

**Further report by the Local Government and Social  
Care Ombudsman**

**Investigation into a complaint about  
Leicester City Council  
(reference number: 23 015 268)**

**28 August 2025**

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## The Ombudsman's role

We independently and impartially investigate complaints about councils and other organisations in our jurisdiction. If we decide to investigate, we look at whether organisations have made decisions the right way. Where we find fault has caused injustice, we can recommend actions to put things right, which are proportionate, appropriate and reasonable based on all the facts of the complaint. We can also identify service improvements so similar problems don't happen again. Our service is free.

We cannot force organisations to follow our recommendations, but they almost always do. Some of the things we might ask an organisation to do are:

- > apologise
- > pay a financial remedy
- > improve its procedures so similar problems don't happen again.

We publish public reports to raise awareness of significant issues, encourage scrutiny of local services and hold organisations to account.

Section 30 of the 1974 Local Government Act says that a report should not normally name or identify any person. The people involved in this complaint are referred to by a letter or job role.

Key to names used

Ms X            The complainant

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## Report summary

### Housing – homelessness, domestic abuse

We have written this further report because the Council has refused to comply with some recommendations made in [our report](#) issued on 15 October 2024. Although the Council has complied with our service improvement recommendations and agreed to make a payment for distress, it has refused to remedy all the personal injustice caused to Ms X, by the Council's fault. We are not satisfied with the Council's explanation for refusing to fully remedy the personal injustice to Ms X. We have therefore issued this further report to highlight our continuing concerns.

### Finding

Fault found causing injustice and recommendations made.

### Recommendations

To remedy the injustice caused to Ms X and her family, the Council should ensure full compliance with the recommendations set out in the original report and this further report. It should provide evidence of this without delay. The recommendations which remain outstanding are that the Council should:

- make a symbolic payment of £1,300 for the distress caused to Ms X and her children by living in unsuitable Bed and Breakfast (B&B) accommodation for 13 weeks longer than they should have done; and
- make a symbolic payment of £150 a month to Ms X for every month she remained in unsuitable temporary accommodation until she moved into a property in October 2024. This is a total of £450.

The Council must consider this report and confirm within three months the action it has taken or proposes to take. If the Council's officers or cabinet are minded to recommend refusal of our recommendations, this further report must be considered at Full Council. (Local Government Act 1974, section 31A(1A))

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## Our investigation

1. Ms X complained to us that the Council failed to provide sufficient support with her homelessness and failed to provide suitable accommodation for her and her children. As a result, Ms X and her family were living in unsuitable accommodation for longer than necessary which caused significant distress. Ms X also considers the stress of living in unsuitable accommodation has significantly affected her mental and physical health.
2. We investigated the complaint and decided to issue a report because:
  - there was evidence of systemic failings in the case;
  - it was a topical issue;
  - the injustice to Ms X was significant;
  - we identified others who had been similarly affected; and
  - there was wider learning which may help other councils avoid similar failings.
3. We issued [our report](#) on 15 October 2024 and published it on our website on 15 November 2024. Details can be found via the link. The report found fault which had caused injustice to Ms X and made a number of recommendations. The Council has complied with all the recommendations except two.
  - Make a symbolic payment of £1,300 for the distress caused to Ms X and her children by living in unsuitable B&B accommodation for 13 weeks longer than they should have done.
  - Make a symbolic payment of £150 a month to Ms X for every month she remains in unsuitable temporary accommodation.

## Legal and administrative background

### The Ombudsman's role and powers

4. We investigate complaints about 'maladministration' and 'service failure'. In our report of 15 October 2024, we use the word 'fault' to refer to these. We must also consider whether any fault has had an adverse impact on the person making the complaint. We refer to this as 'injustice'. If there has been fault which has caused an injustice, we may suggest a remedy. (Local Government Act 1974, sections 26(1) and 26A(1), as amended).
5. If, having issued a report, we are not satisfied with the action the Council has taken or proposes to take, we must then issue a further report. (Local Government Act 1974, section 31(2A))
6. If the Council's officers or cabinet are minded to recommend refusal of our recommendations, the further report must be considered at Full Council. (Local Government Act 1974, section 31A(1A))

## How we considered this complaint

7. We produced this further report after giving the Council several opportunities to accept the recommendations and comply with them in full.

