

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

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Baile Átha Cliath 2,
D02 XW14.

Determination of an Appeal on Behalf of: [REDACTED] Ref: AP0453

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 23rd November 2018 from [REDACTED]

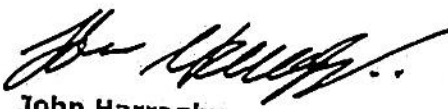
[REDACTED] This appeal was against the non-implementation by the HSE of a recommendation of a Complaints Officer within the specified timeframe.

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 22nd October 2018 and was deemed to be a valid appeal.

The Complaints Officer's Report dated 22nd October 2018 recommended that [REDACTED] ASD Assessment is completed no later than 29th November 2018 and that the Final Assessment Report is issued no later than 6th December 2018. [REDACTED] Service Statement should be issued in conjunction with his final assessment report no later than 6th December 2018.

Information furnished to my office by the HSE Disability Services in Cork Kerry Community Healthcare on 18th December 2018 confirms that [REDACTED] ASD assessment is now completed and the file is closed with parental consent.

In the context of the foregoing this appeal is now deemed closed and a determination is not required.


John Harraghy,
Disability Appeals Officer,
22nd January 2019.

Lo Call: 1850 211 583
Email: appeal@odao.ie

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D02 XW14.

Determination of an Appeal on Behalf of: [REDACTED] Ref: AP0454

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 7th December 2018 from [REDACTED] in respect of his 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 9th October 2018 and was deemed to be a valid appeal.

The Complaints Officer's Report dated 9th October 2018 recommended that [REDACTED] Assessment is completed no later than three months from the date of the Complaint Officer's Report, i.e., 9th October 2018. [REDACTED] Service Statement should be issued in conjunction with his final assessment report 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 on 17th January 2019 confirms that [REDACTED] assessment remains outstanding. The HSE Disability Services have also 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,
22nd January 2019.

Lo Call: 1850 211 583
Email: appeal@odao.ie

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D02 XW14.

Determination of an Appeal on Behalf of: **Ref: AP0456**

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 7th December 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 6th November 2018 and the appeal was received in this office on 7th December 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 1st February 2019 and it was deemed to be a valid appeal.

The Complaints Officer's Report dated 6th November 2018 recommended that [REDACTED] Assessment is completed without delay and that the assessment process is completed no later than three months from the date of the complaint's officers report. If there is an entitlement to a service statement this 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 South East Community Healthcare on 8th April 2019 confirms that [REDACTED] parents organised a private OT assessment. An update to the assessment office on 21st March 2019 indicated that there is a clinical need for an ASD assessment. This will be outsourced to a private provider and is due to be completed in April 2019.

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 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,
17 April 2019

Lo Call: 1850 211 583
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D02 XW14.

Determination of an Appeal on Behalf of: [REDACTED] **Ref: AP0455**

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 7th December 2018 from [REDACTED]

[REDACTED] in respect of her daughter's 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 30th October 2018 and was deemed to be a valid appeal.

The Complaints Officer's Report dated 30th October 2018 recommended that the Project Manager takes the matter up formally with the Community Healthcare Organisation and [REDACTED] service statement should be issued with her final assessment report no later than 20th November 2018.

Information furnished to my office by the HSE Disability Services in Cork Kerry Community Healthcare on 18th December 2018 confirms that [REDACTED] AON process was completed on 27th June 2018. However, the process cannot be completed as the HSE Liaison Officer post is vacant.

This timeline is now significantly 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,
22nd January 2019.

Lo Call: 1850 211 583
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Determination of an Appeal on Behalf of: [REDACTED] Ref: AP0469

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

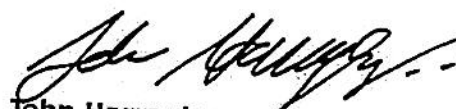
Section 18 (3) of the Disability Act requires an appeal to be submitted within six weeks of the date of the finding of the HSE's Disability Complaints Officer. In this case the Complaints Officer's Report was dated 8th November 2018 and was deemed to be a valid appeal.

The Complaints Officer's Report dated 8th November 2018 recommended that [REDACTED] ASD Assessment is completed no later than 13th December 2018 and that the Final Assessment Report is issued to the Case Manager for preparation of his Service Statement no later than 20th December 2018. [REDACTED] Service Statement should be issued in conjunction with his final assessment report no later than 20th January 2018.

