

CABINET

9 MAY 2025

REPORT OF THE MONITORING OFFICER

A.3 LOCAL GOVERNMENT & SOCIAL CARE OMBUDSMAN FINDING

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

The Constitution (Article 12.03(a)) requires the Monitoring Officer to report to Cabinet (or to Council for non-executive functions) if any decision or omission has given rise to maladministration. This report concerns actions that the Local Government & Social Care Ombudsman has determined were maladministration/service failings. A summary of the matter is set out below.

This report is also required under section 5A of the Local Government and Housing Act 1989 in view of the aforementioned decision in this matter by the Local Government & Social Care Ombudsman.

EXECUTIVE SUMMARY

The Local Government & Social Care Ombudsman has recently determined a complaint received by it and has found that there was maladministration in that case. A summary of the case is set out elsewhere in this report. Through this report, the Monitoring Officer is bringing the matter to the attention of the Cabinet as the matter concerns executive functions of the Council. Cabinet is particularly requested to note the findings/orders/recommendations from the Local Government & Social Care Ombudsman, the compliance with those matters by the Council and the wider learning points set out.

RECOMMENDATION(S)

It is recommended that Cabinet receives and notes this report and, in particular the findings/orders/recommendations from the Local Government & Social Care Ombudsman in the case covered by this report, the compliance with those matters by the Council and the wider learning points set out.

REASON(S) FOR THE RECOMMENDATION(S)

The Constitution requires that maladministration findings are reported to Cabinet for executive functions. In receiving the report, the particulars of the case are relevant, as is the Council's compliance with the decision of this Ombudsman and wider learning points.

ALTERNATIVE OPTIONS CONSIDERED

To not submit a report on the case concerned would have been contrary to the provisions of the Constitution (and section 5A of Local Government and Housing Act 1989). As such, not reporting these matters was discounted.

PART 2 – SUPPORTING INFORMATION

BACKGROUND

The case considered by the Housing Ombudsman is set out here.

The complaint concerned a parent with two children who the Council was able to house in temporary accommodation in the spring of 2024. At the time, and in view of the difficulty in finding suitable private rented or social housing to meet the family's needs, the parent and children were placed in bed and breakfast accommodation. The bed and breakfast accommodation sourced by the Council provided them with an ensuite bedroom and a shared communal kitchen. The stay in this accommodation continued for 10 weeks and 3 days.

Bed and breakfast accommodation can only be used for households which include dependent child when no other accommodation is available and then for no more than six weeks. Bed and breakfast accommodation covers accommodation which is not self-contained, not owned by the council or a registered provider of social housing and where the toilet, washing, or cooking facilities are shared with other households (Homelessness (Suitability of Accommodation) (England) Order 2003 and Homelessness Code of Guidance paragraph 17.35).

The Ombudsman recognised the difficulty the Council had in finding suitable accommodation for the family and that it had taken steps to increase its supply of temporary accommodation, the law and guidance is clear that bed and breakfast accommodation should only be used for a maximum of 6 weeks for families.

On the basis of the above, the Ombudsman found maladministration by the Council in respect of the 4 weeks and 3 days the family were in bed and breakfast beyond the permitted 6 weeks.

The Ombudsman then considered the extent of the injustice in this particular case in respect of those 4 weeks and 3 days and determined the payment that should be made to the parent.

The Council made representations to the Ombudsman concerning the draft decision and the Ombudsman did make changes from the draft to the final decision. However, notwithstanding the changes, the Ombudsman did not adjust the level of payment it recommended in this case. In recognition of the stated maladministration and the distress that the complainant will have experienced, the Ombudsman recommended an apology be sent to the complainant and a payment of £1,000 be made to them.

The final decision notice from the Ombudsman was dated 19 March 2025.

Both the apology and the payment to the complainant have been actioned. The decision to authorise the payment was made on 8 April 2025 and the individual has received the necessary payment.

The Council has, since the opening of the Spendells House Temporary Accommodation facility in late 2024, been able to reduce the number of families

being housed temporarily in bed and breakfast where the stay in that accommodation is over 6 weeks. However, demand for temporary accommodation, the supply of suitable accommodation and the financial position of the Council may well mean that situations do occur whereby families may have to be housed in bed and breakfast for more than the 6 weeks permitted.

REPORT CONTACT OFFICER(S)	
Name	Keith Simmons
Job Title	Assistant Director (Corporate Policy & Support)
Email/Telephone	ksimmons@tendringdc.gov.uk / (01255) 686580