

Safer Lincolnshire Partnership

ASB Case Review

(Formally known as Community Trigger)

POLICY AND PROCEDURES

(REVISED 2023)

Owner:	Anti-Social Behaviour Core Priority Group (ASB CPG)
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Version:	Date:	Reason For Issue:
V1	January 2022	Countywide Community Trigger policy and procedures revised and put into a separate document with support from ASB Help following agreement from the ASB CPG members to sign up to the ASB Pledge.
V2	March 2022	Series of amendments made to incorporate the comments received from ASB CPG members on V1 of the document.
V3	September 2022	Final amendments prior to the policy launch: <ul style="list-style-type: none"> - To reflect updated statutory guidance (June 2022) - To reflect the change in name of Clinical Commissioning Groups - Removal of 'one hate incident' from threshold (as per guidance from ASB Help) - Inclusion of sentence stating that applications will be passed to relevant bodies - Additional section on publishing data (Section 15).
V4	September 2023	Community Trigger renamed to ASB Case Review throughout the document. Link to statutory guidance updated to March 2023. Integrated Care Systems changed to Integrated Care Boards. Separated the process maps into three – Threshold met, Threshold not met and Appeals.

		<p>Additional Acknowledgment Letters added for third party requests.</p> <p>Additional guidance created to support victims to engage in the review panel meeting.</p>
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1. Introduction

The Anti-Social Behaviour (ASB) Case Review (formally known as Community Trigger) is a statutory provision introduced in the Anti-Social Behaviour, Crime and Policing Act 2014. It is a safety net for victims of persistent ASB.

The ASB Case Review is the victim's right to request a review of their case to determine whether there are any further actions that can be taken to resolve it. The ASB Case Review is not about apportioning blame. Its focus is on problem solving the case and utilising the expertise of partner agencies.

To request an ASB Case Review, the victim must meet a threshold. The threshold test is detailed at section 5 of this document.

The ASB Case Review confers responsibilities on relevant bodies including the local authority, police, and registered providers of housing to manage and participate in the ASB Case Review process. Further information can be found in the statutory guidance for frontline professionals [ASB Crime and Policing Act 2014](#).

2. Anti-Social Behaviour Defined

For the purpose of the ASB Case Review, the ASB must be persistent in nature and this behaviour is defined as:

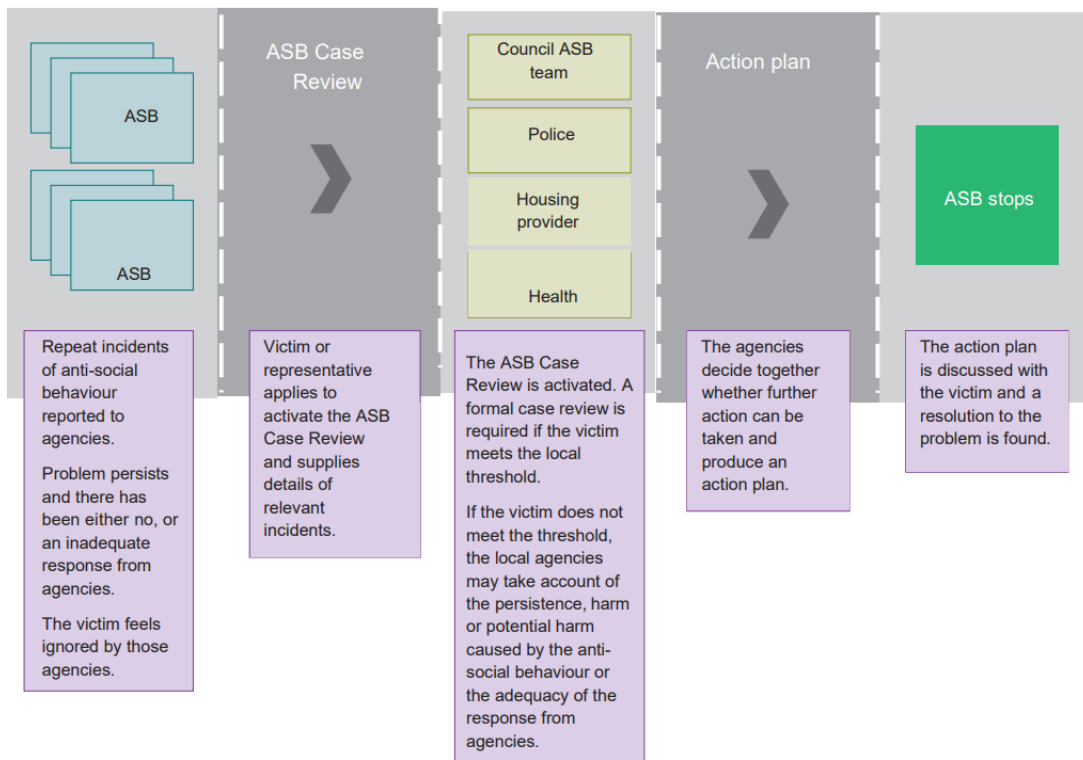
- "Conduct that has caused, or is likely to cause, harassment, alarm or distress to any person"¹.

