

# 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: AP0550**

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 19<sup>th</sup> February 2019 [REDACTED] in respect of [REDACTED]. This appeal was against the non-implementation by the HSE of a recommendation of a Complaints Officer within the specified timeframe.

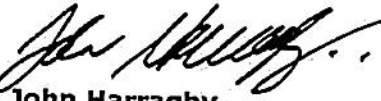
Section 18 (3) of the Disability Act requires an appeal to be submitted within six weeks of the date of the finding of the HSE's Disability Complaints Officer. In this case the Complaints Officer's Report was dated 19<sup>th</sup> December 2018 and was deemed to be a valid appeal.

The Complaints Officer's Report dated 19<sup>th</sup> December 2018 recommended that [REDACTED] ASD Assessment is completed no later than 23<sup>rd</sup> January 2019 and that the Final Assessment Report is issued to the Case Manager for preparation of his Service Statement no later than 30<sup>th</sup> January 2019. [REDACTED] Service Statement should be issued in conjunction with his final assessment report no later than 28<sup>th</sup> February 2019.

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

While the update from the HSE is welcome, this timeline is now in breach of the timeline set by the Complaints Officer for the issue of the ASD Assessment and I, accordingly, uphold this appeal.

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

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

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

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Baile Átha Cliath 2,  
D02 XW14.

## **Determination of an Appeal on Behalf of:** **Ref: AP0551**

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 20<sup>th</sup> February 2019 from [REDACTED], in respect of [REDACTED]. This appeal was against the non-implementation by the HSE of a recommendation of a Complaints Officer within the specified timeframe.

Section 18 (3) of the Disability Act requires an appeal to be submitted within six weeks of the date of the finding of the HSE's Disability Complaints Officer. In this case the Complaints Officer's Report was dated 13<sup>th</sup> February 2019 and was deemed to be a valid appeal.

The Complaints Officer's Report dated 13<sup>th</sup> February 2019 recommended that [REDACTED] Assessment is completed no later than 20<sup>th</sup> March 2019 and that the Final Assessment Report is issued to the Case Manager for preparation of [REDACTED] Service Statement no later than 27<sup>th</sup> March 2019. [REDACTED] Service Statement should be issued in conjunction with [REDACTED] final assessment report no later than 27<sup>th</sup> April 2019.

Information furnished to my office by the HSE Disability Services in Cork Kerry Community Healthcare on 23<sup>rd</sup> March 2019 confirms that [REDACTED] assessment remains outstanding. The HSE Disability Services have also confirmed that a decision was made to prioritise Appeals waiting for ASD assessment and to offer an HSE funded private assessment via the waitlist initiative. The HSE Disability Services have confirmed that they anticipate that if [REDACTED] is accepted her parents should be contacted by the private assessors to offer an appointment within 10 weeks of receipt of this Appeals determination.

While the update from the HSE is welcome, this timeline is now in breach of the timeline set by the Complaints Officer for the issue of the ASD Assessment and I, accordingly, uphold this appeal.

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



**John Harraghy,**  
**Disability Appeals Officer,**  
**12 April 2019**

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

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D02 XW14.

## **Determination of an Appeal on Behalf of:** **Ref: AP0552**

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 22<sup>nd</sup> February 2019 from [REDACTED], in respect of her son [REDACTED]. This appeal was against the non-implementation by the HSE of a recommendation of a Complaints Officer within the specified timeframe.

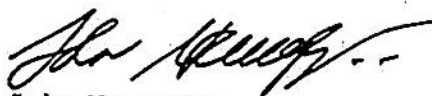
Section 18 (3) of the Disability Act requires an appeal to be submitted within six weeks of the date of the finding of the HSE's Disability Complaints Officer. In this case the Complaints Officer's Report was dated 14<sup>th</sup> January 2019 and was deemed to be a valid appeal.

The Complaints Officer's Report dated 14<sup>th</sup> January 2019 recommended that [REDACTED] ASD Assessment is completed no later than 18<sup>th</sup> February 2019 and that the Final Assessment Report is issued to the Case Manager for preparation of his Service Statement no later than 25<sup>th</sup> February 2019. [REDACTED] Service Statement should be issued in conjunction with his final assessment report no later than 25<sup>th</sup> March 2019.

Information furnished to my office by the HSE Disability Services in Cork Kerry Community Healthcare on 4<sup>th</sup> March 2019 confirms that [REDACTED] ASD assessment remain outstanding. The HSE Disability Services have also confirmed that a decision was made to prioritise Appeals waiting for ASD assessment and to offer a HSE funded private assessment via the waitlist initiative. The HSE Disability Services have confirmed that they anticipate that if [REDACTED] is accepted his parents should be contacted by the private assessors to offer an appointment within 8 weeks of receipt of this Appeals determination.

