTED] ASD assessment remains outstanding. The HSE Disability Services have also confirmed that, a decision was made to prioritise Appeals waiting for an ASD assessment and a HSE funded private assessment will be offered early in 2019.

While this development is helpful, the 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.



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

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D02 XW14.

## **Determination of an Appeal on Behalf of:** **Ref: AP0420**

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 2<sup>nd</sup> November 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.

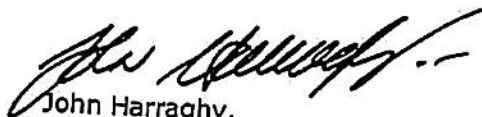
Section 18 (3) of the Disability Act requires an appeal to be submitted within six weeks of the date of the finding of the HSE's Disability Complaints Officer. In this case the Complaints Officer's Report was dated 26<sup>th</sup> September 2018 and was deemed to be a valid appeal.

The Complaints Officer's Report dated 26<sup>th</sup> September 2018 recommended that [REDACTED] ASD Assessment is completed no later than 01<sup>st</sup> November 2018 and that the Final Assessment Report is issued no later than 08<sup>th</sup> November 2018. [REDACTED] Service Statement should be issued in conjunction with his final assessment report no later than 08<sup>th</sup> December 2018.

Information furnished to my office by the HSE Disability Services in Cork Kerry Community Healthcare on 19<sup>th</sup> November 2018 confirms that [REDACTED] ASD assessment remains outstanding. The HSE Disability Services have also confirmed that, a decision was made to prioritise Appeals waiting for an ASD assessment and a HSE funded private assessment will be offered early in 2019.

While this development is helpful, the timeline is now in breach of the timeline set by the Complaints 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,  
30<sup>th</sup> November 2018.

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

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## Determination of an Appeal on Behalf of: [REDACTED] Ref: AP0424

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 09<sup>th</sup> November 2018 from [REDACTED] in respect of her [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 24<sup>th</sup> September 2018 and was deemed to be a valid appeal.

The Complaints Officer's Report dated 24<sup>th</sup> September 2018 recommended that [REDACTED] ASD Assessment is completed no later than 29<sup>th</sup> October 2018 and that the Final Assessment Report is issued no later than 05<sup>th</sup> November 2018. [REDACTED] Service Statement should be issued in conjunction with his final assessment report no later than 05<sup>th</sup> December 2018.

Information furnished to my office by the HSE Disability Services in Cork Kerry Community Healthcare on 19<sup>th</sup> November 2018 confirms that [REDACTED] ASD assessment remains outstanding. The HSE Disability Services have also confirmed that, a decision was made to prioritise Appeals waiting for an ASD assessment and a HSE funded private ASD assessment will be offered early in 2019.

While this development is helpful, the 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.

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

Lo Call: 1850 211 583  
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D02 XW14.

## Determination of an Appeal on Behalf of: [REDACTED] Ref: AP0425

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 09<sup>th</sup> November 2018 from [REDACTED] in respect of her [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 08<sup>th</sup> October 2018 and was deemed to be a valid appeal.

The Complaints Officer's Report dated 08<sup>th</sup> October 2018 recommended that [REDACTED] ASD Assessment is completed no later than 12<sup>th</sup> November 2018 and that the Final Assessment Report is issued no later than 19<sup>th</sup> November 2018. [REDACTED] Service Statement should be issued in conjunction with his final assessment report no later than 19<sup>th</sup> December 2018.

Information furnished to my office by the HSE Disability Services in Cork Kerry Community Healthcare on 19<sup>th</sup> November 2018 confirms that [REDACTED] ASD assessment remains outstanding. The HSE Disability Services have also confirmed that, a decision was made to prioritise Appeals waiting for an ASD assessment and a HSE funded private assessment will be offered early in 2019.

While this development is helpful, the 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.

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

Lo Call: 1850 211 583  
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D02 XW14.

