

Anti-social Behaviour Case Review Procedure (Managing the Community Trigger)

Produced by Bolton Council, Community Safety Services on behalf of the Bolton Community Safety Partnership

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1. BACKGROUND

Part 6 (and schedule 4) of the Anti-social Behaviour, Crime and Policing Act 2014 requires relevant bodies in a local government area to have an Anti-social Behaviour Case Review procedure, also known as the Community Trigger. Bolton Council, specifically Community Safety Services, will be responsible for coordinating and administering the case review procedure. The following relevant bodies have been consulted in the development of this procedure;-

- Bolton Council (various departments)
- Greater Manchester Police (the local policing body)
- Registered Housing Providers, via Bolton Community Homes
- Bolton's Clinical Commissioning Group
- Greater Manchester Police and Crime Commissioner

2. PURPOSE

This procedure sets out the actions taken when a victim (hereafter referred to as “the Applicant”) of anti-social behaviour (ASB) requests an Anti-social Behaviour Case Review. For the purpose of this procedure “Anti-social Behaviour” means behaviour causing harassment, alarm or distress to members or any member of the public, it does not include behaviour which is regarded as nuisance or annoyance.

The aim of the case review is to offer a ‘safety net’ for applicants and to help avoid individuals being passed between agencies without a resolution.

This procedure explains who can request an ASB Case Review and the threshold for cases that will be considered within the scope of this procedure. The steps taken and timescales involved when an application for an ASB Case Review is made are outlined in Appendix 1: ASB Case Review Process Flow Chart.

Through co-option arrangements Bolton's Registered Housing Providers are committed to participate and share relevant information for the purpose of the ASB Case Reviews. Please refer to Appendix 2 for a list of organisations who are co-opted into the ASB Case Review procedures.

This procedure sits alongside agencies' existing processes and practices for responding to anti-social behaviour and managing risk and vulnerability.

3. WHO CAN REQUEST AN ASB CASE REVIEW

An Applicant who has experienced ASB or another person acting on behalf of the Applicant such as a carer or family member, Member of Parliament or councillor.

The Applicant can be an individual of any age, a business or a community group.

If the Applicant is aged under 18 years old on the date the application is made, the application must be made by a responsible adult on their behalf; such as a parent, guardian, other family member, teacher, social worker, Member of Parliament or councillor.

Effective communication with Applicants is an important part of the ASB Case Review process. Applicants will be offered the services of interpreters, translators, and signers if required to facilitate effective communication.

Applicants will also have the right to involve an advocate to support them in the process.

4. ANONYMOUS APPLICATIONS

When requesting an ASB Case Review Applicants will be reassured that their details will not be shared with any alleged perpetrators of the ASB. However, in order for agencies to carry out the case review effectively contact details will be required so that agencies involved in the process can validate the incidents referred to in the application and so that feedback can be provided. Anonymous applications will not be considered for the purpose of the case review.

5. HOW TO INSTIGATE THE ASB CASE REVIEW

Bolton council website will be used as the primary gateway providing information to the public on the ASB Case Review and how they can instigate the process. This will include the criteria threshold for instigating the process, what information they may need to provide and how to apply.

The ASB Case Review procedure is not a complaints process and if an individual is unhappy with a service they have received from a single agency they should consider making a formal complaint by contacting the organisation directly. If the individual is not satisfied with how that organisation has dealt with their complaint then contact can be made with the Local Authority Ombudsman or the Independent Police Complaints Commission. This does not preclude the individual from instigating the Community Trigger as long as the threshold criteria is met.

By completing an online form:	On-line form available via: www.bolton.gov.uk/communitysafetyandantisocialbehaviour
By writing to:	Anti-social Behaviour Case Review, Bolton Council, Community Safety Services, 2 nd Floor Paderborn House, Le Mans Crescent, BL1 1JW
By telephoning:	Bolton Council, Community Safety Services, 01204331342
By email:	asbreporting@bolton.gov.uk

6. ASB CASE REVIEW PROCESS

6.1 ASB Case Review Threshold

Anti-social behaviour is defined as behaviour causing harassment, alarm or distress to members or any member of the public (as per the legal definition in the Anti-social Behaviour, Crime & Policing Bill 2014).

The ASB Case Review threshold is met when:

- a) An application for an ASB Case Review is made; **AND**
- b) At least three qualifying complaints have been made about the anti-social behaviour to which the application relates

A complaint of anti-social behaviour could be made to the same or different organisations such as Greater Manchester Police, Bolton Council or a Registered Housing Provider.

