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# **LGSCO Report of Maladministration causing injustice (Housing) – Mr X**

Decision date: 9 January 2026

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Decision to be taken by: Deputy City Mayor –  
Housing, Economy, and Neighbourhoods

**Report of the Monitoring Officer: Kamal Adatia**

## Useful information

- Ward(s) affected: N/A
- Report author: Kamal Adatia
- Author contact details: [Kamal.Adatia@leicester.gov.uk](mailto:Kamal.Adatia@leicester.gov.uk)
- Report version number: 1

### 1. Summary:

- 1.1 Mr X complained to the Local Government and Social Care Ombudsman (LGSCO) that the Council failed to provide sufficient support with his homelessness and housing application and that it also failed to provide suitable for him and his family. He claimed that as a result, Mr X and his family had been living in unsuitable accommodation for longer than necessary which caused significant distress. Mr X also considered that this has been detrimental to the health and development of his children.
- 1.2 By report dated 9<sup>th</sup> October 2025 and formally published on 6<sup>th</sup> November 2025 the LGSCO, pursuant to her powers under Part III Local Government Act 1974, found that Leicester City Council (LCC) had been guilty of maladministration causing injustice to Mr X. The full report can be found online here - [24 005 927 - Local Government and Social Care Ombudsman](#) and is attached as Appendix 1. The Council had, prior to this date, confirmed that we were unwilling to comply with one of the LGSCO's recommendations which is set out at paragraph 66 of the report.
- 1.3 That publication by the LGSCO made four recommendations in total and was accompanied by various requirements as to matters such as publication (by the Council) of press notices, but also consideration of that report by the Council's Cabinet. The scope of this duty is enshrined in section 31(2) Local Government Act 1974, and entails "consideration" of the report and "notification" back to the LGSCO.
- 1.4 There is a separate duty upon the Monitoring Officer pursuant to section 5A Local Government & Housing Act 1989, in cases of maladministration causing injustice, to report to the Council's Cabinet and all Elected Members about such maladministration.
- 1.5 This report purports to fulfil both the 1974 Act duty (the Cabinet's duty of consideration and notification) and the 1989 Act duty (the Monitoring Officer's duty of reporting).
- 1.6 A summary of the key facts of Mr X's case is found at paragraphs 29 to 44 of the LGSCO report.

## **2. Recommendations:**

- 2.1 That the Council's Cabinet considers the report of the LGSCO dated 9<sup>th</sup> October 2025 finding maladministration causing injustice to Mr X and his family.
- 2.2 That the Deputy Mayor for Housing confirm whether the recommendations of the LGSCO will be complied with in full, and if not, to provide reasons for declining to comply with any recommendations.

## **3. LGSCO's conclusions:**

### **3.1 Assessment, reviews and PHPs**

The Council completed a housing needs assessment in June 2023 and decided it owed Mr X a prevention duty. Following Mr X's eviction, in August 2023, it completed another housing needs assessment and decided it owed Mr X a relief duty. Both times, it decided Mr X had the highest priority need. The Council quickly completed the assessments and made decisions and so there is no evidence of fault with this part of Mr X's complaint.

The Council produced a Personalised Housing Plan (PHP) for Mr X in June 2023, when it accepted its prevention duty. When its duty changed to a relief duty in August 2023, the Council failed to send Mr X an updated PHP. The Council said this was sent in its complaint response to Mr X, but there is no evidence that this was the case. The Council did not send an updated PHP until January 2024.

The Guidance says a council must work with applicants to identify steps for the council and an applicant to take to secure suitable accommodation in the form of a PHP. The Council delayed in reviewing Mr X's PHP, when its duty changed. Although there are no specific timeframes for reviewing and providing a copy of a PHP, we would not expect a Council to take five months to do so. The Council's delay was fault, which caused Mr X uncertainty about whether the Council was taking reasonable steps to provide him with suitable accommodation.

