

HARTLEPOOL COMMUNITY TRIGGER PROCEDURE



Single Point of Contact:

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1. Introduction

On 13th March 2014 the Anti-social Behaviour, Crime and Policing Act 2014 received Royal Assent.

On 20th October 2014, the response to complaints about anti-social behaviour (commonly referred to as the Community Trigger) provisions of this Act under Sections 104 and 105 commenced.

This procedure sets out how relevant bodies and responsible authorities in the Hartlepool Borough Local Authority Area will carry out their duties regarding the Community Trigger under the Anti-social Behaviour, Crime and Policing Act 2014.

2. Purpose

To give victims the legal right to request a case review of how relevant bodies and responsible authorities have dealt with their reports of anti-social behaviour and hate crime/incidents.

To bring agencies together to take a joined up, problem solving approach aimed at dealing with some of the most persistent, complex cases of anti-social behaviour.

3. Relevant Bodies and Responsible Authorities

3.1 The relevant bodies and responsible authorities under the Community Trigger in Hartlepool Borough are:

- Hartlepool Borough Council
- Cleveland Police
- Hartlepool and Stockton on Tees Clinical Commissioning Group

3.2 The housing associations operating in Hartlepool are:

- Thirteen Group
(Housing Hartlepool, Tees Valley, Tristar and Erimus Housing Associations and Norcare)
- Accent Group Ltd
- Endeavour Housing Association
- Guinness Trust
- Home Group Ltd
- Four Housing

4. Definitions

4.1 Anti-social Behaviour

For the purpose of the Community Trigger this is defined as; “behaviour causing harassment, alarm or distress to a member, or members of the public.”

When deciding whether this definition is met, agencies should consider the cumulative effect of the incidents and consider the harm or potential harm caused to the victim, rather than rigidly deciding whether each incident reached the level of harassment, alarm or distress.

Behaviour which falls below the level of harassment, alarm or distress, may not meet this definition, but when assessed on the grounds of potential harm to the victim, the impact of the behaviour may be such that this definition is met.

The harm, or the potential for harm to be caused to the victim, is an important consideration in determining whether the definition is met because those who are vulnerable are likely to be less resilient to anti-social behaviour. People can be vulnerable for a number of reasons, and vulnerability or resilience can vary over time depending on personal circumstances and the nature of the anti-social behaviour.

Even though housing related anti-social behaviour has a lower test of nuisance or annoyance, because of the victims inability to separate themselves from the anti-social behaviour the harm experienced is highly likely, depending upon the circumstances, to result in harassment, alarm or distress for the purposes of the Community Trigger.

4.2 Hate Incident

For the purpose of the Community Trigger this is defined as; “any non-crime incident which is perceived by the victim or any other person, to be motivated by a hostility or prejudice based on a person’s race or perceived race, religion or perceived religion, sexual orientation or perceived sexual orientation, disability or perceived disability, transgender or perceived transgender.”

4.3 Hate Crime

For the purpose of the Community Trigger this is defined as; “any hate incident, which constitutes a criminal offence, perceived by the victim or any other person, as being motivated by prejudice or hate.”

5. Threshold

Hartlepool's Community Trigger threshold is defined as;

- (a) An individual, business or community group has made **three** or more reports regarding the **same** problem in the past six months to Hartlepool Borough Council, Cleveland Police, or their Landlord (if a Housing Association operating in Hartlepool), or
- (b) More than one individual, business or community group has made **five** or more reports about the **same** problem in the past six months to Hartlepool Borough Council, Cleveland Police, or their Landlord (if a Housing Association operating in Hartlepool), or
- (c) An individual, business or community group has reported **one** incident or crime motivated by hate in the past three months to Hartlepool Borough Council, Cleveland Police, or their Landlord (if a Housing Association operating in Hartlepool).

6. Qualifying Complaints

6.1 Incident Reporting Criteria

- (a) Incidents will only be considered under the threshold where they have been reported within one month of the date of the incident occurrence to Hartlepool Borough Council, Cleveland Police, the Hartlepool and Stockton on Tees Clinical Commissioning Group, or their Landlord. (if a Housing Association operating in Hartlepool)
- (b) Applications to use the Community Trigger will only be considered where they have been made within six months of the date of all the reports of anti-social behaviour and/or hate crime/incidents being considered under the threshold.
- (c) Incidents which have been reported anonymously will not be considered under the threshold.
- (d) Incidents will not be considered under the threshold where the time between the incidents being reported, and the request for activation of the Community Trigger, has not allowed the investigation agency(s) in receipt of the reports, time to have investigated the reports under the operating days/times and timescale(s) of their investigation procedures.