While the update from the HSE is welcome, this timeline is now in breach of the timeline set by the Complaints Officer for the issue of the ASD Assessment and I, accordingly, uphold this appeal.

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



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

Lo Call: 1850 211 583  
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D02 XW14.

## **Determination of an Appeal on Behalf of:** **Ref: AP0553**

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 20<sup>th</sup> February 2019 from [REDACTED] in respect of her son [REDACTED]. This appeal was against the non-implementation by the HSE of a recommendation of a Complaints Officer within the specified timeframe.

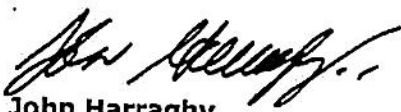
Section 18 (3) of the Disability Act requires an appeal to be submitted within six weeks of the date of the finding of the HSE's Disability Complaints Officer. In this case the Complaints Officer's Report was dated 9<sup>th</sup> January 2019 and was deemed to be a valid appeal.

The Complaints Officer's Report dated 9<sup>th</sup> January 2019 recommended that [REDACTED] ASD Assessment is completed no later than 13<sup>th</sup> January 2019 and that the Final Assessment Report is issued to the Case Manager for preparation of his Service Statement no later than 20<sup>th</sup> February 2019. [REDACTED] Service Statement should be issued in conjunction with his final assessment report no later than 20<sup>th</sup> March 2019.

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

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

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

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

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## **Determination of an Appeal on Behalf of:** **Ref: AP0554**

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 22<sup>nd</sup> February 2019 from [REDACTED] in respect of her son [REDACTED]. This appeal was against the non-implementation by the HSE of a recommendation of a Complaints Officer within the specified timeframe.

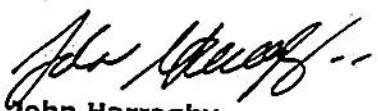
Section 18 (3) of the Disability Act requires an appeal to be submitted within six weeks of the date of the finding of the HSE's Disability Complaints Officer. In this case the Complaints Officer's Report was dated 17<sup>th</sup> December 2018 and was deemed to be a valid appeal.

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

Information furnished to my office by the HSE Disability Services in Cork Kerry Community Healthcare on 14<sup>th</sup> March 2019 confirms that [REDACTED] ASD assessment remain outstanding. The HSE Disability Services have also confirmed that a decision was made to prioritise Appeals waiting for ASD assessment and to offer a HSE funded private assessment via the waitlist initiative. The HSE Disability Services have confirmed that they anticipate that if [REDACTED] is accepted his parents should be contacted by the private assessors to offer an appointment within 8 weeks of receipt of this Appeals determination.

While the update from the HSE is welcome, this timeline is now in breach of the timeline set by the Complaints Officer for the issue of the ASD Assessment and I, accordingly, uphold this appeal.

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

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

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D02 XW14.

## **Determination of an Appeal on Behalf of:** [REDACTED] **Ref: AP0555**

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 22<sup>nd</sup> February 2019 from [REDACTED], in respect of [REDACTED]

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

Section 18 (3) of the Disability Act requires an appeal to be submitted within six weeks of the date of the finding of the HSE's Disability Complaints Officer. In this case the Complaints Officer's Report was dated 4<sup>th</sup> February 2019 and was deemed to be a valid appeal.

The Complaints Officer's Report dated 4<sup>th</sup> February 2019 recommended that [REDACTED] Assessment is completed no later than 12<sup>th</sup> March 2019 and that the Final Assessment Report is issued to the Case Manager for preparation of [REDACTED] Service Statement no later than 19<sup>th</sup> March 2019. [REDACTED] Service Statement should be issued in conjunction with his final assessment report no later than 19<sup>th</sup> April 2019.

Information furnished to my office by the HSE Disability Services in Cork Kerry Community Healthcare on 8<sup>th</sup> March 2019 confirms that [REDACTED] assessment remains outstanding. The HSE Disability Services have also confirmed that a decision was made to prioritise Appeals waiting for ASD assessment and to offer a HSE funded private assessment via the waitlist initiative. The HSE Disability Services have confirmed that they anticipate that if [REDACTED] is accepted his parents should be contacted by the private assessors to offer an appointment within 10 weeks of receipt of this Appeals determination.

While the update from the HSE is welcome, this timeline is now in breach of the timeline set by the Complaints Officer for the issue of the ASD Assessment and I, accordingly, uphold this appeal.

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

  
John Harraghy,  
Disability Appeals Officer,  
10 April 2019

Lo Call: 1850 211 583  
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Baile Átha Cliath 2,  
D02 XW14.

