



## Sussex Police response to the report on Liberty and Southall Black Sisters' super-complaint on policing and immigration status

### Overview

Responding to the public consultation [Improving Police Integrity](#) in March 2015, the Government committed to introducing a new system of policing super-complaints designed to complement wider reforms to the individual complaints system.

This commitment was carried forward in the Policing and Crime Act 2017 and became operational on 1 November 2018.

The system covers all 43 police forces in England and Wales, as well as the National Crime Agency, British Transport Police, Civil Nuclear Constabulary and the Ministry of Defence Police.

Under this system, organisations designated by the Home Office can raise issues or concerns on behalf of the public about a feature of policing in England and Wales, which is or appears to be, significantly harming the interests of the public.

The system is designed to capture systemic issues in policing, rather than complaints about individual forces or officers. Super-complaints will not typically be force specific and will not be included in force complaint statistics.

You can find all the information relating to super-complaints, including a list of designated bodies, on the [super-complaints section of the GOV.uk website](#).

On 18 December 2018, Liberty Southall Black Sisters made a super-complaint to Her Majesty's Chief Inspector of Constabulary. The super-complaint is about two features of policing:

1. the police passing victim and witness data to the Home Office for immigration enforcement purposes; and
2. the operation of and/or perception of a culture of police prioritising immigration enforcement over the investigation of crime and safeguarding.

The report was published in December 2020 here: <https://www.gov.uk/government/publications/police-data-sharing-for-immigration-purposes-a-super-complaint>

The report contained eight recommendations:

**Recommendation 1.** To chief constables

**Recommendation 2.** To the Home Office

**Recommendation 3.** To the Home Office and the National Police Chiefs' Council

**Recommendation 4.** To chief constables

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

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

**Recommendation 7.** To the Home Office

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

Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS) – which has lead responsibility for managing the system and works in partnership with the Independent Office for Police Conduct and the College of Policing – aims to publish a table of responses which lists each organisation and a link to their website with their published response. This table will be available on [gov.uk](https://www.gov.uk), on the Super-complaints information page.

As a result of HMICFRS' request, and to ensure transparency regarding Sussex Police's response to the super-complaint, we are publishing the current position (as at January 2022) with regard to the recommendations directed at Chief Constables.

At the request of the Sussex Police and Crime Commissioner, for ease of reference and completeness, we are also including the response to Recommendation 6, directed to police and crime commissioners (or equivalents).

## **Recommendations made to Chief Constables**

### **Recommendation one (HMICFRS Ref #17531. Sussex Ref REC2499)**

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 one:

- 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.

**Current status of recommendation one: Sussex Police consider this recommendation implemented and complete.**

Sussex Police have taken immediate action to implement both parts of this recommendation. The management of the recommendation was via the Domestic Abuse Improvement Board with oversight from our Local Policing Accountability Board. The first part of the recommendation was immediately communicated by Public Protection to police officers and staff and measures to monitor this change are in place.

**Communications:** distributed to the police officers and staff through an intranet article and via routine orders which published 'Information sharing for DA victims with insecure or uncertain immigration status'.

The feature included a link to the Super Complaint report and highlighted the following:

1. That people experiencing domestic abuse may be less likely to report it to police for fear of their case being reported to Immigration Enforcement, which could lead to enforcement action or removal from the UK, and
2. That abusive partners can use an individual's insecure immigration status to coerce, control, or abuse them. This may be more likely in cases where the abuser has settled immigration status or is a UK national, but the victim does/is not.

**Approach and guidance for Officers/Police Staff have been required to comply with:**

Until national guidance is published, officers must, with immediate effect, 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.

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

A domestic abuse, stalking and harassment (DASH) risk assessment must be completed in every case. Referrals for support should be submitted to the appropriate Victim Hub who, as a multi-agency team, oversee all domestic abuse cases and are able to provide tailored support according to the victim's needs. Where a referral to Home Office Immigration Enforcement is considered appropriate, a full rationale for doing so must be recorded on our crime recording systems.

**Policy:**

Sharing Data with Home office Immigration Enforcement Policy 1197/2020 ensures that victims of crime are primarily treated as such irrespective of their immigration status. Where someone has no leave to remain; consideration must be taken to ensure that they are treated fairly and in accordance with current legislation. The policy contains a link to the NPCC Information sharing with the Home Office where a victim or witness of crime is a suspected immigration offender.

