

## **Surrey PCC Response to HMICFRS Report: ‘Safe to share?’ report on Liberty and Southall Black Sisters super-complaint on policing and immigration status**

I thank the HMICFRS for this important report. This is a national problem where the scale and harm it is causing is unknowable and the work of Liberty and Southall Black Sisters to make this super-complaint has shone a light on it – which I welcome.

I support the main recommendations made in the report with regard to the need for a thorough review of the law and policy, to provide clarity to police; and to ensure there are safe reporting mechanisms to ensure victims receive the right protection and offenders are brought to justice and that police stop sharing information immediately with Immigration Enforcement in DA cases.

With regard to the recommendations made for action by police forces, I have asked the Chief Constable for his comments. His response is below.

*I welcome the HMICFRS report ‘Safe to share? Report on Liberty and Southall Black Sisters super-complaint. The report suggests a number of national recommendations for victims and witnesses who have insecure immigration status and the negative effect with information sharing to Immigration Enforcement agencies. This includes specialist black and minority ethnic support agencies and those able to advise on immigration matters. Surrey Police has processes in place and will monitor and make the relevant changes to ensure compliance with the recommendations.*

***Recommendation 1 - To chief constable: As an interim measure, pending the outcome of recommendation 2, where officers only have concerns or doubts about a victims 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).***

*Surrey Police have taken immediate action to implement both parts of this recommendation. The first part of the recommendation will be immediately embedded through changes to policy and procedure alongside a delivery strategy to effectively implement and monitor this change.*

### ***Changes to policy and procedure:***

*Surrey Police policy for domestic abuse is being amended to have a bespoke section on migrant victims and witnesses so that in cases of domestic abuse the police will immediately stop any information sharing with Immigration Enforcement. This applies where the police officer has doubts about a victim’s immigration status, not where they have evidence that an immigration offence has been committed. The College of Policing has undertaken to immediately develop guidance for the police service to clarify this area, however, in the interim guidance has been delivered to relevant policing teams.*

### ***Delivery strategy:***

*The change to policy and procedure has a three staged delivery strategy designed to balance immediate response to support migrant victims alongside a more considered detailed, specialist and partnership response. The first stage, currently underway, is early engagement of staff through overt communications to the teams. This will include communications to the police officers and staff through a blog by the Public Protection Head as well as other media forms.*

*This is due to be followed up in with a second stage in March, with the support of every Divisional Commander, to implement direct delivery of this change of practice through the police inspectors supported by the Public Protection Support Unit. Surrey Police has recently introduced DA caseworkers to enhance support to victims of domestic abuse. In order to support the training programme the DA case workers will receive additional training to become 'subject matter experts' for migrant victims and points of contact for the investigation teams. Where practicable they will be the point of contact for migrant victims as part of their specialist role. The target is to have this final stage in place by the end of April 2021. The DA caseworkers will report monthly into the Public Protection superintendent who in turn will update the police Vulnerability Board.*

*The final stage, designed to build the recommendation into the current long term training programme, is detailed below.*

### **Third party support:**

*By ceasing information sharing to immigration enforcement agencies for migrant victims of domestic abuse, the recommendation has a further direction to police to take steps to put in place a 'third party' to provide advice and assistance, as set out in recommendation 4. The Surrey Police response is set out under recommendation 4 below.*

**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.**

*Surrey Police has welcomed this recommendation and applied a three stage delivery process tracked through the police Vulnerability Board chaired by the ACC. The first stage is early action and change to policy and framework to safeguard migrant victims and witnesses immediately. The second stage is the creation of a partnership 'Safe to Share' working group to consider each recommendation and empowered to deliver innovation and change. This group will review areas from the recommendations including but not limited to the interim safeguarding protocol, specialist organisation partnership and training plan. Governance of the group is through the vulnerability board with empowerment to recommend commissioning of bespoke services in line with the OPCC uplift in services for victims of domestic abuse. This will include current outreach support services as well as representatives from specialist black and minority ethnic support agencies and those able to advise on increasing support for legal advice and emotional support on victim's immigration matters. This can then consider either improved, clear referral pathways of bespoke commissioning of new services. This fits in line with the OPCC commitment to increase access to outreach services for victims of domestic abuse in 2021.*

