The Northumbria ASB Strategic Board

ASB Case Review Procedure

Produced by Northumbria Police and the OPCC

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1. Introduction

The vision:

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

The overall aims of this guidance are to provide the best possible service to people who are experiencing ASB and to reduce and, where possible, prevent the recurrence of ASB.

Relevant bodies are required to have an ASB Case Review procedure (Part 6 Schedule 4 of the Anti-social Behaviour, Crime and Policing Act 2014) that will enable 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 administrating the ASB Case Review procedure on behalf of the six Community Safety Partnerships in Northumbria. Each Local Authority is responsible for convening and administering ASB Case Review Panels in their respective area once the threshold has been deemed to be met.

The Strategic ASB Board is working towards arrangements to include the Integrated Care Board (ICB), formerly the Clinical Commissioning Group (CCG).

2. Purpose

The purpose of this document is to ensure a consistent approach to managing ASB Case Reviews and appeals in Northumberland, Tyne and Wear on behalf of the Northumbria Strategic ASB Board.

This document aims to complement local ASB Case Review guidance documents prepared by the relevant Community Safety Partnership.

It also draws upon the statutory guidance produced by the Home Office, March 2023 version, Anti-social behaviour powers: statutory guidance for frontline professionals (accessible) - GOV.UK (www.gov.uk)

This procedure sets out the actions taken when a victim (hereafter referred to as "the Applicant") of anti-social behaviour activates an ASB Case Review. 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 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 ASB Case Review is activated are outlined in Appendix 1: ASB Case Review Process Flow Chart.

Northumbria's Registered Housing Providers participate in the ASB Case Review process through co-option arrangements.

We recognise that there will be occasions when activating the ASB Case Review where individual circumstances are not detailed in this procedure. Taking into account advice from the Local

Government Ombudsman, the agencies who are part of this process are in agreement to exercise this procedure in a flexible manner, which prevents injustice to applicants whose circumstances place them at a disadvantage, and to remove barriers, as much as practicably possible, in assisting applicants through this process.[1]

3. Roles and Responsibilities

The 'relevant bodies' are statutorily responsible for carrying out the duties covered by this procedure and all decisions made on Case Reviews and Appeals are made on their behalf.

The statutory guidance also says;

"The local Police and Crime Commissioner must be consulted when the ASB Case Review procedure is set up and whenever it is reviewed"

and

"the Police and Crime Commissioner can be involved directly in the procedure, for example by

- auditing previous case reviews;
- promoting awareness of the ASB Case Review and the relevant processes;
- attending ASB Case Review meetings as an independent party;
- Convening the relevant bodies to undertake the ASB Case Review;
- providing a route for victims to query the decision on whether the threshold was met or the way in which the review was carried out; or
- monitoring use of the ASB Case Review to identify any learning and best practice to share more widely"

4. Who can activate 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 and engagement with Applicants is an important part of the ASB Case Review process. Where requested or appropriate, applicants will be offered reasonable adjustments such as, online or face to face meetings, preferred contact methods or the services of interpreters, translators, and signers if required to facilitate effective communication and engagement. 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.

5. Anonymous Complaints

When activating an ASB Case Review, 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.

[1] Focus report - Antisocial behaviour - August 2023 (lgo.org.uk)

If an Applicant will not provide their contact details and insists on remaining completely anonymous, in most cases, the complaint will be considered as invalid for the purpose of the ASB Case Review. 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.

Where an anonymous application is received and an alleged perpetrator and area can be identified, the OPCC will notify the relevant CSP of the details for their consideration.

Where possible Applicants will be reminded that they can report ASB incidents anonymously via Crimestoppers who can take information about ASB if it is serious, criminal or causing a risk to a person.[2]

6. How can an ASB Case Review 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

7. Northumbria ASB Case Review Threshold

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

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 ASB Case Review 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 ASB Case Review 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

A complaint is considered as having been reported where there is an auditable record of it having

being received by the relevant body. This may include, but is not limited to calls to central reporting centres such as police call handlers or Local Authority call centres as well as, text messages, emails, online forms, calls to any member of staff or direct face to face reporting.[3]

What would not be an ASB Case Review?

