

The Northumbria ASB Strategic Board

Community Trigger and ASB Case Review Procedure



KIM MCGUINNESS
NORTHUMBRIA
**POLICE & CRIME
COMMISSIONER**

violence
reduction
unit

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Table of Contents	Page
1. Introduction	3
2. Purpose	3
3. Who can activate a Community Trigger?	3
4. Anonymous Complaints	3
5. How can a Community Trigger be Activated?	4
6. Community Trigger Threshold	4
7. Acknowledging an activation of a Community Trigger and Written Consent	4
8. Information Sharing	5
9. Community Trigger ASB Case Review Panel	5
10. Community Trigger ASB Case Review Outcome	6
11. Escalation and Appeal	6
12. Unreasonably Persistent or Vexatious Applicants	6
13. Statistical Reporting	7
14. Assessment and Revision of Review Procedures	7
15. Further information	7
Appendix 1 - Community Trigger Process Flow Chart	8

1. Introduction

The vision:

Resolve ASB, reduce victims' risk and vulnerability, improve confidence

Relevant bodies are required to have a Community Trigger procedure (Part 6 Schedule 4 of the Anti-social Behaviour, Crime and Policing Act 2014) that will enable Community Trigger ASB Case reviews. In Northumbria the responsible bodies include:

- Local Authorities
- Northumbria Police
- Registered Social Landlords.

For the purpose of this procedure the OPCC is responsible for co-ordinating and administering the Community Trigger procedure on behalf of the six Community Safety Partnerships in Northumbria. Each Local Authority is responsible for convening and administering Community Trigger ASB Case Review Panels in their respective area once the threshold has been deemed to be met.

2. Purpose

This procedure sets out the actions taken when a victim (hereafter referred to as “the Applicant”) of anti-social behaviour activates a Community Trigger. For the purpose of this procedure “Anti-social Behaviour” means behaviour causing or likely to cause nuisance, annoyance, harassment, alarm or distress to any member of the public or which may have a detrimental effect on someone’s quality of life.

The aim is to offer a ‘safety net’ for Applicants and to help avoid individuals being passed between agencies without resolution, and ensure vulnerable victims are identified early and supported appropriately.

This procedure explains who can activate a Community Trigger and the threshold for cases that will be considered within the scope of this procedure. The steps taken and timescales involved when a Community Trigger is activated are outlined in Appendix 1: Community Trigger Process Flow Chart.

Northumbria’s Registered Housing Providers participate in the Community Trigger process through co-option arrangements.

3. Who can activate a Community Trigger?

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 Community Trigger process. Applicants will be offered the services of interpreters, translators, and signers if required to facilitate effective communication. Reasonable arrangements will also be made to assist where technology may present a barrier.

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

4. Anonymous Complaints

When activating a Community Trigger, Applicants will be reassured that their details will not be passed onto any third party without their consent and that details of their application will not be shared with any alleged perpetrators of the ASB.

If an Applicant will not provide their contact details and insists on remaining completely anonymous, the complaint will be considered as invalid for the purpose of the Community Trigger. There would be limitations in validating the incidents referred to in the application and no way of assessing their vulnerability or providing feedback to the Applicant.

5. How can a Community Trigger be activated?

- By completing an online form on the OPCC's website
- By writing to the OPCC
- By telephoning the OPCC
- By emailing the OPCC

6. Community Trigger Threshold

The Community Trigger threshold is met when;

- a) an application for a Community Trigger is made; and
- b) at least three qualifying complaints have been made about the anti-social behaviour and/or
- c) the victim of the ASB is considered to be 'high-risk'¹.

A complaint of anti-social behaviour could be made to the same or different organisations such as Northumbria Police, the Local Authority, Registered Housing Providers.

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

- a) the complaint is made within one month from when the behaviour is alleged to have occurred; and
- b) the Community Trigger is activated within six months from the date of the complaint about the ASB.

Each of the individual qualifying complaints must have been reported within one month of each incident occurring.

If part (b) is not met, the following will also be considered when determining if the Community Trigger threshold is met;

- 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

What would not be a Community Trigger?

The Community Trigger case review does not review anti-social behaviour cases which have been resolved. It focuses on cases where anti-social behaviour is happening now. It also does not consider complaints about service delivery. For example, a complaint about an individual member of staff.

7. Acknowledging the Community Trigger, Risk Assessment and Consent to Share Information

Within 3-5 working days of receiving a Community Trigger activation, the OPCC will contact the

¹ As assessed on the agreed Northumbria common Risk Assessment Matrix

Applicant and undertake a Victim Risk Assessment to establish the level of risk or vulnerability experienced by the Applicant.

If consent has not been given by ticking the relevant box on the Community Trigger online form, the officer will also request that the Applicant gives consent to share information relevant to their Application with the named agencies who will form the Community Trigger ASB Case Review Panel and the third party if applicable.

Where disclosures are made relating to safeguarding matters or concerns, the Applicant will be advised of the OPCC's duty of care and that this information will be shared with relevant agencies even in instances where no formal consent is given.