3. Purpose

"To give victims and communities the right to request a review of their case where a local threshold is met, and to bring agencies together to take a joined up, problem-solving approach to find a solution for the victim".²

¹ Anti-social Behaviour, Crime and Policing Act (2014)

² The Anti-Social Behaviour, Crime and Policing Act 2014 Home Office Statutory Guidance



4. Principles

The ASB Case Review is available to victims of ASB who believe they have not had a satisfactory response to their case and the ASB persists. It is not an alternative complaints procedure and will not review concerns about service provision. Service complaints should be directed to the relevant district council, housing provider or police force complaints procedure.

The district council administers the ASB Case Review for their area. Relevant bodies and responsible authorities are also required to take responsibility for the ASB Case Review process (for a full list of relevant bodies and responsible authorities please refer to section 6 of this document).

This ASB Case Review Policy is conversant with the Statutory Guidance for Frontline Professionals, and future amendments, as outlined in “**Anti-Social Behaviour, Crime and Policing Act 2014: Anti-Social Behaviour Powers (Home Office)**”.

The Charter for Social Housing Residents: Social Housing White Paper also supports the ASB Case Review process and encourages social landlords to inform residents of their right to make an ASB Case Review application, and where appropriate, that they act as an advocate in supporting tenants to take an application forward with the relevant authority.

5. Thresholds & Qualifying Complaints

To activate the ASB Case Review a victim must meet the following threshold test: -

- The victim has reported three separate, but related incidents³ (Qualifying Complaints, as detailed below) to either the council, police, or registered housing provider within the preceding 6-months to the application, and the anti-social behaviour persists.

OR

- A senior manager (district council Community Safety Manager/Police Inspector) within the authority decides that a ASB Case Review is necessary to safeguard a vulnerable victim of anti-social behaviour⁴.

An incident must be a '**Qualifying Complaint**'. A Qualifying Complaint is an incident that has been reported to either the council, police, or registered provider of housing within 30 days of it taking place. A single incident which is reported to more than one agency only constitutes as one Qualifying Complaint.

When considering an ASB Case Review request, agencies should consider the cumulative impact of the ASB rather than each individual incident causing harassment, alarm and distress. Due regard should also be given to:

- the persistence of the anti-social behaviour
- the harm or potential harm caused by the anti-social behaviour
- the adequacy of response to the anti-social behaviour

Furthermore, all ASB Case Review applications will be passed onto the relevant bodies involved in the case. When there is uncertainty or debate as to whether the threshold is met, if one or more of the relevant bodies considers that it is met, then the ASB Case Review should be accepted.

Regardless of the previous actions taken in the case, if the ASB persists, an ASB case Review request (that meets the threshold) should be accepted. The review panel will

³ The three incidents do not have to be of the same ASB category (noise, threats, foul and abusive language etc) but they need to relate to the same case and not three completely unrelated incidents.

⁴ Appropriate seniority may include a district council Community Safety Manager (or above), a police officer of the rank of Inspector (or above) or a similar senior officer within another responsible authority. Consent from the victim is not required in this circumstance.

then determine whether any new or alternative actions are more likely to be effective to resolve it.

6. Relevant Bodies and Responsible Authorities

The Relevant Bodies and Responsible Authorities are outlined in the statutory guidance as:

- Local Authorities (District Councils)
- Police
- Integrated Care Boards (ICBs)⁵ in England, and Local Health Boards in Wales.
- Registered providers of social housing

The review must include a representative(s) from at least 3 of the agencies listed above and should also include representatives from other agencies relevant to the case. This could include the fire and rescue service, Probation, mental health, and drug and alcohol support agencies.