## Determination of an Appeal on Behalf of: [REDACTED] Ref: AP0427

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 08<sup>th</sup> November 2018 from [REDACTED] in respect of [REDACTED]. This appeal was against the non-implementation by the HSE of a recommendation of a Complaints Officer within the specified timeframe.

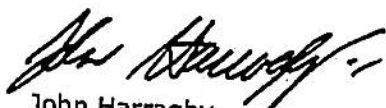
Section 18 (3) of the Disability Act requires an appeal to be submitted within six weeks of the date of the finding of the HSE's Disability Complaints Officer. In this case the Complaints Officer's Report was dated 27<sup>th</sup> September 2018 and was deemed to be a valid appeal.

The Complaints Officer's Report dated 27<sup>th</sup> September 2018 recommended that [REDACTED] ASD Assessment is completed no later than 04<sup>th</sup> November 2018 and that the Final Assessment Report is issued no later than 11<sup>th</sup> November 2018. [REDACTED] Service Statement should be issued in conjunction with his final assessment report no later than 11<sup>th</sup> December 2018.

Information furnished to my office by the HSE Disability Services in Cork Kerry Community Healthcare on 19<sup>th</sup> November 2018 confirms that [REDACTED] ASD assessment remains outstanding. The HSE Disability Services have also confirmed that, a decision was made to prioritise Appeals waiting for an ASD assessment and a HSE funded private assessment will be offered early in 2019.

While this development is helpful, the timeline is now in breach of the timeline set by the Complaints 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,  
30<sup>th</sup> November 2018.

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D02 XW14.

## **Determination of an Appeal on Behalf of:** **Ref: AP0428**

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 9<sup>th</sup> November 2018 from [REDACTED] in respect of her [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 24<sup>th</sup> October 2018 and was deemed to be a valid appeal.


The Complaints Officer's Report dated 24<sup>th</sup> October 2018 recommended that [REDACTED] Assessment process is "commenced without delay". It was also recommended that the assessment process is completed no later than three months from the date of the Complaints Officer's report, i.e., 24<sup>th</sup> October 2018. The Complaints Officer Report also recommended that [REDACTED] Service Statement should be issued in conjunction with his final assessment report no later than one month after the assessment.

Information furnished to my office by the Assessment of Need Office, HSE Disability Services in Chamber House, Tallaght, Dublin 24 on 26<sup>th</sup> February 2019 confirms that [REDACTED] assessment remain outstanding. The Assessment of Need Office have also confirmed that [REDACTED] assessment will be completed by April 2019.

While the update from the HSE is welcome, this timeline is now in breach of the timeline set by the Complaints 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 Assessment of Need Office in Chamber House, Tallaght, Dublin 24, does not have the capacity to complete the assessment, then alternative arrangements must be made in a more timely manner to ensure that their statutory obligations are met.

  
John Harraghy,  
Disability Appeals Officer,  
5<sup>th</sup> March 2019.

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

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D02 XW14.

## Determination of an Appeal on Behalf of: [REDACTED] Ref: AP0429

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 9<sup>th</sup> November 2018 from [REDACTED] in respect of her [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 4<sup>th</sup> October 2018 and was deemed to be a valid appeal.

The Complaints Officer's Report dated 4<sup>th</sup> October 2018 recommended that [REDACTED] assessment process is commenced without delay. The Report also stated that the assessment process should be completed no later than three months from the date of issue of the report and that the Service Statement should be issued no later than one month after the completion of the assessment.

Information furnished to my office by the HSE Disability Services in Kildare/West Wicklow Disability Services on 2<sup>nd</sup> January 2019 confirms that [REDACTED] is waiting for an Occupational Therapy Assessment. The HSE Disability Services have also confirmed that [REDACTED] has not been assigned to an assessor and there was no indication of when this would occur.

This timeline for the completion of [REDACTED] assessment is now significantly in breach of the timeline set by the Complaints Officer for the issue of the Assessment and Service Statement. 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, Kildare/West Wicklow, does not have the capacity to complete the assessment, then alternative arrangements must be made.