For example; an individual reports an incident of anti-social behaviour on a Friday evening, on the following Saturday and Sunday, to the Council's Out of Hours contact number, followed by their request to activate the Community Trigger on the Monday morning. As the Council's Anti-social Behaviour Officers finish work at 4.30pm on the Friday and return to work at 9.00am on the Monday this has not allowed Officers time to investigate and action the anti-social behaviour reports before a request to activate the Community Trigger has been made.

6.2 Responsible Area

Incidents will only be considered under the threshold where they have involved persons living, visiting, working or engaging in lawful activity within the Borough of Hartlepool.

Linked incidents which involve persons living, visiting, working or engaging in lawful activity within the Borough of Hartlepool, but which have occurred outside of the Borough of Hartlepool area may be considered where it is considered appropriate by the Case Review Panel members to do so.

6.3 Referrals to Complaint Procedures

Any request for a case review under the Community Trigger process which meets the definition of a complaint will be refused with a referral made instead into the appropriate agency(s) complaint process.

Complaint Definition - "A complaint is an expression of dissatisfaction, however made, about the standard of service, action or lack of action by an agency, its staff, or contractors or agents providing services on behalf of the agency that requires a response".

7. Activating the Community Trigger

7.1 Any individual (of any age), business or community group (or a person acting on their behalf with their consent) who has been the victim of anti-social behaviour or a hate incident or crime may request that the Community Trigger is activated.

7.2 All requests to activate the Community Trigger in Hartlepool Borough must be made by telephone, e-mail or letter to:

Hartlepool Community Safety and Engagement Team
Hartlepool Borough Council

Civic Centre, Victoria Road, Hartlepool, TS24 8AY

Tel: 01429 523100

E-mail: community.safety@hartlepool.gov.uk

www.hartlepool.gov.uk

7.3 Hartlepool's Single Point of Contact for the Community Trigger is:

Nicholas Stone - Neighbourhood Safety Team Leader
Hartlepool Community Safety and Engagement Team

7.4 No anonymous requests to activate the Community Trigger will be accepted.

7.5 Hartlepool's Community Safety and Engagement Team will acknowledge in writing the receipt of all requests to activate the Community Trigger. This should occur within two working days. This acknowledgement letter should contain a date when the applicant can expect a formal response to their trigger request.

7.6 Hartlepool's Community Safety and Engagement Team Victim Services Officer will contact all applicants to discuss their trigger application request. This contact should occur within two working days of receipt of their request.

7.7 Hartlepool's Community Safety and Engagement Team will send all Hartlepool Borough relevant bodies and responsible authorities a Community Trigger Information Request Form. This should occur within 1 working day of all trigger requests being received. (see Appendix B)

7.8 These bodies and authorities will provide to Hartlepool's Community Safety and Engagement Team any information they hold on any involvement they have with the requester or the threshold incidents. This should occur within five working days of the information request. (Subject to the provisions of the Data Protection Act 1998, and Part 1 of the Regulation of Investigatory Powers Act 2000.)

