



ASB case review (formerly known as the community trigger) Procedure

Version Control	
Version	2.0
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Status	Final
Approved by	
Date approved	
Last updated	25/1/2022
Review date	25/1/2023

ASB case review

Section 104 of the Anti-Social Behaviour, Crime and Policing Act 2014

Background

This document outlines the process through which partners working within the Hull Community Safety Partnership (CSP) will investigate continual complaints of anti-social behaviour through the asb case review process.

The process comes into force on 20 October 2014 as part of the Anti-Social Behaviour, Crime and Policing Act 2014. The act is part of the Government's new approach to crime, policing and community safety which marks a shift towards putting the needs of victims first. With the introduction of this legislation, victims of anti-social behaviour will have a new tool – called the asb case review - to enable them to request a response to a problem where no solution has been found and issues persist. The asb case review will give victims and communities the right to request a review of their case and bring agencies together to take a joined up, problem-solving approach to find a solution to some of the most persistent, complex cases of anti-social behaviour.

This process forms part of Hull Community Safety Partnership plan and follows the Home Office statutory guidance (July 2014), Reform of Anti-Social Behaviour Powers. Each relevant CSP partner has agreed to this protocol and is willing to meet its needs and requirements.

The relevant bodies and responsible authorities in Hull Community Safety Partnership will be:

- Hull City Council – Community Safety Partnership
- Humberside Police
- Residential Social Landlords
- Clinical Commissioning Group

Partnership Working

The Neighbourhood Nuisance Manager for Hull City Council will act as the single point of contact for victim(s) / referrer to activate the asb case review. Victim(s) / referrer can get in touch via telephone call, on-line form, or via dedicated e-mail address. If victim(s) / referrer does not have details available for referral, a reporting form will be forward to them.

Information Sharing

Under Schedule 4 s7 of the Act, the relevant bodies are required to share relevant information for case reviews where they hold it (subject to the usual requirements of data protection legislation). Requests made to other agencies for information may also be granted if that agency agrees.

Schedule 4 Anti-social Behaviour, Crime and Policing Act 2014

- (1) The relevant bodies in a local government area may request any person to disclose information for a purpose connected with the carrying out of an ASB case review.
- (2) If such a request is made to a person that exercises public functions, and that person possesses the requested information in connection with the exercise of such functions, the person must (subject to sub-paragraph (4)) comply with the request.
- (3) If such a request is made to a person who is not required by sub-paragraph (2) to disclose the requested information, the person may (subject to sub-paragraph (4)) comply with the request.
- (4) This paragraph does not require or authorise—
 - (a) A disclosure, in contravention of any provisions of the Data Protection Act 1998, of personal data which are not exempt from those provisions, or
 - (b) A disclosure which is prohibited by Part 1 of the Regulation of Investigatory Powers Act 2000.
- (5) Subject to that, a disclosure under this paragraph does not breach—
 - (a) Any obligation of confidence owed by the person making the disclosure, or
 - (b) Any other restriction on the disclosure of information (however imposed).

The asb case review threshold

For the purpose of Hull asb case review, anti-social behaviour is defined as:

“Acting in a manner that caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household as (the defendant)”.

The asb case review threshold for Hull is:

- If you (as an individual) have reported anti-social behaviour to Hull City Council, Humberside Police and / or a Registered Housing Providers (social landlords) three times about separate incidents in the last six months, and you consider that no action has been taken.

Or

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- If five individuals in the local community have reported similar incidents of ASB separately to Hull City Council, Humberside Police and / or a Registered Housing Providers (social landlords) in the last six months, and they all consider that no action has been taken

And in any other situation, the following may be considered when determining whether the threshold has been met:

- The persistence of the anti-social behaviour;
- The harm or potential harm caused by the anti-social behaviour;
- Whether the incident is hate related;
- The adequacy of response to the anti-social behaviour.

Further, an asb case review request will be a qualifying complaint if:

- (a) The complaint is made within a period of one month beginning with the date on which the behaviour is alleged to have occurred; and
- (b) The application for an asb case review is made within a period of six months beginning on the date on which the complaint is made.

Existing Complaints Policies and Procedures

It is accepted by all CSP partners that the asb case review does not replace partner organisations own complaints policies and procedures. Should a complaint be referred through to the Community Trigger that is subsequently identified as being dealt with under a separate channel it cannot be dealt with by the asb case review process.

Repetitive Complaints made to the Community Trigger process

Repetitive asb case review requests on the same issue, when there has been no change in circumstances from the initial request, will not be re-investigated.

Persistent or Vexatious Complaints

There may be circumstances when a victim(s) / referrer persists in pursuing a Community Trigger request, which has no reasonable basis, or when the Council and / or other agencies involved in the asb case review process has already taken reasonable action in response or where some other process should or has been taken.

Whilst the Council will never dismiss an asb case review request out of hand, we will exercise our discretion as to when a matter will be regarded as closed in the circumstance described above.

Multi Agency Community Trigger Review Panel

The following partners will be represented at the Multi-Agency asb case review panel.

- Hull City Council - Neighbourhood Nuisance Manager
- Victims Champion
- Humberside Police - Neighbourhood Policing Team Sergeant

When necessary other RSLs with properties in Hull will be co-opted onto the group when a case involves one (or more) of their tenants. Where other agencies that are not a core member of the Multi-agency asb case review panel are identified as being involved in a review case, a representative will be invited onto the panel.

