

Living in Hackney Scrutiny Commission Joint Social Tenancies & Domestic Abuse

21/01/2026

1. Data on nature / scale of challenge: reporting / case management, response mechanisms, casework data / insights, service standards

The issue

- Where one joint tenant moves out of the home, the joint tenancy continues if no one takes any steps to end it and the council cannot simply remove one party from the agreement. This means:
 - Both people remain liable for the rent and any arrears
 - One person could end the tenancy without the permission of the other
 - The person who has left could move back in at a later date
 - The person who has left could inherit the tenancy, even if the deceased remaining party has a new partner
 - Neither person can go on the Housing Register and be offered another home, or claim housing costs towards another home (which may or may not be social housing) while they retain the joint tenancy.
- If one joint tenant ends the tenancy by serving a valid Notice to Quit, the **whole** tenancy will end, even if the other joint tenant has not asked for or consented to this.
- If one party perpetrates domestic abuse against the other party, this is a breach of the Hackney Council [Tenancy Agreement](#). Where the council has sufficient **evidence**, it can take possession action against the perpetrator.

Who is involved in Housing?

Tenancy Services

- Initial advice, support, risk assessment
- Initial housing options advice
- Ongoing case management and monitoring
- Includes ASB team, Housing Officers, Income Officers, Resident Sustainment team, financial inclusion team
- TMOs - have their own Housing Officers

Benefits & Homelessness Prevention team

- Homeless applications where it is safe to stay in Hackney longer term
- Allocations of temp accom
- Housing Register (inc medical assessments etc)
- Issues with benefits inc dual Housing Benefit

Other boroughs & landlords

- Homeless applications where Hackney isn't safe longer term

If / when JT issues are resolved...

- Reciprocals
- Mutual Exchanges

Restructure

Q1 2026/27

NEW dedicated DA team to manage all cases

DAIS support

Data on nature / scale of challenge: reporting / case management, response mechanisms, casework data / insights, service standards

Housing Services data (Jan. 2026):

Total accounts: 20536

Total joint accounts: 2644

Percentage joint accounts: 12.9%

Of the current DA caseload:

Total cases in sample: 84

Total joint accounts: 9

Percentage joint accounts: 10.7%

- **High Risk Move (HRM):**
 - 86 closed HRM cases (between 2022/23 to present)
 - 6 were joint tenants DA cases (7%)

Experiences of victims / survivors who share or have shared a joint tenancy with their perpetrator

Perpetrators often use the **joint tenancy** as part of their **coercive control** tactics:

- A. Perpetrators can unilaterally end the tenancy without the survivor's consent or knowledge leaving the survivor potentially homeless.
- B. Survivors may be reluctant to serve the notice to quit and end the tenancy, for fear of reprisals from the perpetrator
- C. Perpetrators may pressure survivors with a sole tenancy to move it to a joint tenancy

Survivors may also be reluctant to serve the Notice to Quit and end the joint tenancy **because they are worried about their future housing options:**

- A. That any rehousing application may be turned down and they will be left homeless
- B. That they may be given a home with less security of tenure - especially if they have to make a homeless application to another borough where Hackney has no influence over the outcome of their application
- C. That their new home may lack features they currently have such as a garden or low floor level - or they will have to downsize
- D. About the location of any home offered (including any Temporary Accommodation)
- E. That they may wait for many years in Temporary Accommodation and possibly have to move multiple times

Survivor's Options - Court Proceedings

Temporary legal remedies:

Occupation Order (under Family Law Act 1996); lasts 6-12 months; it can cost up to £5,000 at legal aid rates and more than double that if funded privately; no guarantees that the order will be granted by Court, due to the balance of harm that often favours the perpetrators, particularly if it places them at risk of homelessness

- Note: Survivors are unable to change locks even with a Non Molestation / Occupation Order in place, as the perpetrator still has a legal right to the property

Permanent legal remedies:

- **If married**, a survivor may have to apply for a **divorce** and a financial remedy order to transfer the tenancy via the Matrimonial Causes Act 1973.
- Alternatively, **those with children** can bring an application under Section 1 of the Children Act on the basis of providing a home for the child until a certain age (the order may end when the child is 18)
- It can take up to 2 years or more; it can cost survivors between £10,000-£20,000, or £5,000 or higher if they can access legal aid
- Note: even if transfer of tenancy is obtained, if perp. had remained in the property, LA should go through eviction proceedings (lengthy process; survivor would need interim accommodation in the meantime; costly for the LA)

3. Current means available to social landlords to support victims / survivors in joint tenancies, whether these provide enough support, and the difficulties faced by landlords

Current Means available to Social Landlords

[UK Government's Statutory guidance: Improving access to social housing for victims of domestic abuse](#) (updated 10th July 2025):

The guidance advises that authorities may wish to consider evicting the perpetrator and allowing the victim to remain in their home with a new tenancy agreement.