A complaint about anti-social behaviour is a qualifying complaint if:

- i. the complaint is made within the period of one month beginning with the date on which the behaviour is alleged to have occurred; **AND**
- ii. the application for an ASB Case Review is made within the period of six months beginning with the date on which the first complaint is made.

The ASB Case Review Panel may also consider the following:

- the persistence of the anti-social behaviour; and
- the harm or potential harm caused by the anti-social behaviour; and
- the adequacy of the response from agencies

6.2 Acknowledging Receipt of the ASB Case Review Application

On receipt of the ASB Case Review Form Community Safety Services will formally write to the applicant acknowledging receipt of the form and explaining what will happen next. This will occur within two working days. If the on-line form is completed this will be generated automatically. An example of the acknowledgment letter can be found under Appendix 3.

6.3 Information sharing

In order for the case review procedure to be effective and meaningful Bolton council may have to share relevant information with other agencies, within the Community Safety Partnership. In the main these agencies will include Greater Manchester Police, Registered Housing Providers and the Clinical Commissioning Group. The purpose of sharing information with these trusted partners is to ensure that the case review is carried out as effectively as possible and bring about a resolution to the case. These agencies may be requested to provide information that will help the case review process. Any information shared will be held securely and not shared beyond this purpose.

By completing the application form individuals acknowledge that the information they provide may be shared with trusted partner agencies explained above.

The form uses mandatory fields highlighted with an * and without this information the case review process will be limited in what it can achieve, and therefore may not proceed further.

In carrying out the case review agencies will consider; the threshold criteria, persistence nature of the anti-social behaviour, the harm or potential harm caused, and the adequacy of the response from agencies. Individuals may be contacted directly to provide further information.

At the end of the reporting process applicants will be provided with a unique reference number to track their case.

6.4 ASB Case Review Panel

On receiving a completed application form for an Anti-social Behaviour Case Review Community Safety Services will send these details to a specific multi-agency group (known as the ASB Case Review Group). This will also include an Agency Involvement Form (Appendix 4). The ASB Service lead from each agency on the ASB Review Group will ensure that the Agency Involvement Form is completed from their agency perspective. This form will be used by each agency to record the involvement it has had with the applicant and the case and will help discussions at the panel.

A Term of Reference for the review panel is highlighted under appendix 5. ASB Service leads will be invited to a panel to discuss the follow:

- Share relevant information
- Decide whether the community trigger threshold has been met. Including factors such as; the persistence of the ASB, the harm caused (or the potential for harm to be cause), and the adequacy of the response to that behaviour.
- Consider all agency involvement including what action has previously been taken.
- Agree what actions can be put in place to resolve the issue. These will be developed into an action plan.
- Agree how the actions will be monitored
- Agree the response back to the applicant

The relevant bodies that carry out an ASB case review may make recommendations to a person who exercises public functions (including recommendations to a relevant body) in respect of any matters arising from the review; and that person must have regard to the recommendations in exercising public functions.

6.5 Response to Applicant following ASB Case Review Panel

A nominated partnership lead will make a formal written response (email and/or post) back to the applicant on behalf of the Community Safety Partnership. This response will be done within 20 working days of the applicant receiving an acknowledgement letter.

In most cases we will be able to respond within 20 working days. However, if the case is more complex or further information is required that delays the process, this may take longer. We will inform the applicant if the response will take longer than 20 working days.

6.6 Escalation and Appeal

Schedule 4 of the ASB, Crime and Policing Act 2014 sets out further supplementary provisions for carrying out an ASB Case Review. Within the schedule it requires that the local procedures must include provision about what is to happen where an applicant is dissatisfied with the way in which the relevant bodies have:

- (a) dealt with an application for an ASB case review, or
- (b) carried out an ASB case review.

The applicant will have 10 working days from receipt of the response following the ASB Case Review panel to lodge an appeal. The appeal must be made in writing to one of the following:

By writing to:	Anti-social Behaviour Case Review, Bolton Council, Community Safety Services, 2 nd Floor Paderborn House, Le Mans Crescent, BL1 1JW
By email:	asbreporting@bolton.gov.uk
For any queries please call 01204331342	

An appeal will only be considered if the grounds meet part (a) or (b). Where the ground for an appeal is met the Chair(s) of the Community Safety Partnership will formally respond back to the applicant within 20 working days. The outcome of the appeal is final and the applicant has no further opportunity to challenge the decision made.