## **Determination of an Appeal on Behalf of:** **Ref: AP0556**

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 22<sup>nd</sup> February 2019 from [REDACTED] in respect of her son [REDACTED]. This appeal was against the non-implementation by the HSE of a recommendation of a Complaints Officer within the specified timeframe.

Section 18 (3) of the Disability Act requires an appeal to be submitted within six weeks of the date of the finding of the HSE's Disability Complaints Officer. In this case the Complaints Officer's Report was dated 17<sup>th</sup> January 2019 and was deemed to be a valid appeal.

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

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

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

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

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

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

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

## Determination of an Appeal on Behalf of

Ref APO 557. D.O.B.

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 26<sup>th</sup> February 2019 from [REDACTED]. In respect of her son [REDACTED] This appeal was against the non-implementation by the HSE of a recommendation of a Complaints Officer within the specified timeframe.

Section 18 (3) of the Disability Act requires an appeal to be submitted within six weeks of the date of the finding of the HSE's Disability Complaints Officer. In this case the Complaint Officer's Report was dated 11<sup>th</sup> December 2018 and the appeal was received in this office on 2<sup>nd</sup> July 2019. 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]'s request for an extension.

The Complaints Officer's Report dated 11<sup>th</sup> December 2018 recommended that [REDACTED] ASD Assessment is completed no later than 15<sup>th</sup> January 2019 and that the Final Assessment Report is issued to the Case Manager for preparation of the Service Statement no later than 22<sup>nd</sup> January 2019. [REDACTED] Service Statement should be issued in conjunction with the final assessment report no later than 22<sup>nd</sup> February 2019.

Information furnished to my office by the HSE Disability Services in Cork Kerry Community Healthcare on 24<sup>th</sup> July 2019 confirms that [REDACTED] ASD assessment remains outstanding. The HSE Disability Services have also confirmed that a decision was made to prioritise Appeals waiting for ASD assessment and to offer a HSE funded private assessment via the waitlist initiative. The HSE Disability Services have confirmed that they anticipate that if [REDACTED] is accepted for assessment the private assessors will be in contact with his parents to offer an appointment within 10 weeks of receipt of this Appeals determination.

While the update from the HSE is welcome, this timeline is now in breach of the timeline set by the Complaints Officer for the issue of the ASD Assessment and I, accordingly, uphold this appeal.

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

  
John Harraghy,  
Disability Appeals Officer,  
24 July 2019

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

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Baile Átha Cliath 2,  
D02 XW14.

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

**Ref: AP0558. D.O.B. [REDACTED]**

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 26<sup>th</sup> February 2019 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 31<sup>st</sup> January 2019 and was deemed to be a valid appeal.

The Complaints Officer's Report dated 31<sup>st</sup> January 2019 recommended that [REDACTED] ASD Assessment is completed no later than 7<sup>th</sup> March 2019 and that the Final Assessment Report is issued to the Case Manager for preparation of her Service Statement no later than 14<sup>th</sup> March 2019. [REDACTED] Service Statement should be issued in conjunction with her final assessment report no later than 14<sup>th</sup> April 2019.

Information furnished to my office by the HSE Disability Services in Cork Kerry Community Healthcare on 2<sup>nd</sup> May 2019 confirms that [REDACTED] ASD assessment remains outstanding. The HSE Disability Services have also confirmed that a decision was made to prioritise Appeals waiting for ASD assessment and to offer a HSE funded private assessment via the waitlist initiative. The HSE Disability Services have confirmed that they anticipate that if [REDACTED] is accepted her parents should be contacted by the private assessors to offer an appointment within 10 weeks of receipt of this Appeals determination.

While the update from the HSE is welcome, this timeline is now in breach of the timeline set by the Complaints Officer for the issue of the ASD Assessment and I, accordingly, uphold this appeal.

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

  
**John Harraghy,**  
Disability Appeals Officer,  
8 May 2019

Lo Call: 1850 211 583  
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D02 XW14.

## **Determination of an Appeal on Behalf of:** **Ref: AP0559**

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 26<sup>th</sup> February 2019 from [REDACTED] in respect of her daughter [REDACTED]. This appeal was against the non-implementation by the HSE of a recommendation of a Complaints Officer within the specified timeframe.

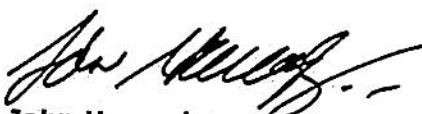
Section 18 (3) of the Disability Act requires an appeal to be submitted within six weeks of the date of the finding of the HSE's Disability Complaints Officer. In this case the Complaints Officer's Report was dated 17<sup>th</sup> January 2019 and was deemed to be a valid appeal.

