



Oifig an Cheannaire Oibríochtaí,
Na Seirbhísí Míchumais/An Rannán Cúram Sóisialta,
31-33 Sráid Chaitríona, Luimneach.

Office of the Head of Operations,
Disability Services/Social Care Division,
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21st April 2023

Deputy Réada Cronin,
Dail Eireann,
Leinster House,
Kildare Street,
Dublin 2.
E-mail: reada.cronin@oireachtas.ie

Dear Deputy Cronin,

The Health Service Executive has been requested to reply directly to you in the context of the following parliamentary question, which was submitted to this department for response.

PQ: 16666/23

To ask the Minister for Children; Equality; Disability; Integration and Youth what appeals process is open to a patient when their symptoms are attributed solely to a diagnosis of ASD, to the automatic exclusion of consideration of other causes of illness or disease with similar symptoms; and if he will make a statement on the matter.

HSE Response

Children's disability services are provided based on the presenting needs of the child rather than by their diagnosis or the type of disability or service required. Services are provided following assessment according to the child's individual requirements and support needs. The assessment may be completed by one or more health and social care professionals pending the child's referral information, individual needs and presentation.

Children who may present with an Autistic Spectrum Disorder can present either through; Primary Care Services, through Children's Disability Network Teams (CDNTs), through Child and Adolescent Mental Health Services (CAMHS), or through the Assessment of Need process under the Disability Act, 2005.

The National Access Policy

The National Policy on Access to Services for Children & Young People with Disability & Developmental Delay ensures that children are directed to the appropriate service based on the complexity of their presenting needs i.e. Primary Care for non-complex functional difficulties and Children's Disability Network Teams for complex functional difficulties. Children with ASD may access supports from a Children's Disability Network Team or from Primary Care depending on the complexity of their needs.

HSE Joint Protocol Primary Care, Disability and Child and Adolescent Mental Health Services (2017)

This Protocol underpins the pathway and process for shared assessment and/or shared interventions provided by 2 or more services where it has been identified in the best interest of the child.



Children's Disability Network Teams (CDNTs)

There are ninety one Children's Disability Network Teams (CDNTs) providing services for children with complex disability needs aged 0 – 18 years.

Regardless of the nature of their disability, where they live, or the school they attend, every child with complex needs including autism and their families have access to the full range of family centred services and supports of their CDNT according to their individual needs. This includes universal, targeted and specialist supports, such as individual therapeutic intervention and access to specialist consultation and assessment when needed. Supports are provided as is feasible in the child's natural environments - their home, school and community.

Children can be referred directly to CDNT services without requiring an Assessment of Need as defined by the Disability Act (2005). The Children's Disability Network Manager in consultation with the CDNT members will determine the appropriate assessment or intervention pathway for each child. This may include a diagnostic assessment.

Any specific queries in relation to the services and supports being provided to a child following assessment of their needs, should be brought to the attention of and be addressed by the local service in the first instance.

The HSE Your Service Your Say Policy.

If the query concerning the child remains unresolved following discussion with the local service, in accordance with Section 46, Part 9 of the Health Act 2004, anyone who is being or was provided with a health or social service by the HSE or Service Provider or anyone seeking provision of such services, is entitled to make a complaint.

The Your Service Your Say, the Management of Service User Feedback for Comments, Compliments and Complaints Policy 2017 is designed to be flexible, accessible and responsive to the needs of all service users and ensures that all feedback is acknowledged, reviewed and responded to within the agreed policy and legislative timeframes.

It is the right of service users to comment, compliment or complain about any of the services provided by the HSE or its Service Providers. Responding effectively to comments, compliments and complaints received and learning from them is key to providing high quality customer focused services. Best practice identifies what service users want when they provide feedback and the HSE has used this information to build on and enable a system which will meet these requirements.

Please see the links below for further information.

<https://www.hse.ie/eng/about/who/complaints/ysysguidance/ysys-feedback-policy-guidance.pdf>

and

[Management of Service User Feedback - Guidance - HSE.ie](#)

The HSE wants to provide safe and high quality services so everyone can receive the best care and treatment. In this regard, the HSE welcomes feedback and will make sure that people who contact us get a full response and that we will learn from the experience of people who use our services.