In Lincolnshire, the ICB has appointed Lincolnshire Partnership NHS Foundation Trust (LPFT) to support the ASB Case Review process where an individual is open and known to their services.

7. Information Sharing

For the ASB Case Review process to be effective, relevant information must be shared across relevant bodies and partner agencies under the following legislation.

- The Anti-Social Behaviour, Crime and Policing Act 2014 requires relevant bodies to share information pertinent to an ASB Case Review activation and review. (Please refer to schedule 4, para 6(2))

Where a request is made to an agency which does not exercise public functions, that agency may comply with the request subject to para 7(4) Anti-Social Behaviour, Crime and Policing Act 2014.

Paragraph 7 (4) of Schedule 4 Anti-Social Behaviour, Crime and Policing Act 2014 provides the disclosure of information is not required where it relates to non-

⁵ Formerly Clinical Commissioning Groups (CCGs).

exempt personal data which would be a breach of Data Protection legislation, a breach of any obligation of confidence owed by the person making the disclosure, or which is prohibited by parts 1 to 7 of Chapter 1 of Part 9 of the Regulation of Investigatory Powers Act 2016.

- Schedule 2 5(b) to the Data Protection Act 2018
- Section 115 Crime and Disorder Act 1998

All ASB Case Review Requests will be managed on E-CINS, Lincolnshire's ASB Case Management System. As contract holders for ECINS, LCC have undertaken assurances to evidence compliance with the required legalisation and the necessary information security requirements. For further information please refer to the ECINS Partnership Agreement.

For more information on Information Sharing, please refer to the ASB Case Management Minimum Standard Operating Procedures or Anti-Social Behaviour Risk Assessment Conference (ASBRAC) Operating Procedures.

8. Who can raise an ASB Case Review?

A victim can be an individual person, business, or community group.

A third party can make an application for an ASB Case Review on behalf of a victim, with their consent. This can include a friend, relative, carer, councillor, Member of Parliament, or another professional person. We will still need to contact the victim to establish the facts and may need to confirm this consent.

A senior manager (Community Safety Manager or Police Inspector) within the authority who decides that an ASB Case Review is necessary to safeguard a vulnerable victim of ASB (please refer to section 5).

9. Who is not suitable for the ASB Case Review?

- A person who wishes to remain anonymous in the ASB Case Review application.
- A person who wants a review of a Crown Prosecution Service (CPS) decision in relation to the prosecution or non-prosecution of a criminal offence.
- A person who is dissatisfied with a decision made by a civil or criminal court.
- A person whose complaint is about service provision.

