


PCC and CC Force Supercomplaint response record

Version:

Force	Staffordshire
Police and Crime Commissioner	Ben Adams
T/Chief Constable	Emma Barnett
Title of inspection	SUPERCOMPLAINT: Safe to share? Report on Liberty and Southall Black Sisters' super-complaint on policing and immigration status
Inspectorate	 <p>Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services</p>
Summary of inspection	<p>There are many circumstances in which information needs to be shared. Where officers are assisting a victim of domestic abuse and there is no evidence of an immigration offence, the potential impact on the victim is so harmful that no information should be shared with Immigration Enforcement. A clear and immediate change in practice for victims of domestic abuse is required. We are solely proposing these changes to police practice regarding victims of domestic abuse because most of the evidence available to this investigation focused on them. We also recommend an urgent review of the current legal and policy framework relevant to the issues raised in this super-complaint for all migrant victims, including further consideration of the legislative options for implementing a firewall.</p>
Grade	N/A
Recommendations	<p>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).</p> <p>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.</p> <p>Recommendation 5. To chief constables and police and crime commissioners (or equivalents)</p>

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.

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.

Recommendation 8. To all recipients of recommendations from this investigation
 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.

Areas for improvement	
------------------------------	--

Police Crime and Commissioner's initial response

The PCC agrees with the points raised in the recently published super complaint on the sharing of data by police with Immigration Enforcement for victims of domestic abuse who have an unsettled immigration status. These issues are not new and I am pleased that HMICFRS, the College of Policing and the Independent Office for Police Conduct have upheld the issues raised.

The complaint highlights how people with uncertain immigration status are facing difficulties in reporting crime to the police. We know that victims with insecure immigration status face multiple exploitation and disadvantage. The immigration status alone increases vulnerability and chances of further exploitation as victims often become tied to their abusers through fear of immigration enforcement. Proposals were put in to amend the disparity in financial support and the rights of migrant women and introduce equal protection and support within the Domestic Abuse Bill but the Bill in its current form still leaves a wide gap excluding migrant women from access to public support and housing. It is crucial that we go further to ensure that the no recourse to public funds policy is amended to ensure a responsive rather than a hostile environment approach to immigration. Using insecure immigration status to further exert coercive control over victims is common place and we know it happens both in a domestic abuse setting as well as in a modern slavery and exploitation setting.

As part the OPCC's ongoing assessment of need, we know proportion of the population from black and minority ethnic groups is smaller in Staffordshire than in the Country as a whole (with 93.6%* of the population reporting their ethnic group as White British compared with 79.8% in England), this provides a challenge to ensure that the needs of these small and sometimes isolated communities and individuals are appropriately met and they feel empowered to access vital victim support services.

There were two recommendations made for Police and Crime Commissioners, recommendation 5 to 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. The Staffordshire Commissioner is committed to supporting all victims of crime. We will continue work in collaboration with specialist partners and Staffordshire Police to understand the current strategy in this area and how best to move forward to promote and ensure confidence in the police when reporting crimes to the police as a victim or witness with insecure immigration status. Specifically, the

*2011 census data

commissioned specialist support services are tasked with engaging with all referrals to try and encourage reporting of crimes where appropriate and is now specifically measuring **“How many victims reported the crime to the police, throughout/after engaging with the victim service?”** as part of the Ministry of Justice grant funding process.

In addition, for recommendation 6: Conduct an assessment of local access to specialist victim support organisations or networks and take any necessary steps to build up such networks. The Staffordshire Commissioner’s Office will continue to work with service providers to understand the needs of victims and to identify if these needs are being appropriately met across Staffordshire and Stoke-on-Trent. All support service contracts are managed to ensure compliance with sensitivity to diversity; **“support individuals of all genders, ages, ethnicity and sexual orientation, religion or beliefs, languages or those with a disability and all literacy levels regardless of residence status / citizenship.”**

Specifically, in regard to Domestic Abuse (DA), this is an area identified back in 2016 with our original needs assessment and supported through the commissioned DA service provision (dedicated BAME staffing) and the previous DA action plan through broadest communication with all cohorts to encourage confidence in reporting DA to the police by this vulnerable cohort. Similarly, as the Commissioner’s Office refreshed the DA Needs Assessment 2021, it clearly recognises and identifies immigration status vulnerability and therefore this is reflected in the 2021-24 DA refreshed strategy which highlights support for those involved in honour crime, the under reporting of DA and language issues with certain vulnerable cohorts.

Delivering the DA Strategy through the 2021-24 multi-agency DA Action Plan, we advocate that all stakeholders recognise and support all DA victims (which clearly extends to those with immigration related challenges) and that similarly our comms activity reaches out to all audiences.

Additionally, the Prevention and Early Intervention section of the Action Plan specifically highlights **“Use stakeholder intelligence data to pro-actively identify children, young people and families at risk of being affected or affected by DA, including those at risk of Honour Based Abuse (all genders) and those who are recognised as immigration status vulnerable”**. Furthermore, the DA Action Plan also contains the following two actions which again extends to those with challenging immigration status:

- 1. Work with partners and DA victims to understand why many victims, including victims of Sexual Abuse choose not to report to the police**
- 2. Staffordshire Commissioner’s Office to embed DA Act 2021 requirement across Staffordshire and Stoke-on-Trent”**

We welcome the guidance to Police Forces to immediately stop sharing data on immigration status, but would like further assurances that the Home Office will not take action in instances either where cases do get referred or have come to the Home Office attention via other routes.

Chief Constable’s response

Following the delivery of the HMICFRS report into the super complaint regarding policing and immigration status, in December 2020, Staffordshire Police have recorded a series of 20 actions designed to ensure that the recommendations are considered as part of our commitment to safeguarding the people of Staffordshire. Eight of these actions are completed and signed off and the remainder are monitored at the regular Service Improvement Board in order to ensure progress is maintained or remain open awaiting national steer. Staffordshire Police is aware of the Super

Complaint and has proactively identified owners for each of the recommendations. Staffordshire Police is currently awaiting the Home Office review which is due to be released before the end of 2021 and the subsequent update to the safeguarding and information sharing protocol from the NPCC. Following the release of the update from the NPCC, Staffordshire Police will review and update its own policies and procedures where necessary to ensure compliance and consistency.

Police Crime and Commissioner's overall comments

I thank the Chief Constable for such a detailed response which gives me confidence that the recommendations will be actioned and improve support for victims.

As with all national recommendations, progress is being monitored by Staffordshire Police and scrutiny of progress is carried out by my office and personally by myself at my regular performance meetings with the Chief Constable.