



Foireann Náisiúnta um Rialachas  
Gearáin & Foghlama  
Seirbhís Meabhairshláinte  
FSS, 31/33 Sráid  
Chaitríona, Luimneach

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**PQ 10710/22**

***To ask the Minister for Health the number of children with a disability who had an assessment of need carried out and where the findings were appealed to a HSE complaint officer in each of the years 2016 to 2021 and to date in 2022; the timeframe for the complaints to be heard in 0 to 3, 3 to 6, 6 to 12 months and greater than a year; and if he will make a statement on the matter. – Deputy David Cullinane***

Dear Deputy Cullinane,

I refer to the above Parliamentary Question which was referred by the Minister for Health to the Health Service Executive for direct response.

I have had the matter examined and I have been advised as follows:

The Disability Act 2005 provides for a special complaints and appeals procedure for service users if they are unhappy with their child's assessment of need or Service Statement. Any parents/guardians or any service user over 16 years old and under 18 years old who has applied for Assessment of Need can make a complaint under this process.

Under the Disability Act 2005 a parent/guardian can make a complaint regarding Assessment of Need if:

1. The child is found not to have a disability and the Parent/Guardian does not agree.
2. An assessment is not commenced and/or completed within the statutory timeframes.
3. The assessment is not done in line with the standards set by the Health Information and Quality Authority
4. Parent/Guardian believes that the content of the child's Service Statement is inaccurate or incorrect
5. Services in the child's Service Statement are not being delivered.

The specific grounds for complaint set out in Section 14 (1) the Act are as follows:

- (A) a determination by the assessment officer concerned that he or she does not have a disability;
- (B) the fact, if it be the case, that the assessment under section 9 was not commenced within the time specified in section 9(5) or was not completed without undue delay;
- (C) the fact, if it be the case, that the assessment under section 9 was not conducted in a manner that conforms to the standards determined by a body referred to in section 10;
- (D) the contents of the service statement provided to the applicant;
- (E) the fact, if it be the case, that the Executive or the education service provider, as the case may be, failed to provide or to fully provide a service specified in the service statement.

Where a complaint relates to the findings of the assessment under the Assessment of Need (AoN) process, these complaints are submitted under Ground A of the Act.



The following table breaks down the number of complaints of this type received each year from 2016 to date. The number of complaints received in relation to the findings of the assessment under the Assessment of Need (AoN) process are listed across the row headed '**No. of complaints in relation to Section 14(1)(A)**'.

	<b>2022 to date</b>	<b>2021</b>	<b>2020</b>	<b>2019</b>	<b>2018</b>	<b>2017</b>	<b>2016</b>
<b>No of complaints in relation to Section 14(1)(A)</b>	3	28	8	10	2	1	1

The timeframe for these complaints to be heard by an AoN Complaints Officer in 0 to 3, 3 to 6, 6 to 12 months and greater than a year is broken down in the table below from 2016 to date.

	<b>2022 to date*</b>	<b>2021*</b>	<b>2020</b>	<b>2019</b>	<b>2018</b>	<b>2017</b>	<b>2016</b>
<b>0 to 3 months</b>	0	9	4	10	0	0	1
<b>3 to 6 months</b>	0	12	2	0	1	0	0
<b>6 to 12 months</b>	0	0	2	0	1	1	0
<b>Greater than a year</b>	0	0	0	0	0	0	0

There are a number of complaint investigations from 2022, and the end of 2021, that have yet to be completed. In 2021 there are 7 complaints that are currently in progress; the duration of their investigation at present ranges from 2-4 months. In 2022 there are 3 complaints that are in progress; the duration of their investigation at present ranges from 0-1 months.

In total, 508 complaints were investigated in 2021 and the average time taken to complete an investigation that year was 47 working days.

I trust the above information addresses Mr. Cullinane's query. Should you need anything further please let me know.

Yours sincerely,

**Christopher Rudland**  
**Assistant National Director**  
**National Complaints Governance and Learning Team**  
**Patient and Service User Experience**