

CITY OF WOLVERHAMPTON COUNCIL	Cabinet 18 March 2020
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Report title	The House Project for Care Leavers	
Decision designation	AMBER	
Cabinet member with lead responsibility	Councillor Louise Miles Resources	
Key decision	Yes	
In forward plan	Yes	
Wards affected	All Wards	
Accountable Director	Ross Cook, Director of City Environment	
Originating service	Housing	
Accountable employee	Jenny Lewington	Service Manager - Housing Strategy and Policy
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Report to be/has been considered by	Housing and Assets Leadership Team	26 February 2020
	Children's Services Leadership Team	27 February 2020
	Cabinet Member Briefing (Children's Services)	2 March 2020
	Cabinet Member Briefing (Housing)	3 March 2020

Recommendations for decision:

The Cabinet is recommended to:

1. Approve the allocation of up to ten studio flats or one-bedroom properties to young people leaving care under the House Project.
2. Delegate authority to the Cabinet Member for Resources, in consultation with the Director of City Environment, to approve any additional properties required for subsequent phases of the House Project.

Recommendation for noting:

The Cabinet is asked to note:

1. That a person shall be identified to act as a trustee for all properties provided via the House Project and all other 16/17-year-old tenancies delivered in partnership with Children's Services.

1.0 Purpose

- 1.1 Further to the approval by Cabinet on 10 July 2019 to run a local House Project for children in care and care leavers, this report sets out how accommodation for the project will be provided.

2.0 Background

- 2.1 At the age of 16 every young person in care has a social work assessment completed to establish what is required for young people to successfully transition into independent young adults. This process is managed by a Pathway Plan.
- 2.2 At this point young people are supported to establish the most suitable accommodation option for them. This can include staying put in their foster placement post 18. Alternatively, if young people are not placed in foster care, between the ages of 16 and 18 they will be supported to move into semi-independent accommodation, of which there are several options.
- 2.3 Housing options available to young people within this age group include, living in a host placement (supported lodgings), or living in semi supported accommodation, either via the Council's supported accommodation contract or purchased from an independent advisor.
- 2.4 There are currently 12 young people who are in care or care leavers aged 16 to 18 placed in purchased supported accommodation, with an average weekly cost of £1,570.
- 2.5 An additional alternative, which for many young people is the most appropriate option, is a supported housing offer operating in the City of Wolverhampton Children in Care and Young People's Service, in partnership with Wolverhampton Homes. This housing support programme supports young people in care and care leavers aged 16-18 to live independently. Each young person receives between eight and 30 hours of support each week from the housing support team in the Children and Young People in Care Service.
- 2.6 In July 2019 the Council approved the implementation of a local House Project to provide an additional offer to young people in care and care leavers.

House Project

- 2.7 Moving to independence from 16 and living alone from 18 as a care leaver is daunting. Doing this without the support of close family and at a much earlier age than the general population (average age of leaving home is 24) does not work for many young people. Care leavers often describe the loneliness and fear they feel.
- 2.8 Against all the key indicators in education, employment, health, offending and accommodation, outcomes for care leavers are unacceptable. The National Audit Office report 'Care Leavers Transition to Adulthood' (2015) notes that a third of care leavers experience homelessness between six and 24 months after leaving care. Other research highlights that over 25% of the adult prison population have been in care, and that care leavers are four times more likely than the general population to have mental health problems.

- 2.9 It was against this backdrop that the House Project framework was developed. The project takes a ground-breaking approach through its commitment to young people's ownership to enable young people leaving care to achieve successful independence. The House Project was co-designed with young people from the start and works on cooperative principles through which adults and young people in and leaving care, work together to refurbish properties that become their homes, developing a long-term community of support. The process focuses on maximising young people's ownership of all aspects of the project, so they feel proud of what they have developed and have confidence in themselves and their futures.
- 2.10 The House Project framework has been established and supported by the Department for Education (DfE) Social Care Innovation Fund. 'The National House Project' as a National Charity, is developing the framework, and provides the expertise and support to enable any group of young people and the adults working with them to apply to set up their own House Project in the future. With a licence arrangement which sets out the support and provides a suite of resources, the fidelity of the model is assured.
- 2.11 The House Project works on a theory of change known as the Orchids practice framework. This offers a supportive safe base to young people to explore their world and build a positive future to enable them to: take ownership of their decisions, take responsibility for keeping themselves safe, build a community of support, have their own homes, gain independence skills, gain a sense of developmental direction, and have a positive sense of wellbeing.
- 2.12 The National House Project provides support and guidance to local authorities through a paid membership arrangement to establish a local House Project.
- 2.13 A House Project works with approximately ten young people aged 16 and above who have successfully applied to be part of the project.
- 2.14 The national model provides that links are built with local housing providers which enables the House Project to have access to properties. Links are also developed with companies and training providers engaged locally in building and associated trades. Through these connections, young people learn to project manage and participate in any works necessary to make their allocated property a home.
- 2.15 When the young people have refurbished their property, they move into their home, initially on an introductory tenancy, with a view to them having a long-term tenancy within six to 12 months. As excellent tenants, when they 'graduate' from the House Project, they retain the property that they have made into a home. They continue to be a member of the House Project community for as long as they wish.
- 2.16 This not for profit entrepreneurial approach saves money, allows a safer step down from residential care and stretches budgets to provide longer term support and better outcomes for young people. Landlords get good tenants and LA's have a long-term, sustainable housing solution to meet the needs of young people leaving the care system.

