

ANTI-SOCIAL BEHAVIOUR CASE REVIEW

Guidance and procedures



ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

The new Anti-Social Behaviour, Crime and Policing Act 2014 came into being in October 2014. It is designed to give residents and communities a say in the way anti-social behaviour is dealt with by agencies and introduces 'Anti-Social Behaviour Case Reviews' (also referred to as 'Community Triggers').

This means that residents and communities of Plymouth, who are suffering the effects of anti-social behaviour, can request an Anti-Social Behaviour Case Review if they feel that agencies have not adequately responded to their previous complaints, and where the case meets the locally defined 'threshold'.

WHAT IS THE DEFINITION OF ANTI-SOCIAL BEHAVIOUR?

For the purpose of Anti-Social Behaviour Case Reviews, anti-social behaviour is defined as:

“Behaviour causing harassment, alarm or distress to a member, or members, of the public.”

However, when deciding whether the threshold is met, agencies should consider the harm or potential harm caused to you, rather than rigidly deciding whether each incident reached the level of harassment, alarm or distress.

HOW TO REPORT ANTI-SOCIAL BEHAVIOUR

You can report anti-social behaviour via the Police 101 number or online by completing the form at <http://www.plymouth.gov.uk/spreortasb.htm> or by emailing asbu@plymouth.gov.uk. Please refer to the booklet http://www.plymouth.gov.uk/anti-social_behaviour_leaflet.pdf for our processes and links to other agencies.

WHAT IS THE 'THRESHOLD' FOR AN ANTI-SOCIAL BEHAVIOUR CASE REVIEW?

A complaint qualifies if:

- The incident of anti-social behaviour was reported to the Police within a month of the alleged behaviour taking place; **and**
- The application to use the ASB Case Review is made within six months of the report of anti-social behaviour

The threshold is three separate 'qualifying' complaints of anti-social behaviour within a six month period. An Anti-Social Behaviour Case Review can also be requested by you where one complaint of hate crime where you feel that agencies have not adequately responded to the complaint.

WHEN CAN'T I REQUEST AN ANTI-SOCIAL BEHAVIOUR CASE REVIEW?

You can't request an ASB case review if:

- You are reporting that you are unhappy that an agency has not either considered or used an enforcement tool because the agency considered it would be inappropriate, **or**
- It is an 'open' anti-social behaviour case, or the case is still being investigated by an agency, **or**
- The complaint relates to an individual – in this case you should use the Complaints Procedure of the organisation you are complaining about

CAN I ASK SOMEONE TO ACTIVATE AN ANTI-SOCIAL BEHAVIOUR CASE REVIEW ON MY BEHALF?

The Anti-Social Behaviour Case Review can be activated on your behalf by, for example, a family member, friend, carer, Councillor, MP or professional person, providing written consent has been given by you.

HOW CAN I BEGIN AN ANTI-SOCIAL BEHAVIOUR CASE REVIEW?

Ring the Police 101 number and you will be asked if you wish to raise an ASB case review if you have three qualifying complaints. If you do, the call handler will record the details and forward the form to the Community Safety and Partnerships Manager (referred to as the 'Single Point of Contact' (SPOC) for this process) on your behalf. Alternatively you can complete the form on line at <http://www.plymouth.gov.uk/antisocialbehaviour> which will go directly to the SPOC

WHERE SHOULD I SEND A REQUEST FOR AN ANTI-SOCIAL BEHAVIOUR CASE REVIEW BY POST?

Requests for Anti-Social Behaviour Case Reviews should be sent to:

Sue Warren
 Community Connections Technical Lead (Safer Communities)
 Plymouth City Council
 Ballard House, West Hoe Road
 Plymouth PL1 3BJ
 Email: communityconnections@plymouth.gov.uk

HAS THE THRESHOLD BEEN MET?

The SPOC will ask the relevant Crime and Anti-Social Behaviour Officer for your area to determine whether the threshold has been met ie that:

- There are three qualifying complaints of anti-social Behaviour, or one of hate crime, within six months of the application for a review; and
- That each incident was reported within one month of the alleged behaviour taking place.

Plymouth City Council will respond to you within 10 working days to let you know if the threshold has been met. If it has not, you may wish to appeal this decision

WHAT HAPPENS IF THE THRESHOLD IS MET?

In cases where the threshold is met, agencies including Plymouth City Council, the Police, the Clinical Commissioning Group and registered housing providers have a duty to undertake an Anti-Social

Behaviour Case Review. This involves a Review Panel to take a problem-solving approach to find a solution for you. A review is not intended to apportion blame or provide formal accountability. If it has met the threshold, we will inform you that we will be contacting other agencies.

If the threshold has been met, the Crime and Anti-Social Behaviour Officer will send an information request to the relevant agencies for details of the case, along with the response to each of the identified qualifying complaints.

WHAT IF I AM FEELING VULNERABLE – WHAT SUPPORT CAN I GET?

If you are reporting incidents of anti-social behaviour for a case review and are feeling vulnerable, let us know, we can refer you to our Anti-Social Behaviour Vulnerable Victim Service. It will provide emotional and practical support for you.

HOW WILL YOU USE MY PERSONAL DETAILS AND ANY OTHER INFORMATION I PROVIDE?