ASB CASE REVIEW PROCEDURE – HULL

STEP ONE – Requesting a review

Any member of the public can request an asb case review. In the cases where vulnerable victims are experiencing problems, a person (family member, MP, Local Councillor or other representative) acting on behalf of the individual or a professional working with the individual can activate the Trigger on the victim's behalf.

The asb case review may be enacted using any one the following:

- Filling in the asb case review form online form at <http://hull.gov.uk>
- Writing a letter to Hull Community Safety Partnership, Hull City Council, 33 Witham, Hull, HU9 1DA
- At a [Customer Service Centre](#) or [Hate Crime Reporting Centre](#) (for details visit <http://hull.gov.uk>)
-
- Text phone: 01482 300 349
- Email: hull.citysafe@hullcc.gov.uk
- Telephone 01482 300 300

It is recognised that following the activation of the case review swift and expedient action is required. The victim(s) / referrer will receive an acknowledgement that the case review has been received within **10 working days**.

The ASB Victims Champion will review the complaint against the case review threshold to determine whether it has been met. A case summary report and any supplementary evidence will be requested from partners **within 10 working days** of the case review being activated, to determine whether a review panel is to be arranged and / or provide the victim(s) / referrer with the appropriate advice.

The three possible findings of the initial case review are:

i. No further action:

This may be due to the reported incidents falling below the case review threshold or it is evident that all relevant action has been taken. In these circumstances all agencies that provided the information for the case review will be informed of the outcome and a referral will be made to the respective ward and area tasking group whose duty it will be to monitor the case and address further issues that may arise.

The victim(s) / referrer will be advised of this decision in writing within **10 working days** on the conclusion of the initial case review. (Appendix B).

ii. Further investigation is required:

The initial review concludes that the case does not meet the asb case review threshold, but further investigation is deemed necessary. This may be due to the victim(s) / referrer reporting less than three incidents of ASB within the six months threshold, but it is evident that the case warrants further investigation to ensure that the matter does not escalate. In these circumstances, a lead agency will be identified for further work to be completed. The matter will be referred to the appropriate risk management and hate crime meetings for review and monitoring to ensure that actions by the lead agency have been taken.

The victim(s) / referrer will be advised of this decision and of who the lead agency / contact officer will be in writing within **10 working days** (Appendix C).

iii. Case Meets the Community asb case review threshold: Proceed to a Multi-Agency asb case case review panel

If it is determined that a full case review is required, the victim(s) / referrer will be advised of the next steps and a Multi-Agency asb case review panel will be held within **10 working days** and chaired by the ASB Victims Champion, Neighbourhood Nuisance Manager & relevant Police Inspector. The meeting will be held with all relevant agencies identified as being involved in the case. In cases deemed as a high priority, a meeting will be held as soon as practically possible.

Other agencies representatives who are deemed suitable may also be invited to attend the Multi-Agency asb case review panel.

The victim(s) / referrer will be advised of the outcome of Multi-Agency asb case review panel and provided with the findings of the review within **10 working days**.

The matter will also be referred to the appropriate tasking group for monitoring to ensure that actions by the lead agency have been taken.

Delays in the Review

In the unlikely event that there becomes a potential delay in the review in adherence to the timetable prescribed within this protocol, it will be the responsibility of the ASB Manager to ensure that the victim(s) / referrer is kept apprised of the reasons for the delay and any revisions to timescales.

STEP TWO – Multi-Agency ASB Case Review Panel

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Hull Community Safety Partnership will administer and minute the Multi Agency ASB Case Review Panel. The CSP Portfolio Lead will chair the case review panel. The meeting will involve information sharing under Section 115 of the Crime and Disorder Act 1998 and will review the information made available to them concerning the case.

If any partner agency is unable to attend the meeting they shall provide an officer designate and any relevant information relating to the case.

The purpose of the Multi-Agency ASB Case Case Review Panel is to:

- Identify the issues reported and be satisfied that complaints have not been made as a result of malice or discrimination.
- review what action has been previously been taken by agencies;
- identify whether additional interventions have been used or considered and /or rejected for good reason;
- identify any other relevant agencies, who may subsequently be identified as a result of the review meeting;
- consider victim(s) safety / vulnerability / risk of harm; and
- Clearly set out the expectations of the action(s) that need to taken by the respective agencies.

Where further actions are necessary a The Neighbourhood Nuisance Manager will feedback all recommendations / further actions to be carried out to the victim(s) / referrer within **10 working days**. The minutes / action plan from the meeting will be circulated to all members of the Multi-Agency ASB Case Case Review Panel within the same time scale.

The Multi-Agency Case Review Panel will be reconvened within a period of 28 days to review that the actions have been progressed.

Escalation

Right of Appeal

If the complainant is not satisfied with the response they can appeal to Hull City Council's Head of the Community Safety and Partnerships and the Chief Inspector of Neighbourhood Policing. A decision to review the case will be made and the complainant informed within 28 days. This review is the final stage of the process and there is no further right of appeal.

Monitoring

ASB case review requests will be monitored by Hull Community Safety Partnership. The CSP Board will be regularly informed of:

- The number of asb case review applications made;
- The number of application to have met the threshold;
- Equality monitoring of people who have made asb case review activations;
- The number of applications that resulted in further action being taken.

The above information will also be reported on a quarterly basis to the ASB Steering Group and will be published on the Hull City Council website <http://www.hull.gov.uk/>