

# Suffolk Anti-Social Behaviour (ASB) Case Review

Guidance for those wishing to activate a Community Trigger / ASB Case Review



# Suffolk ASB Case Review Guidance

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# Suffolk ASB Case Review Guidance

## Background:

### Anti-Social Behaviour, Crime and Policing Act 2014<sup>1</sup>

Across Suffolk a consistent approach has been developed to support all agencies involved in the use of the new legislation, aiming to provide victims of anti-social behaviour with a coherent and effective response regardless of where they live in the County.

The Act includes new measures designed to give victims a say in the way anti-social behaviour is dealt with and provides information on ASB Case Reviews (also known as the Community Trigger) from 20 October 2014.

Anti-social behaviour (ASB) is a broad term used to describe the day-to-day incidents of crime, nuisance and disorder that can make many people's lives a misery from litter and vandalism to public drunkenness or noisy and abusive neighbours. Such a wide range of behaviour means that responsibility for dealing with anti-social behaviour is shared between a number of agencies, particularly the Police, Councils and housing providers.

## Purpose

We know that, where left unchecked, anti-social behaviour can have an overwhelming impact on its victims and, in some cases, on the wider community.

The Anti-social Behaviour, Crime and Policing Act 2014 introduced specific measures designed to give victims and communities a say in the way that complaints of anti-social behaviour are dealt with. This includes the Community Trigger (also known as the ASB Case Review).

Victims of anti-social behaviour will be able to request a case review in the event that they feel that agencies have not taken action in respect of their complaint, and where the case meets the locally defined threshold.

For the purpose of the ASB Case Review, anti-social behaviour is defined as behaviour "causing harassment, alarm or distress" to any member of the public. However, when deciding whether the threshold is met agencies should consider the harm or potential harm caused to the victim, rather than rigidly deciding whether each incident reached the level of harassment, alarm or distress.

In instances when someone has requested a case review and the threshold is met, relevant bodies including district Councils, the Police, clinical commissioning groups and housing providers have a duty to undertake an Anti-Social Behaviour Case Review. The purpose of the ASB Case Review is for agencies to take a more joined

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<sup>1</sup> [Anti-social behaviour \(ASB\) case review \(also known as the Community Trigger\) - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

up, problem solving approach to review what action have previously been taken and decide whether there are additional actions that can be taken.

The ASB Case Review can also be used by any person on behalf of a victim, for example a family member, friend, carer, Councillor, MP or other professional person. It is intended to ensure that all victims are able to use the review, however, the victim's consent should be sought by the person using the ASB Case Review on their behalf.

The ASB Case Review can be used by someone of any age, and agencies should make it as accessible as possible to all victims.

## **Threshold**

Section 104(4) of The Anti-Social Behaviour, Crime and Policing Act 2014 sets a baseline threshold and no additional factors can be added to the simple test that:

- an application has been received and the victim has reported at least 3 qualifying complaints within 6 months.

Section 104(5) of the Act states that in any other situation where an application is received, the question as to whether the threshold for a case review is met must be decided by the relevant bodies in accordance with the review procedures, and may take account of:

- (a) The persistence of the anti-social behaviour about which the original complaint was made;
- (b) The harm caused, or the potential for harm to be caused, by the behaviour;
- (c) The adequacy of the response to that behaviour;

## **Qualifying Complaints**

Section 104 (11) of the legislation sets out what will be considered a 'qualifying complaint' for using the ASB Case Review to prevent someone reporting historical incidents of anti-social behaviour in order to use the ASB Case Review. The legislation sets out the following standards, which have been adopted in Suffolk:

- The anti-social behaviour was reported within 1 month of the alleged behaviour taking place; and
- The application to use the ASB Case Review is made within 6 months of the report of anti-social behaviour.

## **Risk Assessment**

The harm, or potential harm to be caused to the victim is an important consideration in determining whether the threshold is met because the more vulnerable will be less resilient to anti-social behaviour.

