

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: [REDACTED] **Ref: AP0576**

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 8th 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.

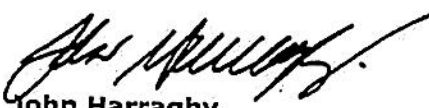
Section 18 (3) of the Disability Act requires an appeal to be submitted within six weeks of the date of the finding of the HSE's Disability Complaints Officer. In this case the Complaints Officer's Report was dated 19th February 2019 and was deemed to be a valid appeal.

The Complaints Officer's Report dated 19th February 2019 recommended that [REDACTED] ASD Assessment is completed no later than 27th March 2019 and that the Final Assessment Report is issued to the Case Manager for preparation of [REDACTED] Service Statement no later than 4th April 2019. [REDACTED] Service Statement should be issued in conjunction with [REDACTED] final assessment report no later than 4th May 2019.

Information furnished to my office by the HSE Disability Services in Cork Kerry Community Healthcare on 18th April 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 an 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,
24 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 Miseach,
50-58 Sráid Bhagóid Íochtarach,
Baile Átha Cliath 2,
D02 XW14.

Determination of an Appeal on Behalf of:

Ref: AP0577. D.O.B. [REDACTED]

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 8th 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.

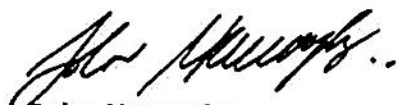
Section 18 (3) of the Disability Act requires an appeal to be submitted within six weeks of the date of the finding of the HSE's Disability Complaints Officer. In this case the Complaints Officer's Report was dated 28 February 2019 and was deemed to be a valid appeal.

The Complaints Officer's Report dated 28 February 2019 recommended that [REDACTED] Assessment is completed no later than 4th April 2019 and that the Final Assessment Report is issued to the Case Manager for preparation of [REDACTED] Service Statement no later than 11th April 2019. [REDACTED] Service Statement should be issued in conjunction with [REDACTED] final assessment report no later than 11th May 2019.

Information furnished to my office by the HSE Disability Services in Cork Kerry Community Healthcare on 25th 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,
30 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: AP0579

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 8th 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 8th March 2019 and was deemed to be a valid appeal.

The Complaints Officer's Report dated 8th March 2019 recommended that [REDACTED] Assessment is completed no later than 27th December 2018 and that the Final Assessment Report is issued to the Case Manager for preparation of [REDACTED] Service Statement no later than 27th January 2019. [REDACTED] Service Statement should be issued in conjunction with [REDACTED] final assessment report no later than 27th February 2019.

Information furnished to my office by the HSE Disability Services in Cork Kerry Community Healthcare on 8th 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,
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: AP0580

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 8th 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 31st January 2019 and was deemed to be a valid appeal.

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

Information furnished to my office by the HSE Disability Services in South East Community Healthcare on 15th March 2019 confirms that [REDACTED] ASD assessment remains outstanding. The HSE Disability Services have also confirmed that a decision was made to outsource [REDACTED] assessment and it is anticipated that this will conclude at the end of May 2019 and the Assessment report and service statement will be completed thereafter.

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,
22 March 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: AP0581

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 8th 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 10th January 2019 and was deemed to be a valid appeal.

The Complaints Officer's Report dated 10th January 2019 recommended that [REDACTED] Assessment is completed no later than 14th February 2019 and that the Final Assessment Report is issued to the Case Manager for preparation of [REDACTED] Service Statement no later than 21st February 2019. [REDACTED] Service Statement should be issued in conjunction with her final assessment report no later than 21st March 2019.

Information furnished to my office by the HSE Disability Services in Cork Kerry Community Healthcare on 11th April 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,
17 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: [REDACTED] **Ref: AP0582**

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 11th 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 26th February 2019 and was deemed to be a valid appeal.

The Complaints Officer's Report dated 26th February 2019 recommended that [REDACTED] Assessment is completed no later than 4th April 2019 and that the Final Assessment Report is issued to the Case Manager for preparation of [REDACTED] Service Statement no later than 11th April 2019. [REDACTED] Service Statement should be issued in conjunction with [REDACTED] final assessment report no later than 11th May 2019.

