

**Report by the Local Government and Social Care
Ombudsman**

**Investigation into a complaint about
South Kesteven District Council
(reference number: 24 010 719)**

18 August 2025

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 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

Mrs B The complainant

Report summary

Housing – homelessness

Mr X complained about the lack of support and accommodation the Council provided after he became homeless in 2024. He says this caused him significant stress while he was street homeless and made his health conditions worse.

Finding

Fault found causing injustice and recommendations made.

Recommendations

The Council must consider the report and confirm within three months the action it has taken or proposes to take. 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)

To remedy the injustice caused, we recommend the Council:

- apologise to Mr B for the lack of suitable accommodation and the distress this caused to him in early 2024;
- pay Mr B £875 to recognise the lack of that accommodation and distress; and
- pay Mr B a further £300 to recognise the added distress caused by him being avoidably street homeless during that time.

We also recommend the Council:

- 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;
- 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
- remind its homelessness staff of the requirements for homelessness decisions, including when these should be made and what such decisions must contain.

The complaint

1. Mr B complained about how the Council supported him after he became homeless in 2024. He says the Council:
 - did not provide him with accommodation while it considered his application;
 - failed to provide him with enough support to find suitable housing;
 - wrongly decided that he did not have a priority need for housing;
 - failed to review its decision when he asked it to; and
 - gave him the wrong priority under its housing allocation scheme.
2. As a result, Mr B says he suffered significant stress while homeless, which made his health problems worse. He wants the Council to provide him with suitable accommodation and higher priority for housing.

Legal and administrative background

The Ombudsman's role and powers

3. We investigate complaints about 'maladministration' and 'service failure'. In this report, we have used 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)
4. We consider whether there was fault in the way an organisation made its decision. If there was no fault in how the organisation made its decision, we cannot question the outcome. (Local Government Act 1974, section 34(3), as amended)
5. The law says we cannot normally investigate a complaint when someone could take the matter to court. However, we may decide to investigate if we consider it would be unreasonable to expect the person to go to court. (Local Government Act 1974, section 26(6)(c), as amended)
6. When considering complaints we make findings based on the balance of probabilities. This means that we look at the available relevant evidence and decide what was more likely to have happened.

Relevant law and guidance

Homelessness

7. Part 7 of the Housing Act 1996 and the Homelessness Code of Guidance for Local Authorities set out councils' powers and duties to people who are homeless or threatened with homelessness.
8. Councils must complete an assessment if they are satisfied an applicant is homeless or threatened with homelessness. Councils must notify the applicant of the assessment. Councils should work with applicants to identify practical and reasonable steps for the council and the applicant to take to help the applicant keep or secure suitable accommodation. These steps should be tailored to the household, and follow from the findings of the assessment, and must be provided to the applicant in writing as their personalised housing plan. Councils should also keep these plans under review. (Housing Act 1996, section 189A and Homelessness Code of Guidance paragraphs 11.6, 11.18 and 11.33)

9. After completing inquiries, the council must give the applicant a decision in writing. If it is an adverse decision, the letter must fully explain the reasons. All letters must include information about the right to request a review and the timescale for doing so. (Housing Act 1996, section 184, Homelessness Code of Guidance 18.30)
10. Councils must take reasonable steps to help to secure suitable accommodation for any eligible homeless person. This is called the relief duty. When a council decides this duty has come to an end, it must notify the applicant in writing. (Housing Act 1996, section 189B)
11. If a council is satisfied an applicant is homeless, eligible for assistance, and has a priority need the council has a duty to secure that accommodation is available for their occupation (unless it refers the application to another housing authority under section 198). This is called the main housing duty. (Housing Act 1996, section 193 and Homelessness Code of Guidance 15.39)
12. A council must secure interim accommodation for an applicant and their household if it has reason to believe the applicant may be homeless, may be eligible for assistance and may have a priority need. (Housing Act 1996, section 188) Government guidance says that the threshold for triggering the interim accommodation duty is low and highlights the test of “reason to believe” is less than a council “being satisfied”. (Homelessness Code of Guidance 15.5)
13. This interim accommodation duty ends when a council decides, and notifies the person that:
 - they do not have priority need **and** the council does not owe the person certain duties to house them (including the relief duty);
 - the council has a duty to secure accommodation for the person; or
 - the relief duty has ended.
14. Homeless applicants may ask for a review within 21 days of being notified of various decisions a council makes about their homelessness, including the following:
 - what duty (if any) is owed to them if they are found to be homeless or threatened with homelessness (this includes whether they are owed the main housing duty);
 - the steps they are to take in their personalised housing plan at the relief duty stage; and
 - giving notice to bring the relief duty to an end.
15. Councils must provide to anyone in their district information and advice free of charge on:
 - preventing homelessness;
 - securing accommodation when homeless;
 - the rights of people who are homeless or threatened with homelessness;
 - the duties of the authority;
 - any help that is available from the authority or anyone else, for people in the council’s district who are homeless or may become homeless (whether or not they are threatened with homelessness); and
 - how to access that help.