An ASB Case Review is not a complaints procedure, it's primary purpose is to bring together agencies connected to an ASB case to determine if there is any further actions that can be taken to resolve the

[2] Keeping Your Community Safe from Antisocial Behavior | Crimestoppers (crimestoppers-uk.org)
[3] The National Standard for Incident Recording NSIR 2011 (publishing.service.gov.uk)

ASB; in addition to seeking a resolution the appeals process will review the way the ASB CR has been conducted.

The ASB Case Review does not consider and cannot review;

- Complaints about service delivery. For example, a complaint about an individual member of staff.
- A CPS decision
- The outcome of court proceedings

There are a number of other similar processes but these are completely separate of each other and cannot be combined; for example, Northumbria Police Professional Standards would not address the points raised at the ASB Case Review panel.

An explanation of these processes can be found below:

- **CPS Victim Right to Review (VRR) –** gives a victim the right to ask the Crown Prosecution Service (CPS) to review certain decisions they have made such as not to start a prosecution or to stop a prosecution. If a new decision is required, it may be appropriate to institute or reinstitute criminal proceedings. It is important to note that the "right" referred to in the context of the CPS VRR scheme is the right to request a review of a final decision. It is not a guarantee that proceedings will be instituted or reinstituted.
- **Police Victim Right to Review (VRR)** – gives victim the right to ask police to review a police decision not to charge a subject in respect of a specific offence. Further details can be found here: Victims' Right to Review Scheme | Northumbria Police
- **Police Complaints (Professional Standards – PSD) –** deals with reports of inappropriate behaviour/conduct, corruption or abuse of power. Members of the public can also complaint about how a police force is run, policing standards or policy. Further details can be found here: Complaints | Northumbria Police
- **Local Authority Corporate Complaints** – will deal with issues where Local Authority residents feel they haven't received the service they expected from the council. It is a staged process with a final option to go to the Local Government Ombudsman if still dissatisfied.
- **Registered Social Landlord Complaints –** will deal with issues where Tenants of Registered Social Landlords feel they haven't received the service they expected from their Landlord. It is a staged process with a final option to go to the Housing Ombudsman if still dissatisfied.

8. Acknowledging the ASB Case Review, Risk Assessment and Consent to Share Information

The preferred method to activate the ASB Case Review procedure is to complete an online application form via the OPCC website.

Where this is not the applicants preferred method to activate, the OPCC will assist in the completion of the form detailing the required information.

Where the OPCC is alerted to an activation request other than an online form, they will contact the applicant within 5 working days to assist in the completion of the form.

Within 5 working days of receiving a completed ASB Case Review application, the OPCC will alert the relevant bodies and request information to assess if the threshold has been met. An acknowledgement, containing details of their case reference number, will also be sent to the applicant.

Agencies should return the requested information within 10 working days, unless the case is complex when there will be an extended timeframe agreed.

If consent has not been given by ticking the relevant box on the application form, the OPCC will also request that the Applicant gives consent to share information relevant to their Application and the progression of the ASB Case Review.

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 multi-agency ASB Case Review Panel, and the designated lead within the Local Authority Area will be in touch with the Applicant within 10 working days to confirm arrangements and undertake a suitable and sufficient risk assessment.

Where the victim is considered to be high risk, a risk mitigation conversation between appropriate agencies will take place within 5 working days. This could be face to face, over the phone, via email or online.

If the threshold has not been met, the Applicant will be informed, in writing by the OPCC, and where appropriate, 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.

It is incumbent on anybody working within this procedure who becomes aware of new and unmitigated risks to victims to communicate these to appropriate colleagues and/or partners as soon as practicably possible. Risk should be reassessed after every reported incident. This may not involve the completion of a full formal risk assessment matrix when incidents represent 'more of the same'.

9. Information Sharing

Consent is required from the applicant in order to process an application.

Upon receipt of consent the OPCC will write to relevant bodies, providing a copy of the application form and ask them to provide relevant information.

The ASB Crime and Policing Act 2014 Statutory Guidance states:

"If the request is made to a person who exercises public functions and they possess the information, they must disclose it. The only exception to that is where to share the information, which would be either:

- *a disclosure of personal data in contravention of any of the provisions of the data protection legislation which are not exempt from those provisions, or"*
- *a disclosure which is prohibited by any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016.*

Other than these two exceptions, disclosing information for the ASB Case Review does not breach any obligation of confidence or any other restriction on the disclosure of information."