In addition, where one joint tenant (e.g. the victim) has served a valid notice to quit, and the landlord is made aware that there has been domestic abuse, the landlord has the option of:

- A. allowing the victim joint tenant to remain in / return to the property under a new tenancy agreement;
or
- B. securing possession of the property and offering the victim joint tenant suitable alternative accommodation.

Hackney Council - Internal Policies

Hackney Domestic Abuse and Housing Policy:

P.6: “(...) We will take action against perpetrators where we can do so, without compromising the safety of the individual experiencing abuse. This may include, but will not be limited to: reporting crimes to the Police; supporting survivors to apply for Non Molestation Orders and Occupation Orders; applying for Closure Orders to remove perpetrators from property / exclude them from the area. Where a perpetrator is a Hackney Council Council tenant, we might take action to end their tenancy.

In case of **joint tenancies**, we may allow, depending on the circumstances, the victim to end the tenancy on behalf of both tenants and then issue a new sole tenancy to the victim.”

Policies ... con't)

- Hackney Council updated its **Tenancy Management Policy** in September 2025
- Where the joint tenancy has ended via a Notice to Quit, we may offer a Discretionary, new sole tenancy to one party.
- The decision is based on the circumstances of both tenants including those under which the relationship broke down, how long one party has been living outside the home, the level and complexity of any additional needs, who has custody of children etc.

Any discretionary offer is subject to:

- There are no outstanding breaches against the tenancy (unless caused solely by the perpetrator) or rent arrears
- Where a tenancy is offered this may not be for the same home. The Council will review the housing needs of the remaining household and may make an alternative offer of a suitable home.
- Joint tenants who no longer wish to live together but cannot agree on what should happen to the joint tenancy can, if married or in a civil partnership, apply to the Family Court to seek the transfer of tenancy. We advise all joint tenants in this situation to seek independent legal advice.
- In cases where the relationship between joint tenants has broken down and there is evidence of domestic abuse, the council will take a survivor-led, harm-reduction focussed approach in line with our Housing and Domestic Abuse Policy and procedures. We will be trauma-informed at all times.
- We will work with the household and any advocates on a case-by-case basis to resolve any housing issues that may be exacerbating risk. Where we have sufficient evidence, this will include taking possession action against joint tenant perpetrators of abuse. It may also include supporting the alleged perpetrator to access alternative housing as part of a risk management plan.

Policies ... con't)

- Tenants - including joint tenants - who need to move from their homes because of DA-related risk should contact their Housing Officer - and the Benefits Service if they claim benefits - immediately in order to receive tailored help and support.
- Temporary accommodation may be offered to eligible tenants as part of a homeless application. Where it is safe for the survivor to remain in Hackney in the longer term, but they need temporary accommodation away from the perpetrator while they wait, they may choose to apply to Hackney Council.
- Where it is not safe to remain in Hackney due to the risks, the tenant may wish to approach a borough where they feel safe in order to make their homeless application. The [Homelessness Code of Guidance](#) sets out how local authorities manage such requests.
- The allocations scheme includes provision for tenants at risk who can remain in their home pending a move to an alternative home within Hackney. The Housing Officer can also support the affected tenant to access mobility schemes and mutual exchanges as appropriate. In some cases, it may be possible to approach another landlord and ask them to house the tenant via a 'reciprocal' rehousing, which means Hackney would house one of their tenants in exchange for them rehousing the Hackney tenant at risk.
- In these cases, the Joint Tenancy **still needs to be resolved** before a new sole tenancy can be issued and / or mobility options explored.

Policies ... con't)

Sole to Joint Tenancy

- Existing tenants may ask the Council to convert their current Sole tenancy to a Joint Tenancy. Such requests are considered on a case by case basis at the Council's discretion. Both parties must agree for the respective partner to be added to the tenancy.
- To ensure that the sole tenant is not being pressured or coerced to make this request, the council will arrange a confidential one to one discussion with the tenant, without the other party present. We will also advise the tenant to seek independent legal advice before proceeding with the request, to ensure they fully understand the implications.
- Any applications for a sole tenancy to be converted to a joint tenancy will be refused under a range of circumstances, including:
 - There is evidence that the proposed joint tenant has previously perpetrated domestic abuse against the current sole tenant. In such cases, the person may be added to the household as an occupant. We will strongly advise sole tenants in this situation to seek independent legal advice and will offer to support them to access domestic abuse services.