### **3.2 Review rights**

When the Council decided to award Mr X the main housing duty, in July 2024, the status of the accommodation he was offered changed from interim to temporary accommodation. This change in status means a right to request a review of suitability would now apply. When the Council wrote to Mr X to tell him of this, it failed to include any details of his review rights. This was fault which resulted in Mr X being unaware of his right to request a review of the accommodation he considered to be unsuitable..

### **3.3 Accepting the main housing duty**

The Council accepted the relief duty in August 2023. The Code says a council should decide whether it owes a main duty within 56 days. This means the Council should have decided whether it owed Mr X the main housing duty by October 2023. The Council did not make this decision until July 2024. The delay of around 48 weeks to accept the main housing duty was fault.

Given it went on to accept the main housing duty, on balance, the Council would have made the same decision in October 2023, as Mr X's circumstances had not changed. From October 2023, Mr X should have had a statutory right of review of the suitability of his accommodation. The Council's fault denied Mr X access to his right of review, which is an injustice. However both Mr X and the Council were aware the accommodation was unsuitable so a review would not have changed the position.

The Council said to prevent delays in future cases, it has recruited more officers. It has also put in place a continuing recruitment process so it can replace any leaving officers quickly, with minimal impact on customers. The Council has also provided details of a project to manage caseloads and mitigate associated risk of errors. We will therefore not make any further service improvement recommendations.

### **3.4 Continuous accommodation**

We have read the Council's case notes related to Mr X, which includes the B&B bookings for him. There is no evidence the Council failed to provide any accommodation for a three-day period in January 2024. So, there is no fault here.

### **3.5 Unsuitable accommodation with lack of facilities**

The Council placed Mr X and his family in several different B&Bs between August 2023 and July 2024. We are mindful of the significant challenges faced by Councils in finding accommodation to meet the needs of increasing numbers of homeless families. But the law is clear that Councils can house households with children in B&B accommodation only as a last resort, and for no longer than six weeks. We accept that B&B accommodation was the only accommodation available. But, not moving Mr X and his family to self-contained accommodation after six weeks was service failure and fault.

The Council offered Mr X a property in November 2023, which he refused. We cannot say whether the property offered was suitable to end the relief duty or the main duty which the Council should have accepted by then. The Council's incorrect reference to the property being social housing was fault. As soon as the Council realised its error, it reinstated its relief duty to Mr X, which reduced the injustice caused. We also note there was no interruption in Mr X's housing or bidding. Because of its errors, the Council could not end its duty to Mr X in November 2023. It therefore had an ongoing duty to provide suitable accommodation, which it failed to meet.

Mr X and his children lived in unsuitable B&B accommodation for 42 weeks longer than they should have. Mr X's family were split over several rooms, and they had no access to cooking facilities. Living in B&B accommodation can be particularly detrimental to the health and development of children (paragraph 17.33 of the Code of Guidance). We note that during this time, Mr X had children that were in important transitional periods at school and there was limited space for them to do schoolwork. There was also limited space for the children to play and the family moved around often, which would be disruptive to the children. This caused distress to Mr X and his family, avoidable expense, and is likely to have had a detrimental impact on their mental health. We have recommended a remedy for this injustice. But, in calculating this, we have considered that Mr X declining the offer of the property in November 2023 contributed towards the injustice arising from living in B&B accommodation for an unacceptable amount of time. This is because although we cannot say whether the offered property was suitable, Mr X had an opportunity to accept the property and then ask for a review of its suitability. This would have ended the family's stay in B&B, whatever the outcome of a review. The evidence shows the Council explained this to Mr X at the time.

#### **4. LGSCO's recommendations and Council response:**

There are four main recommendations made by the LGSCO:

- 4.1 The Council should consider the report at its full Council, Cabinet, or other appropriately delegated committee of elected members and we will require evidence of this. (Local Government Act 1974, section 31(2), as amended)

***Council response – agreed. Action to be completed.***

- 4.2 Apologise to Mr X for the faults identified.

