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Josephine Henderson



Called: 1990
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"Josephine is the typical smiling assassin! Her level of details on the rules is fantastic". Chambers & Partners 2027

PROFILE

Josephine has been a housing specialist for more than 25 years. Josephine has considerable experience in the fields of homelessness and allocations with a particular interest in human rights, discrimination cases, children, administrative and EC law. Josephine has experience dealing with complex discrimination cases and long leaseholder cases, anti-social behaviour, possession cases and housing conditions, including prosecutions. Josephine mainly represents social landlords and has appeared in a number of reported homelessness cases in the recent years.

Josephine worked part-time while looking after children and recommenced full-time practice in 2014. She has contributed to the Asylum Support Appeals Project providing pro-bono Tribunal representation.

EXPERTISE

Social housing, homelessness and allocations, local government taxation, welfare benefits, judicial review, anti-social behaviour, landlord, tenant, service charges, management orders, property tribunal, Environmental Protection Act cases, leaseholder disputes and discrimination claims.

Recent experience

Leaseholder disputes

- Acted for large social landlord leaseholder in services charges dispute with freeholder of mixed tenure block. Case raised novel points about interpretation of consent order following county court proceedings and third party claims in the Property Tribunal.
- Advising local authority in respect of claim by leaseholders in relation to leaks from common parts. Issues raised about competence of SJE in case of major works. Complex issues relating to extent of landlord's obligations.
- Represented social landlord in complex three-party mediation relating to large block of mixed residential and commercial use. Issues relating to liability for pipes, inherent defects and foresee ability of loss of business profit.
- Advising and representing local authority on an adverse possession and discrimination claims relating to storage of items in common parts by a disabled tenant. Potentially huge impact on landlords who allow tenants to leave items in the common parts (county court and Land Registry).

Landlord and tenant

- Experience representing in county court possession cases relating to non-occupation, succession, notice requirements, tenancy deposit issues and grounds for possession.
- Extensive experience raising and defending human rights and discrimination claims in respect of possession proceedings.
- Advises and represents landlords and tenants in disrepair cases, example 5-day hearing in claim for damages including personal injury relating to flooding, leaks etc.
- Advised a local authority on carrying out detailed review of tenancy agreements and terms and conditions – involved conference with head of housing services and other offices and several written opinions, and consideration of existing and potential challenges to the lawfulness of existing agreements – the new tenancy agreements had to reflect recent legislation and the different types of tenancy in use.

Public law

- Extensive experience of homelessness statutory appeals and allocations cases (including advising authorities on allocations policies). Advises and/or represents both applicants and local authorities in approximately 60 cases annually.
- Examples include advised local authority in judicial review regarding failure to provide secure accommodation for a large family with two disabled members – conference with officers, detailed opinion, drafting grounds of resistance and skeleton and a few days before court advising on detailed terms of consent order.
- Represented authority in High Court appeal relating to service of homelessness review decisions by email and whether solicitor personally liable for costs.
- Advised solicitors (professional client – senior partner in firm) and vexatious litigant (lay client) in relation to complex proceedings in the High Court and Court of Appeal

Real property

- Advising and representing in squatters' cases, including developers/owners of large property with extensive grounds in complex case.

Environmental Protection

- Regularly acts for social landlords in defending Environmental Protection Act prosecutions in the Magistrates court, including cases raising points of law relating to deemed service of the s.82 notice and identity of recipient.

Discrimination

- Represented a social landlord in discrimination claim relating to conduct of employees towards a tenant.

Directory Quotes



Ranked Band 3 for Social Housing in **Chambers and Partners 2025**

"Josephine is the typical smiling assassin! Her level of details on the rules is fantastic."
Chambers and Partners 2027

"Josephine is an absolutely reliable safe pair of hands."
Chambers and Partners 2024

"Josephine has excellent client care skills."
Chambers and Partners 2024

"Josephine Henderson is very experienced and fights her cases tenaciously."
Chambers and Partners 2024

"Josephine Henderson provides excellent advice and advocacy for my firm."
Chambers & Partners 2023

An established junior barrister with a comprehensive knowledge of the full range of social housing issues. She is frequently instructed by both tenants and landlords to act in homelessness appeals, anti-social behaviour cases and service charge disputes. Her broad housing practice has frequently taken her to the Court of Appeal and she is particularly commended for her work on cases with a human rights element.
"She is very experienced, competent and straightforward barrister." "She knows her stuff, will fight each case and really engages with each individual case."
Chambers & Partners 2021