Current Means available to Social Landlords

There is currently no specific legal mechanism to enable social housing providers to support survivors to stay in their homes, and transfer a joint tenancy shared with the perpetrator into a sole tenancy for the survivor.

Possession claims against perpetrators: **Ground 2A, Schedule 2 Housing Act 1985**

LIMITATIONS:

- Only allows social housing providers to evict a perpetrator after a survivor has permanently left a shared property due to violence or threats violence.
- The court must be satisfied that the partner who has left is unlikely to return.
- This does not address the needs of the survivor to safely remain within their own home and is dependent on them fleeing.

Current Means available to Social Landlords

Creatively use other legal remedies that are not specifically designed to address domestic abuse or immediately evict a perpetrator

Issue: limited ability to properly support survivors in the context of JT and to hold perpetrators accountable for their behaviour

- **Eviction proceedings against perpetrators:** difficult to take when there are no criminal records and when abuse did not take place in the property/locality; lengthy process
- **ASB-related injunctions:** Part One Injunctions with Positive Requirements - This does not address the risks presented by perpetrators of domestic abuse (violence + coercive control); and does not guarantee they will be evicted from the family home; problems with the definition of “locality”
- **Closure Orders** (Police requires an element of ASB; inconsistent use from Met police; only a temporary measure; does not address survivor’s safety out of the venue)

Main findings from Hackney Council's Joint Tenancies and DA Case Studies

Housing action plan and options offered to survivors:

- Robust collaboration with domestic abuse services and the professional network (statutory and non-statutory services) is crucial for an effective joint risk management approach (including arranging/attending professional meetings);
- Referrals to Financial Inclusion team, or Tenancy Sustainment team (for support around benefits, or arrears);
- Advising survivor + perpetrator to seek legal advice (issue: sometimes difficult to access legal advice, very lengthy waiting lists, or legal aid service suspended - flagged by other LAs as well)
- Offering support via DA services (eg. for safety planning and for support with Non Molestation and Occupation Order applications);
- Options of relinquishing tenancy + consequent reallocation / homelessness route (if local area is unsafe);
- Offering temporary accommodation (issue: 52 weeks dual benefits not available if v/s does not intend to go back to previous address)

Main findings from Hackney Council's Joint Tenancies and DA Case Studies

- Gatekeeping when survivors are denied TA by other LAs (eg. transfer of homelessness application; clients being asked to go back to the first LA/Landlord and ask for reciprocal, nothing provided in writing)
- Tenants are often treated as any other applicant (without secure tenancy) and informed that under the Homelessness Reduction Act they could be discharged into the PRS as first solution explored (communication issue?); clients fear they will lose their tenancy, and this is a barrier to them relinquishing the joint tenancy/leaving the address

4. Ongoing work at a local and cross-borough level looking at joint tenancies and how approaches could be changed to make victims / survivors safer

Joint Tenancies & Domestic Abuse Inter-Borough Work Group

Since May 2024 Hackney Council has been coordinating an inter-Borough working group which has been meeting quarterly and that has seen to present time the participation of 5 Local Authorities (Hackney, Islington, Westminster, Camden, City of London, Hillingdon), Standing Together/DAHA, Refuge, Shelter. Aim of this project is to promote a collaboration among Local Authorities London, with the contribution of specialist domestic abuse third sector organizations, in order to address the need for a clearer guidance on responding to joint tenancy matters where domestic abuse is present.

Aims of the group:

- Identify the main, common issues faced by Local Authorities when dealing with joint tenancies where domestic abuse is present
- Share practice and identify possible solutions to the identified issues, with the aim of promoting best practice and consistent approach and processes across Local Authorities
- Identify, agree and raise issues relating to practice policy or legislation to relevant decision making bodies

Joint Tenancies & Domestic Abuse Inter-Boroughs Work Group

The group is considering contacting the Local Government and Social Care Ombudsman regarding oversight of homelessness law application. The group believes a body similar to Ombudsman Services would be beneficial in holding Local Authorities accountable for systemic gatekeeping, especially since many cases may not reach the courts.

Additionally, the group believes that a research report on how Local Authorities handle homelessness cases involving domestic abuse (particularly regarding S213b and S198 referrals) could be valuable.