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### **Council comments**

8. The Council has provided the following reasons and justification for refusing to accept our recommendations in full.
  - “The issue that is the subject of two recommendations we will not agree to are not of the Council’s making. They are a product of international forces well beyond one Council’s control, together with policy made by multiple Government agencies including the Home Office. To seek to penalise a Council for a national and international crisis is grossly unfair to the Council and the taxpayers of Leicester. The Regulations regarding “unsuitability” were made by Parliament in 2003, over 20 years ago. The geopolitical context has changed unrecognisably since then.”
  - “It is impossible to see that the LGSCO have not set a clear precedent here that they will be bound to follow in other complaints. We calculate this exposure to be £500k for Leicester City Council, and tens of millions of pounds nationally. This could bring Councils closer to the prospect of an unbalanced General Fund leading to significant and detrimental loss of local services for local people.”
  - “The principle of awarding a remedy is predicated upon the public body who is at fault being able to put-right that error. This is not the case here. There will be no salutary effect from this compensatory exposure, because we (like just about every other Council in the country) have no power to immediately create extra housing that would avert the need to keep families in B&B for more than six weeks.”
  - “We are spending tens of millions of pounds to respond to the situation and exposing us to paying hundreds of thousands of pounds of compensation will only serve to significantly set-back our plans to strategically address it. The Council has continued its strategy of acquiring accommodation to meet homelessness need. We have invested over £350m in new Affordable Housing over the last 6 years. We are planning the delivery of 1,650 new affordable homes for the city by 2027 plus an additional £1m to increase our Private Rented Sector accommodation opportunities to double the number of outcomes for homeless households from 240 to 500. We have delivered an extra 125 leases offering our homeless households Assured Shorthold Tenancies. We have fully committed the £45m to provide better quality self-contained temporary accommodation. Overall, there are 275 new Council owned self-contained Temporary Accommodation units (134 single/141 family) going to be brought online by Summer 25, which should help us to significantly reduce the use of B&B accommodation.”
9. The Council has confirmed Ms X moved from the unsuitable temporary accommodation into a Housing Association property in mid-October 2024.

### **Our comments**

10. We acknowledge the Council has invested significantly in its attempts to address the housing shortages in its area. This is welcomed and was reflected in the final report.
11. We clearly differentiated between the failings detailed within the report that amounted to service failure (when an organisation fails to provide a service as it should have done because of circumstances outside its control) and those where fault by the Council had occurred (maladministration).

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12. We note the Council's views and comments on the 2003 Regulations, but the Regulations remain in force and continue to apply. We had not taken a literal interpretation as suggested. We had considered if the Council had acted within the requirements set out in those Regulations. We could not hold the Council to account to a lower or different threshold than that set out in the Regulations. We apply the same principles in all the cases and subject areas we investigate.
  13. We recognise the Council is concerned that agreeing all the recommendations in the report could have significant financial implications. Any cases brought to us, would be considered based on their individual circumstances.
  14. We have not taken a punitive approach as suggested. Our recommended remedy for Ms X is a symbolic one to recognise the injustice she has suffered, not to punish the Council. We have made numerous similar recommendations to councils throughout the country, informed by our [Guidance on remedies](#). The Council's continued refusal to make the symbolic payments recommended has meant the significant injustice experienced by Ms X and her family remains unremedied. This has further added to her distress.

## Recommendations

15. To remedy the injustice caused to Ms X and her family, the Council should ensure full compliance with the recommendations set out in the original report and provide evidence of this without delay. The recommendations which remain outstanding are that the Council should:
  - make a symbolic payment of £1,300 for the distress caused to Ms X and her children by living in unsuitable B&B accommodation for 13 weeks longer than they should have done; and
  - make a symbolic payment of £150 a month to Ms X for every month she remained in unsuitable temporary accommodation until she moved into a property in October 2024. This is a total of £450.
16. The Council must consider this report and confirm within three months the action it has taken or proposes to take. If the Council's officers or cabinet are minded to recommend refusal of our recommendations, this further report must be considered at Full Council. (Local Government Act 1974, section 31A(1A))

## Decision

17. The original investigation into this complaint was completed and a report issued, which explained the faults that had occurred and resulting injustice. We made recommendations to remedy that injustice. The Council has provided evidence of compliance with some recommendations but has refused to fully remedy the injustice caused to Ms X. As we are dissatisfied with the Council's response, we have issued a further report.