



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

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D02 VW90

An Chéad Urlár,
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Sráid Haicin,
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D02 VW90

Determination of an Appeal on Behalf of:
[REDACTED] **Ref: AP0350**

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 11th May 2018 from [REDACTED] in respect of her son [REDACTED]. This appeal was against the non-implementation by the HSE of a recommendation of a Complaints Officer within the specified timeframe.

Section 18 (3) of the Disability Act requires an appeal to be submitted within six weeks of the date of the finding of the HSE's Disability Complaints Officer. In this case the Complaint Officer's Report was dated 6th February 2018. This was outside the six week statutory timeframe for receipt of appeal applications. However, under Section 18 (4) of the Disability Act 2005 I may extend this six week period by a further twelve weeks if I am satisfied that there is reasonable cause for the extension. I accepted [REDACTED] request for an extension in her letter to this office received on 11th May, 2018.

The Complaints Officer's Report dated 6th February 2018 recommended that [REDACTED] ASD Assessment is completed no later than 13th March 2018 and that the Final Assessment Report is issued no later than 20th March 2018. [REDACTED] Service Statement should be issued in conjunction with his final assessment report no later than 20th April 2018.

Information furnished to my office by the HSE Disability Services in Mallow Primary Healthcare Centre on 31st May 2018 confirms that [REDACTED] ASD assessment remains outstanding. This office has also been informed that [REDACTED] assessment should have commenced no later than 28th July 2015 but due to resource issues assessments are currently taking two years from the North Lee ASD Services. It was subsequently clarified that [REDACTED] ASD Assessment should have commenced in May 2018 and this assessment may now commence in September 2018.

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

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

Lo Call 1850-211583



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

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

John Harraghy,
Disability Appeals Officer,
12th June 2018.



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Determination of an Appeal on behalf of:

Ref: AP0351

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 14th May 2018 from [REDACTED] in respect of her son [REDACTED]. This appeal was against the failure of the HSE to complete the assessment without undue delay and against the non-implementation by the HSE of a recommendation of a Complaints Officer.

Section 18 (3) of the Disability Act requires an appeal to be submitted within six weeks of the date of the finding of the HSE's Disability Complaints Officer. In this case the Complaint Officer's Report was dated 8th February 2018 and the appeal was received in this office on 14th May 2018. This was outside the six week statutory timeframe for receipt of appeal applications. However, under Section 18 (4) of the Disability Act 2005 I may extend this six week period by a further twelve weeks if I am satisfied that there is reasonable cause for the extension. I accepted [REDACTED] request for an extension in her letter to this office which was also received on 14th May, 2018.

The Complaints Officer's Report dated 8th February 2018 recommended that [REDACTED] ASD assessment is completed no later than 15th March 2018. [REDACTED] Final Assessment Report should be issued to the Case Manager for preparation of his Service Statement no later than the 22nd March, 2018. Should there be an entitlement to a Service Statement this should be issued in conjunction with his final assessment report no later than the 22nd April 2018.

Information furnished to my office by the HSE's Assessment Officer by email dated 21st May 2018 stated that [REDACTED] was referred for an ASD assessment on 30th January, 2018. [REDACTED] is still waiting for this assessment.

The timeline for completion of [REDACTED] ASD Assessment is outside of the timeline recommended by the Complaint's Officer and I, accordingly, uphold this appeal. [REDACTED] Final Assessment Report and Service Statement need to be completed and issued without further delays. The HSE has a statutory obligation under the Disability Act 2005 to ensure that the Assessment of Need process, including the provision of a Service Statement, is completed within the specified timelines. It is the HSE's responsibility to make the necessary arrangements to comply with this.

Lo Call 1850-211583



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

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

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



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Determination of an Appeal on behalf of:

Ref: AP0353

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

Section 18 (3) of the Disability Act requires an appeal to be submitted within six weeks of the date of the finding of the HSE's Disability Complaints Officer. In this case the Complaint Officer's Report was dated 21st March 2018 and the appeal was received in this office on 15th May 2018. This was outside the six week statutory timeframe for receipt of appeal applications. However, under Section 18 (4) of the Disability Act 2005 I may extend this six week period by a further twelve weeks if I am satisfied that there is reasonable cause for the extension. I accepted [REDACTED] request for an extension in her e mail to this office received on 29th May, 2018.

