



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

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

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

Determination of an Appeal on Behalf of:

Ref: AP0370

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 27th 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. In this case the Complaint Officer's Report was dated 16th May 2018 and was deemed to be a valid appeal.

The Complaints Officer's Report dated 16th May 2018 recommended that [REDACTED] DCD Assessment is completed no later than 23rd June 2018 and that the Final Assessment Report is issued no later than 30th June 2018. [REDACTED] Service Statement should be issued in conjunction with his final assessment report no later than 30th July 2018.

Information furnished to my office by the HSE Disability Services in CHO 1, Monaghan on 4th July 2018 confirms that [REDACTED] DCD assessment remains outstanding but that a provisional date has been arranged with [REDACTED] for 22nd and 29th August 2018.

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

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

John Harraghy,
Disability Appeals Officer,
13th July 2018. (Amended 23rd July 2018)

Lo Call 1850-211583



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

Block 1,
Miesian Plaza,
50-58 Lower Baggot Street,
Dublin 2,
D02 XW14

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

Determination of an Appeal on Behalf of:
Ref: AP0371

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

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 25th July 2018 confirms that [REDACTED] ASD assessment remains outstanding. The HSE Disability Services have also confirmed that [REDACTED] is number 195 on the Bridgeway waiting list and it is anticipated that he would be seen for assessment in approximately 1 ½ 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



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

Block 1,
Miesian Plaza,
50-58 Lower Baggot Street,
Dublin 2,
D02 XW14

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

Determination of an Appeal on Behalf of:
Ref: AP0372

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 27th June 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. This appeal was deemed to be valid and [REDACTED] was advised of this on 29th June 2018.

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

Information furnished to my office by the HSE Disability Services in Cork Kerry Community Healthcare on 31st July 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 two years from the date of his initial referral, i.e., 03/03/2017.

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,
14th August 2018.

Lo Call 1850-211583



Office of the Disability Appeals Officer
Oifig Oifigigh Achomhairc um Míchumas

Block 1,
Miesian Plaza,
50-58 Lower Baggot Street,
Dublin 2,
D02 XW14

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

Determination of an Appeal on Behalf of:
Ref: AP0374

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 3rd July 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.

As the dates on the Complaints Officers report had not yet passed this appeal was held until 21st July 2018.

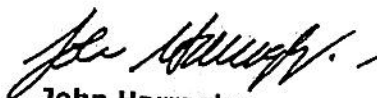
Section 18 (3) of the Disability Act requires an appeal to be submitted within six weeks of the date of the finding of the HSE's Disability Complaints Officer. In this case the Complaints Officer's Report was dated 15th June 2018 and was deemed to be a valid appeal as of 21st July 2018.

The Complaints Officer's Report dated 21st July 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/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 16th August 2018 confirms that [REDACTED] ASD assessment remains outstanding. The HSE Disability Services have also confirmed that it is anticipated that [REDACTED] has been prioritised for assessment and will be seen "In the next few 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, Cork, does not have the capacity to complete the assessment, then alternative arrangements must be made.


John Harraghy,
Disability Appeals Officer,
24th August 2018.

Lo Call 1850-211583



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

Block 1,
Miesian Plaza,
50-58 Lower Baggot Street,
Dublin 2,
D02 XW14

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

Determination of an Appeal on Behalf of:

Ref: AP0375

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 3rd July 2018 from [REDACTED]

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

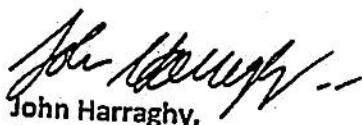
Section 18 (3) of the Disability Act requires an appeal to be submitted within six weeks of the date of the finding of the HSE's Disability Complaints Officer. This appeal was deemed to be valid and [REDACTED] was advised of this on 6th July 2018.

The Complaints Officer's Report dated 30th May 2018 recommended that [REDACTED] ASD Assessment is completed no later than 4th July 2018 and that the Final Assessment Report is issued no later than 11th July 2018. [REDACTED] Service Statement should be issued in conjunction with her final assessment report no later than 11th August 2018.