The Anti-social Behaviour Case Review does not replace an organisation's own formal complaints procedures. If a case review has been completed and the applicant is unhappy about the service received from an individual officer or agency, a formal complaint may be made directly to that agency and if necessary may be escalated further through organisations such as the Local Government Ombudsman or Independent Police Complaints Commission.

7. UNREASONABLY PERSISTENT OR VEXATIOUS APPLICATIONS

Applicants can make a further requests for an case review if there have been a 'new set' of incidents and each of the incidents are 'qualifying complaints' as per the threshold criteria.

If in the opinion of the ASB Case Review panel any applicant appears to be unreasonably persistent or vexatious the applicant will be signposted to the most relevant bodies' vexatious or unreasonably persistent complaints policy.

8. PUBLISHING DATA

In order to satisfy the provisions under section 104 of the Anti-social Behaviour, Crime and Policing Act 2014 the following information will be made available on the council website. These figures will be updated annually and cover the period 1st April – 31st March.

- Number of applications received for ASB case review
- Number of times the threshold was not met
- Number of ASB case reviews carried out
- Number of ASB case reviews carried out that resulted in recommendations being made

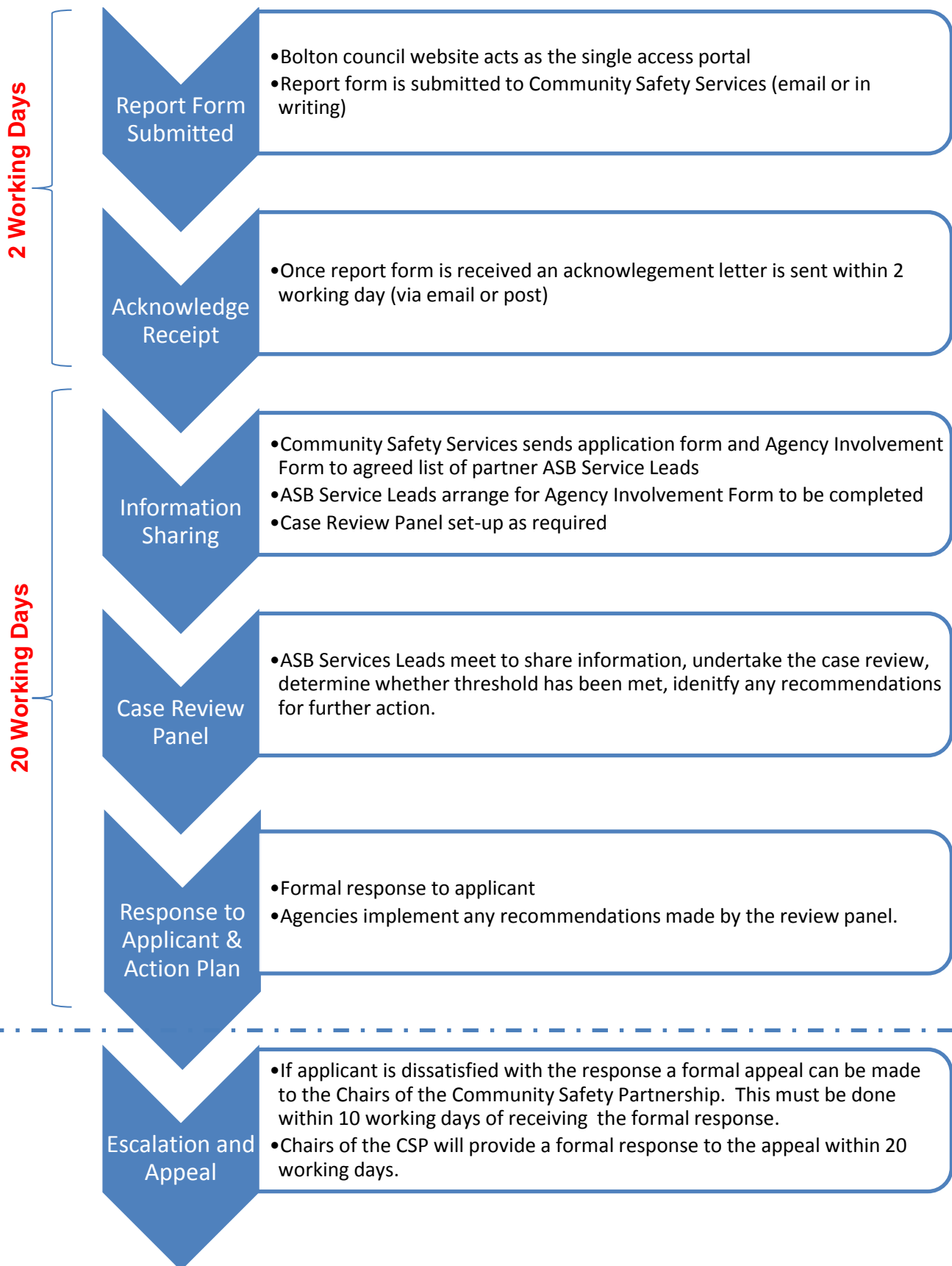
This published information will be aggregated and will not include details which could identify the applicant or any of their details.