10. How to raise an ASB Case Review in Lincolnshire

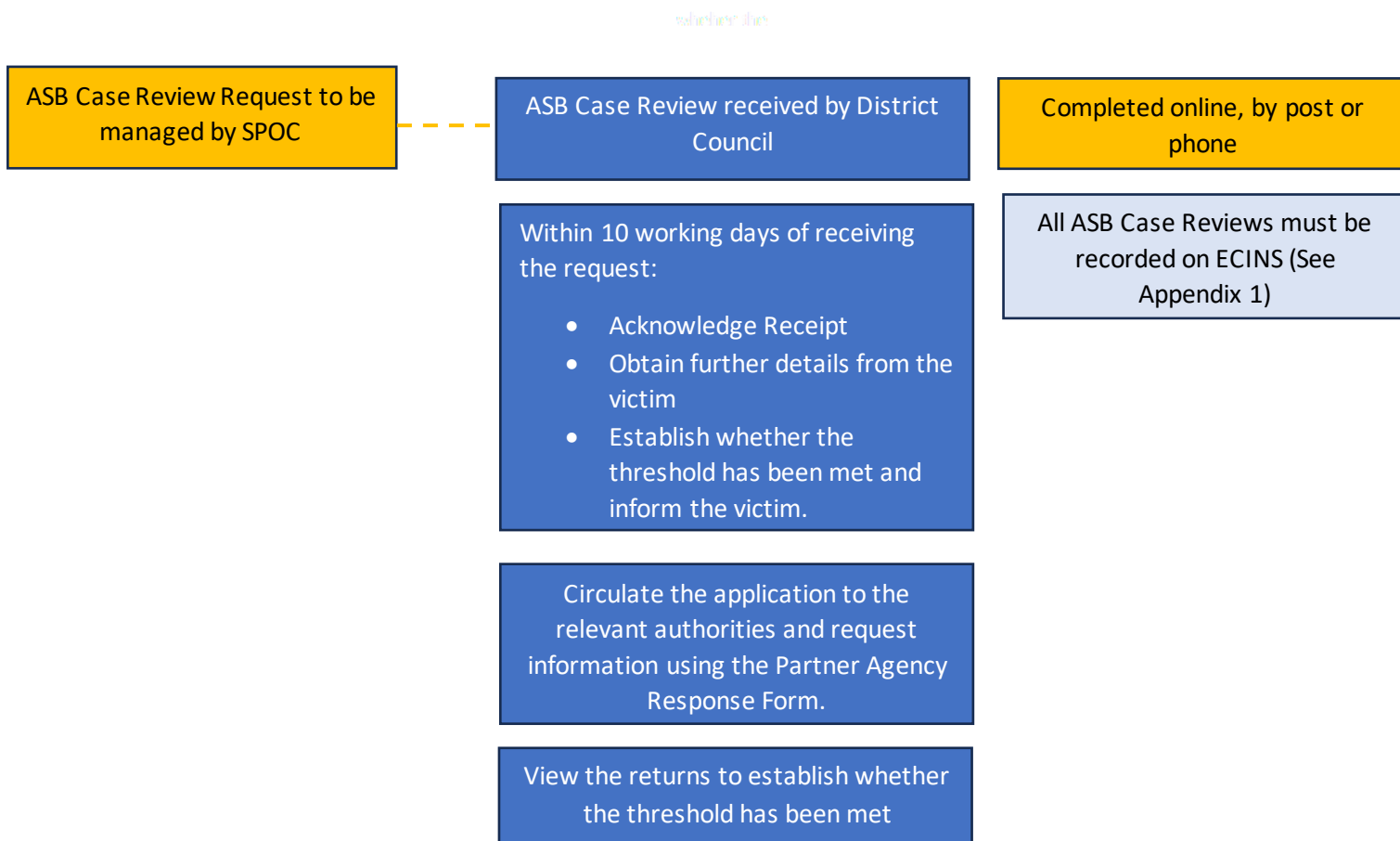
The district council administers and coordinates the ASB Case Review in their area. It does not matter which agency a victim has reported incidents to (i.e., police or housing provider), the district council will obtain the details of incidents relevant to the ASB Case Review request.

A victim can request an ASB Case Review by completing an ASB Case Review Request Form, which can be found on their district council website. This can be completed using any of the following methods:

- Online (via online portal)
- Downloadable form (returnable via post or e-mail)
- By telephone to the relevant district council
- In writing to the relevant district council

A senior manager can request an ASB Case Review by completing the **ASB Case Review Request Form for Senior Managers** (see Appendix 2 for details of where to find all forms).

11. The ASB Case Review Application Procedure



Threshold Met/Not Met:

THRESHOLD NOT MET

Inform the applicant/victim of the decision and why; and details of the appeals process.

Have a pool of independent Chairs across the county

THRESHOLD MET

Contact the victim to inform them the threshold has been met and next steps

SPOC to identify an independent Chair and arrange the date & time of the review panel (ideally held within 21 days of establishing the threshold is met)

Update victim within 5 working days with the date and time of the review panel meeting

Identify appropriate panel members and contact them using the Panel Letter

Circulate relevant information to the panel in preparation for the review

Review Takes place. Confidentiality Statement read by the Chair and signed by panel members. All members given the opportunity to share their thoughts on how the problem could be resolved