Information furnished to my office by the HSE Disability Services in Cork Kerry Community Healthcare on 17th July 2018 confirms that [REDACTED] ASD assessment remains outstanding. The HSE Disability Services have also confirmed that [REDACTED] is number 144 on the Marian House waiting list and it is anticipated that she would be seen for assessment in approximately twelve to eighteen 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,
14th August 2018.

Lo Call 1850-211583



Office of the Disability Appeals Officer
Oifigigh Achomhairc um Míchumas

Block 1,
Mieslan Plaza,
50-58 Lower Baggot Street,
Dublin 2,
D02 XW14

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

Determination of an Appeal on Behalf of:
Ref: AP0377

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 10th July 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 27th June 2018 and was deemed to be a valid appeal.

The Complaints Officer's Report dated 27th June 2018 recommended that [REDACTED] ASD Assessment is completed no later than 4th August 2018 and that the Final Assessment Report is issued no later than 11th August 2018. [REDACTED] Service Statement should be issued in conjunction with his final assessment report no later than 11th September 2018.

Information furnished to my office by the HSE Disability Services In Cork Kerry Community Healthcare on 16th 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 12 - 18 months from the date of his referral, i.e., 27th June 2017.

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,
28th August 2018.

Lo Call 1850-211583



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

Block 1,
Miesian Plaza,
50-58 Lower Baggot Street,
Dublin 2,
D02 XW14

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

Determination of an Appeal on Behalf of:
Ref: AP0378

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 5th July 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 28th May 2018 and was deemed to be a valid appeal.

The Complaints Officer's Report dated 25th 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 July 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 it is anticipated that [REDACTED] would be seen for assessment in approximately 2.5 years from the date of his referral, i.e., 27th July 2017.

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,
17th August 2018.

Lo Call 1850-211583



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

Block 11,
Mlesian Plaza,
50-58 Lower Baggot Street,
Dublin 2,
D02 XW14

Bloc 1,
Plaza Míseach,
50-58 Sráid Bhagóid Íochtarach,
Baile Átha Cliath 2;
D02 XW14

Determination of an Appeal on behalf of:

Ref: AP0379

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 13th July 2018 from [REDACTED]

[REDACTED] In respect of her daughter. 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 28th May 2018 and the appeal was received in this office on 13th July 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 25th July 2018.

The Complaints Officer's Report dated 13th July 2018 recommended that [REDACTED] ASD assessment is completed no later than 2nd July 2018. [REDACTED] Final Assessment Report should be issued to the Case Manager for preparation of her Service Statement no later than the 9th July 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 9th August 2018.

Information furnished to my office by the HSE's Assessment of Need Office by letter and email dated 7th and 8th August 2018 stated that [REDACTED] was referred for assessment on 13th July 2017 and that it is anticipated she will be seen in 2.5 years from that date. In that context [REDACTED] is still waiting for this assessment.

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

John Harraghy,
Disability Appeals Officer,
17th August, 2018.

Lo Call 1850-211583



Office of the Disability Appeals Officer
Oifigí na Oifigigh Achomhairc um Míchumas

Block 1,
Miesian Plaza,
50-58 Lower Baggot Street,
Dublin 2,
D02 XW14

Bloc 1,
Plaza Míseach,
Balle Átha Cliath 2,
D02 XW14

Determination of an Appeal on Behalf of:
[REDACTED] **Ref: AP0380**

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

The Complaints Officer's Report dated 1st June 2018 recommended that [REDACTED] ASD Assessment is completed no later than 6th July 2018 and that the Final Assessment Report is issued no later than 13th July 2018. [REDACTED] Service Statement should be issued in conjunction with his final assessment report no later than 13th 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. [REDACTED] is now number 120 on the Bridgeway waiting list. The estimated timeline for his assessment is 10 to 12 months.

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

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

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: AP0381**

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

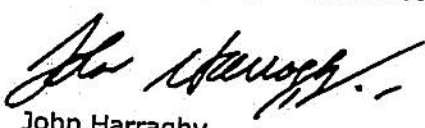
Section 18 (3) of the Disability Act requires an appeal to be submitted within six weeks of the date of the finding of the HSE's Disability Complaints Officer. In this case the Complaints Officer's Report was dated 13th July 2018 and was deemed to be a valid appeal.