Information furnished to my office by the HSE Disability Services in Cork Kerry Community Healthcare on 9th April 2019 confirms that [REDACTED] Psychology assessment remains outstanding. The HSE Disability Services have also confirmed that there are 11 cases in front of [REDACTED] and it is estimated that he will be seen in the next three months.

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

Determination of an Appeal on Behalf of:

Ref: AP0583

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 12th 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 19th February 2019 and was deemed to be a valid appeal.

The Complaints Officer's Report dated 19th February 2019 recommended that [REDACTED] Assessment is completed no later than 26th March 2019 and that the Final Assessment Report is issued to the Case Manager for preparation of [REDACTED] Service Statement no later than 2nd April 2019. [REDACTED] Service Statement should be issued in conjunction with [REDACTED] final assessment report no later than 2nd May 2019.

Information furnished to my office by the HSE Disability Services in Cork Kerry Community Healthcare on 18th 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,
24 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: AP0584**

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 13th 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.

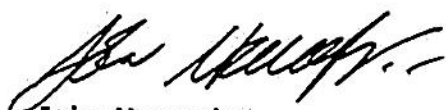
Section 18 (3) of the Disability Act requires an appeal to be submitted within six weeks of the date of the finding of the HSE's Disability Complaints Officer. In this case the Complaints Officer's Report was dated 6th February 2019 and was deemed to be a valid appeal.

The Complaints Officer's Report dated 6th February 2019 recommended that [REDACTED] Assessment is completed no later than 13th March 2019 and that the Final Assessment Report is issued to the Case Manager for preparation of [REDACTED] Service Statement no later than 20th March 2019. [REDACTED] Service Statement should be issued in conjunction with [REDACTED] final assessment report no later than 20th April 2019.

Information furnished to my office by the HSE Disability Services in Cork Kerry Community Healthcare on 8th April 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 [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,
12 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: AP0585. D.O.B. [REDACTED]

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

The Complaints Officer's Report dated 1st March 2019 recommended that [REDACTED] Assessment is completed no later than 8th April 2019 and that the Final Assessment Report is issued to the Case Manager for preparation of [REDACTED] Service Statement no later than 15th April 2019. [REDACTED] Service Statement should be issued in conjunction with [REDACTED] final assessment report no later than 15th May 2019.

Information furnished to my office by the HSE Disability Services in Cork Kerry Community Healthcare on 30th April 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 [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,
8 May 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: AP0586**

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

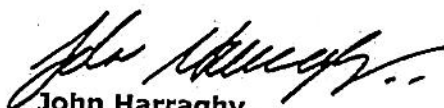
Section 18 (3) of the Disability Act requires an appeal to be submitted within six weeks of the date of the finding of the HSE's Disability Complaints Officer. In this case the Complaints Officer's Report was dated 12th February 2019 and was deemed to be a valid appeal.

The Complaints Officer's Report dated 12th February 2019 recommended that [REDACTED] Service Statement should be issued no later than 5th March 2019.

Information furnished to my office by the HSE Disability Services in Dublin South West, Chamber House, Tallaght on 25th March 2019 confirms that [REDACTED] Service Statement was issued on 7th March 2019.

This update from the HSE is welcome. However, as this timeline is in breach of the timeline set by the Complaints Officer for the issue of the Service Statement I, accordingly, uphold this appeal.

The HSE has a statutory obligation under the Disability Act 2005 to ensure that the Assessment of Need process, including the provision of a Service Statement, is completed within the specified timelines.



John Harraghy,
Disability Appeals Officer,
2 April 2019

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: AP0579. D.O.B.

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 20th 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 10th December 2018. This was outside the six week statutory timeframe for receipt of appeal applications. However, under Section 18 (4) of the Disability Act 2005 I may extend this six week period by a further twelve weeks if I am satisfied that there is reasonable cause for the extension. I accepted a request on [REDACTED] behalf for an extension in an email to this office received on 20th June 2019.

The Complaints Officer's Report dated 10th December 2019 recommended that [REDACTED] ASD Assessment is completed no later than 14th January 2020 and that the Final Assessment Report is issued to the Case Manager for preparation of his Service Statement no later than 21st January 2020. [REDACTED] Service Statement should be issued in conjunction with his final assessment report no later than 21st February 2020.

Information furnished to my office by the HSE Disability Services in Cork Kerry Community Healthcare on 18th 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,
19 July 2019**

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

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 Íochtarach,
Baile Átha Cliath 2,
D02 XW14.

