



Home Office

Disclosure of information to victims of foreign national offenders

Version 7.0

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About this guidance

This guidance tells you about the information that can be disclosed to the victim of a foreign national offender (FNO).

This guidance explains:

- the role of the Criminal Casework Victims Support team
- what information can be shared with the victim of an FNO
- how that information should be shared
- follow up action that should be taken

Contacts

If you have any questions about the guidance and your line manager or senior caseworker cannot help you or you think that the guidance has factual errors, then email Criminal Casework Victims Support Team

If you notice any formatting errors in this guidance (broken links, spelling mistakes and so on) or have any comments about the layout or navigability of the guidance then you can email the Guidance, Rules and Forms team.

Publication

Below is information on when this version of the guidance was published:

- version 7.0
- published for Home Office staff on 11 August 2020

Changes from last version of this guidance

- condenses the information on Horizon into one document
- replaces published guidance for Home Office staff on 18 December 2013
- updated email addresses and revised instructions

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Information requests

This page explains how requests for personal information about foreign national offenders (FNOs) from their victims are likely to be received and allocated within Immigration Enforcement, Criminal Casework (CC).

The CC Victims Support Team is responsible for responding to any enquiries from or on behalf of victims of FNOs. Many of the enquiries received by the team will come from Victim Liaison Officers (VLOs). However, not all victims of FNOs will have VLOs and the Victims Support Team are not always the initial point of contact within the Home Office for such enquiries. Other initial points of contact may include the MPs' Account Managers Team, Central Operations Team and other correspondence teams.

The MPs Account Managers Team receive all requests from MPs for disclosure of information about an FNO from their victim or the victim's representative. Upon receipt, they must make the CC Victims Support Team aware of the interest by sending a copy of the enquiry by email to CC Secretariat and copying in the case owner. They should highlight the fact that the MP is writing on behalf of the victim.

If any other correspondence team within the Home Office receives correspondence from the victim of an FNO, upon receipt they must make the CC Victims Support Team aware of the interest by sending a copy of the enquiry by email to CC Secretariat, highlighting that the letter is on behalf of the victim.

Case owners may also receive requests for information from victims or their representatives sent to them directly or via the Offender Manager. They must immediately forward the correspondence to CC Victims Support Team inbox so that they can respond to the enquiry.

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Role of the Victim Support Team

This page explains the role of the CC Victims Support Team which is based within CC Secretariat.

Regardless of the way in which the victim, their family member or other representative contacts the Home Office, the CC Victims Support Team must be made aware of the enquiry at the earliest opportunity so that an appropriate response can be sent.

If it is not possible for the case owner to assist the CC Victims Support Team to verify the identity of the victim from the Home Office file and other records, the CC Victims Support Team will act as a single point of contact with the National Probation Service (NPS) (Victim Liaison Unit) to confirm their identity to ensure the correct level of information is shared.

The CC Victims Support Team will:

- respond direct to all queries from the victims of FNOs, their immediate family and Victim Liaison Officers (VLOs)
- support MP Account Managers and any other correspondence unit within the Home Office in drafting an appropriate response for the victim of an FNO
- clear all final responses to the victims of FNOs or their MP or any other representatives
- ensure that the CC case owner is aware of victim interest in their cases
- maintain a record of all contact received from or on behalf of the victim of FNOs
- assign a special condition flag (Criminal Case – Victims Interest) on the Casework Information Database (CID) on cases where contact from the victim of the FNO has been made
- where the contact is from the VLO the email address of the VLO will be added to the special conditions adjacent to the flag
- ask case owners to keep them informed of key stages in the FNO's case progression
- ensure that if the victim comes within the scope of the statutory Victim Contact Scheme (VCS) operated by the NPS, any response will direct the victim towards the services offered under that scheme (for more information see [Victim Contact Scheme](#))
- act as a single point of contact within Immigration Enforcement with the local probation division (VLU)

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Disclosure criteria

This page tells you how the CC Victims Support Team assesses a request from a victim or a victim's representative for information about an FNO.

Victims of FNOs and their immediate family are entitled to certain information about the immigration case of the FNO where certain criteria is met.

When a request for information about an FNO is received either from their victim or victims, or on the behalf of the victim or victims, the CC Victims Support Team will assess to see if it meets the following criteria:

- Has the victim been positively verified as the victim of an FNO and if so:
 - did the FNO receive a prison sentence of 12 months or more
 - did the FNO receive a hospital order for an offence against this victim
 - was the FNO court recommended for deportation
 - was the offence a violent or sexual offence resulting in a sentence of a period of imprisonment

If the offence meets one of these requirements, then the victim is entitled to certain information about the FNO's immigration case.

Where a victim has a VLO then it will be known that they will meet one of these criteria and therefore be entitled to certain information.

Not all victims are entitled to VLOs. However, they can still meet the criteria for disclosure of certain information regarding the FNO's immigration case. The Victim Support Team will assist with establishing this, which is why an early referral to the team is vital.

For example, a victim of an FNO who has been sentenced to 6 months imprisonment for domestic assault may not meet the threshold for a VLO. However, they would still be entitled to certain information about the FNO's immigration case because the FNO has served a custodial sentence for a violent or sexual offence.

When a request does not meet the criteria for disclosure of information, the CC Victims Support Team will advise on lines that can be used regarding our inability to disclose information at this time.

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What information can be disclosed to victims of FNOs

This page tells you what information can be shared in response to requests for information about FNOs from their victims when the criteria outlined in [Disclosure criteria](#) is met.