Victims vulnerabilities will be assessed through the joint risk assessment model already in use across Suffolk (via ECINS) to assess whether the threshold is met and assist in judging an appropriate response.

Where the victim is considered to be particularly vulnerable, the relevant bodies should consider whether additional practical and emotional support can be offered to the victim.

## **Information sharing**

Agencies have signed up to the Suffolk ASB Information Sharing Agreement and/or local Community Safety Partnership data sharing protocols already exist, the requirement to establish another data sharing protocol for the purposes of the Suffolk ASB Case Review was not considered to be necessary.

## **Vexatious Complainants**

The Community Trigger gives victims the right to require action is taken where an ongoing problem has not been addressed. The process is designed to make sure that agencies work together to try and resolve complaints about ASB. It does not replace the complaints procedures of individual organisations, which should be used where there is a specific complaint about the actions / inaction of a specific organisation.

A statement should be included within local authority vexatious complaints policies stating that “vexatious complaints relating to the ASB Case Review Process will be dealt with through the local authority policy”.

Local authorities will need to agree this approach locally with Registered Social Landlords and Housing Providers that operate in their area.

Reference is to be made within Complaints Procedures to show how complaints of ASB are dealt with.

## **Appeal Process:**

The review procedures must include provision about what is to happen when an applicant is dissatisfied with the way in which the relevant bodies have:

- Dealt with an application for a review; or
- Carried out an ASB Case Review

If the outcome is disagreed with an appeal can be made in writing within 21 days of receiving the outcome.

In such cases these will be sent to Suffolk County Council Community Safety Team in the first instance and notified to the Suffolk Office of the Police and Crime Commissioner (OPCC).

### **Single point of contact (SPOC)**

Each area is to identify a SPOC who has some level of independence and who would not generally be involved in ASB case management. In some areas this will be Community Safety Manager, in others this may not be appropriate and will need to be determined locally.

In Suffolk Single Point Of Contacts (SPOCs) within each District/Borough area will manage the Community Trigger Process.

### **Creating a consistent approach**

All statutory partners across Suffolk have been involved in a review of ASB practices across Suffolk, led by Suffolk County Council. This has resulted in a consistent approach to managing ASB with standardised practices, documents and processes to support partners in their management of ASB Community Trigger Process.

### **Publishing the ASB Case Review Procedure and Contact Details**

The ASB Case Review procedure must be published, including the point of contact for making an application to use the ASB Case review.

Suffolk County Council, Suffolk Constabulary and Suffolk Office of the Police and Crime Commissioner (OPCC) websites include summary information on ASB Case Reviews with details of the local District and Borough Councils websites for further information.

The local District and Borough Councils have published the ASB Case Review procedure on their websites which includes details on how to make an application, contact details and an online form for requesting an ASB Case Review. Generic materials have been produced and are used county-wide.

### **Review of Suffolk's ASB Case Review Approach**

Formal review will be undertaken by the ASB County Steering Group within 12 months of operation, ensuring that recurring issues are identified. This will ensure that we are able to share any learning identified to improve our approach.

## **Role of the Police and Crime Commissioner**

The local PCC must be consulted on the ASB Case Review procedure when it is established and must be consulted whenever the procedure is reviewed.

The PCC may be involved in the auditing and monitoring of the use of the ASB Case Review, as well as provide a route for victims to appeal decisions as to whether the threshold was met or the way the ASB Case Review was conducted.

Suffolk County Council Community Safety team will collate data from the District/Borough Councils and provide quarterly updates via the Safer Stronger Communities Board (SSCB) Dashboard for SSCB members including the PCC on the following:

- the number of applications for ASB Case Reviews received
- the number of times the threshold for review was not met
- the number of anti-social behaviour case reviews carried out
- the number of ant-social behaviour case reviews that resulted in recommendations being made

The Suffolk model has made provision for the PCC to be notified of any appeals by the SCC Community Safety team acting as an independent body if necessary

The PCC may choose to monitor the use of the ASB Case Review across the County to identify any learning points to be disseminated to local Single Points of Contact (SPOC).