The Complaints Officer's Report dated 17<sup>th</sup> January 2019 recommended that [REDACTED] ASD Assessment is completed no later than 24<sup>th</sup> February 2019 and that the Final Assessment Report is issued to the Case Manager for preparation of her Service Statement no later than 3<sup>rd</sup> March 2019. [REDACTED] Service Statement should be issued in conjunction with her final assessment report no later than 3<sup>rd</sup> April 2019.

Information furnished to my office by the HSE Disability Services in Cork Kerry Community Healthcare on 6<sup>th</sup> March 2019 confirms that [REDACTED] ASD assessment remain outstanding. The HSE Disability Services have also confirmed that a decision was made to prioritise Appeals waiting for ASD assessment and to offer a HSE funded private assessment via the waitlist initiative. The HSE Disability Services have confirmed that they anticipate that if [REDACTED] is accepted her parents should be contacted by the private assessors to offer an appointment within 8 weeks of receipt of this Appeals determination.

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

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

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

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Baile Átha Cliath 2,  
D02 XW14.

## **Determination of an Appeal on Behalf of:** **Ref: AP0560**

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 26<sup>th</sup> February 2019 from [REDACTED] in respect of her daughter [REDACTED]. This appeal was against the non-implementation by the HSE of a recommendation of a Complaints Officer within the specified timeframe.


Section 18 (3) of the Disability Act requires an appeal to be submitted within six weeks of the date of the finding of the HSE's Disability Complaints Officer. In this case the Complaints Officer's Report was dated 15<sup>th</sup> January 2019 and was deemed to be a valid appeal.

The Complaints Officer's Report dated 15<sup>th</sup> January 2019 recommended that [REDACTED] ASD Assessment is completed no later than 19<sup>th</sup> February 2019 and that the Final Assessment Report is issued to the Case Manager for preparation of her Service Statement no later than 26<sup>th</sup> February 2019. [REDACTED] Service Statement should be issued in conjunction with her final assessment report no later than 26<sup>th</sup> March 2019.

Information furnished to my office by the HSE Disability Services In Cork Kerry Community Healthcare on 6<sup>th</sup> March 2019 confirms that [REDACTED] ASD assessment remain outstanding. The HSE Disability Services have also confirmed that a decision was made to prioritise Appeals waiting for ASD assessment and to offer a HSE funded private assessment via the waitlist initiative. The HSE Disability Services have confirmed that they anticipate that if [REDACTED] is accepted her parents should be contacted by the private assessors to offer an appointment within 8 weeks of receipt of this Appeals determination.

While the update from the HSE is welcome, this timeline is now in breach of the timeline set by the Complaints Officer for the issue of the ASD Assessment and I, accordingly, uphold this appeal.

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

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

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

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D02 XW14.

## **Determination of an Appeal on Behalf of:** **Ref: AP0561**

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 26<sup>th</sup> February 2019 from [REDACTED] in respect of her daughter Amy O' Neill. This appeal was against the non-implementation by the HSE of a recommendation of a Complaints Officer within the specified timeframe.


Section 18 (3) of the Disability Act requires an appeal to be submitted within six weeks of the date of the finding of the HSE's Disability Complaints Officer. In this case the Complaints Officer's Report was dated 15<sup>th</sup> January 2019 and was deemed to be a valid appeal.

The Complaints Officer's Report dated 15<sup>th</sup> January 2019 recommended that [REDACTED] ASD Assessment is completed no later than 19<sup>th</sup> February 2019 and that the Final Assessment Report is issued to the Case Manager for preparation of her Service Statement no later than 26<sup>th</sup> February 2019. [REDACTED] Service Statement should be issued in conjunction with her final assessment report no later than 26<sup>th</sup> March 2019.

Information furnished to my office by the HSE Disability Services In Cork Kerry Community Healthcare on 6<sup>th</sup> March 2019 confirms that [REDACTED] ASD assessment remain outstanding. The HSE Disability Services have also confirmed that a decision was made to prioritise Appeals waiting for ASD assessment and to offer a HSE funded private assessment via the waitlist initiative. The HSE Disability Services have confirmed that they anticipate that if [REDACTED] is accepted her parents should be contacted by the private assessors to offer an appointment within 8 weeks of receipt of this Appeals determination.

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

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

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

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

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D02 XW14.

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

**Ref: AP0562. D.O.B.**

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 8<sup>th</sup> March 2019 from [REDACTED], in respect of [REDACTED]. This appeal was against the non-implementation by the HSE of a recommendation of a Complaints Officer within the specified timeframe.

Section 18 (3) of the Disability Act requires an appeal to be submitted within six weeks of the date of the finding of the HSE's Disability Complaints Officer. In this case the Complaints Officer's Report was dated 21<sup>st</sup> January 2019 and was deemed to be a valid appeal.