3.0 Progress

- 3.1 The City of Wolverhampton Council were approached by the National House Project with a view to delivering a local House Project in Wolverhampton supported by a local partner. The local partner is a Telford based company, Reconomy, whose Managing Director is a local person, born and raised in the City of Wolverhampton.
- 3.2 Following Council approval for a local House Project progress has been made in implementing the project:
- a. Discussions have also taken place with Reconomy who are keen to be able to extend their support to care leavers by assisting them with opportunities to enter employment. They are able to offer opportunities of work experience and work taster sessions and have two internships specifically ring fenced for local care leavers.
 - b. Total Respect training for Reconomy staff was delivered by care experienced young people in July 2019.
 - c. Two care leavers from Wolverhampton visited the initial House Project in Stoke and spoke to young people who have been part of the project there.
 - d. A Wolverhampton House Project Steering Group was established.
 - e. In October, representatives from The National House Project, the City of Wolverhampton Council and commercial partner Reconomy attended a presentation by local care leavers at which they highlighted the way it would help young people preparing to leave care successfully make the transition from childhood to adulthood.
- 3.3 The national model provides that links are built with local housing providers which enables the House Project to have access to properties.
- 3.4 In order to meet the accommodation needs of the House Project it is proposed that up to an additional ten properties will be provided for the first phase of the House Project.
- 3.5 The Council will seek support from Registered Housing Providers operating in the City, including Bromford Housing and Accord, who have expressed verbal support for the project. Units of accommodation provided by Registered Providers will contribute to the ten properties needed. Support from Registered Housing Providers is desirable as it will provide a more diverse range of accommodation, along with a greater geographical spread of properties. This will offer young people greater choice and the ability to be close to their places of work or education. The Housing Department will continue to work with Registered Providers to source accommodation.
- 3.6 The units of accommodation provided by the Council will be arranged by the Council's Housing Department, from the existing supply of Council housing. These will be studios and one-bedroom properties. The Council's Allocations Policy provides explanation for these properties not being advertised for eligible applicants registered with Homes in the City, in section 16.3 of the Policy adopted by Cabinet in February 2020.

- 3.7 The Council accommodation will be made available to Children's Services. As part of the House Project, Children's Services will arrange for occupation by the young person, as a 'tenant' of the House Project.
- 3.8 On successful completion of the House Project, the young person would receive a Council tenancy to continue living in the property.
- 3.9 It is intended that the first young person will move into their own properties in the spring / early summer of 2020.
- 3.10 If the House Project is successful, subsequent phases may require additional properties. It would be the intention of the Housing Department to continue to work with Registered Housing Providers to provide units of accommodation, as well as continue to contribute units of Council owned accommodation. Delegated authority is sought to approve the provision of additional units following the first phase of the House Project.

4.0 Use of Trust Deeds

- 4.1 Children's Service have documented the occupation of Council properties by issuing the young person a Housing Related Support Service Support Agreement. It was the intention of the support agreement to not provide the occupying young persons with a permanent right to stay in the property. This practice has been used since the first units were agreed for use by Children's Services in 2013. Legal advice identified issues with this practice and the resulting advice has concluded an updated process is required.
- 4.2 Following legal advice, the properties used for The House Project and for other Children's Services initiatives will be let via Trust Deeds, sealed by Legal Services, on behalf of the Council. The use of Trust Deeds is authorised under an Open Green Decision Notice 17 November 2009.
- 4.3 Ideally an independent person would act as Trustee for the young person and this should be considered first by Children's Services. However, in the circumstances where this is not achievable it is considered most appropriate for the Council will act as Trustee.
- 4.4 The Trustee will be responsible for ensuring compliance with the tenancy, however the Council acknowledges and accepts that as a landlord it may not bring action against itself as a Trustee. These liabilities and risks are mitigated against by the commitment by Children's Services to pay the rent and associated charges on behalf of the young person.