The information you provide on the Anti-Social Behaviour Case Review form will be used to enable us to investigate your complaint more effectively. We may need to share some of this information with relevant people within the council and external organisations in order to achieve a prompt resolution to your complaint.

When completing the form, we will ask you for your personal details, and may ask you for personal details about other people. By completing the form, you are agreeing for us to share your information for the purposes of carrying out the Anti-Social Behaviour Case Review.

WHAT IS THE REVIEW PANEL MEETING?

The SPOC or an independent Crime and Anti-Social Behaviour Officer will arrange and Chair a review panel meeting where previous actions will be considered and further recommendations may be considered, where appropriate.

When reviewing the threshold for a case review, the following factors could be considered:

- the persistence of the anti-social behaviour about which the original complaint was made; **and**
- the harm caused, or the potential harm to be caused, by that behaviour; **and**
- the adequacy of the response to that behaviour

Any recommendations will be formulated into an action plan, details of which will be sent to you, along with an invitation for you to discuss or make comment. Any action plan will be signed off by the SPOC or by the Community Safety Police Sergeant.

The Anti-Social Behaviour Case Review meeting must be held as soon as practicable to all agencies, where possible within 10 working days.

WILL I RECEIVE A DECISION LETTER?

If the Review Panel decides that all agencies have taken appropriate action and that no further recommendations can be offered, a letter to this effect will be sent advising you of the decision. The letter will provide details of the appeals process for you to follow if you are dissatisfied with the outcome. The decision letter is sent within five working days.

If the Review Panel determines that further action can be taken, you will receive a letter with the action plan and timescales for its delivery. The letter will provide details of the appeals process for you to follow if you are dissatisfied with the outcome.

WILL THE ACTIONS BE MONITORED?

If there are ongoing actions, within the action plan, we will monitor them until they are completed.

The SPOC (or other relevant partner) will sign off the Anti-Social Behaviour Case Review and the method for achieving this will be determined locally. The Anti-Social Behaviour Case Review can be closed.

CAN I APPEAL THE DECISION OF AN ANTI-SOCIAL BEHAVIOUR CASE REVIEW?

You can appeal any decision about your Anti-Social Behaviour Case Review if you are dissatisfied with the way in which the relevant bodies have:

- Dealt with your application for a review; **or**
- Carried out an Anti-Social Behaviour Case Review, **or**
- Responded to your complaints.

If these conditions are met, you can lodge an appeal which must be made in writing within 21 days of receipt of the outcome letter, to:

Jackie Kings
Plymouth City Council
Ballard House, West Hoe Road
Plymouth PL1 3BJ

Email: ncsbst@plymouth.gov.uk

When the appeal is received, the Head of Service will contact the SPOC, requesting copies of all documentation relating to the Anti-Social Behaviour Case Review.

The Head of Service will review the decisions made in line with the process and consider if there are grounds for appeal.

The appeal process will essentially be a desk top review and not involve hearings or meetings with victims.

WHAT WILL THE APPEAL PROCESS INVOLVE?

The appeal will involve reviewing the following key areas:

a. Did the original application for an Anti-Social Behaviour Case Review meet the threshold? ie:

- Were there three qualifying Anti-Social Behaviour complaints or one hate incident within six months? **and**
- Was each incident reported within one month of it taking place? **and**
- Was the application for the Anti-Social Behaviour Case Review made within six months of the report of anti-social behaviour?

b. When considering the threshold, did agencies consider the required points? ie:

- the persistence of the anti-social behaviour about which the original complaint was made? **and**
- the harm caused, or the potential harm to be caused, by that behaviour? **and**
- the adequacy of the response to that behaviour?

THE DECISION

The Head of Service, having reviewed all the information, will make one of the following decisions:

1. Uphold the appeal and refer the case back to the SPOC asking them to consider a particular process, policy or protocol not previously considered.

An appeal will be upheld if it is clear that:

- the Anti-Social Behaviour Case Review has failed to consider a relevant process, policy or protocol or
 - the Anti-Social Behaviour Case review has failed to consider relevant factual information.
2. Determine that the Anti-Social Behaviour Case Review has considered all relevant processes, policies and protocols satisfactorily in line with the Anti-Social Behaviour Case Review Procedure.

CLOSING THE ANTI-SOCIAL BEHAVIOUR CASE REVIEW

You will be advised of the decision in writing within 21 working days of receipt of the appeal.

The decision in relation to this appeal is final and Plymouth City Council will not consider the matter further.

If you wish to raise another Anti-Social Behaviour Case Review relating to the same issues you will need three new qualifying complaints Anti-Social Behaviour.

WHAT IF THE COMPLAINT ABOUT AN INDIVIDUAL OR ORGANISATION?

An Anti-Social Behaviour Case Review looks at what has, or has not, been done with regard to the reported anti-social behaviour by agencies. IT IS NOT a process to complain about individuals. If you have a complaint about an individual or an organisation eg Plymouth City Council, the Police or a Registered Social Landlord, you should use the complaints procedure for that organisation. If you need to, you can also complain to the Local Government Ombudsman or the Independent Police Complaints Commission, as relevant.