

Symbolic payments and financial remedies – LGSCO guidance November 2025 (summarised)

When someone has suffered an injustice where the Council has been at fault, any remedy offered should reflect the impact on the customer from the failures identified. The aim is to put the customer back in the position they would have been in, had the service failure(s) not occurred.

Where that remedy takes the form of a payment, it is intended to be largely symbolic rather than compensatory, but one that recognises and acknowledges that the complainant had legitimate cause to make their complaint.

When considering making financial remedies, the Council should take into account:

- Whether any quantifiable losses have been incurred
- Significant distress or inconvenience caused
- Harm, or the risk of harm
- The time and trouble a customer has experienced
- The Guidance on Remedies issued by the Ombudsman [Guidance on remedies - Local Government and Social Care Ombudsman](#)

In doing so we should consider what is an appropriate remedy for the injustice experienced. Neither the Ombudsman's guidance nor their suggested remedy ranges are intended to be prescriptive, and discretion is required on a case-by-case basis to decide what is fair and reasonable in the circumstances of each situation.

Quantifiable financial impact

We should consider whether there has been an actual, evidenced financial loss incurred as a direct result of the failings we have identified in our investigation.

Examples may include:

- Where a complainant has paid for a service they have not received, or which has not been delivered to an acceptable standard.

This can be remedied by refunding all or part of the amount paid. The level of refund will likely reflect the difference between the service provided and the service paid for.

- Where a complainant has had to pay for a service privately that they would not have needed to, if it were not for the Council's fault.

This can be remedied by a straightforward reimbursement. However, we should carefully consider whether such arrangements were wholly necessary and only reimburse the avoidable financial impact of the fault.

- Where a complainant may have been without services during the period of fault, for example care services, which would have been bought using direct payments.

The remedy for this depends on the level of injustice, harm or distress caused by not having these services. This may amount to more than the value of the direct payments, for example: if a particularly vulnerable complainant had critical needs and no alternative support. However, it may amount to less, if the needs were met by friends and family (although they may have their own, separate injustices as a result of having to 'step in' to provide unpaid care, having lost earnings or used up holiday to do so).

- Where a complainant has had to meet costs which would have been covered by a payment from the organisation, by cutting back elsewhere, which should not have been necessary.

This is particularly likely to be the case where the money owed was an allowance for looking after a child. Further advice on this type of remedy is given in the LGSCO subject guidance on Education and Children's services complaints (part 5).

- Where a complainant has had to pay other costs or fees that they would not have needed to, were it not for the Council's fault.

Examples might include paying for things such as court costs or enforcement agents / bailiff fees; costs incurred where the complainant could not use a vehicle that had been incorrectly immobilised; the reasonable cost of transport that the Council was obliged to provide but failed to do so; or the costs of tuition or educational materials where parents have sourced these due to no or unsuitable alternative provision being in place.

In such cases, we should consider whether to reimburse the customer for all or part of the amount paid, assessing whether such payments were wholly necessary and whether it was reasonable for the customer to incur any or all of the costs, with any remedy focused on the avoidable financial impact of the fault.

Symbolic financial impact

If there is still a significant outstanding injustice, or it has not been possible to put the person back in the position they would have been in, the Council should consider whether a symbolic payment may be appropriate.

Symbolic payments are usually made to remedy injustice in the form of significant distress, harm or the risk of harm, and / or excessive time and trouble experienced in pursuing a complaint. The payment offered does not reflect a definitive loss, as

this cannot be quantified, but rather it is a recognition of the overall distress and inconvenience caused to the customer by the circumstances of the complaint.

Significant distress and inconvenience

‘Distress’ can include:

- Stress, anxiety, worry, frustration, and uncertainty caused by a particular service failure
- Raised expectations: where the Council’s actions or inactions led the complainant to (wrongly, but reasonably) believe that certain actions or benefits would, or would not, follow
- Lost opportunity: where the complainant was deprived of an opportunity to take action or influence events, and it is likely the final outcome would have been different but for this omission; and
- Undue significant stress, inconvenience and frustration.

‘Distress’ must reflect more than just simple inconvenience or moderate disappointment with any flawed actions or inactions; it must be **avoidable** distress arising from fault by the council, where the injustice is sufficiently significant to warrant a symbolic payment in remedy. As such, not every instance of ‘raised expectations’ or ‘uncertainty’ will justify a payment.

Any proposed remedy should take account of all the circumstances including:

- the severity of the distress
- the length of time involved
- the number of people affected (for example, members of the complainant’s family or household as well as the complainant)
- any disabilities or vulnerabilities of the customer or household
- any other relevant factors, such as relevant professional opinion about the effects on any individual

The LGSCO will normally recommend a remedy payment for distress of **up to £500**, but does provide service-specific recommendations as illustrated in Appendix B.

In cases where the distress is especially severe or prolonged, or where the complainant is particularly vulnerable, a higher remedy payment may be appropriate.

Harm or the risk of harm

Harm, or risk of harm, is where the fault caused, or risked causing, physical injury, material damage, or ill or adverse effects, including mental harm, on the person(s) affected. It can also arise when the customer did not receive services intended to provide protection or support because of fault by the Council.

