

**HARTLEPOOL
ANTI-SOCIAL
BEHAVIOUR
CASE REVIEW
PROCEDURE**

Contents

No.	<u>Section</u>	Page No.
1.	Introduction	3
2.	Requesting an ASB Case Review	4
3.	ASB Case Review Process	5
4.	ASB Case Review Appeal Process	9
5.	Definitions	15
6.	Accountability	13
7.	Communication and Publicity	14
8.	Procedure Review	14
	<u>Appendix</u>	
A.	Hartlepool ASB Case Review Process Flowchart	15

1. Introduction

- 1.1 The Anti-social Behaviour Case Review (also known as the Community Trigger) is a legal right for repeat victims of anti-social behaviour to request a review of how their local Council, Police Force, and Clinical Commissioning Group have dealt with their complaints. Housing Associations operating in an area can also choose to voluntarily be part of the ASB case review process.
- 1.2 It is designed to empower victims and bring agencies together to take a joined up, problem solving approach aimed at dealing with some of the most persistent and complex cases of anti-social behaviour.
- 1.3 This procedure sets out how relevant bodies in Hartlepool will carry out their duties regarding the ASB case review.
- 1.4 This procedure should be read in conjunction with the Anti-social Behaviour, Crime and Policing Act 2014 and its accompanying guidance.

2. Requesting an ASB Case Review

- 2.1 Please be sure to read this document completely before deciding whether an ASB case review is right for you as there are some important definitions at the end which will be used to help determine if an ASB case review is appropriate to your circumstances.
- 2.2 The ASB case review can be requested by a victim of anti-social behaviour, or any person on behalf of a victim who is aware of the circumstances and who acts with the victim's consent. This might include a family member, friend, carer, Councillor, Member of Parliament, or other professional. Where this occurs the Community Safety Team will require proof of consent to act on behalf of the victim.
- 2.3 Unfortunately, no anonymous requests for an ASB case review can be accepted.
- 2.4 Hartlepool's Community Safety Team (Hartlepool Borough Council) administers the ASB case review in Hartlepool Borough and requests for an ASB case review can be made by telephone, e-mail, letter, or in person to:

Hartlepool Community Safety Team
Hartlepool Police Station
Avenue Road
Hartlepool
TS24 8AJ

Tel: 01429 523100 (office hours)
E-mail: community.safety@hartlepool.gov.uk
www.hartlepool.gov.uk

3. ASB Case Review Process

- 3.1 Once a ASB case review request has been received by the Community Safety Team it will be reviewed to determine whether it meets the definition, threshold, and qualifying criteria for an ASB case review. (Detailed later in Section 5)
- 3.2 The Community Safety Team will then aim where practical, to contact the requester within 10 working days to acknowledge their ASB case review request and advise them that:
 - (a) Their ASB case review request does not meet the definition, threshold and qualifying criteria for an ASB case review, OR
 - (b) Their ASB case review request does meet the definition, threshold, and qualifying criteria for an ASB case review.
- 3.3 The Community Safety Team will also contact all Hartlepool Borough relevant bodies and responsible authorities requesting:
 - (a) Details of any anti-social behaviour complaints made by the requester during the last six months including, but not limited to; dates, times, locations, complainant, witness, and alleged perpetrator information.
 - (b) Any action taken regarding these anti-social behaviour complaints. This includes, but is not limited to: any contact made or meetings held, advice or guidance provided, referrals made, other persons or organisations informed or involved, assessments undertaken, support offered, mediation or restorative work undertaken, verbal or written warnings issued, enforcement action taken, any offender's arrested or charged or convicted, warning markers recorded, and any other relevant work or action undertaken.
- 3.4 Relevant bodies and responsible authorities are required to provide this information under Schedule 4, Part 3, Section 7 of the Anti-social Behaviour, Crime and Policing Act 2014.
- 3.5 The only exceptions to this are where to share the information would be either:
 - A disclosure of personal data in contravention of any of the provisions of Data Protection Act legislation, 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.
- 3.6 Any information subsequently received will be circulated to ASB case review meeting representatives prior to any ASB case review meeting.
- 3.7 Where an ASB case review request does not meet the definition, threshold and qualifying criteria for an ASB case review the requester may where appropriate be given further advice.