**Audit:**

This continues to be managed through the Public Protection audit team.

#### **Recommendation four (HMICFRS Ref #17666. Sussex Ref REC2500)**

With reference to recommendation one, 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 three, and
- Draw on all relevant national guidance with particular reference to the Code of Practice for Victims of Crime and data protection legislation.
- Be developed in partnership with and include pathways to the relevant specialist organisations for supporting victims and witnesses with insecure immigration status.
- Be 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.

**Current status of recommendation four: Sussex Police consider this recommendation in progress.**

Sussex Police have welcomed this recommendation. The management of the recommendation was via the Domestic Abuse Improvement Board with oversight from our Local Policing Accountability Board. Force implementation leads also met with Police and Crime Commissioner's strategic commissioner who has confirmed that all commissioned services are open to individuals who have no recourse to public funds which includes individuals who have uncertain or insecure immigration status.

**Ensure there is a proper policy and practice framework in place for officers to work within:**

While there is a comprehensive support offer in Sussex which complements the National Referral Mechanism (NRM), progress still needs to be made in respect to this element of the Recommendation. We intend to arrange a meeting with the Single Competent Authority to establish if there are any opportunities to achieve a more joined up approach with the support they provide to victims referred into the NRM.

**Develop victim and witness support policies that reflect the characteristics of the safeguarding protocol set out in recommendation three and draw on all relevant national guidance with particular reference to the Code of Practice for Victims of Crime and data protection legislation.**

There is a force policy and guidance on information sharing with immigration. Force compliance is monitored monthly, we recognise there is room for improvement, and we are working hard to increase compliance. This is monitored and scrutinised by the ACC at the Vulnerability Board as a priority.

**Are developed in partnership with and include pathways to the relevant specialist organisations for supporting victims and witnesses with insecure immigration status:**

The newly developed Victim Hub which was introduced in April 2021 provides a virtually co-located, multi-agency team focused on providing a tailored package of support to vulnerable victims. Casework is managed through weekly meetings where any case involving a DA victim with insecure immigration status will be discussed between commissioned support services, alongside the police to ensure that they receive appropriate support for their individual circumstances.

Sussex Police have enhanced resource in parts of the Force area that have higher numbers of resident migrants. In Crawley, for example, Sussex Police have used Ministry of Justice funding to address an identified gap in service provision for those experiencing harmful practices. Those experiencing this are more likely to have insecure immigration status. Through this, the Office of the Sussex Police and Crime Commissioner (OSPCC) has commissioned Hersana to provide this service as well as a specialist Independent Domestic Violence Adviser (IDVA) service for Black and Asian women experiencing domestic abuse. Hersana are a community interest company run by black women, whilst the organisation is based in London they have launched a Sussex based arm to provide this work and created partnership with Argal in Crawley who are a small group of Asian women who have created a similar offer to Hersana. Both organisations promote their offer and work within the community to support and encourage help to be sought regardless of immigration status. Similarly, Victim Support and Survivors Network both have posts that support work with migrant women predominantly in and around Brighton and have built links with those communities to ensure that access to services is clear.

**Promote understanding among police officers and staff to differentiate between responses to victims of modern slavery/human trafficking and victims of domestic abuse:**

Sussex Police have updated the Operational Order for Op Stapler (using Traffic Jam sex work advert internet scraping tool to identify exploitation) to ensure that this policy is considered in encounters with potential victims.

**Promote awareness within their forces of any existing pathways to specialist organisations for supporting victims with insecure immigration status:**

Safe Space Sussex (<https://www.safespacesussex.org.uk/>) is promoted to and accessible for all officers and staff as well as the wider public. The online resource developed and run by the OSPCC provides a network of commissioned support services. The directory of services includes many with relevance to victims of domestic abuse who may have insecure immigration status. These include Barnardo's, Change Grow Live, Lifecentre, Migrant Help, Streetlight, Survivors Network, The Esther Project, SARC, Victim Support, Oasis Project and Restore. Importantly, in relation to immigration status and another aspect of the super-complaint; these services are available to victims regardless of their 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:**

This is covered within Sharing Data with Home office Immigration Enforcement Policy 1197/2020.