***Council response – agreed. Action to be completed.***

- 4.3 Make a symbolic payment of **£500** for the distress and uncertainty caused to Mr X by its delay in reviewing and sending an updated PHP, delaying its decision to award the main housing duty, delaying his right to a suitability review of his temporary accommodation and communicating poorly about his housing status

***Council response – agreed. Action to be completed.***

- 4.4 Make a symbolic payment of **£3,525** for the distress caused to Mr X and his family by living in unsuitable B and B accommodation for 42 weeks longer than they should have done. This is calculated at £150 per week from period in B&B up

until when the Council made an offer of accommodation in November 2023 (5 weeks in total) and £75 per week from 7 November 2023 to 29 July 2024 when they became suitably housed (37 weeks in total).

### ***Council response – action not agreed. See section 5***

4.5 Following a previous investigation by the Ombudsman (reference 23015268) the Council has already agreed to service improvements to address the use of B&B accommodation for families over six weeks therefore they have not repeated those recommendations and no further action by the Council is therefore required.

## **5. Council Position & Challenging**

5.1 The Housing Division considered a draft of the LGSCO's report in July 2025 which also contained recommendation 4.4 above. At that time the following reasoning was provided by the Council to the LGSCO to explain why those recommendations were not agreed:

- *I can confirm that the Council is willing to abide by the recommendation set out in your draft report and will move forward with the actions with the exception of “make a symbolic payment of £3525 for the injustice caused to Mr X and his family by living in unsuitable B&B accommodation for 42 weeks longer than they should have done. This is calculated at £150 per week from the period in B and B up until when the Council made an offer of accommodation in November 2023 (5 weeks in total) and £75 per week from 7 November 2023 to 29 July 2024 when they became suitably housed” (37 weeks in total).*
- *We sincerely apologise to Mr X for the shortcomings identified in this case.*
- *We have no further comments to add to the report. The report was shared and viewed by the Chief Operating Officer Alison Greenhill and that we are complying with all recommendations with the exception of the B&B recommendation for the same reasons we have previously outlined and that this is a decision made on behalf of the Council.*

5.2 In making this submission the Housing Division were not suggesting that the extended stay in B&B accommodation was “suitable”. Technically, we can't argue that the 42 weeks extra in B&B was “suitable”. The Homelessness (Suitability of Accommodation) (England) Order 2003 makes it automatically *unsuitable* (regardless of its quality).

5.3 The LGSCO made the following point in reply:

5.4 *We acknowledge the Council has invested significantly in its attempts to address*

*the housing shortages in its area.*

*We clearly differentiate between the failings detailed 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).*

*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.*

*Our recommended remedy for Mr X is a symbolic one to recognise the injustice he and his family have 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 payment recommended has meant the significant injustice experienced by Mr X and his family remains unremedied. This has further added to their distress.*

5.4 Since this LGSCO report the Council has continued its strategy of acquiring accommodation to meet homelessness need. We are planning the delivery of 1,650 new affordable homes for the city by 2027 plus we have invested 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 spent the £45m to provide better quality self-contained temporary accommodation. Overall, there are 275 new LCC owned self-contained Temporary Accommodation units (134 single/ 141 family) that have been brought online helping to significantly reduce down the use of B&B accommodation.

5.5 The Council are planning a further investment of £50m to deliver a further 250 additional self-contained units to be used as temporary accommodation to eliminate the use of hotel and B&B style accommodation. This includes a £1.83m investment to secure additional resources across the Homelessness teams to support the increasing demand for homelessness services.

5.6 Subsequent to the formal receipt of the completed report the Council issued press notices as required and is storing hard copies of the report at our main offices for anybody requesting a paper version of the report. The Report attracted publicity in some national press, for example -

- [Leicester City Council refuses payout to homeless B&B family - BBC News](#)
- [City council refuses to implement Ombudsman recommendation on financial remedy in second homelessness case](#)

5.7 As noted in section 4 above, the majority of the LGSCO's recommendations are going to be complied with. This report seeks formal consideration of the outstanding recommendation.