People can also make a written complaint, which will receive a response within five working days of receipt of same. The HSE will review these complaints and respond within 30 working days (or contact the complainant to ask for more time, if needed), and keep the complainant updated every 20 working days after that to let them know what is happening. If the complainant is not happy with the outcome of their complaint, they can ask for an internal review by the HSE, or ask for an external review directly from the Ombudsman (www.ombudsman.ie) or the Ombudsman for Children (www.oco.ie).

The HSE also has a list of Complaints Officers throughout its services and any member of staff can provide the contact details of the relevant complaints officer for the service you want to complain about. Please see weblink below for more comprehensive details:

<https://www.hse.ie/eng/about/who/complaints/officers/>



In addition, it is important to note that Service Providers, funded by and providing services on behalf of the HSE, must also comply with the HSE's Governance Framework (the signing of Part 1 and part 2 Service Arrangements) which incorporates national standardised documentation, and guidance documents. This includes "Your Service Your Say Policy" as outlined above.

The Part 1 of the Service Arrangement states that

"The Provider will maintain a complaints policy and procedure which will reflect, and (where appropriate) comply with, Part 9 of the Health Act 2004; regulations made thereunder (including without limitation the Health Act 2004 (Complaints) Regulations 2006 (S.I. 652 of 2006)) and the Health Service Executive policy and procedures on complaints entitled Your Service, Your Say and any amendments or revisions thereto".

Schedule 8 of the Part 2 Service Arrangement outlines in more detail the Service Providers' obligations and reporting requirements in relation to Complaints.

The Provider is required to submit returns on an agreed template to the National Complaints Governance and Learning Team on a quarterly basis for the periods of January-March, April-June, July-September, October-December. Any queries arising from the templates will be followed up by the HSE's National Complaints Governance and Learning Team.

Complaints Procedure for Assessment of Need (Disability Act 2005)

In the event that an Assessment of Need was undertaken for this child, the Disability Act, 2005 provides for a special complaints procedure, which can be used if a parent or guardian is unhappy with their child's Assessment of Need or Service Statement.

The Office of the HSE Assessment of Need (AoN) Complaints Officers provides a service for persons who wish to make a complaint in relation to Assessment of Need under one or more of the following five grounds for complaint specified in Part 2 of the Disability Act 2005;

A complaint in relation to;

- (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.

On receipt of a complaint the AoN Complaints Officer must determine if the complaint is valid and meets the statutory timeframe for submitting a complaint.

Once the complaint is deemed valid the AoN Complaints Officer considers if the complaint is suitable for informal resolution.

If the complaint is deemed unsuitable for informal resolution the AoN Complaints Officer proceeds to a formal investigation of the complaint. This will consist of contacting persons concerned, for responses and evidence as required to consider the complaint.

Once the AoN Complaints Officer has received the information and evidence required, and allowed all parties to respond to any information received, he or she will prepare a report in writing in relation to the complaint, setting out his or her findings and recommendations, and will furnish a copy of the report to the applicant, the HSE, and if appropriate, the head of the education service provider concerned.

As per Section 15(2) of the Act, the AoN Complaints Officer is independent in the performance of his or her functions.



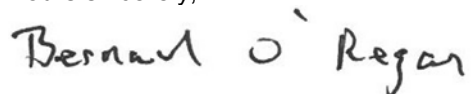
An appeal may be made by the complainant to the Disability Appeals Officer (an independent officer appointed by the Minister for Health) in relation to the following;

- against a finding or recommendation of an AoN Complaints Officer.
- against a failure of the HSE or an education service provider to implement a recommendation of an AoN Complaints Officer, or

In addition, where recommendations are made by an AoN Complaints Officer, if they are not carried out within 3 months of the date of the investigative report, the complainant can apply to the Circuit Court for an order directing the HSE, or the education service provider, to implement the recommendation.

The HSE remains committed to the delivery of appropriate services for children with disabilities and will work with families and staff to develop services that meet their needs

Yours sincerely,



**Mr Bernard O'Regan,
Head of Operations - Disability Services,
Community Operations**

