

Overview & Scrutiny

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To:

Cllr Guy Nicholson, Deputy Mayor and Cabinet Member for Housing Management & Regeneration

Cllr Sade Etti, Cabinet Member for Homelessness Prevention, Rough Sleeping & Temporary Accommodation

Domestic Abuse & Joint Social Tenancies (Suggestions for Improvement)

The Living in Hackney Scrutiny Commission recently reviewed the Council's approach to addressing the barriers faced by survivors of domestic abuse (DA) who wish to remain safely within their social home, yet share a joint social tenancy with their perpetrator.

Joint social tenancies and DA was identified as an area of interest in the previous meeting held on [23rd September 2025](#), in which the Commission reviewed the progress made against delivering the priorities and actions outlined in the Eliminating Violence Against Women & Girls Strategy 2022-25.

The video recordings, alongside the agenda papers and minutes, provide a public record of the meetings:

- Living in Hackney Scrutiny Commission 21st January 2026: [video recording](#), [agenda papers](#) and [minutes](#)

The Commission would firstly like to place on record its thanks to Helena Stephensen, Acting Director Tenancy & Homeownership Services, Lee Georgiou, Assistant Director Benefits & Homelessness Prevention, Eleanora Serafini, Domestic Abuse Housing Specialist, Tracey Gain, Project & Service Development Manager and Carol Gayle, Strategic Lead Benefits & Homelessness Prevention for their engagement with us.

Similarly, we would like to thank Charlotte Dunne, Senior Housing Advocate at Shelter Georgina Bavetta, Deputy Area Housing Manager at Islington Council for their valuable contributions to this piece of work.

Finally, the Commission would like to thank you in your capacities as Deputy Mayor and Cabinet Member for Housing Management & Regeneration and Cabinet Member for Homelessness Prevention, Rough Sleeping & Temporary Accommodation for your contributions and ongoing engagement with the scrutiny process.

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On the evidence provided and through consultation with officers, members of the Commission have outlined their findings and made 8 suggestions for improvement for your consideration, which it is hoped will contribute further to the positive work that is already taking place.

We look forward to receiving your response in due course.

Yours sincerely

Councillor Joseph Ogundemuren

Vice-Chair, Living in Hackney Scrutiny Commission

Cc:

- Cllr Susan Fajana-Thomas, Cabinet Member for Community Safety & Regulatory Services
- Rickardo Hyatt, Group Director Housing, Climate & Economy
- Diane Benjamin, Director of Children & Families Service and VAWG Strategic Board Chair
- Louise Humphreys, Director Legal, Democratic & Electoral Services
- Juliet Babb, Assistant Director Legal and Governance
- Helena Stephenson, Acting Director Tenancy & Homeownership Services
- Lee Georgiou, Assistant Director Benefits & Homelessness Prevention
- Pauline Adams, Principal Head of Service Early Help & Prevention
- Cathal Ryan, Domestic Abuse Intervention Service Manager
- Eleanora Serafini, Domestic Abuse Housing Specialist
- Tracey Gain, Project & Service Development Manager
- Carol Gayle, Strategic Lead Benefits & Homelessness Prevention
- Ben Bradley, Head of Mayor and Cabinet Office
- Steve Webster, Resident Liaison Group Co-Chair
- Zara Shoorvazi, Resident Liaison Group Co-Chair

Suggestions for improvement

Survivors who wish to remain safely within their own social home yet share a joint tenancy with their perpetrator are often dependent on perpetrators voluntarily removing themselves from the joint tenancy, and if unable to achieve this, face significant legal barriers which can leave survivors homeless and carrying the economic, practical and emotional burden of starting again.

There is currently no specific legal mechanism to enable social housing providers like the Council to support survivors to stay in their homes and transfer a joint tenancy into their name. This leaves the Council with the only option to creatively use other legal measures that were not specifically designed to address DA, such as anti-social behaviour (ASB) orders.

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The Commission recognises these challenges and in particular the impact that the pursuit of legal remedies can have on survivors. Lengthy court proceedings can cause lasting survivor debt, economic harm and risks of eviction and homelessness, and often elevate the risk of being retraumatised. More must be done at a national level to simplify legal mechanisms to better support survivors who experience DA in joint social tenancies.