John Harraghy,  
Disability Appeals Officer,  
15<sup>th</sup> January 2019.

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

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D02 XW14.

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50-58 Sráid Bhagóid Íochtarach,  
Baile Átha Cliath 2,  
D02 XW14.

## **Determination of an Appeal on Behalf of:** **Ref: AP0430**

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 13<sup>th</sup> November 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 10<sup>th</sup> October 2018 and was deemed to be a valid appeal.

The Complaints Officer's Report dated 10<sup>th</sup> October 2018 recommended that [REDACTED] assessment process is commenced without delay. The Report also stated that the assessment process should be completed no later than three months from the date of issue of the report and that the Service Statement should be issued no later than one month after the completion of the assessment.

Information furnished to my office by the HSE Disability Services in Kildare/West Wicklow Disability Services on 2<sup>nd</sup> January 2019 confirms that [REDACTED] is waiting for a Multidisciplinary Team Assessment. The HSE Disability Services have also confirmed that [REDACTED] has been assigned to a private team for assessment and it is anticipated that this will commence in February/March 2019.

While this is a welcome development the timeline for the completion of [REDACTED] assessment is now significantly in breach of the timeline set by the Complaints Officer for the issue of the Assessment and Service Statement. 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, Kildare/West Wicklow, does not have the capacity to complete the assessment, then alternative arrangements must be made.

  
John Harraghy,  
Disability Appeals Officer,  
15<sup>th</sup> January 2019.

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

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D02 XW14.

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

**Ref: AP0433. D.O.B.**

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 14<sup>th</sup> November 2018 from [REDACTED]. This appeal was against the non-implementation by the HSE of a recommendation of a Complaints Officer within the specified timeframe.

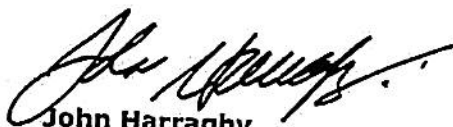
Section 18 (3) of the Disability Act requires an appeal to be submitted within six weeks of the date of the finding of the HSE's Disability Complaints Officer. In this case the Complaints Officer's Report was dated 25<sup>th</sup> October 2018 and was deemed to be a valid appeal.

The Complaints Officer's Report dated 25<sup>th</sup> October 2018 recommended that [REDACTED] Assessment is completed no later than 29<sup>th</sup> November 2018 and that the Final Assessment Report is issued to the Case Manager for preparation of [REDACTED] Service Statement no later than 6<sup>th</sup> December 2018. [REDACTED] Service Statement should be issued in conjunction with his final assessment report no later than 6<sup>th</sup> January 2019.

Information furnished to my office by the HSE Disability Services in Cherry Orchard Community Healthcare on 7<sup>th</sup> June 2019 confirms the following. On 11<sup>th</sup> December 2018 an MDT appointment was arranged with [REDACTED] parents for 14<sup>th</sup> January 2019. This appointment was carried out and an ASD assessment was clinically indicated. On 13<sup>th</sup> February 2019 a diagnostic assessment was carried out and a DASD diagnosis threshold point was met. On 6<sup>th</sup> March 2019 an AON final report was issued and [REDACTED] was assigned to a Liaison Officer.

While the update from the HSE is welcome, this timeline is now in breach of the timeline set by the Complaints 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, Chamber House, does not have the capacity to complete the assessment, then alternative arrangements must be made in a more timely manner to ensure that their statutory obligations are met.



John Harraghy,  
Disability Appeals Officer,  
12 June 2019

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



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D02 XW14.

## **Determination of an Appeal on Behalf of:** **Ref: AP0434**

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 14th November 2018 from [REDACTED] in respect of her [REDACTED]. This appeal was against the non-implementation by the HSE of a recommendation of a Complaints Officer within the specified timeframe.

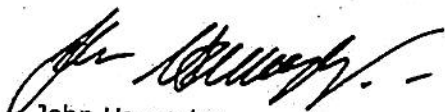
Section 18 (3) of the Disability Act requires an appeal to be submitted within six weeks of the date of the finding of the HSE's Disability Complaints Officer. In this case the Complaints Officer's Report was dated 18<sup>th</sup> October 2018 and was deemed to be a valid appeal.