5.0 Evaluation of alternative options

- 5.1 Option one would be to solely work from Registered Housing Providers operating in the City. However, there is no guarantee that these partnerships would yield sufficient properties for the House Project.

5.2 Option two would be to work with the private sector to secure properties at a suitable rent level. However private rented properties would not offer the same level of security of tenure to the young people and it is possible that the rent levels could be, or become, unaffordable to the young people.

6.0 Reasons for decisions

6.1 The proposal is for the Council to provide accommodation to the House Project primarily through the use of Council Housing. This will, where possible, be supplemented by properties made available by Registered Housing Providers in the City who are able to contribute suitable and affordable properties. This will ensure that the accommodation provided to the young people will be affordable and offer a secure form of tenure following the successful completion of their House Project 'tenancy'.

7.0 Financial implications

7.1 There is no financial impact on the Housing Revenue Account, the rent will be paid by Children's Services.
[JM/12022020/B]

8.0 Legal implications

8.1 The properties identified for use by Children's Services, for the purposes described within the report, are made available from the Council's social housing stock. The Council's Allocations Policy provides explanation for these properties not being advertised to eligible applicants registered with Homes in the City.

8.2 The use of Housing Related Support Agreements, as used from 2013, was reviewed and the following issues identified:

- The landmark case of *Street v Mountford* (1985) established that a lease comes into existence where the following conditions are satisfied
 - exclusive possession
 - for fixed or periodic term certain
 - in consideration of a lump sum or periodical payments

This means that a "Housing Related Support Agreements" would very likely be construed by a court as a tenancy.

- Where a landlord is a local authority and the tenant is an individual who occupies a dwelling as his only home, the tenancy will attract security of tenure under the Housing Act 1985.
- A minor is not capable holding an estate in land pursuant to S1(6), Law of Property Act 1925.

- 8.3 The case of Alexander-David v Hammersmith and Fulham LBC (2009) clarified the legal position where a local authority grants a secure tenancy to a minor. By default, the landlord holds the tenancy on trust for the minor until he or she attains 18 years of age. Problems then arise in the event of a breach of a tenancy because the service of a notice to quit amounts to a breach of trust. In other words, the authority cannot take any action to evict, should it need to do so.
- 8.4 One means of dealing with the scenario is for a third party to hold the tenancy on trust for the minor until he or she reaches 18 years of age. However, in some cases there is no suitable person who is prepared to act in such capacity.
- 8.5 As such, it is proposed that an independent person act wherever possible. Where there is no such person available, the Council will act as Trustee as a last resort and in the knowledge that possession proceedings may be frustrated by the existence of the trust.
[DC/06032020/L]

9.0 Equalities implications

- 9.1 An equalities analysis was been completed for the House Project and raised no concerns. The local House Project supports the ambition to improve opportunities and reduce the disadvantage that care leavers face in society. It will offer ten care leavers the opportunity to live in their own accommodation supported by the project and their peers within the project. This will enhance their potential for stability through sustainment of their tenancy post 18. For care leavers involved in this project there will also be increased opportunities to participate in training, education and employment, thus improving their confidence and self-esteem and positive transition to adulthood.
- 9.2 The provision of additional properties to the Children and Young People in Care Supported Accommodation Service for the Housing Support Service supports the Council's Corporate Parenting Strategy and demonstrates its commitment to furthering the life chances of every child and young person in its care; improve their outcomes, narrowing the gap between them and their peers, and providing effective support which enables them to reach their full potential.

10.0 Climate change and environmental implications

- 10.1 There are no climate change or environmental implications arising from this report.

11.0 Human resources implications

- 11.1 There are no human resources implications arising from this report.

12.0 Corporate landlord implications

- 12.1 There are no direct corporate landlord implications resulting from this report. The report deals exclusively with property available for letting within the Housing Revenue Account.

13.0 Health and Wellbeing Implications

13.1 The theory of change that underpins the project is based upon improving young people's outcomes and wellbeing, supporting positive changes to enable care leavers to live successful healthy adult lives.

14.0 Schedule of background papers

14.1 Cabinet, 10 July 2019 – [‘The House Project’](#)