8. Case Review Process

- 8.1 Hartlepool's Community Safety and Engagement Team will arrange a Community Trigger Case Review Panel Meeting to discuss all requests received to activate the Community Trigger. This meeting should occur within ten working days of receipt of the trigger application request by the team. In situations where it is going to take longer than this the team will contact the requester and advise them of when they can expect the panel to meet.
- 8.2 The Community Trigger Case Review Panel Meeting may consist of a nominated senior representative from the following organisations:
- Hartlepool Community Safety and Engagement Team
(representing Hartlepool Borough Council)
 - Cleveland Police
 - Hartlepool and Stockton on Tees Clinical Commissioning Group
 - A Housing Association operating in Hartlepool
 - Hartlepool Youth Offending Service
(where the perpetrators involved in the incidents are under the age of 18 years)
- 8.3 A Community Trigger Case Review Panel meeting will only occur where a minimum of three panel members are present. (not including the Youth Offending Service representative)
- 8.4 Members of the Case Review Panel meeting will be responsible for voting in a Chair for the Case Review Panel meeting.
- 8.5 The Case Review Panel meeting will be a closed meeting. It will not be open to members of the public, their representatives, or any other person except nominated representatives from the above agencies listed in section 8.2.
- 8.6 The Case Review Panel meeting members will consider whether the application made meets the Community Trigger definitions, threshold and qualifying complaints criteria agreed for Hartlepool Borough.
- 8.7 Where it is agreed that the Community Trigger definitions, threshold and qualifying complaints criteria agreed for Hartlepool Borough have been met the Case Review Panel meeting members will be responsible for reviewing what action has previously been taken in response to the requesters reports of anti-social behaviour, and/or hate crime/incidents.
- 8.8 This review may include (but is not limited to) whether or not:
- Acknowledgement of the anti-social behaviour and/or hate crime/incident reports has been made according to the acknowledgement procedures of an investigating agency in receipt of the report,
 - A Vulnerability Assessment Matrix (VAM) been completed to determine the vulnerability of the victim by an investigating agency, (where used by the investigating agency)

- Service delivery by an investigating agency has taken into account the vulnerability of the victim,
 - Service delivery has been appropriate or effective due to a lack of information sharing / problem solving / joint working by an investigating agency,
 - Service delivery has been appropriate or effective due to a failure by an investigatory agency to follow its investigation procedures,
 - Service delivery by an investigating agency has been able to reduce the vulnerability of the victim to a satisfactory level,
 - Service delivery by an investigating agency has been able to reduce the problem to a level where in the professional opinion of the investigating officer the behaviour reported is no longer a cause for concern.
- 8.9 When a requester is considered to be vulnerable, the meeting should review what practical and emotional support has been offered to them and whether any additional support is necessary or appropriate.
- 8.10 As a result of the case review the panel members may make recommendations to agencies. These recommendations may take the form of an action plan to resolve the reported behaviour.
- 8.11 Where appropriate any recommendations / action plan developed by the Case Review Meeting may be monitored through Hartlepool's Vulnerable Victims Group.
- 8.12 The Anti-social Behaviour, Crime and Policing Act places a duty on a person who carries out public functions to have regard to any recommendations made by the Case Review Panel.
- 8.13 This means that they are not obliged to carry out the recommendations, but that they should acknowledge them and may be challenged if they choose not to carry them out without good reason.
- 8.14 Hartlepool's Community Trigger Single Point of Contact Officer and the Victim Services Officer from Hartlepool's Community Safety and Engagement Team will contact the applicant to discuss the outcome of the Case Review Panel meeting. This contact should occur within five working days of the meeting.
- 8.15 This discussion will include:
- the reasons why the case review panel decided that the definitions, threshold and/or qualifying complaints criteria had not been met by the trigger application, and the appeal process for the panel's decision,
- OR
- the outcome(s) (if any) from the case review panel meeting, any recommendation(s) that were made by the case review panel, and the applicants comments on any recommendations / draft action plan that may have been developed by the case review panel.

The applicant will also be informed of the appeal process for the case review meeting outcomes, recommendations or action plan.

9. Appeal Process

9.1 All applicants (or a person acting on their behalf with their consent) have the right to request an appeal of:

- the case review panel's decision that the definitions, threshold and/or qualifying complaints criteria had not been met by their trigger application,

AND

- the outcome(s) from the case review panel meeting, any recommendation(s) or action plan that may have been developed by the case review panel.

9.2 All requests for an appeal must be made by an applicant within ten working days of being informed of the outcome(s) of the case review meeting.

9.3 If an applicant is appealing more than ten working days after being informed of the outcome(s) of the case review meeting they must explain why their appeal has been delayed. The time limit to make an appeal may be extended if there are good reasons for the delay. The Safer Hartlepool Partnership reserves the right to refuse to accept late appeals.

9.4 All requests for an appeal must be made in writing and clearly state the reasons (with any supporting information/evidence) for the appeal to:

Hartlepool Community Safety and Engagement Team

Hartlepool Borough Council

Civic Centre, Victoria Road, Hartlepool, TS24 8AY

Tel: 01429 523100

E-mail: community.safety@hartlepool.gov.uk

www.hartlepool.gov.uk

9.5 It is not enough for an applicant to simply appeal because they do not agree with the decision of the case review panel. Any appeals received on this basis will be refused by the Safer Hartlepool Partnership.