Determination of an Appeal on Behalf of:

Ref: AP0589

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 20th 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 3rd December 2018 and was deemed to be a valid appeal.

The Complaints Officer's Report dated 3rd December 2018 recommended that [REDACTED] Assessment is completed no later than 15th January 2019 and that the Final Assessment Report is issued to the Case Manager for preparation of [REDACTED] Service Statement no later than 15th February 2019. [REDACTED] Service Statement should be issued in conjunction with [REDACTED] final assessment report no later than 22nd February 2019.

Information furnished to my office by the HSE Disability Services in Cork Kerry Community Healthcare on 11th 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,
17 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: AP0590

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 20th 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 6th February 2019 and was deemed to be a valid appeal.

The Complaints Officer's Report dated 6th February 2019 recommended that [REDACTED] Assessment is completed no later than 13th March 2019 and that the Final Assessment Report is issued to the Case Manager for preparation of [REDACTED] Service Statement no later than 20th March 2019. [REDACTED] Service Statement should be issued in conjunction with his final assessment report no later than 20th April 2019.

Information furnished to my office by the HSE Disability Services in Cork Kerry Community Healthcare on 11th 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 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 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,
17 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: AP0591. D.O.B.

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

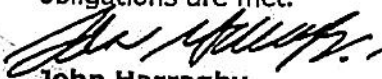
Section 18 (3) of the Disability Act requires an appeal to be submitted within six weeks of the date of the finding of the HSE's Disability Complaints Officer. In this case the Complaints Officer's Report was dated 31st January 2019. This was outside the six-week statutory timeframe for receipt of appeal 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] request for an extension in her email to this office received on 1st April 2019.

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

Information furnished to my office by the HSE Disability Services in Cork Kerry Community Healthcare on 25th 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 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 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,
30 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: AP0592. D.O.B.

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

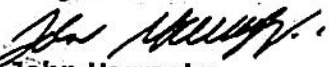
Section 18 (3) of the Disability Act requires an appeal to be submitted within six weeks of the date of the finding of the HSE's Disability Complaints Officer. In this case the Complaints Officer's Report was dated 31st January 2019. This was outside the six-week statutory timeframe for receipt of appeal 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] request for an extension in her email to this office received on 1st April 2019.

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

Information furnished to my office by the HSE Disability Services in Cork Kerry Community Healthcare on 25th 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,
30 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 Iochtarach,
Baile Átha Cliath 2,
D02 XW14.

Determination of an Appeal on Behalf of:

Ref: AP0594. D.O.B. [REDACTED]

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 26th 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 28th February 2019 and was deemed to be a valid appeal.

The Complaints Officer's Report dated 28th February 2019 recommended that [REDACTED] ASD Assessment is completed no later than 4th April 2019 and that the Final Assessment Report is issued to the Case Manager for preparation of his Service Statement no later than 11th April 2019. [REDACTED] Service Statement should be issued in conjunction with his final assessment report no later than 11th May 2019.

Information furnished to my office by the HSE Disability Services in Cork Kerry Community Healthcare on 25th April 2019 confirms that [REDACTED] ASD assessment remains outstanding. The HSE Disability Services have also confirmed that a decision was made to prioritise Appeals waiting for ASD assessment and to offer a HSE funded private assessment via the waitlist initiative. The HSE Disability Services have confirmed that they anticipate that if [REDACTED] is accepted his parents should be contacted by the private assessors to offer an appointment within 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
30 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: AP0595, D.O.B. [REDACTED]

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 26th 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 14th March 2019 and was deemed to be a valid appeal.

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

Information furnished to my office by the HSE Disability Services in Cork Kerry Community Healthcare on 1st May, 2019 confirms that [REDACTED] assessment will begin on 1st May 2019 at Marian House.

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 May 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: AP0596. D.O.B. [REDACTED]

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 26th 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.

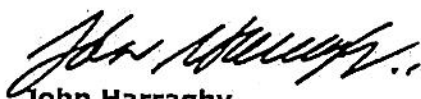
Section 18 (3) of the Disability Act requires an appeal to be submitted within six weeks of the date of the finding of the HSE's Disability Complaints Officer. In this case the Complaints Officer's Report was dated 5th February 2019 and was deemed to be a valid appeal.