- 3.8 Where an ASB case review request does meet the definition, threshold and qualifying criteria for an ASB case review the requester will be:
- (a) Offered the opportunity to speak to a representative from the Victim Care and Advice Service, (or alternatively a representative from a statutory service where VCAS is unable to represent the requester) about the anti-social behaviour that they have previously reported, and about why they have made an ASB case review request. This representative can then update agencies on the requester's behalf about their situation when an ASB case review is undertaken.
 - (b) Advised that an ASB case review meeting will be arranged to review what action has previously been taken in response to their complaints of anti-social behaviour, and whether it is appropriate for any other actions to be taken.
 - (c) Advised that they will be informed of the outcome of the ASB case review meeting in due course.
- 3.9 The Community Safety Team will then arrange an ASB case review meeting.
- 3.10 This meeting will, where practical, aim to occur within 15 working days of acknowledgement of an ASB case review request. In situations where it is going to take longer than this the team will inform the requester.
- 3.11 ASB case review meeting members may consist of a representative, or their delegate, from the following organisations:
- **Independent Chair**
(Service Lead for Community Safety and Street Scene, Redcar and Cleveland Borough Council)
 - **Hartlepool Community Safety Team**
(Community Safety Operations Manager, Hartlepool Borough Council)
 - **Cleveland Police**
(Hartlepool Neighbourhood Policing Inspector)
 - **Tees Valley Clinical Commissioning Group**
(Designated Nurse for Safeguarding Adults, North East and North Cumbria Integrated Care Board, NHS)
 - **A Housing Association operating in Hartlepool**
(Housing Management or Tenancy Enforcement Lead)
 - **Hartlepool Youth Offending Service**
(Hartlepool Youth Offending Team Manager)
(Where the persons involved in the complaints are under the age of 18 years)
 - **Any other relevant statutory services involved**
 - **Requesters representative**
(A Victim Care and Advice Service representative, or alternatively a representative from a statutory service where VCAS is unable to represent the requester)

- 3.12 An ASB case review meeting will only occur where the Independent Chair and a minimum of two other meeting members are present, or where practical, where all agencies involved in a complaint can be present. (Not including Youth Offending Service or Requester representatives)
- 3.13 The ASB case review meeting is a closed meeting which is not open to members of the public or their representatives. (Other than the requester's representative from VCAS, or alternatively a representative from a statutory service where VCAS is unable to represent the requester) This is to permit full information exchange, maintain confidentiality, and to enable free and open discussion and challenge between agencies.
- 3.14 A representative from the Victim Care and Advice Service (or alternatively a representative from a statutory service where VCAS is unable to represent the requester) can attend the ASB case review meeting on behalf of the requester, and with their permission, to brief meeting members on the impact and harm that the anti-social behaviour has caused the requester. This can include a presentation of a Victim Impact Statement.
- 3.15 The ASB case review meeting members are responsible for reviewing what action has previously been taken in response to the requester's complaints of anti-social behaviour, and whether it is appropriate for any other actions to be taken.
- 3.16 This review may also include (but is not limited to) whether:
- Recording and investigation of complaints has been according to the procedures of an investigating agency in receipt of the complaint,
 - Service delivery by an investigating agency has identified and considered any vulnerability of the victim,
 - Appropriate, timely, and effective information sharing, problem solving, and joint working has occurred where appropriate,
 - Service delivery has been appropriate based on the:
 - Circumstances and severity of the incident(s) reported,
 - Level and credibility of the evidence available,
 - Resources and sanctions available,
 - Resources and sanctions appropriate and proportionate to deal with the behaviour,
 - Combined with the likelihood of success of any action taken.
 - 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 reported problem to a level where in the professional opinion of the investigating officer the behaviour reported is no longer a cause for concern.

- 3.17 When a requester is considered to be vulnerable, the ASB case review meeting will review what support has been offered to them, and whether any additional support is necessary or appropriate.
- 3.18 As a result of the ASB case review the meeting members may if appropriate make recommendations to agencies. These recommendations may take the form of an action plan to tackle the reported behaviour.
- 3.19 Where appropriate any recommendations / action plan developed will be monitored by the ASB case review meeting.
- 3.20 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 ASB case review meeting.