More can be done at a local level too. We commend the Council for taking a leading role in coordinating the Joint Tenancies & DA Inter-Borough Working Group, which so far has seen the participation of five local authorities, Standing Together, Domestic Abuse Housing Alliance, Refuge and Shelter. It is crucial that this collaborative approach continues and is further built upon in order to address the need for clearer guidance and explore creative solutions to this issue.

Data collection and sharing

As highlighted in the Housing Ombudsman's [special investigation report](#), poor knowledge and information management (KIM) has hampered Housing Services' efforts to horizon-scan and identify risk and, ultimately, provide a high-quality service to residents. We are pleased to see this recognised in the [Housing Improvement Plan](#), with a number of workstreams aimed at implementing new systems, improving the data literacy of staff and improving the quality of data held.

The need for better data collection related to DA in particular is well recognised at local, regional and national level. Officers told us that, at present, it is hard to fully understand the nature and scale of DA experienced by council tenants, and that improving the quality of KIM is fundamental to improving understanding of DA, better targeting interventions and making more informed policy decisions.

We would like to stress the importance of a trauma-informed approach to collecting survivors' data to ensure that survivors feel comfortable and empowered to share their information while also preventing the data collection process from creating any additional barriers for survivors accessing support. By empowering survivors to feel comfortable to provide their information, this can lead to better quality data collection.

We would therefore encourage the service to undertake an internal review on data collection, analysis and reporting around DA. This should involve systematically assessing, planning and refining methods to gather accurate, relevant and timely data and transform it into meaningful insights. We would expect the findings of this review to inform tangible actions to improve data activities and processes around DA.

We appreciate that there are already strong statutory frameworks and multi-agency forums in place that facilitate information sharing between Housing Services, Benefits & Homelessness Prevention, the Domestic Abuse Intervention Service (DAIS) and the wider professional network. For example, homelessness law requires certain information to be shared between key agencies, and strong partnership working to address high-risk DA is

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facilitated through professional meetings like the Multi Agency Risk Assessment Conference (MARAC).

Having said this, we would also like to see the more informal elements of joint working and information sharing reviewed alongside data collection, analysis and reporting to ensure they remain fit for purpose and that vital signs of risk or vulnerability are not missed. Helping to identify survivors and link them to the right individualised support depends on behaviours and conversations between the people delivering those services as much as processes and policies.

The Commission therefore suggests that:

- 1) Housing Services undertakes an internal review to explore how to improve data collection, analysis and reporting activities and processes around domestic abuse.

This should involve systematically assessing, planning and refining methods to gather accurate, relevant and timely data, transform it into meaningful insights and reporting findings to relevant structures.

- 2) Housing Services, Benefits & Homelessness Provision and the DAIS undertakes an internal review on its joint working and information sharing arrangements to enable more effective joint working around domestic abuse.

This should be aligned with the outcomes of the internal review on data collection, analysis and reporting around domestic abuse and feed into the development of staff behaviours frameworks and training plans.

Transferring a tenancy

Transferring a joint social tenancy, shared between a perpetrator and a survivor, into a sole social tenancy in the name of the survivor is challenging. If the survivor is unable to gain the signed consent of the perpetrator to be removed from the joint tenancy, their only option is to take legal action to have the perpetrator removed from the property and the tenancy. This process is complex, expensive and often inaccessible.

The Council's [Domestic Abuse and Housing Policy](#) states that the Council may allow the victim to end the joint tenancy on behalf of both tenants and then issue a new sole tenancy to the victim. This discretionary 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 and who has custody of children.

Such requests are currently considered on a case by case basis at the Council's discretion. Whilst encouraging, we do have concerns that the assessment process as it stands is not sufficiently transparent. We were told that an officer will assess the request for a new sole

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tenancy, but it was unclear what information is considered or whether there is a set criteria which tells them how to assess circumstances in a fair way across all requests.

It is important that officers assessing these requests are trained in trauma-informed practice and, wherever possible, have lived experience. This will not only help them to make informed decisions, but also seeks to prevent re-traumatisation. Clearly, the assessment process must be open, clear and honest, where actions and decisions are easily understood and verifiable by staff and survivors alike.