*In addition, Surrey Police have included improvements to MARAC which although not directly recommended, the report offers interesting findings fitting in with a current review of MARAC in Surrey, detailed below.*

*The final stage will be incorporating the Surrey Police practice informed by the working group into in the guidance from the Home Office and College of Policing from recommendation 3.*

### **Policy and framework:**

*As per recommendation 1, Surrey Police has taken early actions to review and the change policy and practice framework. In addition, this is part of a three stage delivery strategy, the first now completed, with governance and reporting through the Vulnerability Board to the ACC.*

### **Interim safeguarding protocol:**

*Surrey Police has responded to recommendation 4 with the introduction of an interim safeguarding protocol, to be reviewed through the Vulnerability Board, in place until the national version is disseminated from the Home Office and the National Police Chiefs Council. This stems from Recommendation 3, the recommendation to develop of a safeguarding protocol between the Home Office and the police service to guide responses to all migrant victims and witnesses of crime by the police service, the Home Office and other law enforcement agencies. Recommendation 1 is clear that information sharing should be stopped only for victims of domestic abuse whilst recommendation 4 identified the need for clarity for migrant witnesses. As such the interim policy is two-fold covering both victims of domestic abuse, as well as victims and witnesses to other investigations.*

*The interim safeguarding protocol is now embedded but is an actively evolving document. The initial version meets the requirements of the 'Safe to Share' recommendations. The protocol draws on relevant national guidance with particular reference to the Code of*

*Practice for Victims of Crime and data protection legislation. The protocol covers three specific areas from recommendation 4 including:*

- The protocol provides direction that police officers will provide clear information to migrant victims and witnesses about the circumstances in which information will be shared by the police with immigration enforcement;*
- The protocol is set in stages in order to provide clarity about the purpose of sharing information at different points of the pathway; and*
- The protocol explicitly recognises in the guidance to police officers the important of telling victims, witnesses and supporting agencies whether information will be shared with Immigration Enforcement, and if so, when and in what circumstances*

### **Specialist organisation partnership:**

*This has been developed in partnership with and includes pathways to the relevant specialist organisations for supporting victims and witnesses with insecure immigration status. In the immediate Surrey Police has engaged the current commissioned outreach services to consider current provision and pathways to relevant specialist organisations for supporting victims and witnesses with insecure immigration status. The joint objective with police and outreach services is to identify short term solutions. This includes an early review for*

provision in Surrey for specialist black and minority ethnic support agencies and to immigration advisors as well as sound legal advice and emotional support on immigration matters.

### **Governance:**

Surrey Police now ensures governance of the areas of recommendation 4 through the Vulnerability Board chaired by the ACC. This will capture the recommendation to ensure the policy and practice framework is adopted by all staff who come into contact with victims of crime who have insecure immigration status.

The Safe to Share working group will engage local neighbourhood policing teams with local partnerships to promote and review police engagement in regular outreach community work, as per recommendation 4. This will report into the Vulnerability Board through the divisional crime superintendents.

### **Training plan:**

The Surrey Police training department will form part of the Safe to Share working group. Recommendations from this group will form part of a longer term training plan bespoke to police officers in initial training and a mandated refresher to currently serving officers. Training to the police officers and staff will be considered in the Safe to Share working group to ensure it promotes understanding to differentiate between responses to victims of modern slavery/human trafficking and victims of domestic abuse. It also promotes awareness of the existing pathways to specialist organisations to support victims with insecure immigration status.