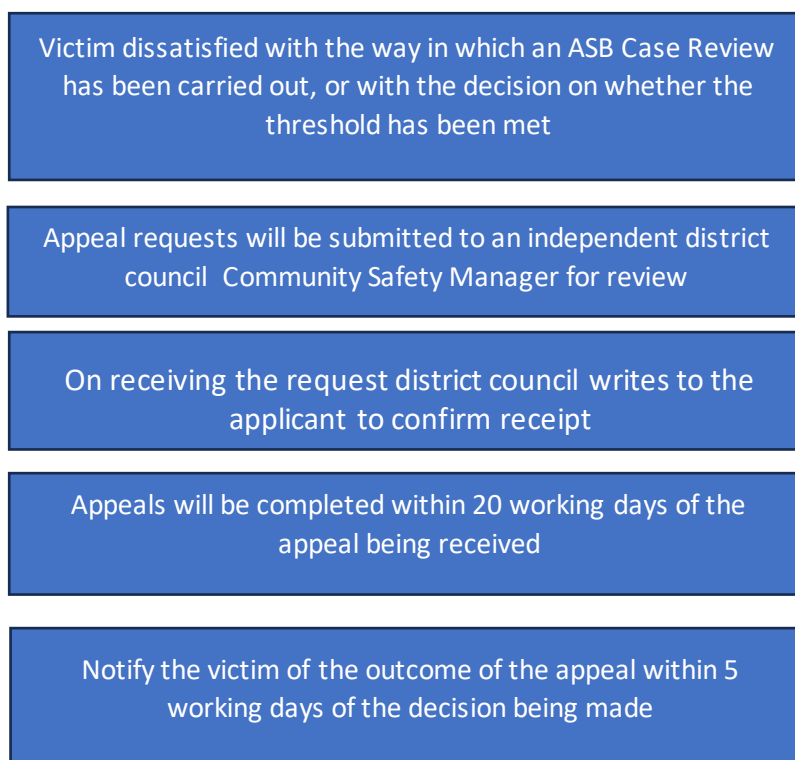
Actions/Recommendations are set by the independent Chair and are recorded on the Action Plan

Chair can decide whether a subsequent review of the actions is required

Outcome is shared with the victim by phone, then confirmed in writing within 10 working days. Including detail on the Appeals process

Minutes and Actions to be shared with panel members within 5 working days

Appeals process:



All ASB Case Review Requests will be managed on E-CINS, Lincolnshire's ASB Case Management System (see Appendix 1 for details on this process).

Upon receipt of a request, the district council has 10 working days to:

- Write to the appeal applicant to confirm receipt of the request
- Obtain further details from the victim
- Establish whether the threshold has been met and inform the victim.

Each district council will appoint an ASB Case Review specific point of contact (SPOC) who has had no direct involvement in the case to coordinate the request. It is their responsibility to collate the necessary information to establish whether the threshold is met.

Upon receipt of an ASB Case Review request, the district council will return an **ASB Case Review Acknowledgement Letter**. If the request has been submitted on behalf of the victim the **ASB Case Review Acknowledgement Letter (Third Party)** should be used. A letter should also be sent to the victim using the **ASB Case Review Acknowledgement Letter (For victim when application is via Third Party)**.

The victim should be contacted by the SPOC as soon as practicable after the application is received to complete the **ASB Case Review Victim Contact Form** to gather further information about the ASB incidents and agency involvement in the case, and confirm consent. It is recommended that a harm centred ASB risk assessment is also completed and a discussion/referral to support services will be made if appropriate. This initial contact with the victim can be used as an opportunity to acknowledge receipt of the application, negating the need to send the ASB Case Review Acknowledgement Letter. However, it is best practice to confirm receipt in writing as this also provides an opportunity to communicate the SPOC's contact details should the victim need to get in touch.

Where the victim cannot be reached, the SPOC should make reasonable efforts to contact them (letter, phone, email etc). Where contact cannot be made, the Case Review will be listed as withdrawn and closed. A letter confirming this action will be sent by letter to the victim within 5 working days from when the decision to withdraw the application has been made.

The SPOC will disseminate the ASB Case Review application, along with the completed Victim Contact Form to the relevant bodies involved in the case. The SPOC will also circulate an **ASB Case Review Partner Agency Response Form** to the relevant agencies. This form requires identified partners and responsible agencies to provide information on the reports they have received, and details of any actions taken. The agency should endeavour to return the information within 5 working days of receipt.

The district council will review the partner agency response forms, collate the views on whether the threshold has been met, and complete the **ASB Case Review Threshold Decision Template**.

Good conscience and professional judgement should be exercised to allow the ASB Case Review to progress, even when the threshold is not met, where there are concerns about risk and vulnerability and/or a hate incident has occurred. When there is uncertainty or debate as to whether the threshold is met, if one or more of the relevant bodies considers that it is met, then the ASB Case Review should be accepted.

Where the threshold is not met, the applicant will be clearly informed of the reasons why (using the **ASB Case Review Threshold Not Met Letter**). The letter should include details of the appeal process and a copy of the **ASB Case Review Appeal Form**.

If the threshold is met the SPOC will inform the applicant (using the **ASB Case Review Threshold Met Letter**) and will provide an outline of the next steps of the ASB Case Review process, their contact details, and associated timescales.

