

ACCOMMODATING 16/17 YEAR OLD CARE LEAVERS POLICY

13 March 2018

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Policy approved by:	Simon Welch
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EIA Required?	<input type="checkbox"/>
EIA Completed?	<input type="checkbox"/>
Revision number:	3
Lead officer:	Jane Allen

1 INTRODUCTION

1.1 Legally anyone under the age of 18 years old is not entitled to hold a tenancy. Stockport Metropolitan Council (The Council) and Stockport Homes Group (SHG) recognise there will be occasions where it is necessary to grant a lease agreement to a person under the age of 18 years old, e.g. a minor leaving care. In such a circumstance an equitable tenancy will be granted.

1.2 An equitable tenancy is not a legal tenancy but is an undertaking by The Council and SHG to provide a minor (16/17 year old) with a tenancy that is held in trust until they reach the age of 18 years old. This will occur for minors leaving care where there is still a responsibility for the Local Authority.

1.3 Tenancies can be held in trust for minors until they reach the age of 18 years old. In the case of succession by a minor, the Succession Policy is relevant.

2 STRATEGIC LINKS

2.1 This policy links to the following;

- Stockport Council Tenancy agreement
- Sign-up Policy
- New tenant visit Policy
- Succession Policy
- Allocations Policy
- SHG Safeguarding Policy

3 KEY FEATURES OF THE POLICY

3.1 SHG will only provide accommodation for 16 and 17 year olds via referrals from Children's Social Care.

3.2 Other 16 and 17 year old applicants can register on Homechoice and accrue points but are not able to bid for properties through the choice based letting system until they reach the age of 18 years old.

3.3 For those referred via Children's Social Care, an appropriate adult who can act as a trustee will be identified by the Housing Services Team who are responsible for making the offer of accommodation. The trustee cannot be an employee of The Council. If no trustee can be found, The Council become the trustee by default. An equitable tenancy would then be granted to the minor until they reach the age of 18 years old.

3.4 The agreement for a lease which creates an equitable tenancy contains all of the tenancy conditions found in a normal introductory or assured short hold tenancy.

3.5 The equitable tenancy will be in place until the 18th birthday of the minor. Upon their 18th birthday the minor will become an introductory tenant or assured short hold tenant and they will be issued the relevant new tenancy agreement. The period of the equitable tenancy will count towards the 12 month introductory/ starter tenancy period. If the period of the equitable tenancy is 12 months or more, the minor will become a secure or assured tenant on their 18th birthday and will be issued with a secure or assured tenancy agreement.

3.6 An equitable tenancy does not have the security of an introductory or assured short hold tenancy. Where the equitable tenant has appointed a trustee and any of the terms of the tenancy are broken, SHG can take action to recover the property, however in most circumstances it is unlikely possession would be granted against a minor. Any action taken will be on an individual basis. If there is no trustee and The Council become the trustee by default no action can be taken.

3.7 SHG will carry out tenancy visits in line with visits that are undertaken with introductory or starter tenants. This includes the six week visit and nine month visit where appropriate. The nine month visit will be carried out in circumstances where the equitable tenant will become a secure tenant at the 12 month anniversary of the tenancy.

4 EQUALITY IMPACT ASSESSMENT

4.1 An Equality Impact Assessment screening has been completed. A full EIA is not required.

5 OWNERSHIP, MONITORING & REVIEW

5.1 This Policy is owned by the Neighbourhoods and Support Directorate. This procedure will be monitored by the Policy Review Group and reviewed in line with the Policy Review Group schedule.

5.2 Any queries with the policy should be forwarded to the Policy and Performance Officers on 0161 474 2859.