Main 4 issues identified by the Inter-Borough JT & DA work group

1. Survivors unwilling to relinquish JT due to fear of losing their social tenancy, especially where the current area of residence is unsafe and approach to another LA is required;
2. Difficulties around reaching an agreement with other LAs where survivors are unsafe in the local area (eg. referrals via S213b, difficulties with arranging direct management reciprocals with the second LA; other LAs will not house survivors in TA and request they return to their home borough and ask for a transfer; difficulties/gatekeeping where initial homelessness approach has happened with the current LA, but case has to be transferred to another LA via S198, due to local area being or becoming unsafe; there seems to be lack of bodies who hold LAs to account in these circumstances);

Main 4 issues identified by the Inter-Borough JT & DA work group

3. Perpetrators not relinquishing JT due to not having real incentives to leave;
4. Evidence required by the LA/Landlord to take action against the perpetrator (where no criminal records are available; where DA did not happen in the property, despite coercive controlling behaviour possibly being perpetrated by the abuser whilst being in the property). Tenancy Agreements being different around locality and how this is defined, and not being able to take action when alleged offences did not occur in the locality. Action by LA is also limited when the perpetrator is not a resident.

Further issues identified by the JT & DA Inter-Borough work group

- Interface with Homelessness legislation and processes: liaison with other LAs - gatekeeping (S198)
- Issues around S213b and managed reciprocals
- Inconsistent approach across Met Police to actions taken on perpetrators, example: use of Closure Orders;
- The group is exploring if different approaches are being taken by legal teams within different LAs
- Former Tenants Arrears and inability to pursue just one party for all of the arrears, if those arrears have been caused by the perpetrator

5. Progress being made at a national level to improve guidance on supporting victims / survivors in joint tenancies

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[Consultation on the impacts of joint tenancies on victims of domestic abuse](#), Department for Levelling Up, Housing & Communities (2022):

Key Problems Identified in the Consultation:

- Perpetrator Control: Abusers use their joint tenancy rights to issue a "Notice to Quit," making victims fear homelessness and forcing them to stay or leave without security.
- Lack of Simple Transfer Mechanisms: No easy way exists for victims to remove abusers from a tenancy and secure it solely in their name, forcing costly court battles or homelessness.
- Risk of Losing Security: Even if a victim serves notice, landlords might not offer a sole tenancy, leaving the survivor exposed.

Proposed Solutions & Recommendations (including: Standing Together / DAHA; Rights of Women; National Housing Federation)

- Legislative Change: Introduce new laws allowing the Family Court to transfer joint tenancies to survivors, with some suggesting automatic or presumed transfers.
- Landlord Powers: Grant social housing providers powers to remove perpetrators from joint tenancies to protect survivors.
- Focus on Survivor Safety: Ensure policies prioritize survivors staying in their homes, recognizing the stability it offers.

5. Progress being made at a national level to improve guidance on supporting victims / survivors in joint tenancies

Homelessness Strategy- [A National Plan to End Homelessness, Dec. 2025](#)

Section 3.4.7:

‘To help survivors move on into settled accommodation when they are ready, we have made it easier for victim-survivors of domestic abuse to access social housing by exempting them from local connection and residency tests where these apply, and **we will seek to strengthen protections available to women in co-habiting couples, including better support to victims in joint tenancies.** As part of updating statutory guidance on social housing allocations, mentioned in the Universal Chapter, we will address the barriers faced by survivors of domestic abuse with debt when applying for social housing, highlighted by recent research.’

5. Progress being made at a national level to improve guidance on supporting victims / survivors in joint tenancies

Standing Together/DAHA proposal: a new Domestic Abuse Tenancy Transfer Order

Developed by housing and family law experts, Giles Peaker, Justin Bates, and Jenny Beck, in consultation with Women's Aid Federation for England (Women's Aid), the Domestic Abuse Housing Alliance (DAHA), Standing Together Against Domestic Abuse, and the support of the National Domestic Abuse and Housing Policy and Practice Group.

- Aim: to provide survivors of domestic abuse with a simplified legal mechanism for the transfer of a joint social tenancy, shared between a perpetrator and a survivor, into a sole social tenancy in the name of the survivor.

5. Progress being made at a national level to improve guidance on supporting victims / survivors in joint tenancies

Proposal: Domestic Abuse Tenancy Transfer Order

What will the Domestic Abuse Tenancy Transfer order do?

If a perpetrator and survivor of domestic abuse share a secured or assured joint tenancy with a social housing provider, the order would remove the perpetrator from a joint tenancy shared with the survivor, leading to a sole tenancy for the survivor (unless there are other joint tenants, who will remain on the tenancy, however this is not likely for a secured or assured social tenancy). It will not apply to introductory social tenancies or tenancies within the private rented sector.

Who can apply for the Domestic Abuse Tenancy Transfer order?

Survivors of domestic abuse who share a joint secured or assured social tenancy with the perpetrator will be able to make an application directly to the county court for a 'domestic abuse transfer of tenancy' order.