9.6 Appeals may be made on the following basis. That the case review panel:

- Used information that is incorrect, or has been taken out of context to determine a trigger application,
- Not considered all relevant information about an applicant's (or their households) circumstances or vulnerability, or the circumstances/details of the incidents of anti-social behaviour and/or hate crime/incident(s) reported, or the actions of relevant bodies and responsible authorities regarding these reports when conducting the case review,
- Failed to follow its published procedures when determining a trigger application.

- 9.7 No anonymous appeals will be accepted.
- 9.8 Hartlepool's Community Safety and Engagement Team will acknowledge in writing the receipt of all appeals. This should occur within two working days. This acknowledgement letter should contain a date when the applicant can expect a formal response to their appeal request.
- 9.9 Hartlepool's Community Safety and Engagement Team will arrange a Community Trigger Appeal Panel Meeting to discuss all appeal requests received. This meeting should occur within fifteen working days of receipt of the appeal request by the team. In situations where it is going to take longer than this the team will contact the requester and advise them of when they can expect the panel to meet.
- 9.10 The Community Trigger Appeal Panel Meeting will consist of three representatives from the Safer Hartlepool Partnership Executive Group. These representatives will be nominated by the Chair of the Executive Group, preferably in consultation with Executive Group members.
- 9.11 Any Appeal Panel meeting will only occur where a minimum of three nominated appeal panel members are present.
- 9.12 Members of the Appeal Panel meeting will be responsible for voting in a Chair for the Appeal Panel meeting.
- 9.13 The Appeal Panel meeting will be a closed meeting. It will not be open to members of the public, their representatives, or any other person except nominated representatives from the Safer Hartlepool Partnership Executive.
- 9.14 The Appeal Panel meeting will be responsible for reviewing the handling of the Community Trigger application received.
- 9.15 The Chair of the Appeal Panel should then write to the Community Trigger applicant with the outcome of their appeal within five working days of the appeal meeting.
- 9.16 Where an applicant continues to dispute the outcome of their Community Trigger Appeal they retain the right to submit a Formal Complaint to the appropriate authorities under their respective Formal Complaint policies. (Formal Complaint Policy for Hartlepool Borough Council, Cleveland Police, Hartlepool and Stockton Clinical Commissioning Group, the relevant Housing Association complaint policies)
- 9.17 Applicants also retain the right to submit a Formal Complaint to the appropriate authorities' independent regulators. (Local Government Ombudsman, Independent Police Complaints Commission, Health Service Ombudsman, Housing Ombudsman)

10. Accountability

- 10.1 Hartlepool Community Safety and Engagement Team will be responsible for administrating the Community Trigger on behalf of the Safer Hartlepool Partnership.
- 10.2 This to include:
- Development of the Community Trigger process,
 - Consultation regarding the Community Trigger process with partners,
 - Development of publicity and training packages,
 - Responding to Trigger application requests with partners and maintaining records regarding these,
 - Arranging for any Case Review and Appeal Panel meetings,
 - Maintaining and circulating any information, documents, minutes, recommendations, or action plans etc required for the Community Trigger process.
- 10.3 The Community Trigger Case Review and Appeal Panels will be accountable to the Safer Hartlepool Partnership Executive Group.
- 10.4 Hartlepool's Community Trigger Single Point of Contact (Neighbourhood Safety Team Leader) will be responsible for producing an annual report about the use of the Community Trigger in Hartlepool Borough.
- 10.5 This annual report will be submitted to the Safer Hartlepool Partnership Executive Group for consideration and then published on the Safer Hartlepool Partnership website of: www.saferhartlepool.co.uk
- 10.6 The Community Trigger Annual Report will include the following information:
- implementation, and any review of the Community Trigger process,
 - numbers / details of requests for activation of the Community Trigger,
 - requests for appeals over refusal to activate the Community Trigger,
 - requests for appeals over the outcome of Community Trigger case reviews,
 - any recommendations made by Community Trigger case reviews.