Information furnished to my office by the HSE Disability Services in Cork Kerry Community Healthcare on 21st 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 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 in a more timely manner to ensure that their statutory obligations are met.


John Harraghy,
Disability Appeals Officer,
29th January 2019.

Lo Call: 1850 211 583
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D02 XW14.

Determination of an Appeal on Behalf of: [REDACTED] Ref: AP0471

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 21st December 2018 from [REDACTED] 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 29th November 2018 and was deemed to be a valid appeal.

The Complaints Officer's Report dated 29th November 2018 recommended that [REDACTED] ASD Assessment is completed no later than 3rd January 2019 and that the Final Assessment Report is issued to the Case Manager for preparation of her Service Statement no later than 10th January 2019. [REDACTED] Service Statement should be issued in conjunction with her final assessment report no later than 10th February 2019.

Information furnished to my office by the HSE Disability Services in Cork Kerry Community Healthcare on 21st 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 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 in a more timely manner to ensure that their statutory obligations are met.


John Harraghy,
Disability Appeals Officer,
29th January 2019.

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D02 XW14.

Determination of an Appeal on Behalf of: [REDACTED] Ref: AP0474

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 21st December 2018 from [REDACTED] 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 20th November 2018 and was deemed to be a valid appeal.

The Complaints Officer's Report dated 20th November 2018 recommended that [REDACTED] ASD Assessment is completed no later than 25th December 2018 and that the Final Assessment Report is issued to the Case Manager for preparation of her Service Statement no later than 1st January 2019. [REDACTED] Service Statement should be issued in conjunction with her final assessment report no later than 1st February 2019.

Information furnished to my office by the HSE Disability Services In Cork Kerry Community Healthcare on 21st 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,
29th January 2019.

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Determination of an Appeal on Behalf of: **Ref: AP0475**

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 22nd February 2019 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 10th December 2018 and was deemed to be a valid appeal.

The Complaints Officer's Report dated 10th December 2018 recommended that [REDACTED] assessment process is commenced without delay. This assessment process should be completed within three months from the date of the complaint's officers report, i.e., 10th December 2018. If there is an entitlement to a service statement this 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 Chamber House, Tallaght on 27th March 2019 confirms that [REDACTED] assessment remains outstanding. The HSE Disability Services have also confirmed that the current waiting times are 14 - 16 months.

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, Chamber House, Tallaght, 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,
2 April 2019

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Determination of an Appeal on Behalf of: [REDACTED] Ref: AP0478

Their appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 22nd February 2019 from [REDACTED] In respect of her daughter [REDACTED] Their 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 17th January 2019 and was deemed to be a valid appeal.

The Complaints Officer's Report dated 17th January 2019 recommended that [REDACTED] ASD Assessment is completed no later than 21st February 2019 and that the Final Assessment Report is issued to the Case Manager for preparation of her Service Statement no later than 28th February 2019. [REDACTED] Service Statement should be issued in conjunction with her final assessment report no later than 28th March 2019.

Information furnished to my office by the HSE Disability Services in Community Healthcare on 8th March 2019 confirms that [REDACTED] ASD assessment remains 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 if [REDACTED] is accepted her parents should be contacted by the private assessors to offer an appointment within 8 weeks of receipt of their 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 their. 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,
27 March 2019

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Determination of an Appeal on Behalf of: [REDACTED] Ref: AP0479

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 31st December 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.

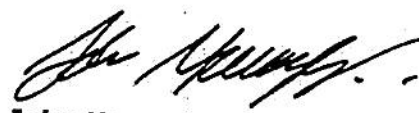
Section 18 (3) of the Disability Act requires an appeal to be submitted within six weeks of the date of the finding of the HSE's Disability Complaints Officer. In this case the Complaints Officer's Report was dated 14th November 2018 and was deemed to be a valid appeal.

The Complaints Officer's Report dated 14th November 2018 recommended that [REDACTED] ASD Assessment is completed no later than 19th December 2018 and that the Final Assessment Report is issued to the Case Manager for preparation of his Service Statement no later than 26th December 2018. [REDACTED] Service Statement should be issued in conjunction with his final assessment report no later than 26th January 2019.