- Note: Hackney proposes that also LAs should be able to apply for the order with survivor's consent, with the aim of helping them where they may feel unable to apply themselves due to fear of repercussion from the abuser

5. Progress being made at a national level to improve guidance on supporting victims / survivors in joint tenancies

Proposal: Domestic Abuse Tenancy Transfer Order

On what basis will the Domestic Abuse Tenancy Transfer order be granted?

The proposal simplifies the evidential and decision making process and has presumptions in place under which an order will be made unless successfully rebutted by the perpetrator.

The presumptions mean that the order will be granted if:

1. The perpetrator has been convicted of an offence related to domestic abuse against the survivor or anyone reasonably expected to live with the survivor, or;
2. The perpetrator has been given a court order such as a, Restraining Order, Occupation Order or Non-molestation Order (eventually replaced by DAPNs and DAPOs) in relation to the survivor or anyone reasonably expected to live with the perpetrator.

5. Progress being made at a national level to improve guidance on supporting victims / survivors in joint tenancies

Proposal: Domestic Abuse Tenancy Transfer Order

Can a survivor apply for a Domestic Abuse Tenancy Transfer order while the perpetrator is still occupying the property?

Yes, but it is practically easier if the perpetrator is not occupying the property or has had their rights to occupy suspended (for example as a result of an Occupation Order), such that the survivor is not dependent on eviction proceedings.

How will the court determine if the survivor can afford the rent after the Domestic Abuse Tenancy Transfer is granted?

This would be addressed in the survivor's application - the making of a transfer order would be conditional on the survivor demonstrating to the court that sole liability for the rent is achievable within a reasonable period, either through benefits and/or income level. A statutory provision stating that the survivor is solely liable for the rent during the transfer, for example a DAPN/O, and period of application for the order would clarify that the survivors would be able to claim benefits for the relevant period if solely liable.

5. Progress being made at a national level to improve guidance on supporting victims / survivors in joint tenancies

Proposal: Domestic Abuse Tenancy Transfer Order

Will enabling survivors to obtain a Domestic Abuse Tenancy Transfer Order have a cost benefit for the social housing providers?

Without a current legal mechanism which enables survivors to maintain their tenancies and remove the perpetrator, the social housing provider is at a risk of bearing the significant cost of domestic abuse. This includes the cost of ongoing domestic abuse in the home (eg. cost of repairs to damages; rent arrears), eviction and re-letting the property; avoid costs of TA

How will the Domestic Abuse Tenancy Transfer affect the rights of the social housing provider/landlord?

The social landlord's ability to uphold the tenancy or serve notice to end the tenancy would not be affected. Although the nature of the tenancy will change (from a joint to a sole tenancy) the residing tenant will remain the same, which provides continuity for the social housing provider.

Existing common law and contractual obligation for joint tenants' states that each is jointly and severally liable for the whole rent, which means that any previous arrears on a joint tenancy are joint and several such that each joint tenant is individually liable for the whole of the rent.

5. Progress being made at a national level to improve guidance on supporting victims / survivors in joint tenancies

Changes in Scottish legislation

The Domestic Abuse (Protection) (Scotland) Act 2021 introduced measures to protect victims of domestic abuse. Part 2 of the Act, once brought into force through these latest regulations, will provide social landlords with a new discretionary ground to apply to the court for an order to enable them to transfer a tenancy from an abusive tenant to their victim.

Subject to Parliament approval, the new measures will be implemented in August 2026

Note: little information available as to how the new measure will work; to keep monitor

Desired Outcomes

- Review internal Council's Housing Services data collection around DA
- Explore possible East London Reciprocal Arrangements with neighbouring Local Authorities and include in the discussion Registered Social Landlords with regional/national presence
- Endorse the proposal of a new Domestic Abuse Tenancy Transfer Order, exploring the possibility for LAs to apply for the Order, with survivor's consent
- Proposal (at national level): a body similar to Ombudsman Services would be beneficial in holding Local Authorities accountable for systemic gatekeeping in relation to homelessness legislation, especially since many cases may not reach the courts. Research report on how Local Authorities handle homelessness cases involving domestic abuse (particularly regarding S213b and S198 referrals) could be valuable.
- Breach of tenancy: where there are no criminal records, trying to take enforcement action by using as evidence possible Non Molestation Orders or Domestic Violence Protection Orders in place, reports made to the Police, MARAC (Multi Agency Risk Assessment Conference) minutes, other possible evidence gathered from the professional network
- Review with legal team how coercive control is being documented and acted upon (exploring the potential of breach of tenancy due to coercive control)
- Inter-Borough JT&DA work group is considering a pledge on best practice (commitment to avoid gatekeeping + commitment to reciprocals on DA cases)