



# Isle of Wight Community Safety Partnership

## **PERSISTENT ANTI-SOCIAL BEHAVIOUR CASE REVIEW POLICY (COMMUNITY TRIGGER)**

## Document Information

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## INTRODUCTION

The Anti-social Behaviour, Crime and Policing Act 2014 introduced new powers for Local Authorities, emergency services, NHS and other agencies to help tackle anti-social behaviour. Police forces, councils and housing providers are already working hard to deal with issues that matter locally, but the range of local agencies involved in tackling anti-social behaviour can lead to uncertainty as to whose responsibility it is to deal with a particular problem. As a result, victims can sometimes find themselves being passed between agencies with no resolution.

The anti-social behaviour case review process, also known as the community trigger, is a mechanism for victims of persistent anti-social behaviour to require action, starting with a review of their case. The focus of a review is on bringing agencies together to share information and to take a more joined up, problem-solving approach to find a solution for the victim. Agencies including councils, the police, local health teams and registered providers of social housing have a duty to undertake a case review when someone requests one and their case meets the defined threshold. For the purpose of the anti-social behaviour case review process, anti-social behaviour is defined as “**behaviour causing harassment, alarm or distress to any member of the public**”.

The review process will provide additional accountability from agencies to ensure that they work in partnership to meet the needs of victims. It will give victims and communities the right to request a review of their case placing a duty on agencies to review and take additional action where possible.

## DEFINITIONS

**The Council** means Isle of Wight Council.

**The Act** means the Anti-social Behaviour, Crime and Policing Act 2014

**Relevant bodies** means those organisations which have a statutory duty to have an anti-social case review policy and procedure and are:

- District councils, Unitary authorities or London Boroughs
- Police Forces
- Clinical Commissioning Groups
- Social Housing providers who are co-opted into the group

**Anti-social behaviour** means behaviour causing harassment, alarm or distress to a member or members of the public.

**Qualifying complaint** means that the anti-social behaviour was reported within one month of the alleged behaviour taking place; and the application to use the anti-social case review is made within six months of the report of anti-social behaviour.

**Informal interventions** can include verbal warnings, written warnings, an acceptable behaviour contract (ABC) or work with charities or support groups to curb the anti-social behaviour.

**Acceptable behaviour contract** is a voluntary contract used by the council, police or Housing providers to stipulate conditions for a person or persons to abide by. The contract is voluntary, but refusal to sign up to it, or indeed abide by it, can be used as evidence for a formal intervention.

**Joint Action Group (JAG)** is a group of officers from all relevant agencies who meet to discuss tactical joint working.

**Community Safety Partnership** is a statutory partnership established under Section 5 and 6 of the Crime and Disorder Act 1998 (CDA) as amended by Section 97 and 98 of the Police Reform Act 2002, Section 1 of the Clean Neighbourhoods and Environment Act 2005 and Schedule 9 of the Police and Justice Act 2006.

## **PERSISTENT ANTI-SOCIAL BEHAVIOUR THRESHOLD**

Anti-social behaviour is very different from one area to the next and the response has to be decided locally. Hampshire Constabulary and Local Community Safety Partnerships have agreed that the threshold based on the Manchester pilot should be applied across all District and Unitary Authorities in Hampshire to offer consistency in approach. This is:

**An individual** – 3 complaints to either a Housing Provider, the Local Authority or Police in 6 months. Reporting behaviour causing harassment, alarm or distress to a member or members of the community and think no action has been taken or are not satisfied with the action taken. 3 complaints need to be received by one organisation as a minimum.

OR

**A group**- 5 individuals in a local community have reported, separately, similar incidents of anti-social behaviour to a member of the community safety partnership. They all think that no action has been taken or are not satisfied with the action taken. The individual acting on behalf of the group must have all other individuals consent.

OR

**A representative** – a representative acting on behalf of one of the above with their consent.

To meet the criteria incidents need to have:

- Caused harassment, alarm or distress
- Been logged within one month of the incident; and
- With the last incident occurring within the last six months.