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 ASB Case Review (and restrictions on the disclosure of the information do not apply).

10. ASB Case Review Panel

The convening, facilitation and administration of ASB Case review Panels will be coordinated by the local Community Safety Partnership in whose area the case arises, in line with their local processes.

The nominated Local Authority Lead will review the request and confirm that it meets the threshold set out in the statutory guidance. In the event of any query they will liaise with OPCC colleagues to resolve the issue.

A Panel will be convened as soon as is practicable and in within 28 working days, unless the case is particularly complex when the Applicant will be informed of a revised timeframe.

The Panel Chair will invite to the meeting, as Panel members and decision-makers, appropriate officers from Local Authority, Northumbria Police, the ICB if they or NHS providers have had any significant role in the case, and from any provider of social housing who is the landlord of either the victim or any perpetrator. These Panel members must be individuals who have not been personally involved in the case previously, but they may be the line managers of those who have been involved.

If it appears to the Local Authority Lead that there has been insufficient time to address the ASB incidents identified by the victim in requesting a Case Review they will formally convene the Panel, usually by email or MS Teams, and seek the Panel's agreement to adjourn until a date by which it is reasonably expected that the appropriate agencies will have had time to address the incidents.

The Local Authority Lead will also invite the victim and any companion or advocate they wish to bring. The victim will be offered the choice of an in person or virtual meeting, unless a health emergency dictates virtual meetings only. The victim will be invited to complete a Victim Impact Statement and to submit a list of up to 10 questions relevant to their case, which they would like the Panel to answer. These should be submitted at least 48 hours before the Panel is due to meet. The victim part of the session will last no more than 30 minutes, subject to local arrangements.

If MS Teams is used for the meeting the recording function will only be used with the consent of all present, and then only for the purpose of assisting with the compilation of the meeting record, and any recording will be deleted as soon as the written record is complete.

The Local Authority Lead may also invite any personnel with previous involvement in the case whose presence is required in order to ensure that Panel members are properly informed about the handling of the case to date to attend at a later time, usually 30 minutes after the appointed time for the victim, subject to local arrangements.

In any cases where perpetrators under the age of 18 are identified then the Youth Justice Service should be invited, regardless of whether they are working with the individuals(s) in question (in accordance with the statutory guidance, see link at 1.3 above). If other agencies such as Probation or Social Care are known to be involved with either the victim or the perpetrator then consideration should be given to inviting them. In any cases where general youth disorder is part of the issue then consideration should be given to inviting any relevant youth work providers. The record of the meeting will clearly distinguish between those who are 'Present', as decision-makers, and those who are 'In attendance' to inform the decision-makers.

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

The focus of the Panel will be ensuring the victims voice is heard, addressing the ASB and resolving the case to the satisfaction of the victim, whenever possible and in line with the legislation and statutory guidance.

The ASB Case Review Panel functions are to;

- Share relevant information
- Undertake 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

11. ASB Case Review Outcome

The Panel Chair will write to the Applicant on behalf of the relevant Community Safety Partnership within 10 working days of the panel taking place to inform the 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 identified Lead Agency will be responsible for keeping the victim updated on progress of the action plan.

Once all actions are complete/are no longer appropriate, the Panel will collectively agree to close the ASB Case Review Process and a letter will be sent to the victim advising of this.

The letter will include a right to appeal wherein within 28 working days they can request a further review where appellant can show reasonable grounds for an appeal to be considered.

The OPCC should be kept updated throughout and the final outcome reported on the relevant documents within 10 working days.

12. Escalation and Appeal

To activate an appeal the appellant should write to the local Community Safety Partnership outlining the grounds for an appeal.

These ground may include any errors of fact made by the Case Review panel and/or failure to by the Case Review panel to operate in accordance with the agreed procedure or the rules of natural justice. There is no right of appeal simply because the would-be appellant disagrees with the decision(s) made by the Case Review panel. Each of the six Community Safety Partnerships (CSPs) in Northumbria is responsible for agreeing its own appeal procedure.