Housing allocations

16. Every local housing authority must publish an allocations scheme that sets out how it prioritises applicants, and its procedures for allocating housing. All allocations must be made in strict accordance with the published scheme. (Housing Act 1996, section 166A(1) & (14))
17. The Council's allocation policy assigns applicants to different bands, based on their circumstances. This includes:
 - Band 3 priority for people who are homeless but who do not have priority need;
 - Band 2 priority for people to whom the Council owes the relief duty under homelessness law, or who need to move on medical grounds.
18. Councils must notify applicants in writing of the following decisions and give reasons:
 - that the applicant is not eligible for an allocation;
 - that the applicant is not a qualifying person; and
 - any decision not to award the applicant reasonable preference because of their unacceptable behaviour.
19. The Council must also notify the applicant of the right to request a review of these decisions. (Housing Act 1996, section 166A(9))
20. Housing applicants can ask the council to review a wide range of decisions about their applications, including decisions about their housing priority.

How we considered this complaint

21. We have produced this report following the examination of relevant files and documents and an interview with the complainant.
22. We gave the complainant and the Council a confidential draft of this report and invited their comments. The comments received were taken into account before the report was finalised.

What we found

Background

23. Mr B applied to the Council as homeless at the start of 2024. In his application he told the Council he had difficulties with both his physical and mental health. The Council asked Mr B for information from his doctor about his health conditions. At the time, and through his period of homelessness, Mr B spent most nights sleeping in his car.
24. The Council decided Mr B was homeless and that it owed him the relief duty in mid-January 2024. It interviewed Mr B and agreed a Personal Housing Plan with him around that time. The plan said the Council would do several things to help Mr B try to find accommodation, including sending him information of privately rented properties and directing him to information about possible entitlement to benefits. It also increased his housing register priority to Band 2. However, there is no evidence that the Council considered, at this time, whether Mr B may have a priority need and therefore whether it had a duty to provide him with interim accommodation.

25. Mr B sent the Council information about his medical conditions and both the effect these had on his homelessness, and the effect his homelessness had on his medical conditions. This included, in early February 2024, that Mr B had been in hospital and had been told by doctors that this was related to how he had been sleeping and the weather conditions while homeless.
26. The officer assigned to Mr B's case told him he should provide medical evidence because "at the expiry of your 56-day Relief Duty [the officer would] have to make a decision as to whether [Mr B met] the Priority Need criteria". However, there are no records showing the Council, at this stage, considered whether it might have a duty to provide Mr B with interim accommodation, based on this latest information about his health.
27. The Council decided, in late February 2024 that Mr B did not have priority need. It first told Mr B about its decision by email.
28. In response, Mr B complained to the Council about its decision and asked for a review. A few days later the Council sent Mr B a formal letter about its decision that he did not have priority need. The Council says it spoke to Mr B about his complaint in early March 2024, at which point Mr B told the Council he no longer wanted to continue his complaint.
29. Over the next few weeks, the Council continued to send Mr B details about private rented properties. Mr B said he could not afford the rents and wanted more secure accommodation, preferably not sharing with others.
30. The relief duty ended in mid-March 2024. However, the Council did not send Mr B a formal decision about this. It did, however, tell him the duty had ended. It tried to refer Mr B to an organisation which supported street homeless people, but Mr B did not want to engage with that service.
31. In July 2024, the Council reviewed Mr B's housing priority. It realised he should have been in Band 3, because he did not have priority need and the relief duty had ended earlier in the year.
32. Mr B complained to the Council again about the support it had provided in the summer of 2024. The Council did not uphold Mr B's complaint, though it did invite him to provide more medical evidence of the impact of his homelessness on his health, so it could review his housing priority.
33. After Mr B complained to us in late 2024, he provided further evidence to the Council about his health conditions. This led to the Council increasing his priority back to Band 2.