The Complaints Officer's Report dated 21<sup>st</sup> January 2019 recommended that [REDACTED] Assessment is completed no later than 25<sup>th</sup> February 2019 and that the Final Assessment Report is issued to the Case Manager for preparation of her Service Statement no later than 4<sup>th</sup> March 2019. [REDACTED] Service Statement should be issued in conjunction with her final assessment report no later than 4<sup>th</sup> April 2019.

Information furnished to my office by the HSE Disability Services South East on 4<sup>th</sup> July 2019 confirms that [REDACTED] SLT, OT and Psychology assessments are complete and that the service statement and reports have been issued.

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

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



**John Harraghy,**  
Disability Appeals Officer,  
17 July 2019

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



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D02 XW14.

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

**Ref: AP0563. D.O.B. 04/03/2009**

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 28<sup>th</sup> February 2019 from [REDACTED], in respect of her daughter [REDACTED]. This appeal was against the non-implementation by the HSE of a recommendation of a Complaints Officer within the specified timeframe.

Section 18 (3) of the Disability Act requires an appeal to be submitted within six weeks of the date of the finding of the HSE's Disability Complaints Officer. In this case the Complaints Officer's Report was dated 28<sup>th</sup> January 2019 and was deemed to be a valid appeal.

The Complaints Officer's Report dated 28<sup>th</sup> January 2019 recommended that [REDACTED] ASD Assessment is commenced without delay and that the Final Assessment Report is issued to the Case Manager no later than 3 months from the date of issue of the Complaints Officer report. [REDACTED] Service Statement should be issued in conjunction with her final assessment report no later than one month after completion of assessment.

Information furnished to my office by the HSE Disability Services in Chamber House, Tallaght on 28<sup>th</sup> May 2019 confirms that [REDACTED] ASD assessment commenced on 15<sup>th</sup> May 2019 and is due to be completed no later than 15<sup>th</sup> August 2019.

While the update from the HSE is welcome, this timeline is now in breach of the timeline set by the Complaints Officer for the issue of the ASD Assessment and I, accordingly, uphold this appeal.

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



**John Harraghy,**  
Disability Appeals Officer,  
4 June 2019

Lo Call: 1850 211 583  
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D02 XW14.

## **Determination of an Appeal on Behalf of:** [REDACTED] **Ref: AP0564**

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 28th February 2019 from [REDACTED]. This appeal was against the non-implementation by the HSE of a recommendation of a Complaints Officer within the specified timeframe.

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

The Complaints Officer's Report dated 22<sup>nd</sup> November 2018 recommended that [REDACTED] Assessment is completed no later than 27<sup>th</sup> December 2018 and that the Final Assessment Report is issued to the Case Manager for preparation of [REDACTED] Service Statement no later than 27<sup>th</sup> January 2019. [REDACTED] Service Statement should be issued in conjunction with [REDACTED] final assessment report no later than 27<sup>th</sup> February 2019.

Information furnished to my office by the HSE Disability Services in Cork Kerry Community Healthcare on 14<sup>th</sup> March 2019 confirms that [REDACTED] assessment remains outstanding. The HSE Disability Services have also confirmed that a decision was made to prioritise Appeals waiting for ASD assessment and to offer a HSE funded private assessment via the waitlist Initiative. The HSE Disability Services have confirmed that they anticipate that if [REDACTED] is accepted [REDACTED] parents should be contacted by the private assessors to offer an appointment within 10 weeks of receipt of this Appeals determination.

While the update from the HSE is welcome, this timeline is now in breach of the timeline set by the Complaints Officer for the issue of the ASD Assessment and I, accordingly, uphold this appeal.

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

**John Harraghy,**  
**Disability Appeals Officer,**  
**2 April 2019**

Lo Call: 1850 211 583  
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D02 XW14.

## **Determination of an Appeal on Behalf of:** **Ref: AP0565**

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 26<sup>th</sup> February 2019 from [REDACTED] in respect of her son [REDACTED]. This appeal was against the non-implementation by the HSE of a recommendation of a Complaints Officer within the specified timeframe.

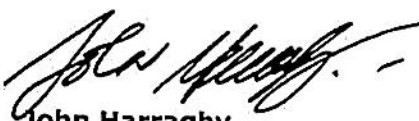
Section 18 (3) of the Disability Act requires an appeal to be submitted within six weeks of the date of the finding of the HSE's Disability Complaints Officer. In this case the Complaints Officer's Report was dated 16<sup>th</sup> January 2019 and was deemed to be a valid appeal.