Harm, or risk of harm, needs to be considered in the same way as avoidable distress. In situations where fault by the Council exposed the customer to the risk of harm (rather than actual harm) the LGSCO recommends a remedy of **up to £1,000** as an appropriate acknowledgement of the impact on them. If the risk was particularly severe, or actual harm occurred, which lasted for a long period of time, a higher remedy payment may be appropriate.

Time and trouble (because of flaws in complaint handling)

Inevitably there will be a certain amount of time, trouble and minor costs (such as phone calls or postage) associated with making a complaint.

Usually a time-and-trouble remedy would only be considered where there has been fault or injustice in the way the Council considered the complaint, for example, where it:

- unreasonably failed to progress a complaint / taking far more time to respond than would be considered usual
- failed to escalate a complaint on repeated occasions
- failed to respond to reasonable contacts from the customer
- demonstrated overall poor or unreasonable handling of the complaint

The LGSCO recommends that any payment for time and trouble could be **up to £500**, depending on the severity of the injustice. This payment should be adjusted to reflect the degree of extra difficulty experienced by the customer and any factors which make the complainant vulnerable. They also recommend payment of **£50 per month** for frustration caused by avoidable delay.

Mitigating circumstances

When assessing remedies, we should also consider whether the customer's own actions (or inactions), or those of any other relevant party, might have contributed to the situation in which they found themselves and exacerbated or failed to minimise the impact.

For example, a delay on the customer's part in returning an application form, notifying the relevant service of a problem, providing information requested by the Council, or the complainant's unreasonable behaviour may have caused delays dealing with a complaint.

These factors may have lessened (mitigated) the injustice caused and justify a lower remedy payment being offered.

Appendix A – Subject specific remedies guidance

The [Guidance on remedies - Local Government and Social Care Ombudsman](#) includes a range of subject specific remedies guidance, including:

Part 3) - Adult Social Care

- Assessment of need
- Care and support plans and provision of care
- Charging
- Mental capacity
- Personalisation and direct payments
- Adult safeguarding

Part 4) - Benefits and Taxation

Part 5) - Children and Education

- Adoption and fostering
- Kinship carers and special guardianship
- Looked After Children and Young People leaving care
- Child protection
- Statutory Children's complaints procedure
- Special Educational Needs and Disabilities (SEND)
- School admissions and appeals
- School transport
- Education out of school / Alternative provision

Part 6) - Environment and Regulation services

- Antisocial behaviour (ASB)
- Statutory nuisance
- Refuse collection and recycling
- Cemeteries and crematoria
- Hackney carriage and private taxi hire

Part 7) - Housing and Homelessness

Part 8) - Planning

Part 9) - Highways and Transport

Part 10) - Other remedy examples

- Land
- Leisure and culture
- Public health
- Standards committee
- Other

Appendix B – Subject specific distress remedies guidance

Service Area	Recommended Remedy	Fault	Circumstances
ASB nuisance	£100 to £500 a month	Avoidable Distress (Loss of amenity)	Where delay or inaction by the council has caused a demonstrable impact on a complainant's quality of life, taking account of the severity of the loss and the circumstances of the complainant
Statutory nuisance	£200 to £500 a month	Avoidable Distress (Loss of amenity)	Where, on the balance of probabilities, a properly conducted investigation would have led to action to address the nuisance sooner, we will usually recommend a symbolic payment for loss of amenity, taking account of the severity of the loss and the circumstances of the complainant
Homelessness	£150 to £350 a month	Avoidable Distress	Complainant has been deprived of suitable accommodation due to council being at fault at what would inevitably have been a stressful period in their life
Homelessness	£300 to £1000 a month	Avoidable Distress	Complainant had no option, because of fault by the council, but to sleep rough (for example, sleeping in the open air, a tent or car) for a period
Homelessness	£100 to £200 a week	Avoidable Distress	Households staying in unsuitable Bed & Breakfast accommodation more than the six-week legal limit for families with children or a pregnant household member. This remedy should be in addition to reimbursement of any specific quantifiable costs that the homeless household incurred
Housing Allocations	£150 to £350 a month	Avoidable Distress	Where a complainant has had to remain in unsuitable accommodation because of fault in the housing allocation process. The remedy should be based on the impact on the complainant and other household members
Housing Adaptations	£150 to £350 a month	Avoidable Distress	Complainant deprived of adaptations which would have increased their independence and improved their daily life. Remedy should be based on the impact on the complainant or other persons affected and any carers i.e. a remedy for a delay in installing a handrail is likely to be at the lower end of the range, while the impact of a delay in providing accessible bathing facilities is likely to fall at the upper end of the range
Recovery or enforcement	Up to £500	Avoidable Distress	Avoidable distress associated with unnecessary recovery or bailiff action
Planning	£100 to £500 a month	Avoidable Distress (Loss of amenity)	Where a loss of amenity is temporary (for example, pending remedial or enforcement action) and until a permanent solution is found and established. The remedy should take account of the severity of the loss and the circumstances of the complainant.
Education	£900 - £2,400 per term	Loss of educational provision	Injustice caused to the child from missing educational provision, as well as reflecting the normal range of consequential injustice also caused to the family due to this fault, for example; where there are significant additional caring responsibilities that occur from a child being out of education, and avoidable disruption to daily routine