Interim accommodation

34. The threshold for the interim accommodation duty is a low one. In his homelessness application Mr B told the Council he had physical and mental health conditions. Such conditions could lead to someone having priority need, and the Council then asked Mr B for evidence of these conditions.
35. In its comments about the complaint, the Council said it properly decided that Mr B did not have a priority need. That, however, was not the test which the Council should have been considering. The test for interim accommodation is a much lower threshold than whether someone **does** have a priority need; the test is whether someone **may** have that need.

36. Mr B then told the Council about his stay in hospital and that he had been told some of his health conditions were related to, or made worse by, his homelessness.
37. By telling the Council about his health conditions, especially the stay in hospital, we are satisfied Mr B gave the Council reason to believe that he **may** have a priority need.
38. Based on the evidence we have seen, we consider the Council applied too high a threshold for interim accommodation and, as a result, failed to realise it should have considered this in Mr B's case. The failure to properly consider whether it owed Mr B the interim accommodation duty was fault.
39. Had the Council properly considered the interim accommodation test, it would likely have decided that Mr B met that test taking into account:
 - what Mr B told the Council;
 - that the Council had asked Mr B for more information about his health conditions; and
 - that the threshold for interim accommodation is low.
40. Therefore, the Council should have offered Mr B interim accommodation while it was fully considering his homelessness application.
41. This duty should have started when Mr B first disclosed the details of his health conditions to the Council. It would have ended when the Council decided it no longer owed Mr B further duties at the end of February 2024. Therefore, we are satisfied Mr B missed out on suitable accommodation for around two and a half months. Since Mr B was living in his car for that time and was, essentially, street homeless, we consider that injustice was significant.

Support during the relief period

42. Mr B had the right to appeal the steps the Council was to take to support him in finding accommodation. However, the Council should have told Mr B in its decision accepting the relief duty, how to ask for a review and the time scale for doing so. The Council's letter did not contain that information, just a reference to Mr B having an appeal right.
43. The Council's letter accepting the relief duty did not comply with the requirements for homelessness decision letters. The lack of information in that letter about how to ask for a review was, in our view, good reason that Mr B did not use his review and appeal right. Therefore, we can consider how the Council decided what support to provide Mr B under the relief duty.
44. The Council's assessment and housing plan for Mr B should have taken into account Mr B's concerns about affordability of accommodation. While the Council signposted Mr B to information about benefit entitlement, it did not provide any advice or information about its rent deposit or guarantee schemes. The Council only offered to refer Mr B to an organisation which could help with these services after it decided it no longer owed him the relief duty.
45. We are not satisfied the Council properly assessed Mr B's needs for support, or what it should reasonably do to support him, as required by the law and guidance. That was fault.
46. However, that fault did not cause Mr B an injustice. Under the relief duty, the Council did not have a responsibility to provide Mr B with long-term accommodation. It only had the duty to help him find and access his own

accommodation. Although Mr B wanted more secure accommodation than was available to him privately, this did not mean the Council needed to provide this. When the Council later referred Mr B to the service which supports street homeless people, Mr B did not engage with them. There is no evidence to suggest Mr B would have done so if the Council had referred him during the relief duty period.

Priority need decision

47. The law requires councils to make a clear decision about the duties it owes to a homeless applicant. While the Council told Mr B it had decided he did not have priority need, it did not decide about whether it would owe him further duties after the end of the relief duty.
48. The law also says someone can appeal a decision about the duties a council owes them, but not just about whether they have a priority need. Because the Council failed to notify Mr B about its decision it did not owe him the main housing duty, Mr B did not know about his right to appeal. Therefore, we can consider how the Council made its decision about Mr B's priority need.
49. There was no fault in how the Council made its decision that Mr B did not have priority need. The Council considered all the medical and other evidence Mr B provided, and the correct law and guidance. It also explained those reasons to Mr B.
50. The decision about whether Mr B had a priority need was one for the Council to make. Since there was no fault in how the Council made its decision, we cannot question the outcome.
51. Although there was no fault in how the Council made its decision about priority need, the failure to decide whether it owed Mr B the main housing duty, or properly inform Mr B about its decision, was fault. However, this did not cause Mr B an injustice, since he later withdrew his request for the Council to review its decision.