The following information can be disclosed:

- whether the Home Office intends to take deportation action against the offender
- the outcome of any appeal against deportation
- when the offender is going to be released from immigration detention
- when the offender has been deported or, if the offender is not being deported, the reasons why
- if the offender is not being deported, the response will provide an explanation why it is not possible to deport the offender, which may include reasons such as:
 - the individual does not meet the criteria for consideration at the time
 - it is not possible to deport due to our international obligations
 - if there are practical barriers to removal, for example, travel documentation or identity issues
- if the Home Office cannot decide whether the offender will be deported, they will write to the victim:
 - when the offender has been deported
 - if they find out the offender will not be deported

CC Victims Support Team will make the final decision on what information is disclosed, particularly when deportation action is ongoing with significant barriers to removal which are unlikely to be resolved in the short term.

The following information **must not** be disclosed in a response:

- specific problems with embassies or high commissions in documentation as this may affect the documentation process
- personal opinions
- information relating to other offences other than that of the conviction relating to the victim
- release address details of the FNO
- details of any reporting requirements, such as where, when and frequency

Any complex cases where disclosure of information is of a sensitive nature must be discussed with the relevant Assistant Director via the usual line management chain or with the Access Policy Team.

Confidentiality of information

All information disclosed to anyone other than the victim potentially jeopardises any subsequent deportation action. Responses must make it clear that the information is confidential and has been disclosed to the victim as they have an interest which other members of the public may not have.

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Case owner actions

This page tells you about the actions required by criminal casework case owners should a request from a victim, or their representative, for information about a foreign national offender (FNO) be received.

Case Owners routinely update Offender Managers at key stages in a deportation case, in turn Offender Managers should update Victim Liaison Officers who are supporting the victims. Nothing in this guidance is intended to replace this.

It is of paramount importance that case owners continue to notify Offender Managers at key stages in an FNO's immigration case, including when the FNO is being considered for release, has applied for bail or has been deported. The Offender Manager should then update the VLO. If the case owner receives direct contact from the VLO, they should make the CC Victim Support Team aware.

The CC Victims Support Team and/or other correspondence teams will request a case history or details about a case from the case owner when a request is made for information on behalf of a victim of an FNO. The case owners should provide this as soon as possible, and no later than 2 working days after the request, highlighting any potential barriers to removal that they are aware of at that stage.

The Victims Support Team may also request confirmation of the victim's identity where the enquiry has not come from a VLO. The case owner should check against the Home Office file or judge's sentencing remarks. If after checking these records case owners are unable to verify the identity of the victim, they must inform the CC Victims' Support Team.

The CC Victims Support Team will also request case owners to fact-check proposed responses and in certain cases background notes.

Where there is victim interest in a case, the CC Victims Support Team will make the case owner aware. They will ask that the case owner keeps them informed of significant developments in the case such as when barriers to removal occur, when an FNO is released and when removal directions are set.

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Role of MP Account Managers and other correspondence teams actions

This page tells you about the roles of the MP Account Managers.

Most correspondence on behalf of the victim's of FNOs is received by the MPs correspondence team, but correspondence could also be received in the form of a complaint or treat official correspondence.

The MP team or other correspondence teams must make the CC Victims Support Team aware of the correspondence as soon as possible. All responses to correspondence from or on behalf of the victim of an FNO **must be cleared** by the CC Victims Support Team. The case owner will provide the background to the case, but the CC Victims Support Team will assist in drafting the response and provide final clearance at the appropriate level.

Correspondence teams are asked to be alert to the victim's flag on the Special Conditions screen on CID or Person Alert on ATLAS, which indicates that there is a victim's interest in the case and what the nature of that interest has been.

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Follow up actions within Criminal Casework

This page explains follow up action that will be taken once an initial enquiry from a victim has been received.

When a victim, VLO, or MP makes an initial enquiry about an FNO, the CC Victims Support Team will add a CID flag on the special conditions screen. This is a "Criminal Case – Victims Interest" flag and alerts the case owner and other users to the fact that there is a victim's interest in the case.

Case owners should continue to manage the case in the usual way. However, they must tell the CC Victims Support Team if any of the following events occur:

- removal directions are set against the FNO
- arrangements are made to release the FNO
- the FNO absconds
- a decision is made not to pursue deportation or removal action
- there are significant barriers to removal – for example inability to obtain a travel document
- any other circumstances where the FNO leaves the UK such as repatriation, voluntary departure

The CC Victims Support Team will then consider the update in terms of keeping the victim, victim's family member or their representative informed of ongoing developments in the case.

In cases that are progressing to removal when the VLO has made an enquiry, the case owner must continue to update the Offender Manager at key stages in the case as usual and remind the Offender Manager that it is their responsibility to keep the VLO informed of the developments in the case.

In such cases, when the FNO is deported, the post deportation notification to the Offender Manager should also be emailed at the same time to the VLO, whose email address should be recorded within the CID flag special conditions.

In cases where there are significant barriers to removal, or where the original victim's query has not come from a VLO, the case owner must make the CC Victim Support team aware, so that they can consider next steps and liaise with the VLO, MP or victim as appropriate. The CC Victim Support Team will ensure in turn that the case owner is informed of updates provided.

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Statutory Victim Contact Scheme

This page tells you about the Statutory Victim Contact Scheme and their role.

The Victim Contact Scheme is provided by National Probation Service.

A victim of crime will be invited to join the Victim Contact Scheme if they were a victim of a violent or sexual crime and the sentence was 12 months or more in prison (or a Hospital Order where the offender has been deemed to be mentally disordered).

A Victim Liaison Officer (VLO) is assigned to each victim who chooses to use the scheme.

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