The Complaints Officer's Report dated 18<sup>th</sup> October 2018 recommended that [REDACTED] ASD Assessment is completed no later than 22<sup>nd</sup> November 2018 and that the Final Assessment Report is issued no later than 29<sup>th</sup> November 2018. [REDACTED] Service Statement should be issued in conjunction with his final assessment report no later than 29<sup>th</sup> December 2018.

Information furnished to my office by the HSE Disability Services in Cork Kerry Community Healthcare on 27<sup>th</sup> November 2018 confirms that [REDACTED] ASD assessment remains outstanding. The HSE Disability Services have also confirmed that, a decision was made to prioritise Appeals waiting for an ASD assessment and a HSE funded private ASD assessment will be offered early in 2019.

While this development is helpful, the timeline is now in breach of the timeline set by the Complaints 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,  
30<sup>th</sup> November 2018.

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D02 XW14.

## **Determination of an Appeal on Behalf of:** [REDACTED] **Ref: AP0436**

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 15<sup>th</sup> November 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 6<sup>th</sup> November 2018 and was deemed to be a valid appeal.

The Complaints Officer's Report dated 6<sup>th</sup> November 2018 recommended that [REDACTED] ASD Assessment is completed no later than 11<sup>th</sup> December 2018 and that the Final Assessment Report is issued no later than 18<sup>th</sup> December 2018. [REDACTED] Service Statement should be issued in conjunction with her final assessment report no later than 18<sup>th</sup> January 2019.

Information furnished to my office by the HSE Disability Services in Cork Kerry Community Healthcare on 2<sup>nd</sup> January 2019 confirms that while [REDACTED] ASD assessment remains outstanding [REDACTED] will be assessed as part of a HSE funded private ASD assessment. The HSE Disability Services have also confirmed that it is anticipated that [REDACTED] would be seen for assessment in early 2019.

While this is a welcome development, this timeline is now in breach of the timeline set by the Complaints 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> January 2018.

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D02 XW14.

## Determination of an Appeal on Behalf of: [REDACTED] Ref: AP0438

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 16<sup>th</sup> November 2018 from [REDACTED]. The appeal was against the non-implementation by the HSE of a recommendation of a Complaints Officer within the specified timeframe.

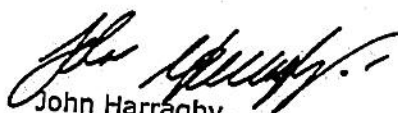
Section 18 (3) of the Disability Act requires an appeal to be submitted within six weeks of the date of the finding of the HSE's Disability Complaints Officer. In this case the Complaints Officer's Report was dated 1<sup>st</sup> November 2018 and was deemed to be a valid appeal.

The Complaints Officer's Report dated 1<sup>st</sup> November 2018 recommended that [REDACTED] assessment process is commenced without delay. The Report also stated that the assessment process should be completed no later than three months from the date of issue of the report and that the Service Statement should be issued no later than one month after the completion of the assessment.

Information furnished to my office by the HSE Disability Services in Kildare/West Wicklow Disability Services on 2<sup>nd</sup> January 2019 confirms that [REDACTED] is waiting for a Psychological Assessment. The HSE Disability Services have also confirmed that [REDACTED] has been assigned to a private team for commencement in February/March 2020.

This timeline for the completion of [REDACTED] assessment is significantly in breach of the timeline set by the Complaints Officer for the issue of the Assessment and Service Statement. 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, Kildare/West Wicklow, does not have the capacity to complete the assessment, then alternative arrangements must be made.

  
John Harraghy,  
Disability Appeals Officer,  
15<sup>th</sup> January 2019.

Lo Call: 1850 211 583  
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D02 XW14.