The Complaints Officer's Report dated 13th July 2018 recommended that [REDACTED] ASD Assessment is completed no later than 17th August 2018 and that the Final Assessment Report is issued no later than 24th August 2018. [REDACTED] Service Statement should be issued in conjunction with her final assessment report no later than 24th September 2018.

Information furnished to my office by the HSE Disability Services in Cork Kerry Community Healthcare on 13th November 2018 confirms that [REDACTED] ASD assessment remains outstanding. The HSE Disability Services have also confirmed that a decision has been made to prioritise appeals waiting for an ASD assessment and offer a HSE funded private assessment. In that context the HSE anticipates that this assessment will be scheduled before the end of January 2019.

While this development is welcome, the 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,
30th November 2018.

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

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: APO382**

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 25th July 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 13th June 2018 and was deemed to be a valid appeal.

The Complaints Officer's Report dated 13th June 2018 recommended that the Project Manager take [REDACTED] case up formally with the Community Healthcare Organisations for immediate attention to ensure that the HSE's legal obligations under the Act are met. [REDACTED] Service Statement should be report no later than 11th July 2018.

Information furnished to my office by the HSE Disability Services in Cork Kerry Community Healthcare on 12th November 2018 confirms that [REDACTED] service statement was completed and issued on 13th August 2018.

While this is a welcome development, the timeline is in breach of the timeline set by the Complaint's Officer for the issue of the 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 Services, Cork, does not have the capacity to complete the assessment, then alternative arrangements must be made.


John Harraghy,
Disability Appeals Officer,
30th November 2018.

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



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

Block 1,
Miesian Plaza,
50-58 Lower Baggot Street,
Dublin 2,
D02 XW14

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

Determination of an Appeal on Behalf of:
Ref: AP0383

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 3rd August 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 June 2018 and was deemed to be a valid appeal.

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

Information furnished to my office by the HSE Disability Services in Cork Kerry Community Healthcare on 9th 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 two years as from 9th August 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



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

Block 1,
Miesian Plaza,
50-58 Lower Baggot Street,
Dublin 2,
D02 XW14

Bloc 1,
Plaza Míseach,
50-58 Sráid Bhagóid íochtarach,
Baile Átha Cliath 2,
D02 XW14

Determination of an Appeal on behalf of:
Ref: AP0384

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 10th August 2018 from [redacted] and 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 25th June 2018 and the appeal was received in this office on 10th August 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 7th September 2018.

The Complaints Officer's Report dated 25th June 2018 recommended that [redacted] ASD assessment is completed no later than 31st June 2018. [redacted] Final Assessment Report should be issued to the Case Manager for preparation of his Service Statement no later than the 7th August 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 7th September 2018.

Information furnished to my office by the HSE's Assessment Officer by email and letter dated 13th September 2018 stated that [redacted] is currently number 216 on Bridgeway's waiting list. It is estimated that he will be seen in 24 months.

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

John Harraghy,
Disability Appeals Officer,
25th September, 2018

Lo Call 1850-211583

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

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

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

Determination of an Appeal on behalf of: [REDACTED] **Ref: AP0385**

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 31st August 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 14th June 2018 and the appeal was received in this office on 31st August 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 19th October 2018.

The Complaints Officer's Report dated 14th June 2018 recommended that [REDACTED] ASD assessment is completed no later than 20th July 2018. [REDACTED] Final Assessment Report should be issued to the Case Manager for preparation of her Service Statement no later than the 27th July 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 27th August 2018.

Information furnished to my office by the HSE's Assessment Officer by email dated 26th November 2018 stated that [REDACTED] was referred for an assessment on 12th January 2018. [REDACTED] is still waiting for this assessment to be completed due to difficulties in relation to the psychological component of the assessment. Due to these difficulties the HSE is unable to provide a time frame for the completion of [REDACTED] assessment.

This timeline for completion of [REDACTED] Assessment is now 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.



