

Safe to share? Report on Liberty and Southall Black Sisters' super-complaint on policing and immigration status: Update on recommendations

This update forms a joint response from Northumbria Police and Northumbria's Office of the Police and Crime Commissioner (OPCC) to the recommendations from the joint investigation by Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS), the College of Policing (CoP) and the Independent Office for Police Conduct (IOPC) regarding a super-complaint by Liberty and Southall Black Sisters on policing and immigration status.

This fulfils recommendation 8 within the report to provide an update to Her Majesty's Chief Inspector of Constabulary on progress in implementing these recommendations within six months of the date of publication of this report.

Recommendation 1. To chief constables

As an interim measure, pending the outcome of recommendation 2, where officers only have concerns or doubts about a victim's immigration status, we recommend that they immediately stop sharing information on domestic abuse victims with Immigration Enforcement. Instead, police officers should link the victim to a third party that can provide advice and assistance, as set out in recommendation 4 (on the creation of safe reporting pathways).

This applies where police officers have doubts about a victim's immigration status, not where they have evidence that an offence has been committed. The College of Policing will immediately develop guidance for the police service to clarify this aspect of practice.

Notes to recommendation 1:

- This recommendation to stop information sharing only applies to victims of domestic abuse.
- The College of Policing guidance will also clarify the difference between insecure and uncertain status and immigration offending.
- Any sharing of information should be done in compliance with Information Commissioner's Office (ICO) guidance.
- 'Third party' could include a local or national specialist victim support organisation or another individual/organisation that can act as an intermediary and advocate on the victim's behalf in communications with Immigration Enforcement – as required.

- Northumbria Police has reviewed its procedures and is compliant with and aligned to existing NPCC guidance.
- The Force Crime Investigation procedure does include that where officers come to be aware that a victim of crime is also present in the UK illegally, it may still be appropriate for them to make contact with Immigration Enforcement without taking enforcement action themselves, and such information sharing is paramount to ensure safeguarding.
- However, Northumbria Police does not routinely share information concerning Domestic Abuse victims with Immigration Enforcement where there are concerns or doubts about a victim's immigration status, and recent experience of the Force International Policing Unit (where Immigration Enforcement is embedded) confirms that no such victim's information has been shared.
- The Post-Brexit EU guidance, provided via the International Crime Coordination Centre (ICCC) in relation to Immigration Enforcement checks, appears to contradict the recommendations in the Safe to Share report and guidance has been sought through the NPCC and College of Policing regarding future practices. This will undoubtedly be shaped by the Home Office review of the legal and policy framework underpinning information data sharing and the considerations regarding establishing a 'firewall' following the rejection of the proposed House of Lords

amendment to the Domestic Abuse Bill proposing a firewall preventing Police from sharing personal data about migrant Domestic Abuse victims with Immigration Enforcement authorities.

- Immediate steps will be taken to implement national guidance and protocol once published, to ensure Force compliance.

Recommendation 4. To chief constables

With reference to recommendation 1, and in consultation/collaboration with local or national specialist organisations, chief constables should take steps to ensure that all migrant victims and witnesses of crime are effectively supported through safe reporting pathways to the police and other statutory agencies. They should:

- ensure there is a proper policy and practice framework in place for officers to work within;
- develop victim and witness support policies that reflect the characteristics of the safeguarding protocol set out in recommendation 3, and:
 - draw on all relevant national guidance with particular reference to the Code of Practice for Victims of Crime and data protection legislation;
 - are developed in partnership with and include pathways to the relevant specialist organisations for supporting victims and witnesses with insecure immigration status;
 - are clear about the circumstances in which information will be shared by police with immigration enforcement;
 - provide clarity about the purpose of sharing information at different points of the pathway; and
 - explicitly recognise the importance of telling victims, witnesses and supporting agencies whether information will be shared with Immigration Enforcement, and if so, when and in what circumstances.
- promote understanding among police officers and staff to differentiate between responses to victims of modern slavery/human trafficking and victims of domestic abuse;
- promote awareness within their forces of any existing pathways to specialist organisations for supporting victims with insecure immigration status;
- ensure the policy and practice framework is adopted by all officers and staff who come into contact with victims of crime who have insecure immigration status; and
- promote police engagement in regular outreach community work, as highlighted as good practice in this report.

- The Victim First Northumbria (VFN) transition model ensures that victims and witnesses are provided with bespoke engagement and support plans. VCoP/Victim Needs Assessment compliance levels are high and still improving, which ensures that victims are supported via the police and signposted to appropriate support agencies.
- Following discussion at the LCJB Strategic Oversight Group for Effective Engagement with Victims and Witnesses, a time-limited Task and Finish group was created to develop partnership pathways for relevant specialist organisations to support victims and witnesses with unsettled immigration status. This is attended by representatives from the Force, Northumbria OPCC and the Angelou Centre who are the specialist ‘by and for’ provider supporting Black and minoritised victims of VAWG. Work is ongoing to promote safe reporting pathways to the police and other statutory agencies for victims.
- The Task and Finish Group identified that the risks of sharing migrant survivors’ information with Immigration Enforcement was not just an issue for police forces, but also for other statutory agencies. The Task and Finish Group identified a need for multi-agency guidance to reduce risks of further abuse, to protect migrant survivors’ human rights and mitigate against destitution. This was based on an understanding that frontline professionals in public sector agencies:
 - Sometimes tell survivors that they have no recourse to public funds before their situation and needs have been fully understood and assessed.