The grounds for appeal for victims who are dissatisfied with the outcome of their case review are;

- The ASB Case Review process has failed to consider a relevant process, policy or protocol.
- The ASB Case Review process has failed to consider relevant factual information such as you have made three or more reports, or there are vulnerabilities or certain circumstances that should be taken into consideration when making the threshold assessment.

The decision on whether or not a would-be appellant has identified adequate grounds for an appeal to be considered will be determined by the local nominated representative of the Community Safety Partnership.

Appeal Panels will be convened in accordance with the same principles as Case Review Panels. The decision-makers will be at a more senior level than the Case Review Panel Members from their organisations. The OPCC will be invited to attend in an advisory capacity, although it is recognised that

they may not be able to attend every Appeal Panel, depending on numbers across Northumbria. Consideration should be given to inviting input from other Community Safety Partnerships in order to ensure independence, spread good practice and new ideas. The officer who chaired the Case Review Panel will also be invited.

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.

Outcomes of ASB Case Reviews and appeals will be reported to the local Community Safety Partnership and OPCC.

The outcome of the ASB Case Review Appeal is final, there is no further opportunity to challenge the decisions made within the ASB Case Review process and this process does not replace an organisation's own complaints procedures.

Where an applicant's ASB Case Review has been completed and they are still 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

13. Unreasonably Persistent or Vexatious Applicants

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

Applicants can activate the ASB Case Review 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 local designated CSP representatives (Local Authority and Police) any Applicant appears to be unreasonably persistent or vexatious, they will notify the applicant and refer to the most appropriate relevant bodies' vexatious or unreasonably persistent complainants' policy and notify the OPCC.

Further Applications

Applications will be rejected if they are considered to be repetitious, or if they are prejudicial, discriminatory, malicious, unreasonable, vexatious or frivolous.

Where a further application is submitted by the same applicant, it will be considered to determine if it is substantially the same as the previous application. Information will be requested from the Relevant Bodies organisations and other agencies with whom the applicant has had contact in order to inform this consideration.

Where it is considered that it is not substantially the same, the application will be considered by the Relevant Bodies.

Where it is considered that it is substantially the same, the Relevant Bodies will be advised that an application has been received which is substantially the same as the previous application. The Relevant Bodies will not apply the threshold test and the application will not proceed.

14. Statistical Reporting

The OPCC as the SPOC for the ASB Case Review Process will be responsible for collating the data and outcomes 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.

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 ASB Case Reviews relating to the previous six month period;

(a) the number of ASB Case Review 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 ASB Case Review webpage on their individual websites.

15. 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 ASB Case Review procedures and the revision of the procedures.