If there is a significant issue for policing or a wider political issue in relation to Community Safety then a representative from the OPCC will be invited to attend a Case Review meeting.

## **Guidance for use of the model**

### **Step 1: Gateway to ASB Case Review**

Victims will be able to access the ASB Case Review through the on-line reporting form which is required to be publicised on District and Borough Council websites.

An online reporting form to capture victim and incident details is available which can be accessed from the local Councils websites. Completed forms will be routed to the email address for the local authority Single Point Of Contact (SPOC). However, wherever possible please complete the online reporting form on the victim's behalf.

Hard copies of forms must be made available upon request – mechanism for doing this to be determined locally.

Each District and Borough Council is to have its own dedicated email address and telephone numbers to be promoted locally.

Upon receipt of the reporting form there is to be an acknowledgement sent within 3 working days, realistically this can be sent automatically through email or local areas may wish to use the letter attached to this guidance.

## **Step 2: Determine if Threshold has been met**

The reporting form will be sent through to local Single Point of Contact, who along with the ASB Manager/lead will determine whether the threshold has been met.

In some cases this may be obvious; in others it may be that an initial scoping exercise is undertaken with the relevant agencies to assist the determination.

The SPOC will send a determination letter to victim within 10 working days advising of the decision,

- Threshold not met, ASB Case Review will not be conducted. Details of appeal process provided, or
- ASB Case Review to be conducted

## **Step 3: Information Requests**

If the threshold has been met the SPOC will send an information request to the relevant agencies asking for details of the case to be submitted to the identified SPOC within 10 working days and advising that their agency is required to part of the ASB Case Review Panel. If the case is complex, responses from partners could take more than 10 working days. The SPOC will keep the applicant informed.

## **Step 4: Review Panel Meeting**

The ASB or Community Safety Single Point of Contact will arrange and Chair a review panel meeting once there is confirmation that an ASB Case Review is to be carried out. As a minimum, the following core agencies need to be involved in the multi-agency review:

- District/Borough Council
- Police
- Housing provider(s) for victim and perpetrator, as applicable
- Health services as appropriate if there are any drug/alcohol/mental health issues
- Youth Offending Team (YOT) where the perpetrator is under 18
- Children's Services/school where the victim or perpetrator is under 18

The multi-agency case review discussion enables thorough review of the ASB incidents and responses made, ensuring effective challenge and review of recommendations for any further action, and considering whether there are other responses that other agencies could pursue to help resolve the ASB issues



The Review Panel must formulate an action plan, details of which will be sent to the applicant. This must take place within 10 working days of the information requests being received. The action plan will be managed by the local authority SPOC.

### **Step 5: Decision Letter to Applicant**

If the Review Panel determines that all agencies have taken appropriate action and that no further resolutions can be offered, a letter advising of the determination and providing details for decision will be sent to victim, along with details of the appeals process if they are dissatisfied with the outcome. Decision letter is to be sent within 10 working days by local authority SPOC.

If the Review Panel determines that further action can be taken, a letter will be sent to the victim advising of the action plan, detailing next steps and advising of anticipated timescales for delivery. This decision letter will provide details of the appeals process if they remain dissatisfied with the outcome. Decision letter is to be sent within 10 working days.

### **Step 6: Response to Case Review**

The Chair of the multi-agency group will sign off the ASB Case Review and the method for achieving this will be determined locally.

### **Step 7: Escalation to Appeal**

If the applicant remains dissatisfied with the outcome they have a right to appeal the decision and the case will be escalated to Suffolk County Council Community Safety Team (or other identified person) who will alert partners from the ASB County Steering Group of the appeal and will act as chair. The ASB County Steering Group will review the details of the case and consider if there are grounds for appeal.

Suffolk County Council (SCC) Community Safety Team will notify the Police and Crime Commissioner (PCC) of the decision accordingly. The applicant must do this within 21 days of the date of the decision letter

## Suffolk Community Trigger ASB Case Review Model