- Sometimes make assumptions about immigration status, which leads them to make presumptions about a survivor's entitlement to services.
 - If survivors have recourse - but are told they don't - then this creates barriers to early help as well as discrimination – as professionals are not upholding their equality duty.
 - Some frontline staff don't always know how to help survivors access support from specialists 'by and for' services and independent legal advisors who can help them to regulate their immigration status. Our 'by and for' service provided case study examples where frontline professionals do not always provide safe responses to migrant survivors, which risks the most vulnerable and marginalised victims becoming destitute and their human rights not being upheld.
- The Northumbria OPCC has drafted multi-agency guidance for use in Northumbria on the Rights and Entitlements of Migrant Survivors of Violence and Abuse & safely responding to survivors with no recourse to public funds. The guidance is currently in draft form but aims to:
 - Raise awareness of immigration abuse and the multiple barriers that migrant survivors face in accessing help and support.
 - Highlight what frontline professionals can and should legally do when responding and what a safe response to migrant survivors' looks like. This is about treating them as victims first and foremost with safeguarding being the key aim, and mitigating risks of destitution.
 - Stress the importance of helping survivors access independent legal advice and also support from 'by and for led' services as early as possible.
 - Raises awareness on the consequences of inappropriate information sharing to hopefully reduce the risk of survivors having their information shared for immigration enforcement purposes when it doesn't contribute to them being safeguarded.
 - Collaborative work with the above partners to map out the current pathways and a local assessment of access to support has been completed. Key messages to support agencies and community contacts will be delivered upon receipt of clarity regarding the national guidance as per recommendation 1.

Recommendation 5. To chief constables and police and crime commissioners (or equivalents)

With reference to recommendation 1, pending the developments outlined in other recommendations, and in consultation/collaboration with local or national specialist organisations, chief constables and police and crime commissioners should take steps, through the appropriate channels, to promote migrant victims' and witnesses' confidence in reporting crimes to the police through safe reporting pathways, without fear of prioritised immigration control.

- In line with Recommendation 4, having assessed the current position across the area, actions have been drawn together to help improve migrant victims' confidence in reporting. This will be followed by consistent key messages delivered to and via partner agencies, VAWG strategy meetings, MARAC steering groups, local forums and key community advocates.
- With support from the task and finish group referenced in Recommendation 4 and the detail set out above, the OPCC has developed draft multi-agency guidance for frontline practitioners on the Rights and Entitlements of Migrant Survivors of Violence and Abuse and safely responding to survivors with no recourse to public funds. The guidance will provide professionals working with victims' clear information about safe and supportive responses to migrant victims of domestic abuse. Consultation on the draft guidance with the local specialist 'by and for' service was completed in October 2021. The draft is being consulted on with local domestic abuse, local safeguarding leads and the Office of the Domestic Abuse Commissioner in December 2021. Following feedback, the OPCC aims to launch and disseminate this guidance in early 2022. The aim will be for it to supplement and strengthen Northumbria's existing multi-agency child and adult safeguarding policies

and procedures around domestic abuse. The guidance will be updated around safe reporting pathways once the Home Office review of the legal and policy framework underpinning information data sharing and the considerations regarding establishing a 'firewall' is concluded.

- The OPCC has carried out an assessment of its position in relation to the Ministry of Justice's BAME Commissioning Guidance. The assessment shows that it is positive that the OPCC commissions BAME specific services for victims of domestic abuse and sexual violence however it has identified that more work is needed to promote services through key networks.
- The OPCC is currently developing key messages with a view to promotion of them following the launch of the multi-agency guidance. The OPCC has already led discussions with the PCCs Gender Advisory Group and Newcastle VAWG Strategic Group to help shape thinking on this action.

Recommendation 6. To police and crime commissioners (or equivalents)

Conduct an assessment of local access to specialist victim support organisations or networks and take any necessary steps to build up such networks.

- The OPCC has mapped specialist victim support organisations across Northumbria, these include identifying which services specifically support victims of domestic abuse and those who support Black and minoritised victims.
- Additionally, local partnerships and networks have also been mapped including the adult and child safeguarding partnerships, the new local Domestic Abuse Partnership Boards, Regional Refugee Forum and the North of England Refugee Service. Key representatives from these networks will act as specialist points of contact to support external communications and promote messages to improve migrant victims' confidence in reporting. This will be taken forward once the multi-agency guidance has been finalised and once there is a clearer national steer around information sharing.
- Recognising the need to further build networks the PCC met with the BAME Women's Network, this engagement will take place quarterly to strengthen relationships and ensure continuing dialogue. Immigration concerns did feature in the recent group meeting, with participants sharing the anxiety that surrounds reporting crimes and deportation.
- Other OPCC activities include:
 - The establishment of a Victim and Witness Advisory Board in July 2021 which will be a useful forum to raise awareness of work in this area and to help shape thinking on future promotional work.
 - Regional Victims Needs Assessment – this will provide an opportunity to understand the needs of migrant victims and barriers to engaging with support.
 - Grant monitoring – quarterly virtual meetings with our commissioned services will provide an opportunity to remind specialist services on the pathways available to report crime and to access support.