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“Her analytical skills are amazing and she is always responsive and always proactive.” “She is well prepared, knows the bundle inside out and doesn’t take any prisoners.”
Chambers & Partners 2020

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Chambers & Partners 2019

“Attention to detail, excellent client care skills, considerable knowledge of this area of law, excellent advocacy skills. Further, she is very down to earth and always receives extremely good client feedback.”
The Legal 500 UK 2021

“She has more than 20 years of housing law experience”
The Legal 500 UK 2020

Qualifications

- BSc (hons) 1983
- Dip Law 1989
- Bar Vocational Course 1990

Important Cases

XY v HARINGEY LONDON BOROUGH COUNCIL (2019)
[2019] EWHC 2276 (Admin) reported on Lawtel: [2019] 8 WLUK 278
Acted for the local authority in a judicial review challenge to Homelessness Reduction Act assessments. Initial assessments were unlawful but the court held there was no duty to carry out further inquiry, and the most recent assessment identified the claimant’s key needs and was held to be adequate and lawful. There was no existing authority on the meaning of “housing need”.

Huda v London Borough of Redbridge [2016] EWCA Civ 709
Court of Appeal successfully responding to appeal on issue of intentional homelessness and discharge of duty to the homeless.

Ersus v London Borough of Redbridge [2016] EWHC 1025
High Court costs decision following settlement of appeal on suitability of accommodation offered to homeless family

R (on the application of Sarbpreet Daudhar) v Oxford City Council [2015] EWHC 1871 (Admin)
Homelessness and children

R (on the application of Paul Nicolson) (Claimant) v Tottenham Magistrates (Defendant) & Haringey London Borough Council (Interested Party) [2015] EWHC 1252 (Admin)
Council tax costs

R (on the application of Leticia Mckenzie) v Waltham Forest London Borough Council [2009] EWHC 1097 (Admin)
Homelessness and pregnant women

R(o/a Mangion) v London Borough of Lewisham [2008] EWCA Civ 1642
Social housing homelessness, administrative law, duty to give reasons.

Mansfield District Council v Langridge [2008] EWCA Civ 264 Court of Appeal.
Landlord and tenant, security of tenure, distinction between licences and tenancies.

Barrett v Southwark LBC [2008] EWHC 1568
Social housing, homelessness Lawtel AC0117804

R(o/a James Casey & ors) v Crawley BC & ODPM (interested party) [2006] EWHC 301.
(Admin) judicial review, Gypsies and Travellers, eviction, inquiries, planning, human rights.

Martin v UK (2003) ECHR Application No. 63608/00
Declared admissable on 27 March 2003. Privacy, covert surveillance by local authority in nuisance proceedings. Acted for applicant.

Smith v Paul [2003] 1 All ER 509 Court of Appeal.
Forfeiture, mortgages – pro-bono.

R (o/a Reiner) v LSC, Claim No. 1600/02 Legal Action Nov 2002
Human rights, discrimination, access to legal aid for large family. Acted for applicant – claim resulted in change of legislation.

R (o/a Ibrahim) v Redbridge LBC [2002] EWHC 2756.
Social housing, allocations. Acted for local authority.

Norwich CC v Stringer (2001) 33 HLR 15, CA.
Local government, housing benefit, restitution.

R v Southwark LBC, ex p. Campisi (1998) 31 HLR 560.
Social housing, homelessness.

R v Southwark LBC, ex p. Hughes (1998) 30 HLR 1082.
Social housing, homelessness.

Baxter v Camden LBC (No.1) (1997) 30 HLR 501.
Subject/areas of law Social housing, landlord and tenant, noise nuisance.

R v Southwark LBC, ex p. Bediako (1997) 30 HLR 22.
Subject/areas of law Social housing, homelessness, asylum seeker.

Articles and Publications

Article on s.82 EPA 1990 notices in Local government lawyer of May 3 2019.
Children and Housing (2000) Lemos & Crane Arden's Housing Library.
Rights to Buy and Acquire (1997) Lemos & Crane Arden's Housing Library.
Contributor to The Human Rights Act 1998: A practitioners Guide, Sweet & Maxwell (Baker ed).
On-line commentary for Lawtel on housing cases, articles in Journal of Housing Law.

Professional Memberships

Housing Law Practitioners Association

Privacy Notice

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