Ideally, the review panel must take place within 21 working days of establishing that the threshold has been met. The letter should advise the victim of any support and advocacy agencies available to them and how they can be referred. The letter should also offer opportunities on how the victim's voice can be heard at the review i.e., either by their (or an advocates) attendance at the start of the ASB Case Review or through a written victim impact statement. If the victim wishes to provide a written impact statement, the SPOC should provide them with a copy of the **Victim Impact Form & Guidance**. If the victim wishes to attend the review, please refer to the **Guidance for when applicants attend an ASB Case Review in person**.

The SPOC will also contact agency representatives (via e-mail) to arrange the date and time of the ASB Case Review (using the **ASB Case Review Panel Agency Invite Letter**). The review panel will include an independent chair (from the pool of trained chairs), and a minute taker (usually the SPOC). The independent chair will be from another organisation that has no connection to the case. As a minimum, the panel must include representatives from at least 3 of the responsible bodies:

- District Council (Manager/equivalent Manager)
- Lincolnshire Police (Sector Inspector/Partnerships Inspector)
- Social Housing Provider (relevant management level)
- Integrated Care Systems (ICSs - relevant management level)
- ASB Case Review SPOC

Other agencies, relevant to the case, such as mental health or drug and alcohol services should also be engaged; with citing the existing information sharing agreements, memorandum of understanding, information sharing permitted by the Crime and Disorder Act 1998, Anti-Social Behaviour Act 2014, and Data Protection Act/GDPR 2018.

All representatives will be sent the information gathered from the ASB Case Review Partner Agency Response Forms along with the victim impact statement (if applicable). The Independent Chair and SPOC may arrange a pre-meeting to go through the paperwork and ensure all necessary information is available for the review to proceed.

It is at the Chair's discretion to request further information and even delay a review meeting should they not be satisfied that all information has been gathered.

Any recommendations or appropriate actions identified during the initial review process (i.e., when gathering information in preparation for panel), where an immediate risk of physical or mental harm is present, should be actioned and not be unduly delayed until the meeting of the panel. Any interim actions taken should be communicated during the review.

When a suitable date and time has been identified for the review panel, the SPOC will also send the applicant an **ASB Case Review Panel Notification Letter**.

The review must be convened with consideration of the information in the **Chair's Pack** and **Terms of Reference**. Before the review commences the **ASB Case Review Confidentiality Statement and Signing in Sheet** must be completed. All agreed actions will be recorded on the **ASB Case Review Panel Meeting Notes & Action Plan** document, along with utilising the **Informal and formal Interventions Checklist**. For a full list of all supporting documentation please see Appendix 2.

After the review, the SPOC (or Chair of the panel meeting if deemed more appropriate) will inform the victim of the outcome, ideally by phone call but then formalised in writing within 10 working days of the review panel (using the **ASB Case Review Panel Outcome Letter**). The victim should be informed about the actions agreed, except those actions which identify the perpetrators protected personal and sensitive data. They should also be notified on what grounds they are able to lodge an appeal and how they are able to do so (please see section 12).

Minutes of the review and the action plan must be circulated to all panel members by the SPOC within 5 days. All panel members who have actions to complete must endeavour to do so within the timeframe allocated. Panel members must inform the SPOC when actions have been completed or to explain why an action is delayed.

The Chair will decide if a follow-up panel hearing is required before closing the ASB case Review especially in relation to cases where there is a high risk and vulnerability. This will ensure the recommendations made on the initial action plan have been completed and further actions can be proposed if necessary. Alternatively, the case may be referred to the Anti-Social Behaviour Risk Assessment Conference (ASBRAC) for ongoing monitoring of the action plan, if deemed appropriate.

12 Appeals

Each victim has the right to appeal if they are dissatisfied with the way in which an ASB Case Review has been carried out, or with the decision on whether the threshold has been met; in line with the procedures covered in this policy. In Lincolnshire, appeals will be undertaken by the Community Safety Manager of another district council to

allow for an independent view (please refer to the **ASB Case Review Appeal Process Community Safety Manager Allocation** document referenced in Appendix 2 for details).

Appeals must be made using the **ASB Case Review Appeal Form** and must be submitted within 28 days. The 28 days will start from the date of either:

- the letter informing the applicant their application has not met the threshold for a case review.

OR

- the letter informing them of the outcome of a case review.

On receipt of the appeal the applicant will be sent an **ASB Case Review Appeal Acknowledgement Letter**. Appeals will be completed within 20 working days of the appeal being received. The victim will be notified of the outcome of the appeal ideally within 5 working days (using the **ASB Case Review Appeal Outcome Letter**).