## **Determination of an Appeal on Behalf of:** [REDACTED] **Ref: AP0440**

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 20<sup>th</sup> November 2018 from [REDACTED]

[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 27<sup>th</sup> November 2018 and was deemed to be a valid appeal.

The Complaints Officer's Report dated 27<sup>th</sup> November 2018 recommended that [REDACTED] ASD Assessment is completed no later than 13<sup>th</sup> November 2018 and that the Final Assessment Report is issued to the Case Manager for preparation of his Service Statement no later than 20<sup>th</sup> November 2018. [REDACTED] Service Statement should be issued in conjunction with his final assessment report no later than 20<sup>th</sup> December 2018.

Information furnished to my office by the HSE Disability Services In Cork Kerry Community Healthcare on 14<sup>th</sup> February 2019 confirms that [REDACTED] ASD assessment remain outstanding. The HSE Disability Services have also confirmed that [REDACTED] was referred to Bridgeway for assessment on 19<sup>th</sup> December 2017 and the update from the HSE confirms that Bridgeway is that children will be seen two years from date of referral. In that context there is no date for [REDACTED] assessment.

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 to ensure that their statutory obligations are met.



John Harraghy,  
Disability Appeals Officer,  
19<sup>th</sup> February 2019.

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Baile Átha Cliath 2,  
D02 XW14.

## Determination of an Appeal on Behalf of: [REDACTED] Ref: AP0441

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

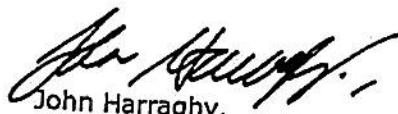
Section 18 (3) of the Disability Act requires an appeal to be submitted within six weeks of the date of the finding of the HSE's Disability Complaints Officer. In this case the Complaints Officer's Report was dated 15<sup>th</sup> October 2018 and was deemed to be a valid appeal.

The Complaints Officer's Report dated 15<sup>th</sup> October 2018 recommended that [REDACTED] ASD Assessment is completed no later than 29<sup>th</sup> November 2018 and that the Final Assessment Report is issued no later than 05<sup>th</sup> November 2018. [REDACTED] Service Statement should be issued in conjunction with his final assessment report no later than 29<sup>th</sup> December 2018.

Information furnished to my office by the HSE Disability Services in Cork Kerry Community Healthcare on 26<sup>th</sup> November 2018 confirms that [REDACTED] ASD assessment remains outstanding. The HSE Disability Services have also confirmed that, a decision was made to prioritise Appeals waiting for an ASD assessment and a HSE funded private ASD assessment will be offered early in 2019.

While this development is helpful, the 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.

  
John Harraghy,  
Disability Appeals Officer,  
14<sup>th</sup> December 2018.

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D02 XW14.

## Determination of an Appeal on Behalf of: [REDACTED] Ref: AP0445

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 30th November 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 12<sup>th</sup> November 2018 and was deemed to be a valid appeal.

The Complaints Officer's Report dated 12<sup>th</sup> November 2018 recommended that [REDACTED] ASD Assessment is completed no later than 17<sup>th</sup> December 2018 and that the Final Assessment Report is issued to the Case Manager for preparation of his Service Statement no later than 24<sup>th</sup> December 2018. [REDACTED] Service Statement should be issued in conjunction with his final assessment report no later than 24<sup>th</sup> January 2018.

Information furnished to my office by the HSE Disability Services in Cork Kerry Community Healthcare on 21<sup>st</sup> January 2019 confirms that [REDACTED] ASD assessment remain outstanding. The HSE Disability Services have also confirmed that a decision was made to prioritise Appeals waiting for ASD assessment and to offer a HSE funded private assessment via the waitlist initiative. The HSE Disability Services have confirmed that they anticipate that parents should be contacted by the private assessors to offer an appointment within 8 weeks of receipt of this Appeals determination.

While the update from the HSE is welcome, 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 in a more timely manner to ensure that their statutory obligations are met.



John Harraghy,  
Disability Appeals Officer,  
29<sup>th</sup> January 2019.

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