

How to Complain About an "Assessment of Need" Under the Disability Act 2005



If you have a disability, and you were born after June 2002, you have a right to get an "assessment of need" from the HSE.

If you are over 16 you can apply for this yourself. If you are under 16, a parent or guardian or advocate can apply for you.



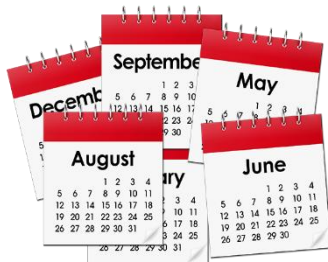
During an "assessment of need" you will meet with people from the HSE to talk about your disability and how it affects your health and education.

They will write down in a report all of the extra supports and services that you will need because of your disability. This is called an assessment report.



They will send this report to another person in the HSE who will write down a "service statement".

The service statement is a report that says what extra health supports and services that the HSE will give you because of your disability.



Once the HSE have received your application in writing, they must start the assessment within 3 months.

They must finish the assessment within another three months.

The service statement must be written up 1 month after the assessment is completed.

So the longest time that you should be waiting from start to finish is 7 months.



The Health Information and Quality Authority (HIQA) has written down rules which say that the assessment should be safe and friendly.

The application should be easy to make and the information that you get should be easy to understand.



If you are not happy with the way your assessment of need is carried out you can make a complaint.

The Disability Act 2005 says that you can make a complaint for the following reasons:



The assessment of need says that you do not have a disability and you or your parent do not agree.

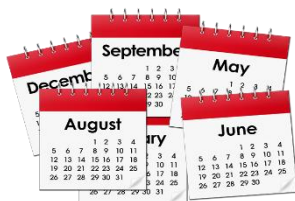


You feel that the assessment is not done in a way that is safe, respectful and easy to understand.



You think that the service statement is not correct.

You are not getting all of the services that have been agreed in the service statement.



Your assessment is not started or finished on time



If you want to make a complaint, you should first talk to the person who carried out the assessment or the person who wrote the service statement.



The Disability Act 2005 says that when you make a complaint, the HSE must organise a review of your case.



If you are not happy with the result of your complaint, you can make an appeal to the Disability Appeals Officer.

There is a special form for this appeal which you can find [here](#)



The decision of the Appeals Officer is final. It may only be appealed on a point of law to the High Court.

Because the complaint system takes so long some people have gone to court to have their assessment completed.