

APPENDIX 5

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 29 complaints against the Council. Of these, 21 were closed after initial enquiries and 4 were not upheld. A summary of the Local Government and Social Care Ombudsman's findings and the actions taken by the Council for the 4 cases upheld partially or fully is detailed below:-

Case	Ombudsman's Decision	Remedy	Category
1.	Whilst the complainant had not given full information to support the process, the Council had not fully considered the extent of his health needs and the support his carer provided in his medical priority application for housing in the Council's area.	The Council agreed to obtain further evidence and carry out another review of the complainant's medical needs.	Housing
2.	The Council was not at fault in the safeguarding of a child the complainant provided with respite foster care. The Council accepted that it could have done more to reassure the complainant and there was a delay in the Step 2 response	The Council apologised to remedy any injustice caused	Education and Children Services

3.	Due to a delay in assigning a social worker, the complainant's mother was in a care home longer than planned and the Council wrongly sent her mother a bill for her care.	The Council waived the complainant's mother's extra weeks charges of £666 and agreed to pay the complainant £620 for her distress, time and trouble and transport costs.	Adult Care Services
4.	The Council was not at fault in how it assessed the complainant's housing needs but it did delay in giving her a review decision.	The Council apologised and changed its procedure for contacting applicants about review delays.	Housing

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 2019/20.

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 attached latest version of guidance – Effective complaint handling for local authorities.

The Council's current complaints procedure has been developed in accordance with the Ombudsman's previously issued guidance and is in line with the Ombudsman's latest guidance. The Council has systems in place to effectively identify and accept a complaint. The website has been updated to direct people to service requests so that only genuine complaints are dealt with through the complaints procedure. Complainants can now view the progress of their complaint and can contact the officer dealing with their complaint and receive the Council's responses through the new corporate complaints system. Complainants can escalate their complaint through the Council's 3 step complaints procedure if they remain unhappy with the Council's response before they are directed to the Local Government and Social Care Ombudsman.

The Ombudsman's latest version of the guidance will be a useful tool to assist the Council's officers when identifying, defining and investigating a complaint and when making and communicating the decision and putting things right. It also includes guidance on dealing with statutory complaints procedures and offers best practice and examples for the relevant Council Services.

The Council complies with the Ombudsman's proposals for reporting on local complaints and the Ombudsman's findings. This will be reviewed as part of the implementation and operation of the new complaints system to identify any improvements in the information to be provided to the Cabinet.

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.

During 2019/20, the Council was contacted by the Housing Ombudsman in respect of ten cases. Of these:

- Nine cases had not exhausted the Housing Company's complaints procedure.
- One case there was no maladministration in the landlord's conduct in respect of the annual gas check and complaint handling. There was service failure in the landlord's statement that the complainant should not film operatives in his property. The complainant was informed of the Housing Company's position regarding domestic cctv recording of operatives and he was paid £50 for the distress caused.