16. Further information

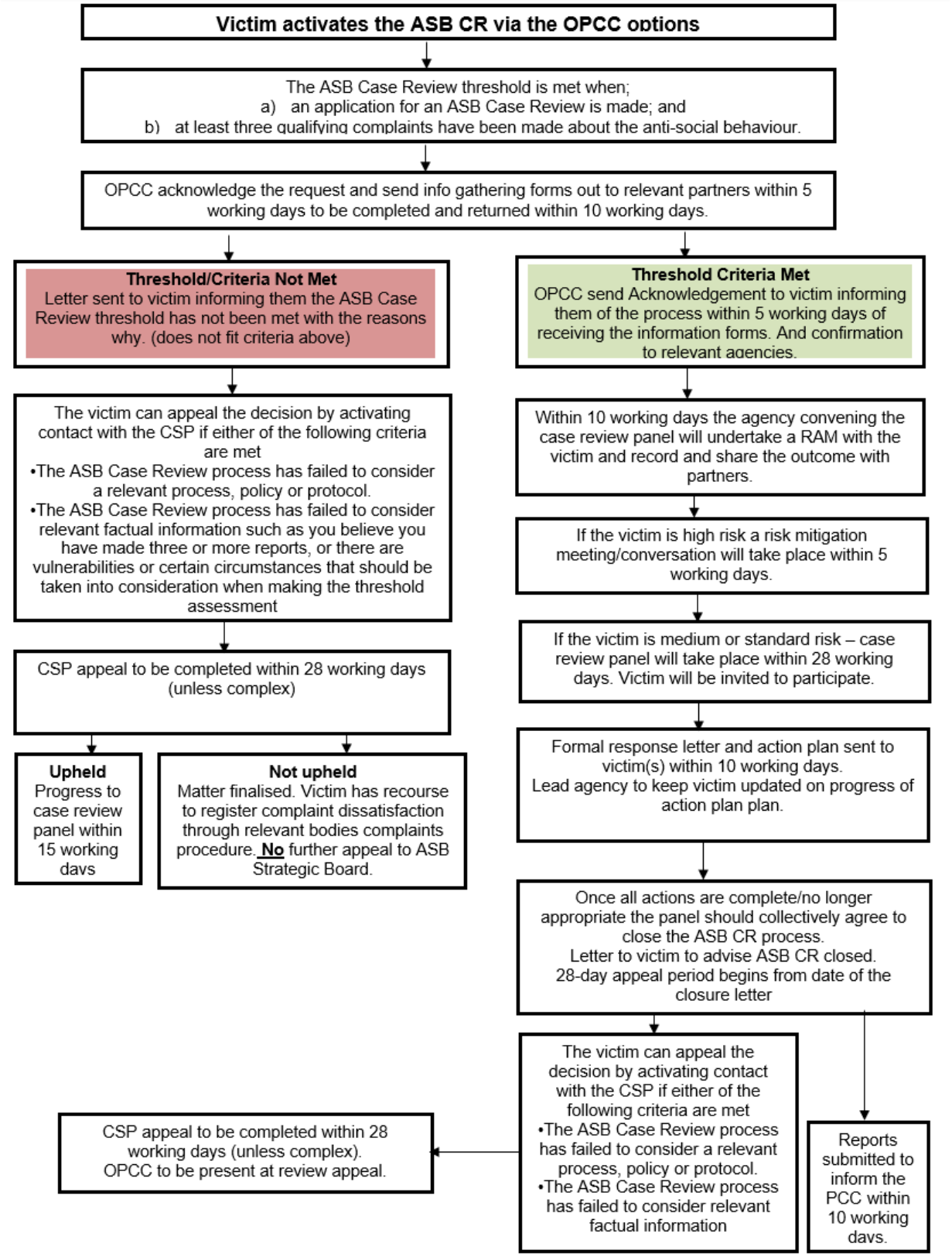
- Anti-Social Behaviour, Crime and Policing Act 2014

  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


Victim activates the ASB CR via the OPCC options
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.
OPCC acknowledge the request and send info gathering forms out to relevant partners within 5 working days to be completed and returned within 10 working days.
Threshold/Criteria Not Met
Letter sent to victim informing them the ASB Case Review threshold has not been met with the reasons why. (does not fit criteria above)
The victim can appeal the decision by activating contact with the CSP if either of the following criteria are met
•The ASB Case Review process has failed to consider a relevant process, policy or protocol.
•The ASB Case Review process has failed to consider relevant factual information such as you believe you have made three or more reports, or there are vulnerabilities or certain circumstances that should be taken into consideration when making the threshold assessment
CSP appeal to be completed within 28 working days (unless complex)
Upheld
Progress to case review panel within 15 working days
Not upheld
Matter finalised. Victim has recourse to register complaint dissatisfaction through relevant bodies complaints procedure. No further appeal to ASB Strategic Board.
Threshold Criteria Met
OPCC send Acknowledgement to victim informing them of the process within 5 working days of receiving the information forms. And confirmation to relevant agencies.
Within 10 working days the agency convening the case review panel will undertake a RAM with the victim and record and share the outcome with partners.
If the victim is high risk a risk mitigation meeting/conversation will take place within 5 working days.
If the victim is medium or standard risk – case review panel will take place within 28 working days. Victim will be invited to participate.
Formal response letter and action plan sent to victim(s) within 10 working days.
Lead agency to keep victim updated on progress of action plan plan.
Once all actions are complete/no longer appropriate the panel should collectively agree to close the ASB CR process.
Letter to victim to advise ASB CR closed.
28-day appeal period begins from date of the closure letter
The victim can appeal the decision by activating contact with the CSP if either of the following criteria are met
•The ASB Case Review process has failed to consider a relevant process, policy or protocol.
•The ASB Case Review process has failed to consider relevant factual information
Reports submitted to inform the PCC within 10 working days.
CSP appeal to be completed within 28 working days (unless complex).
OPCC to be present at review appeal.