The Complaints Officer's Report dated 16<sup>th</sup> January 2019 recommended that [REDACTED] ASD Assessment is completed no later than 20<sup>th</sup> February 2019 and that the Final Assessment Report is issued to the Case Manager for preparation of his Service Statement no later than 27<sup>th</sup> February 2019. [REDACTED] Service Statement should be issued in conjunction with his final assessment report no later than 27<sup>th</sup> March 2019.

Information furnished to my office by the HSE Disability Services in Cork Kerry Community Healthcare on 6<sup>th</sup> March 2019 confirms that [REDACTED] ASD assessment remain outstanding. The HSE Disability Services have also confirmed that a decision was made to prioritise Appeals waiting for ASD assessment and to offer a HSE funded private assessment via the waitlist initiative. The HSE Disability Services have confirmed that they anticipate that if [REDACTED] is accepted his parents should be contacted by the private assessors to offer an appointment within 8 weeks of receipt of this Appeals determination.

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

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

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

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

**Ref: AP0566**

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 1<sup>st</sup> March 2019 from [REDACTED] in respect of her daughter

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

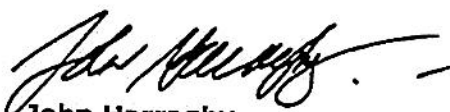
Section 18 (3) of the Disability Act requires an appeal to be submitted within six weeks of the date of the finding of the HSE's Disability Complaints Officer. In this case the Complaints Officer's Report was dated 21<sup>st</sup> January 2019 and was deemed to be a valid appeal.

The Complaints Officer's Report dated 21<sup>st</sup> January 2019 recommended that [REDACTED] ASD Assessment is completed no later than 28<sup>th</sup> February 2019 and that the Final Assessment Report is issued to the Case Manager for preparation of her Service Statement no later than 8<sup>th</sup> March 2019. [REDACTED] Service Statement should be issued in conjunction with her final assessment report no later than 8<sup>th</sup> April 2019.

Information furnished to my office by the HSE Disability Services in Cork Kerry Community Healthcare on 6<sup>th</sup> March 2019 confirms that [REDACTED] ASD assessment remain outstanding. The HSE Disability Services have also confirmed that a decision was made to prioritise Appeals waiting for ASD assessment and to offer a HSE funded private assessment via the waitlist initiative. The HSE Disability Services have confirmed that they anticipate that if [REDACTED] is accepted her parents should be contacted by the private assessors to offer an appointment within 8 weeks of receipt of this Appeals determination.

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

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



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

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D02 XW14.

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

**Ref: AP0567. D.O.B. 4<sup>TH</sup> April 2016**

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 8<sup>th</sup> March 2019 from [REDACTED] in respect of her son [REDACTED]. This appeal was against the non-implementation by the HSE of a recommendation of a Complaints Officer within the specified timeframe.

Section 18 (3) of the Disability Act requires an appeal to be submitted within six weeks of the date of the finding of the HSE's Disability Complaints Officer. In this case the Complaints Officer's Report was dated 22<sup>nd</sup> January 2019 and was deemed to be a valid appeal.

The Complaints Officer's Report dated 22<sup>nd</sup> January 2019 recommended that [REDACTED] ASD Assessment is completed no later than 26<sup>th</sup> February 2019 and that the Final Assessment Report is issued to the Case Manager for preparation of her Service Statement no later than 5<sup>th</sup> March 2019. [REDACTED] Service Statement should be issued in conjunction with her final assessment report no later than 5<sup>th</sup> April 2019.

Information furnished to my office by the HSE Disability Services in North Dublin Community Healthcare on 4<sup>th</sup> July 2019 confirms that Sean's AON assessment was completed on 13<sup>th</sup> May 2019 and that [REDACTED] was referred to an Early Intervention Team. The HSE confirmed that [REDACTED] speech and language tests and psychological assessments have all been completed and his service statement and final assessment report have been provided.

While the update from the HSE is welcome, this timeline is now in breach of the timeline set by the Complaints Officer for the issue of the ASD Assessment and I, accordingly, uphold this appeal.

The HSE has a statutory obligation under the Disability Act 2005 to ensure that the Assessment of Need process, including the provision of a Service Statement, is completed within the specified timelines. It is the HSE's responsibility to make the necessary arrangements to comply with this. If the HSE Disability Services, North Dublin, 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,  
18 July 2019**

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## **Determination of an Appeal on Behalf of:** **Ref: AP0568**

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 5<sup>th</sup> March 2019 from [REDACTED] in respect of her daughter [REDACTED]. This appeal was against the non-implementation by the HSE of a recommendation of a Complaints Officer within the specified timeframe.