The Community Safety Manager's role will be to consider due process and ensure that the panel has properly and effectively undertaken the review. In considering an ASB Case Review appeal the Community Safety Manager can either:

- Uphold the appeal and refer the case back to the local authority to review their decision that the threshold has not been met OR if in relation to a review, to the panel asking them to consider a particular policy or process, not previously considered (this could include the ASB Strategy, Countywide Procedures for Tackling ASB in Lincolnshire or ASB Case Management Minimum Standard Operating Procedures).

OR

- Determine that the panel has reviewed the case, considering all relevant policies, processes, and protocols to a satisfactory level, in line with the ASB Case Review Procedures.

An ASB Case Review cannot be appealed where a complainant is dissatisfied that a particular agency has not utilised a particular enforcement tool and where it has been established through the review that appropriate consideration has been given to the use of that tool but, having consideration of the facts and relevant protocols, that agency has determined that it would not be appropriate to utilise the enforcement tool.

The appeal process will essentially be a desktop review and will not involve hearings or meetings with victims, although the Community Safety Manager may consider meeting with victims in exceptional circumstances. The appeal process will be subject to periodic review to ensure that victim's interests are adequately considered.

An **ASB Case Review Appeals Process Checklist** has been created to support Community Safety Managers through the process and to ensure a consistent approach.

13 Monitoring of Action Plan

It is vital to the spirit of the process that the agreed actions are completed in the timeframe set out. Actions will be assigned to agency representatives (by the SPOC) by means of a Task from E-CINS. It is the responsibility of the agency's representative to complete their required actions and update the Task on E-CINS.

Where an action is not completed within the agreed timeframe the SPOC will contact the person assigned the action (via a Task). If the action remains outstanding for more than 3 weeks, the SPOC will escalate this to the assigned person's direct line manager. Outstanding actions that remain incomplete for more than 2 months will be escalated up, as appropriate within the relevant agency's senior management structure.

An action is not considered complete until the SPOC is informed. If it is no longer viable or if the action is no longer necessary because another course of action has resolved the case, then it is the responsibility of the person assigned the action to inform the SPOC. That person should also advise what the outcome was so that partners can agree further actions to be completed or whether to re-refer the case for discussion.

14 Future Applications

Where further ASB Case Review requests are received following a decision, these will be considered on their merit and may be allowed where there is a material change in the circumstances of the case.

Where multiple requests are received without good cause, the district council may refer to the '**Guidance on dealing with vexatious complainants**' or similar policy of the relevant organisation.

