

The Domestic Abuse Bill. Safe Reporting mechanisms - Firewall Super-complaint investigation findings and recommendations

On 17th of December 2020, the outcome and recommendations of the first police super complaint, jointly submitted by Southall Black Sisters and Liberty, were published.¹ The investigation regarding the policies and practices of police forces towards victims of domestic abuse with insecure immigration status was conducted by three decision-making authorities, the HMICFRS, the Independent Office for Police Conduct (IOPC) and the College of Policing.

The independent report findings recognise and feed into the wealth of evidence provided by specialist 'by and for' Black and minoritised and migrant organisations regarding the negative and harmful effects of information sharing on migrant victims of domestic abuse.² The report highlighted the deterrent effect of data-sharing, which prevents victims from coming forward and the risk to criminal justice outcomes; putting vulnerable women at risk of further abuse and enabling perpetrators to coerce, threat and abuse migrant victims with impunity. Furthermore, the investigation stated that the practice causes significant harm to the public interest, because serious crimes are not reported and investigated.

The investigation shows that, contrary to what the Government has argued in recent years³, data-sharing between the police and the Home Office does not constitute safeguarding victims of abuse with insecure immigration status and that police do not have a legal requirement to share data on victims of domestic abuse with Immigration Enforcement. The three inspectorate bodies recommend immediate action to stop information sharing on domestic abuse victims between police forces and Immigration Enforcement. Instead, police forces should refer women to specialist organisations which can provide women with the holistic support and advice they need. The decision sets an important precedent not only for police forces but for other statutory services that currently hold data-sharing schemes with the Home Office.

In order to prevent harm to the public interest, the investigation concluded that it is critical to establish safe reporting pathways which are informed by the reality of victims' experiences. A central element of the recommendations is a review of law and policies with regards to the protection of vulnerable victims of crime with insecure immigration status to ensure equal protections for all victims. According to the report, many inconsistencies in police practice were found as a result of a lack of clarity in policies.

The Domestic Abuse Bill therefore presents a unique opportunity to introduce a clear statutory duty to guarantee safe reporting mechanisms for migrant victims of abuse, by preventing their data being shared with immigration control. This in turn will allow migrant women to access support and justice, and for perpetrators of domestic abuse to be held accountable for their crimes.

Separating access to police protection and other statutory services, from immigration enforcement, is precisely the aim of the Step Up Migrant Women coalition, led by the experiences of migrant survivors and LAWRS as a 'by and for' Black and minoritised and migrant women's organisation. It is under these values that we have developed our campaigning work over the years, and which has led to the safe reporting mechanisms amendment that we are currently proposing to the Domestic Abuse Bill.

At the report stage at the House of Commons, the Minister for Safeguarding Victoria Atkins argued that it was necessary to wait for the outcome of the police supercomplaint before incorporating safe reporting mechanisms to the Domestic Abuse Bill⁴. The result of the super complaint is clear: it is vital that migrant survivors have access to safe reporting mechanisms, which can be incorporated into this legislation ensuring all women are protected from domestic abuse.

¹ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/945314/safe-to-share-liberty-southall-black-sisters-super-complaint-policing-immigration-status.pdf

² https://drive.google.com/file/d/1cPwew28qC5A5o2jDA6zCkXy_82Thn9/hz/view

³ https://publications.parliament.uk/pa/cm5801/cmpublic/DomesticAbuse/PBC096_Domestic%20Abuse%20Bill_1st-12th_Compilation_17_06_2020_REV.pdf p.450

⁴ <https://hansard.parliament.uk/commons/2020-07-06/debates/CEAE6941-5DC8-4F76-9377-3DE3ED0F3553/DomesticAbuseBill> Column 768