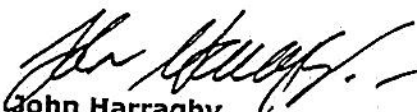
Section 18 (3) of the Disability Act requires an appeal to be submitted within six weeks of the date of the finding of the HSE's Disability Complaints Officer. In this case the Complaints Officer's Report was dated 22<sup>nd</sup> January 2019 and was deemed to be a valid appeal.

The Complaints Officer's Report dated 22<sup>nd</sup> January 2019 recommended that [REDACTED] ASD Assessment is completed no later than 1<sup>st</sup> March 2019 and that the Final Assessment Report is issued to the Case Manager for preparation of her Service Statement no later than 8<sup>th</sup> March 2019. [REDACTED] Service Statement should be issued in conjunction with her final assessment report no later than 8<sup>th</sup> April 2019.

Information furnished to my office by the HSE Disability Services in Cork Kerry Community Healthcare on 11<sup>th</sup> March 2019 confirms that [REDACTED] ASD assessment remain outstanding. The HSE Disability Services have also confirmed that a decision was made to prioritise Appeals waiting for ASD assessment and to offer a HSE funded private assessment via the waitlist initiative. The HSE Disability Services have confirmed that they anticipate that if [REDACTED] is accepted her parents should be contacted by the private assessors to offer an appointment within 8 weeks of receipt of this Appeals determination.

While the update from the HSE is welcome, this timeline is now in breach of the timeline set by the Complaints Officer for the issue of the ASD Assessment and I, accordingly, uphold this appeal.

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

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

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## **Determination of an Appeal on Behalf of:** **Ref: AP0570**

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 4<sup>th</sup> March 2019 from [REDACTED] in respect of her daughter [REDACTED]. This appeal was against the non-implementation by the HSE of a recommendation of a Complaints Officer within the specified timeframe.

Section 18 (3) of the Disability Act requires an appeal to be submitted within six weeks of the date of the finding of the HSE's Disability Complaints Officer. In this case the Complaints Officer's Report was dated 17<sup>th</sup> January 2019 and was deemed to be a valid appeal.

The Complaints Officer's Report dated 17<sup>th</sup> January 2019 recommended that [REDACTED] ASD Assessment is completed no later than 26<sup>th</sup> February 2019 and that the Final Assessment Report is issued to the Case Manager for preparation of her Service Statement no later than 7<sup>th</sup> March 2019. [REDACTED] Service Statement should be issued in conjunction with her final assessment report no later than 7<sup>th</sup> April 2019.

Information furnished to my office by the HSE Disability Services in Cork Kerry Community Healthcare on 11<sup>th</sup> March 2019 confirms that [REDACTED] ASD assessment remain outstanding. The HSE Disability Services have also confirmed that a decision was made to prioritise Appeals waiting for ASD assessment and to offer a HSE funded private assessment via the waitlist Initiative. The HSE Disability Services have confirmed that they anticipate that if [REDACTED] is accepted her parents should be contacted by the private assessors to offer an appointment within 8 weeks of receipt of this Appeals determination.

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

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



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

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

**Ref: AP0571. D.O.B.**

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 6<sup>th</sup> March 2019 from [REDACTED], in respect of her [REDACTED]

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

Section 18 (3) of the Disability Act requires an appeal to be submitted within six weeks of the date of the finding of the HSE's Disability Complaints Officer. In this case the Complaints Officer's Report was dated 10<sup>th</sup> December 2018 and was deemed to be a valid appeal.

The Complaints Officer's Report dated 10<sup>th</sup> December 2018 recommended that [REDACTED] Assessment is completed no later than 20<sup>th</sup> January 2019 and that the Final Assessment Report is issued to the Case Manager for preparation of [REDACTED] Service Statement no later than 27<sup>th</sup> January 2019. [REDACTED] Service Statement should be issued in conjunction with [REDACTED] final assessment report no later than 27<sup>th</sup> February 2019.

Information furnished to my office by the HSE Disability Services in Cork Kerry Community Healthcare on 30<sup>th</sup> April 2019 confirms that [REDACTED] assessment remains outstanding. The HSE Disability Services have also confirmed that a decision was made to prioritise Appeals waiting for ASD assessment and to offer a HSE funded private assessment via the waitlist initiative. The HSE Disability Services have confirmed that they anticipate that if [REDACTED] is accepted [REDACTED] parents should be contacted by the private assessors to offer an appointment within 10 weeks of receipt of this Appeals determination.

While the update from the HSE is welcome, this timeline is now in breach of the timeline set by the Complaints Officer for the issue of the ASD Assessment and I, accordingly, uphold this appeal.

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



John Harraghy,  
Disability Appeals Officer,  
8 May 2019

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

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

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Miesian Plaza,  
50-58 Lower Baggot Street,  
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50-58 Sráid Bhagóid Iochtarach,  
Baile Átha Cliath 2,  
D02 XW14.