**Promote police engagement in regular outreach community work, as highlighted as good practice in this report.**

Sussex Police have a Strategic Lead for Community Engagement and also a Diversity Manager who is focused specifically on how we can improve our engagement with communities which we engage with less. In September 2020, Sussex Police undertook an analysis of how they engage with minority communities specifically and this informed the Community Engagement Strategy, published in January 2021 which includes the development of localised independent advisory groups.

**Next steps:**

Force Policy review and subsequent messaging is complete but there is a need to test the impact of that work. However, this was not deemed suitable for inclusion in the Domestic Abuse Victim Services Audit (VSA) which has just been completed. The VSA provides commentary on compliance with victim code but this recommendation is about updating and communicating policies as well as ensuring that our engagement and work with support agencies protects, safeguards, and encourages migrants to seek help if experiencing DA.

Corporate Development Department will retain this for a forthcoming internal PEEL where the Inspection and Audit team can undertake a bespoke compliance check, in tandem with some frontline reality testing. The Performance Manager has been tasked with considering methodology for compiling an incident sample for audit and the reality testing will take place in January 2022, to feed into the February 2022 internal PEEL. Question sets such as checks on awareness amongst colleagues will be included.

## **Recommendation five (HMICFRS Ref #17620. Sussex Ref REC2501)**

With reference to recommendation one, 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.

### **Current status of recommendation five: Sussex Police consider this recommendation in progress.**

Sussex Police are committed to offering justice to all victims of crime and promoting victim and witness confidence in the Police. The management of the recommendation is via the Domestic Abuse Improvement Board with oversight from our Local Policing Accountability Board. As per the update to recommendation four, much work has already been completed to implement the necessary policy and support pathways.

### **Next steps:**

Due to the nature of this subject it is not simple to test whether or not migrants feel confident to speak to police without fear of prioritised immigration control; for example, asking them the question via a survey may heighten anxiety.

This work now needs to be aligned and a gap analysis completed to identify whether additional support pathways are required. Once this is complete, appropriate steps will be taken to promote those pathways. For this reason, a bespoke compliance check is being undertaken to identify:

1. Whether there are specialist agencies supporting migrants that we need to establish links with, or whether this a gap?
2. Whether staff working within the multi-agency Victim Hub have an awareness of migrant-related issues and immigration issues facing these families and what the barriers are?
3. A review of whether our Foreign National Offender policies need updating.
4. Whether we have established links with the immigration centres in Sussex to encourage reporting, or if this is an area for development?

## Recommendations made to Police and Crime Commissioners

### Recommendation six

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

#### **Current status of recommendation six: the Sussex Police and Crime Commissioner considers this recommendation in progress.**

An annual assessment of need for victim support services is already conducted by the Sussex Police and Crime Commissioner's Office to inform commissioning activity and to ensure the needs of Sussex continue to be met and adapt to changing populations and trends. This annual needs assessment includes a review of data relating to protected characteristics and numbers accessing services commissioned but also includes anecdotal evidence from interviews and discussions from partnership groups and forums.

The most recent needs assessment was conducted in May 2021 to inform a bespoke application for funding to the Ministry of Justice (MOJ) for domestic violence/abuse and rape and sexual violence/abuse support services. This review included cross referencing police reported data of these crime types, local population data and information of existing support services and accessibility. This was used to identify gaps in service and led to a successful funding application that has since been used to commission new services in relation to these identified areas of need. This included a pan-Sussex Harmful practices service aimed at women and girls who are likely to be from communities where immigration status may not be clear. (Further details can be provided if required)

As previously stated, all victim support services commissioned by the Sussex Police and Crime Commissioner have to conform to the conditions set by the Ministry of Justice who provide the majority of funding for these services. A clear condition from this is that all commissioned services must be available to people regardless of whether they have firstly reported their situation to the police as a crime or otherwise and secondly their residence status, nationality or citizenship. This is something that is advertised by these services that this should not be a barrier in accessing their support, advice and guidance.

#### **Next steps:**

Further action has been identified and is in progress to ensure that it is widely known that all services are open to all and to target particular areas of the community with this messaging. This is to be completed before the end of May 2022.