John Harraghy,
Disability Appeals Officer,
11th December 2018

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

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: [REDACTED] **Ref: AP0386**

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 4th September 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 31st August 2018 and was deemed to be a valid appeal.

The Complaints Officer's Report dated 31st August 2018 recommended that [REDACTED] Assessment of need is completed without delay. Once the assessment of need is established the assessment process should be completed within three months of the complaint's officers report. If there is an entitlement to a service statement this should be issued in conjunction with the 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 Ashgrove House, Navan Road, Dublin 7 on 27th March 2019 confirms that [REDACTED] was initially assessed on 11th September and that no assessments were required under the Disability Act. He was advised to continue to engage with the SLT and in that context an appointment letter dated 8th March 2019 with 8 appointments commencing 29th March 2019 was issued.

While the update from the HSE is welcome, this timeline is now in breach of the timelines set by the Complaint's Officer and I, accordingly, uphold this appeal. In addition to this finding I also find that the failure of the HSE to respond to requests for the relevant updates from this office is unacceptable and is also deemed to be a further breach of their obligations under Section 18 (6) of the Disability Act 2005.

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 in Ashgrove House, Navan Road, Dublin 7, 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,
10 April 2019

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

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: AP0390**

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 25th September 2018 from [REDACTED] in respect of his 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 21st August 2018 and was deemed to be a valid appeal.

The Complaints Officer's Report dated 21st August 2018 recommended that [REDACTED] EIT assessment is completed no later than 28th September 2018 and that the Final Assessment Report is issued no later than 5th October 2018. [REDACTED] Service Statement should be issued in conjunction with her final assessment report no later than 5th November 2018.

Information furnished to my office by the HSE Disability Services in HSE South on 11th October 2018 confirms that [REDACTED] assessment remains outstanding. The HSE Disability Services have also confirmed that [REDACTED] was referred to Marian House who have informed the HSE Disability Services that AON assessments are not currently taking place due to a vacant psychology post. Marian House also confirmed that the recruitment process for this post is "active." It is anticipated that [REDACTED] would be offered assessment dates when the team recommence assessing. However, no indicative timescale for this was outlined.

This timeline is now significantly in breach of the timeline set by the Complaint's Officer for the issue of the EIT 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,
30th October 2018.

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

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: [REDACTED] Ref: AP0392

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

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

Information furnished to my office by the HSE Disability Services in Cork Kerry Community Healthcare on 14th November 2018 confirms that [REDACTED] ASD assessment remains outstanding. The HSE Disability Services have also confirmed that [REDACTED] is number 91 on the Marian House waiting list. There is no indication from the HSE when it is anticipated that this assessment will now take 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,
30th November 2018.

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

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: [REDACTED] Ref: AP0393

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

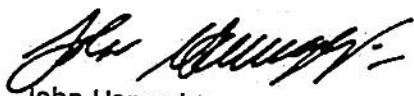
Section 18 (3) of the Disability Act requires an appeal to be submitted within six weeks of the date of the finding of the HSE's Disability Complaints Officer. In this case the Complaints Officer's Report was dated 5th July 2018 and was deemed to be a valid appeal.

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

Information furnished to my office by the HSE Disability Services in Cork Kerry Community Healthcare on 14th November 2018 confirms that [REDACTED] ASD assessment remains outstanding. The HSE Disability Services have also confirmed that [REDACTED] is number 108 on the Marian House waiting list. There is no indication from the HSE when it is anticipated that this assessment will now take 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,
30th November 2018.

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

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: AP0394**

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

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

Section 18 (3) of the Disability Act requires an appeal to be submitted within six weeks of the date of the finding of the HSE's Disability Complaints Officer. In this case the Complaint Officer's Report was dated 3rd August 2018 and the appeal was received in this office on 18th September 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 9th October 2018.

The Complaints Officer's Report dated 3rd August 2018 recommended that [REDACTED] ASD assessment is completed no later than 10th September 2018. [REDACTED] Final Assessment Report should be issued to the Case Manager for preparation of his Service Statement no later than 17th September 2018. Should there be an entitlement to a Service Statement this should be issued in conjunction with his final assessment report no later than 17th October 2018.