Information furnished to my office by the HSE Disability Services in Cork Kerry Community Healthcare on 21st 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 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 in a more timely manner to ensure that their statutory obligations are met.


John Harraghy,
Disability Appeals Officer,
29th January 2019.

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D02 XW14.

Determination of an Appeal on Behalf of: **Ref: AP0480**

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 31st December 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.

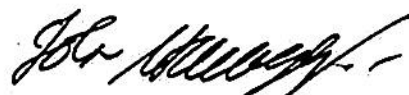
Section 18 (3) of the Disability Act requires an appeal to be submitted within six weeks of the date of the finding of the HSE's Disability Complaints Officer. In this case the Complaints Officer's Report was dated 4th December 2018 and was deemed to be a valid appeal.

The Complaints Officer's Report dated 4th December 2018 recommended that [REDACTED] Psychology Assessment is completed no later than 8th January 2019 and that the Final Assessment Report is issued to the Case Manager for preparation of his Service Statement no later than 15th January 2019. [REDACTED] Service Statement should be issued in conjunction with his final assessment report no later than 15th February 2019.

Information furnished to my office by the HSE Disability Services in Laois/Offaly Community Healthcare on 14th February 2019 confirms that [REDACTED] Assessment of Need Report was issued on 13th February 2019 and that his Service Statement will be issued no later than 13th March 2019.

While the update from the HSE is welcome, this timeline is in breach of the timeline set by the Complaints Officer for the issue of the Assessment of Need 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. If the HSE Disability Service in Laois/Offaly, 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,
19th February 2019.

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D02 XW14.

Determination of an Appeal on Behalf of: [REDACTED] Ref: AP0483

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 31st December 2018 from [REDACTED] 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 17th December 2018 and was deemed to be a valid appeal.

The Complaints Officer's Report dated 17th December 2018 recommended that [REDACTED] ASD Assessment is completed no later than 21st January 2019 and that the Final Assessment Report is issued to the Case Manager for preparation of her Service Statement no later than 28th January 2019. [REDACTED] Service Statement should be issued in conjunction with her final assessment report no later than 28th February 2019.

Information furnished to my office by the HSE Disability Services in Cork Kerry Community Healthcare on 14th February 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 if [REDACTED] is accepted her 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,
19th February 2019.

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Determination of an Appeal on Behalf of: [REDACTED] Ref: AP0484

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 31st December 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 29th November 2018 and was deemed to be a valid appeal.

The Complaints Officer's Report dated 29th November 2018 recommended that [REDACTED] ASD Assessment is completed no later than 3rd January 2019 and that the Final Assessment Report is issued to the Case Manager for preparation of his Service Statement no later than 10th January 2019. [REDACTED] Service Statement should be issued in conjunction with his final assessment report no later than 10th February 2019.

Information furnished to my office by the HSE Disability Services in Cork Kerry Community Healthcare on 21st 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 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 in a more timely manner to ensure that their statutory obligations are met.


John Harraghy,
Disability Appeals Officer,
29th January 2019.

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Determination of an Appeal on Behalf of: [REDACTED] Ref: AP0485

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 4th January 2019 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 23rd November 2018 and was deemed to be a valid appeal.

The Complaints Officer's Report dated 23rd November 2018 recommended that [REDACTED] ASD Assessment is completed no later than 3rd January 2019 and that the Final Assessment Report is issued to the Case Manager for preparation of her Service Statement no later than 10th January 2019. [REDACTED] Service Statement should be issued in conjunction with her final assessment report no later than 10th February 2019.

Information furnished to my office by the HSE Disability Services in Cork Kerry Community Healthcare on 21st 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,
29th January 2019.

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Determination of an Appeal on Behalf of: [REDACTED] Ref: AP0488

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 7th January 2019 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 7th December 2018 and was deemed to be a valid appeal.

The Complaints Officer's Report dated 7th December 2018 recommended that [REDACTED] ASD Assessment is completed no later than 15th January 2019 and that the Final Assessment Report is issued to the Case Manager for preparation of his Service Statement no later than 22nd January 2019. [REDACTED] Service Statement should be issued in conjunction with his final assessment report no later than 22nd February 2019.