Ending the relief duty

52. The Council should have sent Mr B a formal decision when the relief duty came to an end. It has provided no evidence it did so. The failure to send Mr B that formal decision was fault.
53. However, that did not cause Mr B an injustice, because:
 - Mr B knew the relief duty had ended; and
 - it is unlikely Mr B would have been successful in any challenge to the end of the relief duty.

Mr B's request for a review of the Council's decision

54. The evidence shows the Council told Mr B, by email, it had decided he did not have a priority need in late February 2024. Shortly afterwards, Mr B complained to the Council about its decision. In his complaint, he asked the Council for a review of its decision.
55. At the end of February 2024, the Council sent Mr B a formal decision that he did not have priority need.
56. In its response to our enquiries, the Council said Mr B did not ask for a review of its formal decision. However, Mr B made it clear in his complaint that he wanted the Council to review its decision. Although it received this before it issued the

formal decision, the Council should have considered Mr B's complaint as a request for a review of its formal decision.

57. However, an officer from the Council spoke to Mr B about his complaint in early March 2024. The officer explained how the Council decides homelessness applications, and noted Mr B said he no longer wished to continue with his complaint. It was not fault for the Council to rely on Mr B's statement that he no longer wished to continue with his complaint. There is also no evidence he told the Council he was expecting a response to his complaint or a review, despite having further contact with the Council about housing options later in 2024.

Housing register priority

58. We are satisfied the Council gave Mr B the correct priority under its housing allocation policy while it owed him the relief duty.
59. Once this duty ended, Mr B's priority should have been reduced to Band 3, as the Council had decided he did not have priority need. However, it did not do this until mid-2024.
60. When Mr B complained to the Council in the summer of 2024, it reviewed his housing priority and decided, at that time, that Mr B did not qualify for Band 2 on medical grounds. The Council invited Mr B to provide further medical evidence of the relationship between his health conditions and his housing situation.
61. However, Mr B did not provide that evidence until March 2025. The Council changed its decision about Mr B's housing priority based on that new evidence.
62. The delay between the Council's decisions in mid-2024 and March 2025 was not due to any fault on the part of the Council.

Conclusions

63. There was fault with how the Council failed to:
 - apply the correct test when deciding whether it needed to arrange interim accommodation for Mr B while it was assessing his homelessness application;
 - properly consider Mr B's barriers to accessing accommodation and what support the Council should provide during the relief period;
 - properly tell Mr B about his rights to ask for a review, or to appeal, the steps the Council was to take in his personalised housing plan;
 - decide, or tell Mr B about its decision, whether it owed Mr B the main housing duty after it decided he did not have a priority need; and
 - send Mr B a formal decision that the relief duty had ended.
64. These faults led to Mr B being without accommodation for around two and a half months during the first part of his homelessness application.

Recommendations

65. To remedy the injustice identified in this report we recommend the Council, within three months of the date of this report:
 - apologise to Mr B for the lack of accommodation and the distress this caused him in early 2024;
 - pay Mr B £875 to recognise the lack of that accommodation; and

- pay Mr B a further £300 to recognise the added distress caused by him being avoidably street homeless during that time.
- 66. To prevent similar fault and injustice in future, the Council should also, within three months of the date of this report:
 - 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;
 - 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
 - remind its homelessness staff of the requirements for homelessness decisions, including when these should be made and what such decisions must contain.
- 67. We publish [guidance on remedies](#) which sets out our expectations for how organisations should apologise effectively to remedy injustice. The organisation should consider this guidance in making the apology we have recommended in our findings.
- 68. The Council must consider the report and confirm within three months the action it has taken or proposes to take. 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)

Decision

- 69. We have completed our investigation into this complaint. There was fault by the Council which caused injustice to Mr B. The Council should take the action identified in paragraphs 65 to 66 to remedy that injustice.