The OPCC will advise the Applicant that they will be informed of whether the threshold is met within 15 working days.

Where the threshold is met the Applicant will be informed, in writing by the OPCC, that their case will progress to a Community Trigger ASB Case Review wherein a multi-agency panel will review it.

If the threshold has not been met, the Applicant will be informed, in writing by the OPCC, and given details of services offering support and/or provided with any appropriate advice, such as how incidents of ASB should be reported in the future.

8. Information Sharing

Upon receipt of the written consent the OPCC will write to appropriate agencies, providing a copy of the Applicant's activation of the Community Trigger and ask them to provide relevant information. The OPCC will request that agencies provide information within 10 working days, unless the case is complex when there will be an extended timeframe agreed. Where Applicants are deemed high risk there will be an expedited Community Trigger ASB Case Review process so it is likely the information will be presented by each responsible body at the Panel meeting (see section 9 below).

Relevant information will be provided by the Local Authorities, Northumbria Police, Clinical Commissioning Groups², Fire and Rescue Services, Probation and Registered Housing Providers (through co-option arrangements) for the purpose of Community Triggers if the information is held, unless disclosure of the information would;

- a) contravene the Data Protection Act 2018 (GDPR), or
- b) contravene Part 1 of the Regulation of Investigatory Powers Act 2000, or
- c) breach the confidence owed by the person making the disclosure or,
- d) breach any other restriction on the disclosure of information (however imposed).

Information may also be requested and shared by other agencies or organisations such as third sector services or General Practitioners if consent is provided by the Applicant and the information is considered relevant for the purpose of the Community Trigger ASB Case Review (and restrictions on the disclosure of the information do not apply).

9. Community Trigger - ASB Case Review Panel

The co-ordination and administration of Community Trigger ASB Case review Panels will be the responsibility of the local Community Safety Partnership in whose area the case arises.

² Where consent is given by the applicant

Where Applicants are deemed high risk this will automatically meet the threshold, in these cases the OPCC SPOC will email designated staff within 1 working day from establishing risk for threshold confirmation; threshold confirmation will be emailed back within 3 working days, the OPCC SPOC will advise the victim that the threshold is met within 3 working days of confirmation, and the ASB Case review panel will take place within 5 working days from the victim being told that the threshold is met³.

For other (non-high risk) cases where the threshold is met the Community Trigger ASB Case Review will take place within 10 working days of advising the victim that the threshold has been met.

The information received will be reviewed by the Community Trigger ASB Case Review Panel, involving the relevant bodies and any other agencies or professionals bespoke to the application received.

Officers attending the Community Trigger ASB Case Review panel should be independent to any work undertaken in relation to the qualifying complaints subject to review, for example the operational officer involved in the case would not attend but their supervision (Manager, Inspector) would be acceptable. For complete transparency and victim confidence and reassurance each Community Safety Partnership should consider the use of a completely independent chair for the panels, an Independent Chair would be an individual from an agency outside of those who have been involved in the case.

The OPCC's ASB Champion (or other suitable deputy) should be invited to the panels so that they can understand and champion the rights and needs of ASB victims in an appropriate and proportionate way.

The Community Trigger ASB Case Review Panel will make every attempt to meet in person, but virtual meetings will be accepted. They must also give the Applicant the opportunity to participate, either by personally joining the start of the panel meeting and/or submitting an impact statement to be read out to the panel members⁴. Consideration should be given to asking the Applicant to provide no more than 10 questions that they would like written answers to in respect of their case.

In urgent cases the Community Trigger ASB Case Review Panel may correspond through email.

The Community Trigger ASB Case Review Panel functions are to;

- Share relevant information
- Undertake Community Trigger ASB Case Reviews within an agreed timeframe
- Identify a lead agency for the case
- Identify any actions and develop an Action Plan
- Ensure actions delegated to them or their agency are undertaken
- Communicate with the Applicant

Outcomes of Community Trigger ASB Case Reviews will be reported to the local Community Safety Partnership and OPCC. The OPCC as the SPOC for the Community Trigger will be responsible for collating the data and publishing it on the OPCC website. Relevant bodies, on their website, can then provide a link to the relevant part of the OPCC website.

10. ASB Case Review Outcome

The Community Safety Lead in the relevant Local Authority, will write to the Applicant on behalf of the relevant Community Safety Partnership within 28 working days of the panel taking place to inform the

³ It is accepted that this initial meeting may focus on sharing and managing the risk and a follow-up meeting may be required to fully explore the case details and develop an action plan.

⁴ Reasonable arrangements should be made to assist where technology may present a barrier.

Applicant of the outcome of the review, unless the case is complex when there will be an extended timeframe agreed.

The letter will include an action plan specifying the actions that will be taken within defined timescales and state the lead agency responsible for the case and the agency responsible for each action.

Completing and reviewing the agreed actions will be the responsibility of the agency named within the action plan.