9. REVISION OF THE ASB CASE REVIEW PROCEDURES

Within schedule 4 local areas must make provision to include how areas will assess the effectiveness of the procedures and what arrangements they have in place to revise the procedures.

For Bolton the procedures will be reviewed on an on-going basis linked to any learning from each case review. As a minimum they will formally be reviewed annually using information recorded under section 8, and in consultation with relevant agencies. Applicants will be encouraged to provide feedback on the process which will also be used as part of the formal review. Information will also be provided to the Community Safety Partnership and the appropriate Bolton Council Scrutiny Committee, as required.

APPENDIX 1: ANTI-SOCIAL BEHAVIOUR CASE REVIEW PROCESS MAP



APPENDIX 2: ASB CASE REVIEW GROUP (LIST OF AGENCIES)

1. Bolton Council
2. Greater Manchester Police
3. Bolton at Home
4. St Vincent Housing Association
5. Contour Homes
6. Irwell Valley Housing Association
7. Great Places Housing Group
8. Places for People Group
9. Affinity Sutton
10. Salvation Army
11. Bolton Clinical Commissioning Group

**APPENDIX 3 – EXAMPLE
ACKNOWLEDGEMENT LETTER**



**Be Safe
Bolton Strategic
Partnership**

Date: Environmental Services
Community Safety Services
Our Ref: 2nd Floor, Paderborn House, Bolton
BI1 1JW
Phone: 01204331342
Email: asbreporting@bolton.gov.uk
Website: www.bolton.gov.uk

Dear

SUBJECT: ANTI-SOCIAL BEHAVIOUR CASE REVIEW

Thank you for completing the anti-social behaviour case review (community trigger) form.

'Relevant bodies' under Section 105 of the Anti-social Behaviour, Crime and Policing Act 2014 (Bolton Council, Greater Manchester Police, Social Housing Providers and the Clinical Commissioning Group) will now review your case. Information you have provided will be shared with these trusted partners and they will be requested to provide information they hold that will help the case review process.

As part of the review these agencies will examine the history of the case, what action has already been taken and what further action can be taken to resolve the issue. In carrying out the case review agencies will consider; the persistence nature of the anti-social behaviour, the harm or potential harm caused, and the adequacy of the response from agencies. You may be contacted directly for more information.

The options for our response are to advise you whether or not the threshold criteria has been met for a case review to take place; the outcome of the review if the threshold has been met; and any recommendations made as an outcome of the review.

In most cases we will be able to respond to you within 22 working days. However, if your case is more complex or further information is required that delays the process, this may take longer. We will advise you if the response will take longer.

If you have any questions please contact Bolton Council Community Safety Service on 01204 331342 or email asbreporting@bolton.gov.uk

APPENDIX 4 – EXAMPLE ASB CASE REVIEW AGENCY INVOLVEMENT FORM

1. Name of Applicant: <i>(To be completed by Bolton Council Community Safety Services)</i>	
2. Address of Applicant: <i>(To be completed by Bolton Council Community Safety Services)</i>	
3. Information submitted by the applicant relating to the ASB Case Review: <i>(To be completed by Bolton Council Community Safety Services)</i>	
4. History of Agency Involvement: <i>(To be completed by individual agency providing details of their involvement in the case including a time line with dates and actions taken)</i>	
5. Are there opportunities for resolution / future proposed actions? <i>(To be completed by individual agency)</i>	