



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

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PQ 8903/22

To ask the Minister for Health the number of complaints received in each of the years 2016 to 2022 regarding the failure to carry out an assessment of need in line with standards in each CHO area; and the number of complaints that were upheld in tabular form.
- Mary Lou McDonald

Dear Deputy McDonald,

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 failure of the CHO/HSE to carry out an assessment of need in line with the standards for Assessment of Need, these complaints are submitted under Ground C of the Act.

The table below breaks down the complaints received each year from 2016 to date. The number of complaints received in relation the standards for Assessment of Need are listed across the row headed '**No. of complaints in relation to Section 14(1)(c)**'. The number of these complaints that were upheld are listed in the row headed '**No. of complaints in relation to Section 14(1)(c) that were Upheld**'.

	2022 to date	2021	2020	2019	2018	2017	2016
No of complaints in relation to Section 14(1)(c)	8	26	6	18	0	2	0
No of complaints in relation to Section 14(1)(c) that were Upheld	0 (8 have yet to be fully investigated)	2	2	0	0	0	0

I trust the above data addresses Ms. McDonald's query. Should you need anything further please let me know.

Yours sincerely,

Christopher Rudland
Assistant National Director
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Patient and Service User Experience