5.8 It should be noted that if the decision of the Deputy City Mayor is that the Council should continue to resist making the payments set out at 4.4 above the LGSCO does not have the power to impose or enforce compliance, however she does have the power to take further action by way of publishing a further report highlighting the Council's refusal to fully comply. This will require publication in the local press and further consideration by Members, this time at Full Council. It is extremely rare for the LGSCO to have to issue a further report.

5.9 For completeness it should be noted that Mr X has moved to a Homecome tenancy within the Council on 29<sup>th</sup> July 2024.

## **6. Financial implications**

For the individual case, which was the focus of the LGSCO report, the financial implications are clear in that accepting the remaining recommendation would cost the Council £3,525.

More widely, if the recommendation of the LGSCO which was not accepted by LCC were to be applied to all other cases in which families have, out of necessity, been living in B&B accommodation for more than 6 weeks over the last 12 months, then it is estimated that this could cost the Council in the region of £250k.

Stuart McAvoy – Head of Finance  
8th December 2025

## **7. Legal implications**

The powers of the LGSCO derive from the Local Government Act 1974 and break down as follows:

- Section 31(2) of the 1974 Act - In relation to the report dated 9<sup>th</sup> October 2025 the LGSCO is entitled to be satisfied as to certain actions that an appropriate Elected Member body of the Authority has taken in respect thereof. This is normally to be done within three months of receipt of the report, or within such alternative timescale as is mutually agreed.

- Sections 31(2A), (2D) set out the power of the LGSCO to issue a further report if dissatisfied with either the procedural or substantive response from the Council under section 31(2) above and sets out further requirements as to publicity thereof. Section 31A makes provision for any further adverse report to be considered by Full Council.

The powers and duties of the Monitoring Officer derive from the Local Government & Housing Act 1989 and break down as follows:

- Sections 5A(3) and (5) to (9) confirm that where a report finding maladministration has been made by the LGSCO the reporting duty of the Monitoring Officer is triggered, and the LGSCO's Manual for Councils sets out how the LGSCO interprets this duty which, in essence, varies in specificity dependent upon the Council's willingness to remedy the maladministration that has been found. In this case, as recommendations remain outstanding, a dedicated report is to be written by the Monitoring Officer, followed by the requirement for the Executive to consider the Monitoring Officer's report and formally reply. Lastly, that report and reply should be shared with all Members of the Council.

Kamal Adatia, Monitoring Officer

3<sup>rd</sup> December 2025

- **Climate emergency implications**

There are no direct climate emergency implications associated with this report.

Phil Ball, Sustainability Officer, Ext 372246

2<sup>nd</sup> December 2025

## **9. Equality Implications**

Local authorities have a duty to comply with both homelessness legislation and the Equality

Act when delivering services. This means they must not discriminate in housing provision and must consider the specific needs of individuals, including their protected characteristics, when their situation, determining eligibility for homelessness support, and deciding on the type and suitability of accommodation offered.

Under the Equality Act 2010, public authorities have statutory duties, including the Public Sector Equality Duty (PSED) which means that, in carrying out their functions, decision makers must pay due regard to the need to eliminate unlawful discrimination, harassment and victimisation and any other conduct prohibited by the Act, to advance equality of opportunity between people who share a protected characteristic and those who don't and to foster good relations between people who share a protected characteristic and those who don't.

Protected Characteristics under the Equality Act 2010 are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation.

The council must ensure our policies and practices are not discriminatory and that they are actively advancing equality of opportunity for those facing homelessness, that they are explicitly inclusive and consider the diverse needs of individuals with all protected characteristics. It is important to actively monitor the impact of homelessness services on different groups and make any adjustments as needed. If the LGSCO recommendations are not implemented this may lead to continuing hardship or inconvenience that led to the complaint in the first instance.

Sukhi Biring, Equalities Officer  
4 December 2025