If the case in question is subject to a current investigation with the relevant authority, a Community Trigger can be raised, however this ongoing investigation will likely be taken into consideration when actions or recommendations are made.

## **PERSISTENT ANTI-SOCIAL BEHAVIOUR CASE REVIEW PROCESS**

An individual or group can initiate a Community Trigger by calling 101, requesting a community trigger be raised, then detailing their concern in relation to a case of persistent anti-social behaviour and why they think a review of their case is required.

The individual will need to provide:

1. Confirmation of whether they are requesting a review as:

- a) An individual
- b) On behalf of a group
- c) Or a representative

If b or c consent from other group members or the individual being represented must be included.

2. Personal Details

- Name
- Address
- Date of Birth
- Contact details
- Residential status e.g. owner occupier or rented
- Any health or vulnerability issues

3. Is this an ongoing case or are you unhappy with the result of a case?

4. What would you like to see as the outcome of this community trigger?

5. Incident (s) detail including:

- Date of incident
- Date reported
- Who did you report it to (which agency/individual, including reference numbers)
- What happened?
- Who was involved?

Once contact has been made, this will be sent to the single point of contact at the council for Community Triggers. An acknowledgement will be made within 5 working days initiated by the Council SPOC.

### Deciding whether the threshold has been met

Once a qualifying complaint has been received, the relevant agencies will be contacted electronically and will be asked to decide whether the community trigger threshold has been met. In doing so they will also take into account the following:

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

They will also decide on which agency will lead on the response. This decision will be made within 5 working days from the date of circulation.

#### Threshold not met

When it is found that the threshold has not been met, the individual or group is advised in writing within 5 working days of the decision by the lead authority.

#### Threshold met

If the threshold has been met, the lead authority will coordinate a review of the case and all relevant data including complaints and what action has been taken to date by relevant agencies is sent to the lead agency.

The lead agency will convene a meeting with the relevant agencies as soon as is practicable.

The meeting will evaluate the case and actions to date and then consider whether further informal or formal interventions should be undertaken and agree an action plan.

Where possible and practicable the review meetings will be chaired by an appropriately trained independent lead if most of the agency representatives have been involved in the particular case. Involving somebody independent in the review to provide an external or fresh perspective on the case and the action that has been taken can be beneficial.

The victim will be invited or have the opportunity to attend a section of the case review meeting to help all members of the panel understand the level of harm and impact the ASB is having on them. It may be more appropriate to invite a representative of the victim to attend, especially where they have activated the case review on behalf of the victim. It is always good practice to have somebody involved in the case review to represent the victim, such as from Victim Support or another organisation providing support for victims in the local area.

Information in respect to the case will be shared by agencies where appropriate to do so to enable the progression of the case. Information will be shared under the Community Safety Partnership Data Sharing Agreement 2020.

#### Sign off and response

Once the intervention has been decided on the individual/group will be notified of the action taken within a further 5 working days.

## **APPEALS**

If the individual, group or representative is not happy with the decisions made, an appeal can be raised and submitted in writing to the Chair of the Strategic Community Safety Partnership or other nominated officer via the Single Point of Contact at the Council. The appeal must relate to dissatisfaction in the way in which the relevant bodies have:

- Dealt with an application for a case review under the community trigger; or
- Carried out a case review.

The appeal will be independently reviewed by the Chair of the Community Safety Partnership or other nominated deputy and responded to within 20 working days.

## **PUBLICATION**

The following data will be published annually on the IOW Council Community Safety Website

- The number of applications for Community Triggers received
- The number of times the threshold was not met
- The number of anti-social behaviour case reviews carried out
- The number of anti-social behaviour case reviews that resulted in recommendations being made.

## **REVIEW**

This policy will be reviewed by the council every 24 months in consultation with the following statutory consultees:

- Community Safety Partners
- The Local Police and Crime Commissioner
- Local providers of social housing

A wider consultation may be also undertaken with:

- Other partners, agencies and council services
- Ward Councillors
- Parish and Town Councils