## Determination of an Appeal on Behalf of: [REDACTED] Ref: AP0572

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 6<sup>th</sup> March 2019 from [REDACTED], in respect of her son [REDACTED].

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

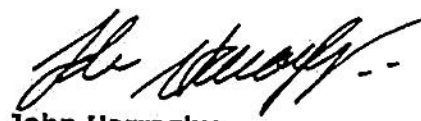
Section 18 (3) of the Disability Act requires an appeal to be submitted within six weeks of the date of the finding of the HSE's Disability Complaints Officer. In this case the Complaints Officer's Report was dated 31<sup>st</sup> January 2019 and was deemed to be a valid appeal.

The Complaints Officer's Report dated 31<sup>st</sup> January 2019 recommended that [REDACTED] ASD Assessment is completed no later than 7<sup>th</sup> March 2019 and that the Final Assessment Report is issued to the Case Manager for preparation of his Service Statement no later than 14<sup>th</sup> March 2019. [REDACTED] Service Statement should be issued in conjunction with his final assessment report no later than 14<sup>th</sup> April 2019.

Information furnished to my office by the HSE Disability Services In Co Cork Kerry Community Healthcare on 11<sup>th</sup> March 2019 confirms that [REDACTED] ASD assessment remain outstanding. The HSE Disability Services have also confirmed that a decision was made to prioritise Appeals waiting for ASD assessment and to offer a HSE funded private assessment via the waitlist initiative. The HSE Disability Services have confirmed that they anticipate that if [REDACTED] is accepted his parents should be contacted by the private assessors to offer an appointment within 8 weeks of receipt of this Appeals determination.

While the update from the HSE is welcome, this timeline is now in breach of the timeline set by the Complaints Officer for the issue of the ASD Assessment and I, accordingly, uphold this appeal.

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

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

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D02 XW14.

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

**Ref: AP0573. D.O.B.**

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 6<sup>th</sup> March 2019 from [REDACTED], in respect of [REDACTED]. This appeal was against the non-implementation by the HSE of a recommendation of a Complaints Officer within the specified timeframe.

Section 18 (3) of the Disability Act requires an appeal to be submitted within six weeks of the date of the finding of the HSE's Disability Complaints Officer. In this case the Complaints Officer's Report was dated 4<sup>th</sup> March 2019 and was deemed to be a valid appeal.

The Complaints Officer's Report dated 4<sup>th</sup> March 2019 recommended that [REDACTED] Assessment is completed no later than 11<sup>th</sup> April 2019 and that the Final Assessment Report is issued to the Case Manager for preparation of [REDACTED] Service Statement no later than 18<sup>th</sup> April 2019. [REDACTED] Service Statement should be issued in conjunction with [REDACTED] final assessment report no later than 17<sup>th</sup> May 2019.

Information furnished to my office by the HSE Disability Services in Cork Kerry Community Healthcare on 30<sup>th</sup> April 2019 confirms that [REDACTED] assessment remains outstanding. The HSE Disability Services have also confirmed that a decision was made to prioritise Appeals waiting for ASD assessment and to offer a HSE funded private assessment via the waitlist initiative. The HSE Disability Services have confirmed that they anticipate that if [REDACTED] is accepted [REDACTED] parents should be contacted by the private assessors to offer an appointment within 10 weeks of receipt of this Appeals determination.

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

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



John Harraghy,  
Disability Appeals Officer,  
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## **Determination of an Appeal on Behalf of:** **Ref: AP0574**

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 8<sup>th</sup> March 2019 from [REDACTED], in respect of [REDACTED].

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

Section 18 (3) of the Disability Act requires an appeal to be submitted within six weeks of the date of the finding of the HSE's Disability Complaints Officer. In this case the Complaints Officer's Report was dated 25<sup>th</sup> January 2019 and was deemed to be a valid appeal.

The Complaints Officer's Report dated 17<sup>th</sup> January 2019 recommended that [REDACTED] Assessment is completed no later than 1<sup>st</sup> March 2019 and that the Final Assessment Report is issued to the Case Manager for preparation of [REDACTED] Service Statement no later than 8<sup>th</sup> March 2019. [REDACTED] Service Statement should be issued in conjunction with [REDACTED] final assessment report no later than 8<sup>th</sup> April 2019.

Information furnished to my office by the HSE Disability Services in Cork Kerry Community Healthcare on 28<sup>th</sup> March 2019 confirms that [REDACTED] CAMHS assessment remains outstanding. The HSE Disability Services have also confirmed that a date for an assessment was not provided by the CAMHS team in Dunmanway.

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

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

  
John Harraghy,  
Disability Appeals Officer,  
10 April 2019

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