The Complaints Officer's Report dated 21st March 2018 recommended that [REDACTED] ASD assessment is completed no later than 25th April 2018. [REDACTED] Final Assessment Report should be issued to the Case Manager for preparation of his Service Statement no later than 2nd May 2018. Should there be an entitlement to a Service Statement this should be issued in conjunction with his final assessment report no later than 2nd June 2018.

Information furnished to my office by the HSE's Disability Services in Cork Kerry Community Healthcare by letter dated 31st July 2018 stated that [REDACTED] was referred for an ASD assessment on 24th April 2017. This letter confirms that [REDACTED] is still waiting for this assessment and "is anticipated to be seen two years" from the date of referral, i.e., 27th April 2017.

The timeline for completion of [REDACTED] SD Assessment is outside of the timeline recommended by the Complaint's Officer and I, accordingly, uphold this appeal. [REDACTED] Final Assessment Report and Service Statement need to be completed and issued without further delays. 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,
3rd August 2018

Lo Call 1850-211583



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Determination of an Appeal on behalf of:

Ref: AP0354

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 15th May 2018 from [REDACTED] in respect of her son [REDACTED]

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

Section 18 (3) of the Disability Act requires an appeal to be submitted within six weeks of the date of the finding of the HSE's Disability Complaints Officer. In this case the Complaint Officer's Report was dated 29th March 2018 and the appeal was received in this office on 15th May 2018. This was outside the six week statutory timeframe for receipt of appeal applications. However, under Section 18 (4) of the Disability Act 2005 I may extend this six week period by a further twelve weeks if I am satisfied that there is reasonable cause for the extension. I accepted [REDACTED] request for an extension in her e-mail to this office received on 29th May 2018.

The Complaints Officer's Report dated 29th March 2018 recommended that [REDACTED] ASD assessment is completed no later than 27th April 2018. [REDACTED] Final Assessment Report should be issued to the Case Manager for preparation of his Service Statement no later than 5th May 2018. Should there be an entitlement to a Service Statement this should be issued in conjunction with his final assessment report no later than 5th June 2018.

Information furnished to my office by the Coordinator of the Autism Services (South Lee) Marian House, Lehenaghmore, Togher, Cork by letter dated 26th June 2018 stated that [REDACTED] is number 33 on their assessment waitlist. In that context the approximate timeframe was outlined as 3 -4 months and therefore it will be approximately September / October 2018 before this assessment takes place.

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

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

Lo Call 1850-211583



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Determination of an Appeal on behalf of:

Ref: AP0355

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 16th May 2018 from [REDACTED], respect of her son

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

Section 18 (3) of the Disability Act requires an appeal to be submitted within six weeks of the date of the finding of the HSE's Disability Complaints Officer. In this case the Complaint Officer's Report was dated 6th February 2018 and the appeal was received in this office on 16th May 2018. This was outside the six week statutory timeframe for receipt of appeal applications. However, under Section 18 (4) of the Disability Act 2005 I may extend this six week period by a further twelve weeks if I am satisfied that there is reasonable cause for the extension. I accepted [REDACTED] request for an extension in her letter to this office received on 24th May, 2018.

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

Information furnished to my office by the HSE's Assessment Officer by email dated 31st May 2018 stated that [REDACTED] assessment commenced on 13th June, 2018 and should be completed by 18th July 2018.

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

John Harraghy,
Disability Appeals Officer,
12th June 2018

Lo Call 1850-211583

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Determination of an Appeal on Behalf of: [REDACTED] **Ref: AP0356**

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 16th May 2018 from [REDACTED] in respect of her son [REDACTED]. This appeal was against the non-implementation by the HSE of a recommendation of a Complaints Officer within the specified timeframe.

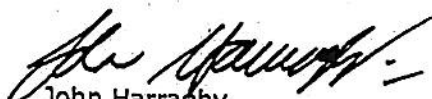
Section 18 (3) of the Disability Act requires an appeal to be submitted within six weeks of the date of the finding of the HSE's Disability Complaints Officer. In this case the Complaints Officer's Report was dated 16th April 2018 and was deemed to be a valid appeal.

The Complaints Officer's Report dated 16th April 2018 recommended that [REDACTED] ASD Assessment is completed no later than 21st May 2018 and that the Final Assessment Report is issued no later than 28th May 2018. [REDACTED] Service Statement should be issued in conjunction with his final assessment report no later than 28th May 2018.