Information furnished to my office by the HSE's Assessment Officer by letter dated 22nd October 2018 stated that [REDACTED] is number 129 on the waiting list for Marian House ASD Services. It was not indicated what timeframe is currently envisaged. 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] ASD Assessment, Final Assessment Report and Service Statement need to be completed and issued without further delays.



John Harraghy,
Disability Appeals Officer,
2nd November 2018

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

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

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

Determination of an Appeal on Behalf of: **Ref: AP0395**

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 20th September 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 22nd August 2018 and was deemed to be a valid appeal.

The Complaints Officer's Report dated 22nd August 2018 recommended that [REDACTED] ASD Assessment is completed no later than 28th September 2018 and that the Final Assessment Report is issued no later than 5th October 2018. [REDACTED] Service Statement should be issued in conjunction with his final assessment report no later than 5th November 2018.

Information furnished to my office by the HSE North Cork, Assessment of Need Office on 9th October 2018 confirms that [REDACTED] ASD assessment remains outstanding. The HSE North Cork, Assessment of Need Office have also confirmed that it is anticipated that [REDACTED] would be seen for assessment in approximately 18 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 in Cork Kerry Community Healthcare, does not have the capacity to complete the assessment, then alternative arrangements must be made.



John Harraghy,
Disability Appeals Officer,
23rd October 2018.

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

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

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

Determination of an Appeal on Behalf of: [REDACTED] Ref: APO396

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 20th September 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 10th August 2018 and was deemed to be a valid appeal.

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

Information furnished to my office by the HSE North Assessment of Need Office, Cork on 9th October 2018 confirms that [REDACTED] ASD assessment remains outstanding. The HSE North Assessment of Need Office, Cork have also confirmed that it is anticipated that [REDACTED] would be seen for assessment in approximately 18 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,
23rd October 2018.

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: [REDACTED] **Ref: AP0397**

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

The Complaints Officer's Report dated 16th August 2018 recommended that [REDACTED] ASD Assessment is completed no later than 23rd September 2018 and that the Final Assessment Report is issued no later than 30th September 2018. [REDACTED] Service Statement should be issued in conjunction with his final assessment report no later than 30th October 2018.

Information furnished to my office by the HSE Disability Services in Cork Kerry Community Healthcare on 12th November 2018 confirms that [REDACTED] ASD assessment remains outstanding. The HSE Disability Services have also confirmed that it is anticipated that [REDACTED] will be seen in the January to March 2019 batch of appointments. Meanwhile, a decision was made to prioritise Appeals waiting for an ASD assessment and a HSE funded private assessment will be offered 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. 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,
30th November 2018.

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

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: [REDACTED] Ref: AP0398


This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 28th September 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 15th June 2018 and the appeal was received in this office on 28th September 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 30th October 2018.

The Complaints Officer's Report dated 15th June 2018 recommended that [REDACTED] ASD assessment is completed no later than 20th July 2018. [REDACTED] Final Assessment Report should be issued to the Case Manager for preparation of his Service Statement no later than the 27th July 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 27th August 2018.

Information furnished to my office by the HSE's Assessment Officer by email dated 17th January 2019 stated that [REDACTED] OT assessment is complete and he is still waiting for an SLT and Psychology appointment. It is anticipated that this will be completed in the next few weeks.

The timeline for completion of ASD Assessment is significantly 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,
22ND January, 2019

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

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: [REDACTED] **Ref: AP0399**

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 1st 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 20th August 2018 and was deemed to be a valid appeal.

The Complaints Officer's Report dated 20th August 2018 recommended that [REDACTED] ASD Assessment is completed no later than 24th September 2018 and that the Final Assessment Report is issued no later than 1st October 2018. [REDACTED] Service Statement should be issued in conjunction with her final assessment report no later than 1st November 2018.

Information furnished to my office by the HSE Assessment of Need Office, Cork on 9th October 2018 confirms that [REDACTED] ASD assessment remains outstanding. The HSE Assessment of Need Office have also confirmed that it is anticipated that [REDACTED] would be seen for assessment in approximately 18 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,
23rd October 2018.

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