



Tuesday, 7 October 2025

Report of Councillor Philip Knowles  
Cabinet Member for Corporate  
Governance and Licensing

## Local Government and Social Care Ombudsman Findings Report

### Report Author

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### Purpose of Report

To consider the Local Government and Social Care Ombudsman (LGO) Findings Report which provides details of a complaint raised about the Council which was upheld and fault and injustice found.

### Recommendations

**Cabinet is recommended to discuss the findings and recommendations of the report of the Local Government Ombudsman and direct officers regarding the actions to be taken**

### Decision Information

Is this a Key Decision? No

Does the report contain any exempt or confidential information not for publication? No

What are the relevant corporate priorities? Housing  
Effective council

Which wards are impacted?

## **1. Implications**

Taking into consideration implications relating to finance and procurement, legal and governance, risk and mitigation, health and safety, diversity and inclusion, safeguarding, staffing, community safety, mental health and wellbeing and the impact on the Council's declaration of a climate change emergency, the following implications have been identified:

### ***Finance and Procurement***

- 1.1 Should Cabinet instruct officers to pay the compensation recommended by the LGO this will lead to the Council incurring costs of £1,175 which will be met from the General Fund budget.

*Completed by: David Scott – Assistant Director of Finance and Deputy s151 Officer*

### ***Legal and Governance***

- 1.2 Cabinet reviewing the findings and recommendations of the final report issued by the LGO meets the requirements of section 30 of the Local Government Act 1974.

*Completed by: Alison Hall-Wright, Deputy Monitoring Officer*

## **2. Background to the Report**

- 2.1. On 18 August 2025 the Local Government and Social Care Ombudsman (LGO) issued a report upholding a homelessness complaint which had been escalated to them, the report found fault and injustice.
- 2.2. The Council has not currently agreed to the LGO recommendations which state to remedy the injustice within three months of the date of the final report it should:
  1. Apologise to Mr B for the lack of accommodation and the distress this caused him in early 2024;
  2. Pay Mr B £875 to recognise the lack of that accommodation; and
  3. Pay Mr B a further £300 to recognise the added distress caused by him being avoidable street homeless during that time.
- 2.3. To prevent similar fault and injustice in future, the Council should also, within three months of the date of this report:
  4. Remind its homelessness staff of the correct test and threshold for the interim accommodation duty, in particular that the threshold for this is a low one;
  5. Review its standard homelessness letters to ensure these comply with the requirements of the Housing Act 1996, in particular about explanations of review and appeal rights; and

6. Remind its homelessness staff of the requirements for homelessness decision including when these should be made and what such decisions must contain.
- 2.4. The Council has actioned recommendations 5 and 6 but has not actioned recommendations 1- 4 as it believes the correct test was applied, the team understands the threshold for interim duty accommodation is low but following a review of the information provided as part of the homelessness application the criteria for the provision of temporary accommodation was not met.
- 2.5. The Homelessness Code of Guidance requires housing authorities to provide temporary accommodation if they have reason to believe the applicant may:
  - a. Be homelessness
  - b. Be eligible for assistance; and,
  - c. Have a priority need
- 2.6. The Council had reason to believe the applicant met criteria a and b. However, the vulnerability questionnaire completed with Mr B at the start of their homelessness application meant the Council had no reason to believe they would be significantly more vulnerable if homeless than an ordinary person would be if homeless so the priority need criteria was not met.
- 2.7. When making this decision the Council took into consideration the medical conditions of Mr B, one of which was managed through diet and the other through medication which required no additional support. In addition to this Mr B was working full-time and was able to sustain this employment throughout his homelessness application.
- 2.8. The LGO state in paragraph 36 of their report that following a stay in hospital, Mr B had been told that some of his health conditions were related to or made worse by their homelessness which should have led the Council to believe they may have a priority need.
- 2.9. The Council reviewed the evidence provided and established that a visit to hospital had taken place and Mr B was discharged on the same day with no follow appointments required. There was no mention in the hospital report that the symptoms the applicant was experiencing was linked to their homelessness. The priority need criteria was again not met as the Council had no reason to believe the applicant would be significantly more vulnerable if homeless than an ordinary person would be if homeless.
- 2.10. The Council provided additional information to the LGO following the issuing of their draft report, but no amendments were made to their recommendations.

2.11. As the Council has not accepted all the LGO recommendations, the Ombudsman has now issued a report under section 30 of the Local Government Act 1974 which requires the Council to:

1. share the draft report with the Council's Chief Executive or equivalent, and relevant members or officers;
2. place two public announcements in local newspapers and/or newspaper websites;
3. make the report available free of charge at one or more of its offices;
4. discuss our findings and recommendations at a high decision-making level, such as full council or cabinet, after we have published the report; and
5. formally report back to the LGO its intended course of action.

2.12. The Council has satisfied points 1 – 3. Presenting this report satisfies point 4 as Cabinet are asked to discuss the findings and recommendations of the Ombudsman and direct officers regarding the actions that should be taken. This will be reported back to the LGO which will satisfy point 5.

### **3. Key Considerations**

3.1. Cabinet should review the findings and recommendations of the LGO and address relevant questions to key officers to enable a decision to be made regarding the actions the Council should take.

### **4. Other Options Considered**

4.1 There are no other options available as Cabinet are required to discuss the findings and recommendations of the LGO.

### **5. Reasons for the Recommendations**

5.1. To ensure the Council are meeting the requirements of the LGO.

### **6. Appendices**

6.1 Appendix 1 – Report by the Local Government and Social Care Ombudsman – Investigation into a complaint about South Kesteven District Council