The Complaints Officer's Report dated 5th February 2019 recommended that [REDACTED] Occupational Therapy (OT) Assessment is completed no later than 12th March 2019 and that the Final Assessment Report is issued to the Case Manager for preparation of his Service Statement no later than 19th March 2019. [REDACTED] Service Statement should be issued in conjunction with her final assessment report no later than 19th April 2019.

Information furnished to my office by the HSE Disability Services in Cork Kerry Community Healthcare on 29th May 2019 confirms that [REDACTED] OT assessment remains outstanding. The HSE explained that due to staff shortages in the North Lee Paediatric Occupational Therapy Department all Assessment of Need assessments have been temporarily ceased. The HSE aim to resume once staffing levels increase, however this is pending the release of two posts which are currently on hold. [REDACTED] is currently 31 on the waitlist.

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
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,

Oifig an Oifigigh Achomhairc um Míchumas
Bloc 1,
Plaza Míseach,
50-58 Sráid Bhagóid Íochtarach,
Atha Cliath 2,

Determination of an Appeal on Behalf of

Ref: AP0597. D.O.B:

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 26th March 2019 from [REDACTED], in respect [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 1st February 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] request for an extension in her letter to this office received on 3rd April 2019.

The Complaints Officer's Report dated 1st February 2019 recommended that [REDACTED] Assessment is completed no later than 8th March 2019 and that the Final Assessment Report is issued to the Case Manager for preparation of [REDACTED] Service Statement no later than 15th March 2019. [REDACTED] Service Statement should be issued in conjunction with [REDACTED] final assessment report no later than 15th April 2019.

Information furnished to my office by the HSE Disability Services in Cork Kerry Community Healthcare on 24th 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 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,
24 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 Miseach,
50-58 Sráid Bhagóid Íochtarach,
Baile Átha Cliath 2,
D02 XW14.

Determination of an Appeal on Behalf of:

Ref: AP0598.

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 26th 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 Complaints Officer. In this case the Complaints Officer's Report was dated 12th February 2019 and was deemed to be a valid appeal.

The Complaints Officer's Report dated 12th February 2019 recommended "that the Assessment Officer dealing with [REDACTED] case takes the matter up formally with the Community Healthcare Organisation for immediate attention to ensure that the HSE's legal obligations are met." The report also recommended that Conor's EI/SA Team assessment is completed no later than 19th March 2019 and that [REDACTED] Final Assessment Report should be issued to the Case Manager for the preparation of his Service Statement no later than 26th March 2019. Should [REDACTED] be entitled to a service statement this should be issued in conjunction with [REDACTED] final assessment report no later than 26th April 2019.

Information furnished to my office by the HSE Assessment Officer in Wicklow HSE on 9th April 2019 confirms that [REDACTED] assessment remains outstanding. The Assessment Officer in Wicklow HSE has also confirmed that they are unable to fully comply with the legislative time lines and that the private assessment provider does not have the capacity to take on more cases.

This update is unsatisfactory. This timeline is now significantly in breach of the timeline set by the Complaint's Officer for the completion of the Assessment process 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 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 Miseach,
50-58 Sráid Bhagóid Íochtarach,
Baile Átha Cliath 2,
D02 XW14.

Determination of an Appeal on Behalf of:

Ref: AP0599.

This appeal, pursuant to Section 18 (1) of the Disability Act 2005, was received on 26th 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 21st March 2019 and was deemed to be a valid appeal.

The Complaints Officer's Report dated 21st March 2019 recommended *"that the Assessment Officer dealing with this case takes this matter up formally with the Community Healthcare Organisation for immediate attention to ensure that the HSE's legal obligations under the Act are met."* The report also recommended that the assessment process is *"commenced without delay."* The assessment process should be completed no later than three months from the date of the report and should [REDACTED] be entitled to a Service Statement this should be issued in conjunction with the assessment report no later than one month after the completion of the assessment.

Information furnished to my office by the HSE Disability Manager in Chamber House, Tallaght, Dublin 24 on 15th April 2019 confirms that [REDACTED] assessment remains outstanding. The HSE's Disability Manager has also confirmed current waiting times are 14 – 16 months.

This update is not helpful. The timeline outlined 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, Chamber House, does not have the capacity to complete the assessment, then alternative arrangements must be made.


John Harraghy,
Disability Appeals Officer,
18th April 2019.

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