11. Information Governance and Agency Responsibility

- 11.1 All information regarding Community Trigger applications will be shared under the terms of the Safer Hartlepool Information Sharing Protocol and will be classified as confidential.
- 11.2 All Safer Hartlepool Partnership members will be responsible for co-operating with, and participating in, the Community Trigger process and the Case Review and Appeal Panel meetings as needed and requested.
- 11.3 All Safer Hartlepool Partnership members will be responsible for providing Hartlepool Community Safety and Engagement Team and the Case Review and Appeal Panels with any information required to deal with Community Trigger application requests, and to conduct Community Trigger Case Review or Appeal Panel meetings.
- 11.4 All Safer Hartlepool Partnership members will be responsible for responding to any recommendation(s) and/or action plan(s) produced by the Case Review and Appeal Panel meetings.
- 11.5 The relevant bodies and responsible authorities in Hartlepool may request any person to disclose information for the purpose of a Community Trigger review.
- 11.6 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 information would be either:
- In contravention of any of the provisions of the Data Protection Act 1998,
 - OR
 - Prohibited by Part 1 (Communication Interception) of the Regulation of Investigatory Powers Act 2000.
- 11.7 Other than these two exceptions, disclosing information for the Community Trigger does not breach any obligation of confidence or any other restriction on the disclosure of information.
- 11.8 Housing providers undertake several functions, including some that are public in nature and some that are not. (Homes and Communities Agency's Regulatory Framework, Neighbourhood and Community Standard) If a request is made in relation to their functions that are considered to be public in nature, the information sharing duty applies. This is the case for housing providers who are co-opted into the group of relevant bodies as well as those who are not.

12. Communication and Publicity

- 12.1 Hartlepool Community Safety and Engagement Team will be responsible for co-ordinating all publicity regarding the Community Trigger on behalf of the Safer Hartlepool Partnership.

13. Procedure Review

- 13.1 The Community Trigger process and this policy should be reviewed on an annual basis.

