

APPENDIX 3

EXTERNAL REVIEW BY THE LOCAL GOVERNMENT AND SOCIAL OMBUDSMAN AND THE HOUSING OMBUDSMAN

All complainants who exhaust the Council's and the Gateshead Housing Company's procedures (where appropriate) are provided with the Local Government and Social Care Ombudsman and Housing Ombudsman contact details. The day to day management of the relationship with the Local Government and Social Care Ombudsman and Housing Ombudsman is undertaken by a dedicated officer who acts on behalf of the Chief Executive in this respect.

The Local Government and Social Care Ombudsman

The Local Government and Social Care Ombudsman provides a free independent and impartial service to the public. Protocols are in place between the Council and the Local Government and Social Care Ombudsman that provide for the majority of cases to be considered through the Council's own procedures before any investigation is considered by their office.

During the year, the Local Government and Social Care Ombudsman investigated 25 complaints against the Council. Of these, 9 were closed after initial enquiries and 10 were not upheld. A summary of the Local Government and Social Care Ombudsman's findings and the actions taken by the Council for the 6 cases upheld partially or fully is detailed below:-

Case	Ombudsman's Decision	Remedy	Category
1.	The Council had not completed the statutory three stage procedure for children's services complaints.	The Council agreed to complete the statutory three stage procedure for children's services complaints.	Education and Children's Services
2.	The Council was at fault for demoting a housing application.	The Council apologised and agreed to pay the complainant £200 for the avoidable distress and time and trouble and to ensure that staff were aware of the importance of gathering suitable evidence when applying Council policy and not unfairly placing this burden on applicants.	Housing
3.	The complainant's relative spent too long in hospital and caught Covid-19 when the care home where the Council had placed him did	The Council agreed to pay the complainant's relative £500 for the avoidable distress caused to him and to apologise and pay the	Adult Care Services

	not take him because of a dispute between them about the costs of meeting his needs when he was ready to leave hospital. He then spent time in another care home before moving to alternative permanent accommodation.	complainant £200 for the time and trouble in pursuing the matter on behalf of her relative and pays her £200. The Council also identified the lessons learned from the complaint and action to be taken to address them and provided evidence that they had been taken.	
4.	There was fault by the Council's delayed response to the complaint. There was fault in the Council's planning report which the Ombudsman found did not cause significant injustice. There was no fault in the Council's decision that there had been no breach of planning control.	The Council had already apologised for its delayed response to the complaint.	Planning and Development
5.	There was a delay in the Council replying to the complaint and the Council has accepted there was fault in its planning report but this did not cause significant injustice. There was no fault in the way the Council dealt with the breach of planning control.	The Council had already apologised for its delayed response to the complaint.	Planning and Development
6.	There was a delay in the Council replying to the complaint and the Council has accepted there was fault in its planning report but this did not cause significant injustice. There was no fault in the way the Council dealt with the breach of planning control.	The Council had already apologised for its delayed response to the complaint.	Planning and Development

The Local Government and Social Care Ombudsman now monitors his specific recommendations to remedy any fault he finds and follows up with Councils to seek evidence that the recommendations have been implemented. The Local Government and Social Care Ombudsman has confirmed that the Council complied with his recommendations on time for all the above cases in 2020/21. Also, in 50% of the cases upheld, the Local Government and Social Care Ombudsman found that

the Council had provided a satisfactory remedy before the complaint reached the Ombudsman.

The Local Government and Social Care Ombudsman's Annual Review is available on their website at www.lgo.org.uk

As part of his statutory duty, the Local Government and Social Care Ombudsman, in October 2020, issued the latest version of guidance – Effective complaint handling for local authorities.

The Housing Ombudsman

From 1 April 2013, the Localism Act 2011 extended the jurisdiction of the Housing Ombudsman to cover all social landlords, including Councils. The Housing Ombudsman is able to consider housing complaints in so far as they relate to the provision or management of housing. The Local Government and Social Care Ombudsman continues to investigate complaints about allocations and the lettings policy.

The Housing Ombudsman Service published a Complaint Handling Code in July 2020. The new code aimed to enable landlords to resolve complaints raised by their residents quickly and to use the learning from complaints to drive service improvements. Landlords must comply with some elements of the code and it is recognised that this will mean adapting complaints policy and practice to ensure compliance. Following the reintegration of Housing Services into the Council, a revised Council complaints policy has recently been agreed.

During 2020/21, the Council was contacted by the Housing Ombudsman in respect of twelve cases. Of these:

- Eleven cases had not exhausted the Council's complaints procedure.
- One case is currently being investigated by the Housing Ombudsman.