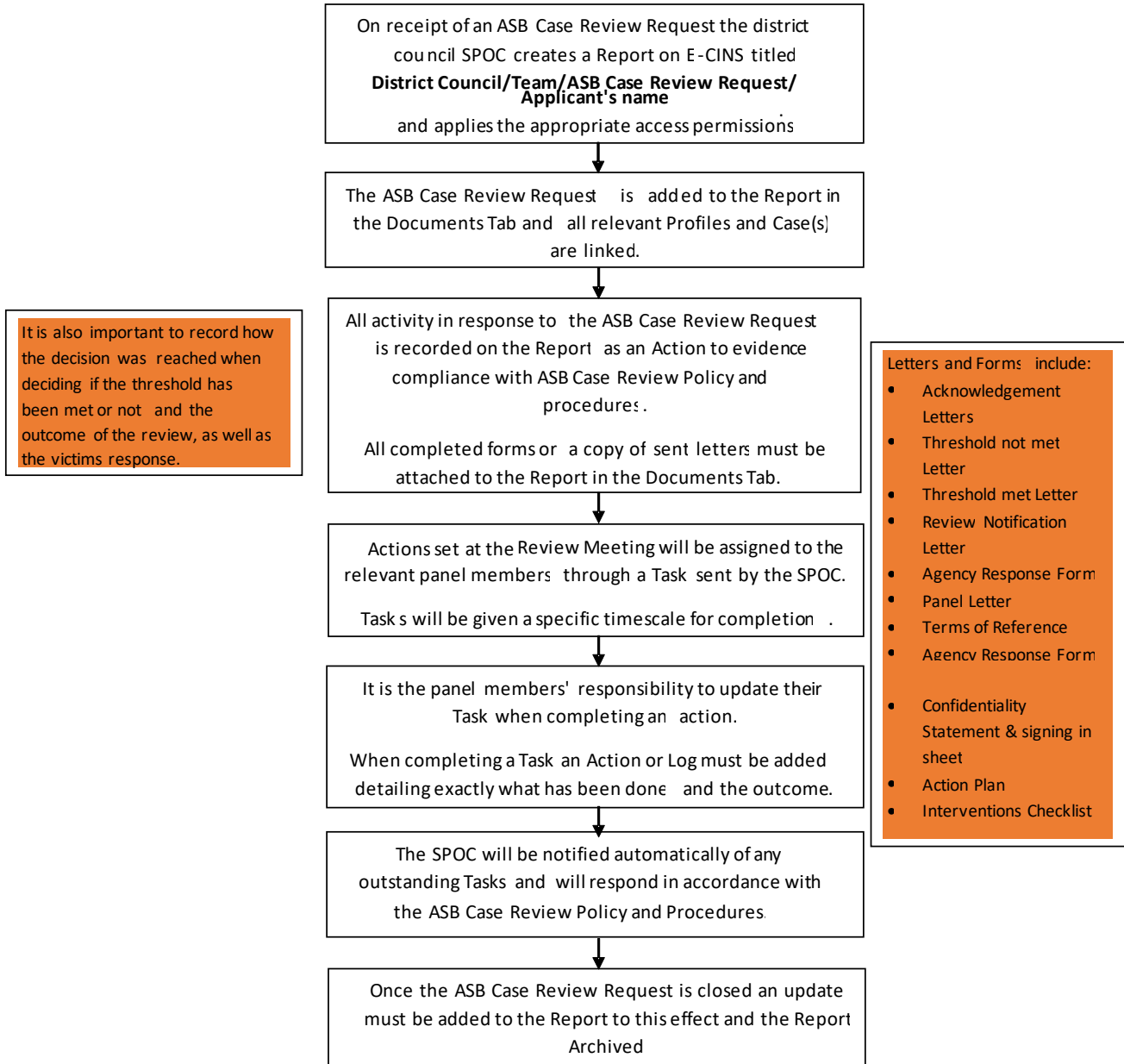
15 Publishing Data

Legislation states that relevant bodies must publish information covering:

- the number of applications for the ASB Case Review received
- the number of times the threshold for review was not met
- the number of ASB Case Review case reviews carried out
- the number of ASB Case Review case reviews that resulted in recommendation being made.

In Lincolnshire this information will be published on the websites of each District Council, on an annual basis.

Appendix 1: Recording ASB Case Reviews on E-CINS



Appendix 2: Supporting Documents

All the following documents are available on E-CINS Case **593958** which has been created to share the documents with the relevant agencies in Lincolnshire.

- ASB Case Review Request Form for Senior Managers
- ASB Case Review Acknowledgment Letter
- ASB Case Review Acknowledgement Letter (Third Party)
- ASB Case Review Acknowledgement Letter (For victim when application is via Third Party)
- ASB Case Review Victim Contact Form
- ASB Case Review Partner Agency Response Form
- ASB Case Review Threshold Decision Template
- ASB Case Review Threshold Not Met Letter
- ASB Case Review Threshold Met Letter
- ASB Case Review Victim Impact Form & Guidance
- Guidance for when applicants attend an ASB Case Review in person
- ASB Case Review Panel Agency Invite Letter
- ASB Case Review Panel Notification Letter
- ASB Case Review Chair's Pack
- ASB Case Review Terms of Reference
- ASB Case Review Confidentiality Statement and Signing in Sheet
- ASB Case Review Panel Meeting Notes & Action Plan (Example)
- ASB Case Review Panel Meeting Notes & Action Plan (Blank)
- ASB Case Review Informal & Formal Interventions Checklist
- ASB Case Review Panel Outcome Letter
- ASB Case Review Appeal Process Community Safety Manager Allocation
- ASB Case Review Appeal Form
- ASB Case Review Appeal Acknowledgement Letter
- ASB Case Review Appeal Outcome Letter
- ASB Case Review Appeal Process Checklist

Other supporting documentation:

- ASB Case Review Briefing Word Document
- ASB Case Review Template Agenda
- ASB Case Review Independent Chair List

The following are available on the Download Tab on the E-CINS Dashboard:

- Safer Lincolnshire Partnership ASB Case Review Policy and Procedures
- Guidance for dealing with vexatious complainants