Ultimately, progress needs to be made at a national level to introduce or change existing laws on joint social tenancies. National government must look at introducing a new, simpler general mechanism through which survivors can apply for the transfer of tenancy if a survivor shares a joint tenancy with their perpetrator, offering them long-term safety and housing security.

Standing Together and Domestic Abuse Housing Alliance (DAHA)'s [proposal for a new Domestic Abuse Tenancy Transfer Order](#) seeks to provide survivors of DA with a simplified legal mechanism for the transfer of a joint social tenancy into a sole social tenancy in the name of the survivor. We feel that there would be clear benefits to both survivors and social landlords in obtaining a Domestic Abuse Tenancy Transfer Order, compared to the current legal and housing solutions available.

Standing Together and DAHA are recognised across the housing and DA sector as the leading experts on the role of social housing providers in response to DA and are well positioned to provide this guidance and advice. As such, we would like to see the Council's corporate and political leadership endorse the proposal and encourage the Mayor of London and other London boroughs to join them in lobbying national government to introduce this simplified legal mechanism.

The Commission therefore suggests that:

- 3) Housing Services outlines the current criteria and assessment process for ending a joint social tenancy on behalf of both tenants and issuing a new sole tenancy to the survivor in response to domestic abuse.

This should include information on who assesses these requests, what information is considered, the criteria which sets out how circumstances will be assessed in a fair way across all requests and associated timelines.

- 4) The Deputy Mayor & Cabinet Member for Housing Management & Regeneration endorses Standing Together and Domestic Abuse Housing Alliance's proposal for a new Domestic Abuse Tenancy Transfer Order and encourages the Mayor of London and other London boroughs to join them in lobbying national government to introduce this simplified legal mechanism for the transfer of a tenancy.

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Breach of tenancy

We heard that if one tenant perpetrates DA against a survivor, it is a breach of the Tenancy Agreement and, where the Council has sufficient evidence, it can take possession action against the perpetrator. However, obtaining sufficient evidence to do so can be challenging, particularly without criminal records or if the abuse did not occur in the locality.

The Joint Tenancies & DA Inter-Borough Working Group has suggested that where there are no criminal records, local authorities should try to take action by using evidence such as Non-Molestation Orders, Occupation Orders or Domestic Violence Protection Orders in place, reports made to the Police, MARAC minutes and other possible evidence gathered from the professional network.

We recognise that gathering this evidence can be lengthy and complex. However, we do feel assured that Housing Services' new dedicated domestic abuse team is well placed to support the complexity of this type of casework alongside multi-agency partners and safeguarding professionals and without compromising the safety of the individual experiencing abuse.

Perpetrators often use the joint tenancy as part of their coercive control tactics, with survivors reluctant to end a tenancy for fear of reprisals, or perpetrators may pressure them into moving a sole tenancy into a joint tenancy. Evidencing coercive control is particularly challenging because it relies on proving an often hidden pattern of behaviour rather than a single violent incident.

We heard that the key challenges in this respect are a lack of physical evidence, the subtle nature of psychological manipulation like gaslighting and the difficulty of proving the perpetrator's intent to control. In order to address this and achieve a more consistent approach, we feel that there is a clear need to review how coercive control is being documented and acted upon in these cases.

We believe that there should be a clearer process for gathering, passing on and taking account of evidence of coercive control. We would be keen to better understand the burden of proof for breach of tenancy due to DA where no criminal records are available or DA incidents did not happen in the property, but evidence seems to indicate that coercive control may have been perpetrated from that address.

More generally, housing staff should also be supported to take proactive steps to involve both specialist support and legal services at an earlier stage to help identify and document these patterns of behaviour, and should be provided with improved training and guidance on coercive control to better recognise non-physical abuse.

If necessary, the Tenancy Agreement itself may need to be changed to more explicitly include coercive control as a breach of tenancy so that the Council can take prompt possession action against the perpetrator. We do recognise, however, the ongoing challenges around the burden of proof and that any changes to the Tenancy Agreement would only be applicable to new tenancies.