Information furnished to my office by the HSE Disability Services in Cork Kerry Community Healthcare on 14th September 2018 confirms that [REDACTED] ASD assessment remains outstanding. The HSE Disability Services have also confirmed that it is anticipated that [REDACTED] would be seen for assessment in Bridgeway early in 2019 when the January to March appointments are issued.

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,
2nd October, 2018.

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



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Determination of an Appeal on Behalf of:

Ref: AP0357

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 21st May 2018 from [REDACTED] in respect of her son [REDACTED]. This appeal was against the non-implementation by the HSE of a recommendation of a Complaints Officer within the specified timeframe.


Section 18 (3) of the Disability Act requires an appeal to be submitted within six weeks of the date of the finding of the HSE's Disability Complaints Officer. In this case the Complaint Officer's Report was dated 9th April 2018 and was deemed to be a valid appeal.

The Complaints Officer's Report dated 9th April 2018 recommended that [REDACTED] ASD Assessment is completed no later than 14th May 2018 and that the Final Assessment Report is issued no later than 21st May 2018. [REDACTED] Service Statement should be issued in conjunction with his final assessment report no later than 21st June 2018.

Information furnished to my office by the HSE Disability Services in HSE South on 7th June 2018 confirms that [REDACTED] ASD assessment remains outstanding. It has also been confirmed that [REDACTED] is now "number 62 on the waiting list with Marian House ASD Services" and that the current waiting time is 12 to 36 months.

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,
15th June 2018.

Lo Call 1850-211583



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Determination of an Appeal on Behalf of:

Ref: AP0358

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 21st May 2018 from [REDACTED]

[REDACTED] in respect of her daughter, 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 10th May 2018 and was deemed to be a premature appeal as it was submitted prior to 14th June 2018. However, on 2nd July 2018 this appeal was deemed valid.

The Complaints Officer's Report dated 10th May 2018 recommended that [REDACTED] Assessment is completed no later than 14th June 2018 and that the Final Assessment Report is issued no later than 21st June 2018. [REDACTED] Service Statement should be issued in conjunction with her final assessment report no later than 21st July 2018.

Information furnished to my office by the HSE Disability Services in Cork Kerry Community Healthcare on 11th July 2018 confirms that [REDACTED] assessment remains outstanding.

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

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

John Harraghy,
Disability Appeals Officer,
31st July 2018.

Lo Call 1850-211583

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Determination of an Appeal on Behalf of:

Ref: AP0359

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 21st May 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 26th April 2018 and was deemed to be a valid appeal.

The Complaints Officer's Report dated 26th April 2018 recommended that [REDACTED] ASD Assessment is completed no later than 31st May 2018 and that the Final Assessment Report is issued no later than 7th June 2018. [REDACTED] Service Statement should be issued in conjunction with her final assessment report no later than 7th July 2018.

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

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

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


John Harraghy,
Disability Appeals Officer,
2nd October 2018.

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

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Determination of an Appeal on Behalf of: **Ref: AP0360**

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 21st May 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 13th April 2018 and was deemed to be a valid appeal.

The Complaints Officer's Report dated 13th April 2018 recommended that [REDACTED] Psychological and OT Assessment is completed no later than 18th May 2018 and that the Final Assessment Report is issued no later than 25th May 2018. [REDACTED] Service Statement should be issued in conjunction with her final assessment report no later than 25th June 2018.

Information furnished to my office by the HSE North Assessment of Need Office, Cork on 14th September 2018 confirms that [REDACTED] assessment remains outstanding. The HSE North, Assessment of Need Office have also confirmed that it is anticipated that [REDACTED] is now number 12 on the Psychology AON waiting list and it is hoped that she would be seen for assessment by the end of the year. [REDACTED] is also on the waiting list for Occupational Therapy AON since 22nd December 2017 and on the standard waiting list for intervention since 7th December 2016. The current waiting time is approximately twelve months.

These timelines are significantly in breach of the timelines set by the Complaint's Officer for the issue of the completion of [REDACTED] 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,
2nd October 2018.

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



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Determination of an Appeal on Behalf of:

Ref: AP0361

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 23rd May 2018 from [REDACTED], in respect of her son [REDACTED]. This appeal was against the non-implementation by the HSE of a recommendation of a Complaints Officer within the specified timeframe.

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

The Complaints Officer's Report dated 11th April 2018 recommended that [REDACTED] ASD Assessment is completed no later than 16th May 2018 and that the Final Assessment Report is issued no later than 23rd May 2018. [REDACTED] Service Statement should be issued in conjunction with his final assessment report no later than 23rd June 2018.