Information furnished to my office by the HSE Disability Services In Cork Kerry Community Healthcare on 21st 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 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 in a more timely manner to ensure that their statutory obligations are met.


John Harraghy,
Disability Appeals Officer,
29th January 2019.

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Determination of an Appeal on Behalf of: **Ref: AP0492**

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 11th January 2019 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.

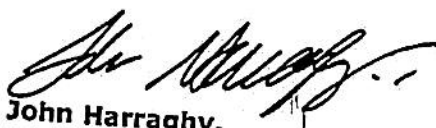
Section 18 (3) of the Disability Act requires an appeal to be submitted within six weeks of the date of the finding of the HSE's Disability Complaints Officer. In this case the Complaints Officer's Report was dated 18th December 2018 and was deemed to be a valid appeal.

The Complaints Officer's Report dated 18th December 2018 recommended that [REDACTED] ASD Assessment is completed no later than 22nd January 2019 and that the Final Assessment Report is issued to the Case Manager for preparation of his Service Statement no later than 29th January 2019. [REDACTED] Service Statement should be issued in conjunction with his final assessment report no later than 28th February 2019.

Information furnished to my office by the HSE Disability Services in Cork Kerry Community Healthcare on 15th February 2019 confirms that [REDACTED] ASD assessment remains 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 if [REDACTED] is accepted his 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 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 in a more timely manner to ensure that their statutory obligations are met.


John Harraghy,
Disability Appeals Officer,
19th February 2019.

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D02 XW14.

Determination of an Appeal on Behalf of: Ref: AP0493

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 11th January 2019 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 19th December 2019 and was deemed to be a valid appeal.

The Complaints Officer's Report dated 19th December 2019 recommended that [REDACTED] ASD Assessment is completed no later than 23rd January 2019 and that the Final Assessment Report is issued to the Case Manager for preparation of his Service Statement no later than 30th January 2019. [REDACTED] Service Statement should be issued in conjunction with his final assessment report no later than 27th February 2019.

Information furnished to my office by the HSE Disability Services in Cork Kerry Community Healthcare on 14th 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 if [REDACTED] is accepted his 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 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 in a more timely manner to ensure that their statutory obligations are met.


John Harraghy,
Disability Appeals Officer,
19th February 2019.

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Determination of an Appeal on Behalf of: [REDACTED] Ref: AP0495

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 15th January 2019 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 17th December 2018 and was deemed to be a valid appeal.

The Complaints Officer's Report dated 17th December 2018 recommended that [REDACTED] ASD Assessment is completed no later than 28th January 2019 and that the Final Assessment Report is issued to the Case Manager for preparation of her Service Statement no later than 4th February 2019. [REDACTED] Service Statement should be issued in conjunction with her final assessment report no later than 4th March 2019.

Information furnished to my office by the HSE Disability Services in Cork Kerry Community Healthcare on 15th February 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 if [REDACTED] is accepted her 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 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 in a more timely manner to ensure that their statutory obligations are met.


John Harraghy,
Disability Appeals Officer,
19th February 2019.

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Determination of an Appeal on Behalf of: **Ref: AP0498**

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 15th January 2019 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.

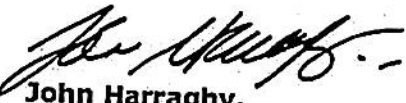
Section 18 (3) of the Disability Act requires an appeal to be submitted within six weeks of the date of the finding of the HSE's Disability Complaints Officer. In this case the Complaints Officer's Report was dated 3rd January 2019 and was deemed to be a valid appeal.

The Complaints Officer's Report dated 3rd January 2019 recommended that [REDACTED] ASD Assessment is completed no later than 7th February 2019 and that the Final Assessment Report is issued to the Case Manager for preparation of her Service Statement no later than 14th February 2019. [REDACTED] Service Statement should be issued in conjunction with her final assessment report no later than 14th March 2019.

Information furnished to my office by the HSE Disability Services in South East Community Healthcare on 19th March 2019 confirms that [REDACTED] ASD assessment remain outstanding. The HSE Disability Services have also confirmed that a decision was made to outsource this assessment to a private provider. The HSE Disability Services have confirmed that they anticipate that [REDACTED] assessment will be carried out in March and following this the assessment report and service statement will be completed.

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, 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,
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26 March 2019

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