Anti-social Behaviour, Crime and Policing Act 2014
Part 6, Section 104, Sub-section 7

"The relevant bodies who carry out an ASB case review may make recommendations to a person who exercises public functions (including recommendations to a relevant body) in respect of any matters arising from the review; and the person must have regard to the recommendations in exercising public functions."

- 3.21 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, particularly where vulnerabilities exist.
- 3.22 The Community Safety Team will aim where practical to inform the requester of the outcome of an ASB case review meeting within 10 working days of the meeting. This will include any actions that may have been recommended, and how to appeal the outcome of the ASB case review meeting.
- 3.23 The ASB case review process does not replace agencies own complaint procedures, and an ASB case review requester retains the right to make a complaint to agencies, the Local Government and Social Care Ombudsman, the Parliamentary and Health Service Ombudsman, or to the Independent Office for Police Conduct as appropriate.

4. Appeal Process

- 4.1 Should a requester be dissatisfied with the way in which an ASB case review has been carried out they can appeal to the Office of Cleveland's Police and Crime Commissioner. (OPCC)
- 4.2 An ASB case review may only be escalated to the OPCC on the following grounds:
- **Threshold** - The relevant bodies have rejected an application on the basis that the threshold has not been met, and the victim disagrees with that assessment
 - **Process** - The ASB case review has failed to consider a relevant process, policy or protocol
 - **Evidence** - The ASB case review has failed to consider relevant factual evidenced information
- 4.3 It is not enough for a requester to simply appeal because they do not agree with the decision of the ASB case review panel. Any appeals received on this basis will be refused by the OPCC.
- 4.4 An ASB case review can also not be escalated where a requester is dissatisfied that a particular agency has not utilised a particular enforcement tool and where it has been established through the ASB case 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.
- 4.5 The role of the OPCC will be to consider due process and ensure that the relevant bodies have properly and effectively undertaken an ASB case review. In considering an ASB case review escalation the OPCC can either:
- Uphold the appeal and refer the case back to the relevant bodies asking them to either review the threshold decision, or to consider a particular process, policy, protocol, or piece of evidence not previously considered.
 - Determine that the relevant bodies have reviewed the case, considering all relevant policies, processes, and protocols satisfactory in line with their ASB case review procedure.
- 4.6 All requests for an appeal must be made in writing by a requester within ten working days of being informed of the outcome(s) of the ASB case review meeting.
- 4.7 If a requester is appealing more than ten working days after being informed of the outcome(s) of the ASB 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 OPCC reserves the right to refuse to accept late appeals.

- 4.8 All requests for an appeal must be made directly to the Local Authority who dealt with the original ASB case review. The Local Authority will then seek the consent of the requester to pass the appeal request and data relevant to the undertaking of the appeal to the OPCC.
- 4.9 Any request to undertake an appeal must clearly state the reasons for requesting an appeal together with any supporting information/evidence, requester contact details and details of the geographic location where the original ASB case review took place.
- 4.10 Appeals must be sent in writing to either:
- Email: community.safety@hartlepool.gov.uk
 - Post: Hartlepool Community Safety Team, Hartlepool Police Station, Avenue Road, Hartlepool, TS24 8AJ
- 4.11 This ASB case review procedure should be read in conjunction with the OPCC ASB case review appeal process. See: <https://www.cleveland.pcc.police.uk/>

5. Definitions

5.1 Anti-social Behaviour

5.1.1 Anti-social Behaviour is defined as behaviour that causes harassment, alarm, or distress to a member, or members, of the public.

5.1.2 When deciding whether the threshold is met (see below), agencies will consider the cumulative effect of the complaints and consider the harm or potential harm caused to the victim, rather than rigidly deciding whether each complaint reached the level of harassment, alarm, or distress.

5.1.3 Similarly, although housing-related anti-social behaviour has a lower test of nuisance or annoyance for an injunction under Part 1 of the 2014 Act, in such instances because of the victim's inability to separate themselves from the anti-social behaviour, the harm experienced may well result in harassment, alarm or distress for the purposes of the ASB case review.