The letter will include a right to appeal wherein within 28 working days they can request a further review. The appeal review will be undertaken by the organisations who sit on the local Community Safety Partnership Board and who are independent to the decisions made through the original Community Trigger ASB Case Review Panel. The Appeal review will take place and the outcome provided to the Applicant within 28 working days unless the case is particularly complex when the Applicant will be informed of a revised timeframe. To activate an appeal the Applicant should write to the local Community Safety Partnership, who will notify the OPCC Community Trigger SPOC that an appeal has been received.

11. Escalation and Strategic Appeal Review

If an Applicant is still dissatisfied with the response to their Community Trigger activation, the Community Trigger ASB Case Review and initial appeal review outcome and/or how the case reviews have been carried out, there is a further right to appeal to request a further final strategic review; this will be undertaken by the Strategic ASB Board and will involve officers from the relevant agencies who are more senior to those that completed the initial appeal review. The Applicant will need to request the further Strategic Appeal Review by writing to the OPCC within 28 working days. The request will be acknowledged within 3-5 working days and a final response provided, by the OPCC, within 28 working days of the request for the strategic appeal review, unless the case is particularly complex when the Applicant will be informed of a revised timeframe.

The outcome of the Strategic Appeal Review is final. The Applicant has no further opportunity to challenge the decisions made within the Community Trigger process.

The Community Trigger does not replace an organisation's own complaints procedures. If a Community Trigger ASB 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 Ombudsman or Independent Office of Police Complaints.

12. Unreasonably Persistent or Vexatious Applicants

It is possible that after a Community Trigger ASB Case Review there may be successive and unreasonable Community Trigger activations from the same Applicant.

Applicants can activate the Community Trigger a second time if there have been a 'new set' of incidents and each of the incidents are "qualifying complaints."

If, in the opinion of the Community Trigger ASB Case Review Panel any Applicant appears to be unreasonably persistent or vexatious, the Panel will refer the matter to the ASB Coordination Group who will make the final decision about whether the Applicant should be referred to the most appropriate relevant bodies' vexatious or unreasonably persistent complainants' policy.

13. Statistical Reporting

Every 12 months, beginning in January 2023, the OPCC, on behalf of the Strategic ASB Board and the members thereof, will publicise the following information regarding Community Trigger ASB Case Reviews relating to the previous six month period;

- (a) the number of Community Trigger activations received;
- (b) the number of times the threshold was not met;
- (c) the number of ASB Case Reviews carried out;
- (d) the number of ASB Case Reviews carried out that resulted in recommendations being made

The relevant bodies will provide a link to the OPCC Community Trigger webpage on their individual websites.

14. Assessment and revision of review procedures

The Strategic ASB Board will ensure an annual review involving the relevant bodies is conducted. The review will concentrate on the effectiveness of the Community Trigger procedures and the revision of the procedures.

15. Further information

- Anti-Social Behaviour, Crime and Policing Act 2014
www.legislation.gov.uk/ukpga/2014/12/contents/enacted
- Anti-Social Behaviour, Crime and Policing Act 2014: Reform of anti-social behaviour powers – Statutory guidance for frontline professionals
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/956143/ASB_Statutory_Guidance.pdf

Appendix 1

Community Trigger request made to single point of contact (SPOC)

Victim(s) will be contacted. A Victim Risk Assessment Matrix will be completed and consent to share information confirmed. Victims will receive a standardised acknowledgment / holding response outlining the next steps and the proposed timescales.

3-5 Working Days

Standardised information gathering exercise co-ordinated by SPOC. Research templates issued to relevant partner agencies to ascertain relevant details/facts and actions undertaken that relate to issues raised in Community Trigger.

10 Working Days

Agencies provide information

Threshold / Criteria Applied:

- Three complaints from an individual victim about same problem, over a six-month period; or
- Victim(s) identified as 'high-risk' through Vulnerable Victims Risk Assessment, within six-month period.

25 Working Days

5 Working Days

SPOC confirm threshold met

Threshold NOT Met

Threshold Met

Standard response is provided to victim from the SPOC with:
 1. Signposting for support services.
 2. Details of how to request a review/appeal.
 Case referred to partner agencies for information.

Standard response to victim from the SPOC advising their case is progressing to an ASB Case Review Panel and inviting them to participate.

Community Trigger ASB Case Review Panel convened
 Information sharing and case discussion. Safety planning and actions agreed

28 Working Days

Formal response is provided to victim(s) and CT SPOC

Victim(s) decide to appeal Community Trigger/Panel decision to local CSP. CSP notify CT SPOC an appeal has been received.

Review undertaken by CSP

28 Working Days

Formal response provided to victim(s) and CT SPOC

Victim(s) decide to appeal review decision and action plan to OPCC

28 Working Days

CT strategic review undertaken by Strategic ASB Board

28 Working Days

Formal response provided to victim(s) and CT SPOC

*High risk cases automatically meet the threshold so the SPOC will email designated managers/staff within 1 working day from RAM, threshold confirmation will be emailed back within 3 working days, the SPOC will advise the victim of the threshold met within 3 working days, and the ASB Case review will take place within 5 working days from the victim being told that the threshold is met. Initial meeting may be risk focused with follow-up meeting to fully explore the case details and develop an action plan.