### **MARAC:**

Surrey Police has undertaken a full review of MARAC. This has aimed at various areas including increases referrals to MARAC as well as engaging feedback for both the MARAC partnership and victims of domestic abuse. This has led to increased frequency of MARAC meetings and the introduction of a MARAC Steering Group. Following the super-complaint the MARAC will take account of the findings of the report. This includes that although immigration officials have not been found to be involved in MARAC in general there may be indirect influence on the operation and priorities of some MARAC meetings based on information sharing with immigration enforcement and the Home Office. Surrey Police now have direct guidance in this area to cease any information sharing for migrant victims. This replicates the example of Ealing MARAC which introduced a system where all parties have signed a confidentiality agreement, together with a MARAC operation and information-sharing protocol. At the start of every meeting a further confidentiality agreement.

**Recommendation 5 - To chief constables: 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 witness confidence in reporting crimes through safe reporting pathways, without fear of prioritised immigration control.**

Surrey Police is committed to offering justice for all victims of crime and prides itself as a proactive organisation. Through the Safe to Share working group the police with wider

*partners will create a strategy to promote confidence in the police. Part of this will be to initiate a considered publicity campaign to promote this strategy with the aim of targeting location to maximise the impact for migrant victims and witnesses. This may be a community wide campaign or be bespoke to or combined with targeting areas such as GP practices or citizen's advice bureau. This group will reach out to and seek guidance from specialist outreach services for migrant victims and witnesses to utilise their specialist knowledge.*

***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.***

*Surrey Police are actively engaged with HMICFRS through 2021 in a continuous assessment in which early views from HMICFRS are encouraged. This includes invitations to HMICFRS to the new MARAC steering group, the development and trial of a safeguarding plan and the development of MATAAC.*

*This Safe to Share working group will aim to be in place by March and as such within 3 months of the publishing of this document, 17<sup>th</sup> December 2020, it is hoped to deliver early findings of the group. At this stage the reports submitted to the vulnerability board will be submitted to HMICFRS on a regular basis.*

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.

There were two recommendations made for Police and Crime Commissioners, recommendation 5 as above and 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.

As part of the OPCC's ongoing assessment of need, we know proportion of the population from black and minority ethnic groups is smaller in Surrey than in the Country as a whole (with 83.5% 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. This is a specific challenge identified in Surrey's Joint Strategic Needs Assessment (JSNA). Equally, when we look at our DA Outreach referral data for April to September 2020, respondents reporting their ethnicity as White (English/Welsh/Scottish/NI/British) represented just 74% of the cohort (where ethnicity was provided), with other groups making up the remaining 26% - demonstrating that ethnicity in Surrey is more complex than aging census data might indicate.

Surrey has no exclusive provision for domestic abuse victims with protected characteristics (besides a dedicated male IDVA which allows male victims the choice of engaging with female or a male worker). Whilst all Independent Domestic Violence Advisors are well trained and the service operates an inclusive model of delivery, we

recognise that for some groups, including Black, Asian, Minority Ethnic and Refugee (BAMER), the existing provision may not be perceived as accessible.

My office is using assessment of need and the HMICFRS 'Safe to share?' report directly to inform commissioning, with bids made to central government for increased funding for domestic abuse and sexual violence services. In particular, there is a recognised need to strengthen existing domestic abuse support services through the provision of specialist BAMER Independent Domestic Abuse Advisors and immigration advice and we will know the outcome of this process by the end of March 2021. I have also increased the OPCC commissioning budget for 2021/22 and we are working with partners to expand specialist domestic abuse services to reach seldom seen communities through services used in daily life, such as health settings.

The OPCC will be working with Surrey Police as part of the 'Safe to Share' working group and will bring in experience gained through commissioning and working with organisations such as Surrey Minority Ethnic Forum. I have provided funding to SMEF for many years and the Forum has reached out to unseen victims of crime and raised awareness amongst BAMER communities of existing victim support networks and we continue to explore new ways to strengthen the support that SMEF provide, in particular to vulnerable young women.

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

**David Munro, Police and Crime Commissioner for Surrey**  
**March 2021**