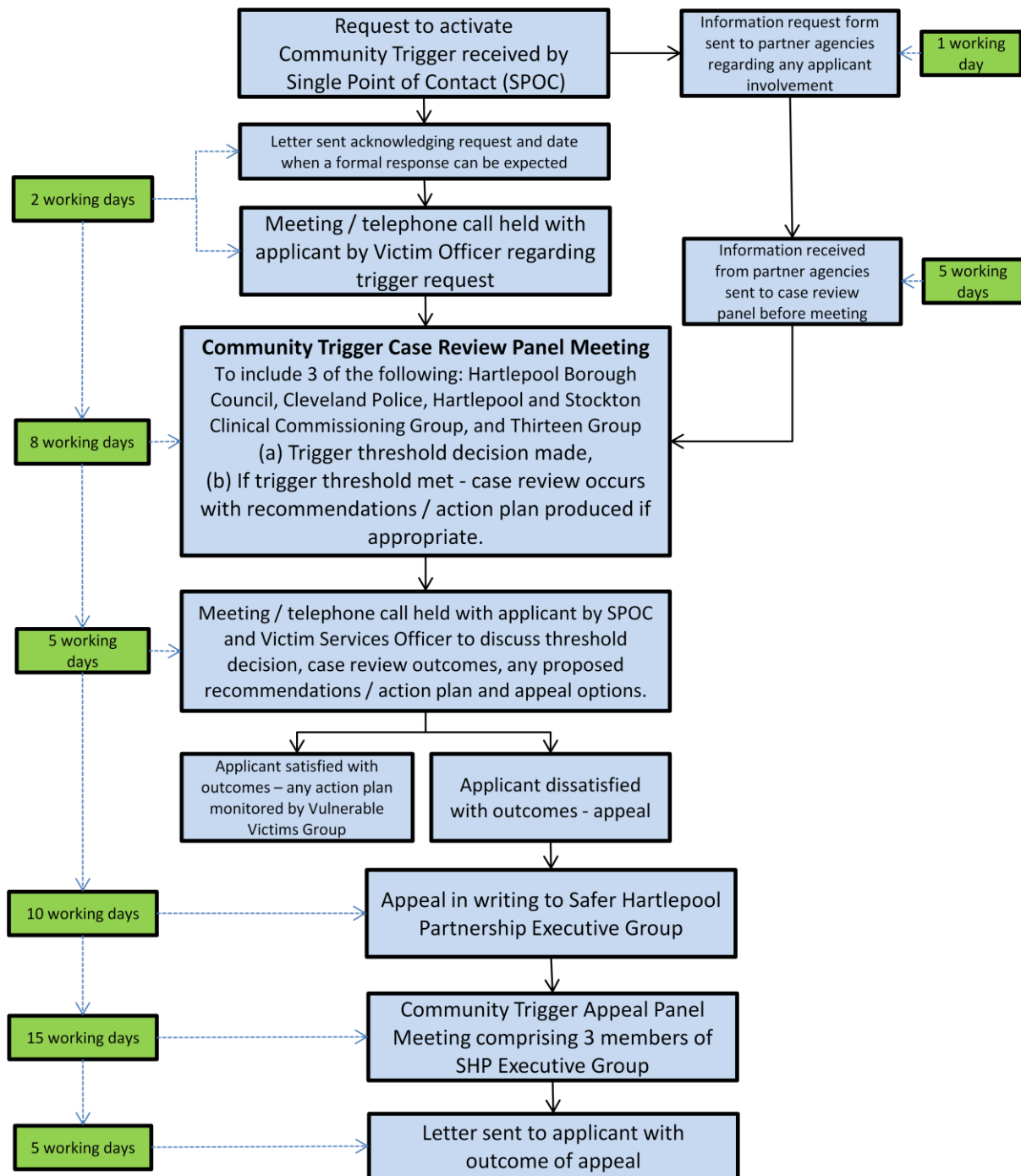
NOTE

This policy has been written by Hartlepool Community Safety and Engagement Team. The policy has been written making use of locally agreed thresholds and standards and the requirements and contents of the Anti-social Behaviour, Crime and Policing Act 2014 and its accompanying guidance: Reform of Anti-social Behaviour Powers: Statutory Guidance for Frontline Professionals.

Appendix

A. Community Trigger Flowchart

HARTLEPOOL COMMUNITY TRIGGER PROCESS



B. Community Trigger Agency Information Request Form

HARTLEPOOL BOROUGH COMMUNITY TRIGGER INFORMATION REQUEST FORM

The Safer Hartlepool Partnership (Hartlepool Borough's Crime and Disorder Reduction Partnership) has received an application from the below listed individual, business or community group requesting a case review (commonly referred to as the Community Trigger) of how relevant bodies have dealt with their reports of anti-social behaviour and/or hate crimes and incidents. Their review application has been made under Sections 104 and 105 of the Anti-social Behaviour, Crime and Policing Act 2014.

It is due to this that the Safer Hartlepool Partnership has convened a Case Review Panel meeting to review what action has previously been taken by agencies in response to the requesters reports and to consider whether any recommendations for further action are appropriate.

Your organisation has been identified as either a relevant body (Section 105 [1] [a] [b] [c] [d]) or a local provider of social housing operating in the Hartlepool area (Section 105 [1] [a] [b]) under the Community Trigger legislation.

Due to this please complete and return this form to Hartlepool's Community Safety and Engagement Team with any information you may hold regarding any involvement your organisation may have had over the last six months, in any reports of anti-social behaviour and/or hate crimes or incidents involving the requester.

Please note that Schedule 4, Section 7 (3) of the Anti-social Behaviour, Crime and Policing Act 2014 requires you to provide this information as an organisation that exercises public functions.

Please return this form to:

Hartlepool Community Safety and Engagement Team
Hartlepool Borough Council, Civic Centre, Victoria Road, Hartlepool, TS24 8AY
Tel: 01429 523100 E-mail: community.safety@hartlepool.qcsx.gov.uk
www.hartlepool.gov.uk

Details of Person Requesting a Community Trigger Case Review

Name: _____ **D.O.B:** _____

Address: _____

Status: Individual / Business / Community Group

Information Requested

Details of any information held by your organisation regarding any reports of anti-social behaviour and/or hate crimes or incidents which involve the above named requester.

Date period to consider: _____ 2014.

For example: Number of reports received. Summary details of reports received including dates, times, occurring location, and details of any alleged offenders identified. Information regarding whether any responding / investigating officers, and from what teams, were assigned to deal with these reports. Details of any assessments, referrals, advice, support, treatment, meetings, mediation, restorative conferences, verbal or written warnings, legal action, or warning flags / markers which occurred in response to the reports. Details of any action taken in response to the reports. Details of why no action was taken in response to the reports. (if applicable)

Please provide this information no later than: _____ **2014.**

Information Details

(please continue on a separate sheet if necessary)