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The Commission therefore suggests that:

- 5) Housing Services, the DAIS & Legal Services undertake an internal review on how coercive control is being documented and acted upon in joint social tenancy domestic abuse cases, exploring the potential of breach of tenancy due to coercive control.

This should include exploring how training and guidance on domestic abuse can be improved to better recognise non-physical abuse, its impact on survivors and the tactics used by perpetrators to manipulate tenancies to further their control.

Relinquishing a joint tenancy

We were told that survivors are often unwilling to relinquish their joint tenancies because they are worried about their future housing options. Common concerns include losing their social tenancy and being left homeless, being given a home with less security of tenure, the location of any home offered and that they may wait for many years in temporary accommodation (TA) and possibly have to move multiple times.

Survivors are often expected to go through the homelessness route after serving a Notice to Quit. Where a homeless application is pursued, it is crucial that Housing Services, Benefits & Homelessness Prevention and the DAIS work together to understand the survivor's needs, wishes and risks, and work collaboratively to find initial TA and a tenancy transfer as soon as possible thereafter.

We have concerns that survivors who are considering a homelessness application are being told in the first instance that they would likely lose their social tenancy and be discharged into the private rented sector (PRS), which is incorrect and holds them from relinquishing the joint tenancy and leaving the address. There is a clear need to review how options are being discussed with survivors to address any potential barriers, particularly when dealing with those in immediate need or at risk.

We appreciate that the wait for a suitable property can take time and we support Benefits & Homelessness Prevention in having open, honest conversations about other housing options, including properties out of borough or in the PRS. However, this can lead to survivors feeling that their only option is to remain in an unsafe home. As such, we feel that a PRS offer should only be made to survivors fleeing a social tenancy (joint or sole) due to DA as a last resort, having exhausted all tenancy transfer options.

The Commission therefore suggests that:

- 6) Benefits & Homelessness Prevention nominates a representative to sit on the Joint Tenancies & Domestic Abuse Inter-Borough Working Group to further build upon the current guidance for local authorities to support victims in joint social tenancies, with a particular focus on the interface with homelessness legislation and processes.

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- 7) Benefits & Homelessness Prevention reviews how housing options are being discussed with clients in joint social tenancy domestic abuse cases to ensure survivors are clear on their rights, and pledges to only give private rented sector offers to survivors fleeing a tenancy as a last resort, having exhausted all tenancy transfer options.

Gatekeeping and reciprocals

We heard that survivors' fears around losing their social tenancies are heightened in cases where the current area of residence is unsafe and an approach to another local authority is required. To us, this seems entirely rational given the known difficulties around reaching an agreement with other local authorities in such cases, particularly in respect of homelessness transfers through S198 and S213b.

Common issues highlighted to us include delays in local authorities responding to referrals, referral rejection or 'gatekeeping' based on a lack of local connection and insufficient communication between local authorities or between local authorities and an applicant. We should not lose sight of the fact that delays can leave a survivor unsure if their application has been accepted, leading to wasted time, unnecessary distress and uncertainty.

We acknowledge that systemic gatekeeping is an issue across the local authority sector, with the lack of accommodation available or the high costs of securing TA well understood. However, rejecting a homelessness application where a duty is owed is unlawful and can be challenged by way of a Judicial Review, albeit a lengthy and costly option which is often used as a last resort.

Clearly, better oversight over the application of homelessness law is needed at a national level. Having said this, at a local level we believe there is scope for the Council to explore how it can use its convening power to secure a commitment to avoid gatekeeping and secure more managed reciprocals with neighbouring boroughs and other registered social landlords with regional and/or national presence.

Managed reciprocals in particular would enable the Council, neighbouring boroughs and other registered social landlords to make better use of their housing stock and protect their tenants who are at risk of DA. These work best when the local authorities and registered social landlords taking part sign an agreement setting out roles and responsibilities and clear accountability mechanisms are in place.

The Commission therefore suggests that:

- 8) Housing Services, Benefits & Homelessness Prevention & the DAIS explore the creation of an East London Managed Reciprocal Scheme with neighbouring local authorities and other registered social landlords with regional and/or national presence.