Information furnished to my office by the HSE Disability Services in Cork Kerry Community Healthcare on 5th June 2018 confirms that [REDACTED] ASD assessment remains outstanding. It has also been confirmed that [REDACTED] is now "number 165 on the waiting list" and that it is "anticipated that he will be seen in July 2019".

This timeline is now significantly in breach of the timeline set by the Complaint's Officer for the issue of the ASD Assessment and I, accordingly, uphold this appeal and pursuant to the provisions of Disability Act 2005 determine that this assessment should be commenced no later than three months from the date of this determination.

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.



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Determination of an Appeal on Behalf of:

Ref: AP0362

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 29th May 2018 from [REDACTED] in respect of her son [REDACTED]. This appeal was against the non-implementation by the HSE of a recommendation of a Complaints Officer within the specified timeframe.

Section 18 (3) of the Disability Act requires an appeal to be submitted within six weeks of the date of the finding of the HSE's Disability Complaints Officer. In this case the Complaint Officer's Report was dated 28th February 2018 and was deemed to be a valid appeal.

The Complaints Officer's Report dated 28th February 2018 recommended that [REDACTED] ASD Assessment is completed no later than 4th April 2018 and that the Final Assessment Report is issued no later than 11th April 2018. [REDACTED] Service Statement should be issued in conjunction with his final assessment report no later than 11th May 2018.

Information furnished to my office by the HSE Disability Services and Brothers of Charity Autism Services, South Lee on 9th July 2018 confirms that [REDACTED] ASD assessment remains outstanding. It was also confirmed that [REDACTED] is in 40th position on the waiting list and in that context it is estimated that it could be a further three to four months before the assessment takes place.

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,
13th July 2018.

Lo Call 1850-211583



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Determination of an Appeal on behalf of:

Ref: AP0363

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

Section 18 (3) of the Disability Act requires an appeal to be submitted within six weeks of the date of the finding of the HSE's Disability Complaints Officer. In this case the Complaint Officer's Report was dated 11th April 2018 and the appeal was received in this office on 13th June 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 31st July 2018.

The Complaints Officer's Report dated 11th April 2018 recommended that [redacted] ASD assessment is completed no later than 16th May 2018. [redacted] Final Assessment Report should be issued to the Case Manager for preparation of her Service Statement no later than the 23rd May 2018. Should there be an entitlement to a Service Statement this should be issued in conjunction with her final assessment report no later than the 23rd June 2018.

Information furnished to my office by the HSE's Disability Services in Cork Kerry Community by letter dated 7th August 2018 stated that [redacted] was referred for assessment on 29th September 2017 and that it is anticipated that she will be seen by Bridgeway three years from that date. In that context [redacted] is still waiting for this assessment.

The timeline for completion of [redacted] ASD Assessment is outside of the timeline recommended by the Complaint's Officer and I, accordingly, uphold this appeal. [redacted] Final Assessment Report and Service Statement need to be completed and issued without further delays. 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
John Harraghy,
Disability Appeals Officer,
14th August 2018

Lo Call 1850-211583



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

Block 11,
Miesian Plaza,
50-58 Lower Baggot Street,
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Bloc 1,
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50-58 Sráid Bhagóid Íochtarach,
Baile Átha Cliath 2,
D02 XW14

Determination of an Appeal on Behalf of:

Ref: AP0365

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 20th June 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. As the dates in the Complaints Officer report were not yet reached this appeal was deemed to be premature and [REDACTED] was advised of this on 25th June 2018. On 31st July 2018 [REDACTED] was then advised that her appeal was valid from that date.

The Complaints Officer's Report dated 28th May 2018 recommended that [REDACTED] ASD Assessment is completed no later than 2nd July 2018 and that the Final Assessment Report is issued no later than 9th July 2018. [REDACTED] Service Statement should be issued in conjunction with his final assessment report no later than 9th August 2018.

Information furnished to my office by the HSE Disability Services in Cork Kerry Community Healthcare on 7th and 8th August 2018 confirms that [REDACTED] ASD assessment remains outstanding. The HSE Disability Services have also confirmed that [REDACTED] was referred for assessment on 4th July 2017 and it is anticipated that he will be seen in 2.5 years from that date.

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, Kerry Community Healthcare does not have the capacity to complete the assessment, then alternative arrangements must be made.

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14th August 2018.