5.2 Relevant Bodies and Responsible Authorities

5.2.1 The relevant bodies and responsible authorities under the ASB case review process in Hartlepool Borough are:

- Hartlepool Borough Council / Hartlepool Community Safety Team
- Cleveland Police
- Tees Valley Clinical Commissioning Group
- Any Housing Associations operating in Hartlepool Borough who agree to be part of the ASB case review process.

5.3 Threshold

5.3.1 Hartlepool's ASB case review threshold is:

A complainant has made **three** or more qualifying complaints of anti-social behaviour in the last six months to Hartlepool Borough Council, Hartlepool Community Safety Team, Cleveland Police, Tees Valley Clinical Commissioning Group, or their landlord if a Housing Association tenant.

5.4 Qualifying Complaints

5.4.1 Complaints will only be considered under the threshold where they have been made within one month of the date of their occurrence to Hartlepool Borough Council, Hartlepool Community Safety Team, Cleveland Police, Tees Valley Clinical Commissioning Group, or their landlord if a Housing Association tenant.

5.4.2 Requests to use the ASB case review will only be considered where they have been made within six months of the date of the first complaint of anti-social behaviour.

5.4.3 Complaints which have been made anonymously will not be considered under the threshold.

- 5.4.4 Complaints can be considered regardless of whether they form part of an open or a closed case/complaint.
- 5.4.5 However, complaints will not be considered under the threshold where the time between the complaints being made, and the request for the ASB case review, has not allowed the investigating agency(s) in receipt of the complaints, reasonable time to have investigated the complaints under the operating days/times and timescale(s) of their investigation procedures.
- 5.4.6 For example, a person reports by e-mail to the Community Safety Team anti-social behaviour on a Friday, and on a Saturday, and on a Sunday which is then followed by their request for an ASB case review on the Monday. As 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 reasonable time to investigate the anti-social behaviour complaints before a request for an ASB case review has been made.

5.5 Responsible Area

- 5.5.1 Complaints will only be considered where the anti-social behaviour is occurring within the Borough of Hartlepool.
- 5.5.2 Linked complaints which involve persons living, visiting, or working 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 ASB case review meeting members to do so.

5.6 Referrals to Complaint Procedures

- 5.6.1 Any request for an ASB case review which meets the definition of a complaint will be refused, with a referral made instead into the appropriate agency(s) complaint process.
- 5.6.2 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.

6. Accountability

6.1 Hartlepool Community Safety Team is responsible for administrating the ASB case review process on behalf of Hartlepool Borough.

6.2 This includes:

- ASB case review procedure development
- Relevant Body and Responsible Authority consultation/liaison
- ASB case review publicity
- Responding to ASB case review requests and maintaining records regarding these
- Arranging and supporting ASB case review meetings
- Maintaining and circulating any information, documents, minutes, recommendations, or action plans required for the ASB case review process

6.3 Hartlepool Community Safety Team is accountable to the Neighbourhood Safety Group, which reports to the Safer Hartlepool Partnership.

6.4 The Office of Cleveland's Police and Crime Commissioner will be responsible for administrating the ASB case review appeal process on behalf of the Cleveland area.

7. Communication and Publicity

- 7.1 Hartlepool Community Safety Team is responsible for co-ordinating all publicity regarding the ASB case review on behalf of Hartlepool Borough.
- 7.2 Information about the use of the ASB case review in Hartlepool Borough will be published on an annual basis.
- 7.3 Information will be published on Hartlepool Borough Council's website www.hartlepool.gov.uk with the following information published:
- The number of requests for ASB case reviews received
 - The number of times the threshold for review was not met
 - The number of ASB case reviews conducted
 - The number of ASB case reviews that resulted in recommendations being made
 - Hartlepool's ASB Case Review Procedure
- 7.4 Information about the ASB case review process across the Cleveland area is also available on the website of Cleveland's Police and Crime Commissioner: www.cleveland.pcc.police.uk

8. Procedure Review

- 8.1 Hartlepool's ASB case review procedure will be reviewed whenever necessary to take account of changes to relevant legislation and/or official government guidance.

Appendix A

Hartlepool Borough ASB Case Review Process