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Determination of an Appeal on Behalf of:

Ref: AP0366

This appeal pursuant to Section 18 (1) of the Disability Act 2005, was received on 21st June 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. This appeal was deemed to be a premature appeal as the dates in the Complaints Officer's Report had not passed. [REDACTED] was advised that the appeal would be held until 6th July 2018. On 13th July 2018 this office confirmed to [REDACTED] that this was now deemed to be a valid appeal.

The Complaints Officer's Report dated 31st May 2018 recommended that [REDACTED] ASD Assessment is completed no later than 5th July 2018 and that the Final Assessment Report is issued no later than 12th July 2018. [REDACTED] Service Statement should be issued in conjunction with his final assessment report no later than 12th August 2018.

Information furnished to my office by the HSE Disability Services in Cork Kerry Community Healthcare on 27th July 2018 confirms that [REDACTED] ASD assessment remains outstanding. The HSE Disability Services have also confirmed that [REDACTED] is number 135 on the Bridgeway waiting list and it is anticipated that he would be seen for assessment in approximately one year.

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,
3rd August 2018.

Lo Call 1850-211583



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:
Ref: AP0367

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 21st June 2018 from [REDACTED] in respect of their son [REDACTED]. This appeal was against the non-implementation by the HSE of a recommendation of a Complaints Officer within the specified timeframe.


Section 18 (3) of the Disability Act requires an appeal to be submitted within six weeks of the date of the finding of the HSE's Disability Complaints Officer. This appeal was deemed to be premature as the dates on the Complaints Officers report has not yet been reached and [REDACTED] were advised of this on 25th June 2018. On 31st July 2018 this appeal was then deemed valid and [REDACTED] were advised of this on that date.

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 his 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 7th August 2018 confirms that [REDACTED] ASD assessment remains outstanding. The HSE Disability Services have also confirmed that it is anticipated that [REDACTED] would be seen for assessment in approximately three years from the date of his referral, i.e., 19th April 2018.

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

The HSE has a statutory obligation under the Disability Act 2005 to ensure that the Assessment of Need process, including the provision of a Service Statement, is completed within the specified timelines. It is the HSE's responsibility to make the necessary arrangements to comply with this. 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,
17th August 2018.

Lo Call 1850-211583



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D02 XW14

Determination of an Appeal on Behalf of:
[REDACTED] **Ref: AP0368**

This appeal pursuant to Section 18 (1) of the Disability Act 2005, was received on 25th June 2018 from [REDACTED] was against the non-implementation by the HSE of a recommendation of a Complaints Officer within the specified timeframe.

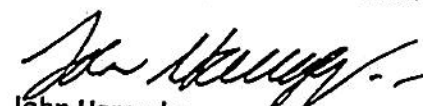
Section 18 (3) of the Disability Act requires an appeal to be submitted within six weeks of the date of the finding of the HSE's Disability Complaints Officer. This appeal was deemed to be valid and [REDACTED] was advised of this on 6th July 2018

The Complaints Officer's Report dated 25th June 2018 recommended that the Assessment Officer dealing with [REDACTED] case takes the matter up formally with the Community Healthcare Organisation for immediate attention. [REDACTED] Service Statement should be issued in conjunction with his final assessment report no later than 7th July 2018.

Information furnished to my office by the HSE Disability Services in HSE South on 11th July 2018 confirms that [REDACTED] assessment is complete and the only remaining part of the process in the provision of a service statement which cannot be issued as the Liaison Officer post is vacant.

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

The HSE has a statutory obligation under the Disability Act 2005 to ensure that 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,
3rd August 2018.

Lo Call 1850-211583



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D02 XW14

Determination of an Appeal on Behalf of:

Ref: AP0369

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 27th June 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. This appeal was deemed to be valid and [REDACTED] was advised of this on 2nd July 2018.

The Complaints Officer's Report dated 21st May 2018 recommended that [REDACTED] ASD Assessment is completed no later than 25th June 2018 and that the Final Assessment Report is issued no later than 2nd July 2018. [REDACTED] Service Statement should be issued in conjunction with her final assessment report no later than 2nd August 2018.

Information furnished to my office by the HSE Disability Services in Cork Kerry Community Healthcare on 25th July 2018 confirms that [REDACTED] ASD assessment remains outstanding. The HSE Disability Services have also confirmed that [REDACTED] is number 319 on the Bridgeway waiting list and it is anticipated that, in that context, she would be seen for assessment in approximately two and a half to three years.

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,
7th August 2018.

Lo Call 1850-211583