

**Response to complaints about anti-social behaviour
(Section 104, Anti-Social Behaviour, Crime and Policing Act 2014)**

**Anti-Social Behaviour (ASB) Case Review Procedure
(‘Community Trigger’)**

Responsibilities

Relevant bodies within Wirral are required to have a procedure for undertaking a review of an anti-social behaviour (ASB) case if requested to do so by a person(s) and that application meets a set threshold. This is a duty set out in the Anti-Social Behaviour, Crime and Policing Act 2014. This is also known as the ‘community trigger’ and is intended as a ‘safety net’ for victims who consider that the response to their complaint(s) has not been appropriate or is inadequate. This is a problem solving process, designed to ensure that victims of anti-social behaviour receive the assistance and support available, seeking any other options available to help address the anti-social behaviour and identifying, if applicable, any lessons learnt.

The relevant bodies are Wirral Council, Merseyside Police, the Clinical Commissioning Groups and any co-opted social landlords (Registered Providers of social housing). This duty is overseen by Wirral Public Service Board, which is a partnership of agencies across Wirral (including those outlined above), chaired by Wirral Council’s Chief Executive, who proactively work together to identify and deliver efficiencies and opportunities for joint working.

A designated sub-group of Wirral Public Service Board, the ASB Case Review Group, will consider all applications made. The membership of each Group will consist of:

- Wirral Council Officer with strategic responsibility for anti-social behaviour
- Neighbourhood Police Inspector (from a neighbourhood different to that to which the case relates)
- A Commissioning Manager from one of the Clinical Commissioning Groups in Wirral
- Neighbourhood Housing Manager or equivalent from one of the co-opted social landlord(s)

Officers may deputise to another officer within their respective organisation of an equivalent or higher rank if they are unable to participate in a Review. The officers participating will not have had any direct involvement in the case being considered (i.e. they will not have been an investigating officer and/or been responsible for determining the action taken in the case).

The ASB Case Review Group will be supported by a Wirral Council Solicitor who will provide legal advice on process and relevant legislation; the Solicitor will have no decision-making powers.

The relevant bodies have consulted with the Merseyside Police & Crime Commissioner (PCC) and local social landlords (Registered Providers of social housing) in the drafting of this procedure. It is a requirement that this procedure is published and can be found at www.wirral.gov.uk/asbcasereview.

Co-opting social landlords

Any social landlord that wishes to be a relevant body in relation to this legislation will be identified and co-opted through Wirral's Strategic Housing Partnership.

Criteria

Anti-social behaviour (ASB) means behaviour causing harassment, alarm or distress to any member/s of the public, for the purpose of this procedure.

If a person has made a complaint about ASB in any part of the borough of Wirral, a review of the response to that behaviour (an "ASB Case Review") will be carried out:

- If you (as an individual) have complained to Wirral Council, Merseyside Police and/or a Registered Provider of social housing (social landlord) three times about separate incidents in the last six months.

OR

- If five individuals in the local community have complained separately to Wirral Council, Merseyside Police and/or a Registered Provider of social housing (social landlord) in the last six months about similar incidents of anti-social behaviour.

OR

- If you (as an individual) have complained to Wirral Council, Merseyside Police and/or a Registered Provider of social housing (social landlord) once about an incident or crime motivated by hate (hate incident/crime) in the last 6 months.

The threshold for such a review is met when, upon an application for the ASB Case Review, there have been **at least three qualifying complaints** by one or more persons of anti-social behaviour within the area specified in the application.

A qualifying complaint is a complaint that:

- a) relates to anti-social behaviour which was reported within one month of the alleged behaviour taking place; and
- b) is received within 6 months prior to the ASB Case Review application.

In circumstances where the above threshold has not been met the ASB Case Review Group may still conduct a case review giving regard to:

- The persistence of the anti-social behaviour
- The harm or potential harm caused by the anti-social behaviour
- The adequacy of response to the anti-social behaviour

Procedure

For ease of reference the process below is set out in a flow chart at **Appendix 1**.

An application for an ASB Case Review should be submitted using an online form at www.wirral.gov.uk/asbcasereview. A downloadable form is available. Assistance with completion of the form will be given upon request through public buildings such as Council One Stop Shops and Libraries, Police Stations and Housing Offices.

The online form asks the person applying the following:

- the date(s) the incident(s) of ASB was reported;
- the date(s) on which this incident(s) occurred;
- the location(s) the incident(s) occurred;
- the identity of the perpetrator(s) if known;
- other factors that may need to be taken into account.

This information is to assist in determining whether or not the threshold has been met. Provision is also made within the form for a person who is not a complainant to request an ASB Case Review. If an application is made by a person on behalf of a complainant, written consent must be obtained by that person to act on the complainant's behalf in respect of the ASB Case Review application. This Consent Form (**Appendix 2**) can be downloaded from the above web page and attached to the online form.

The online (or downloadable) form also asks the person applying what is the outcome that is sought by the complainant (i.e. what do they want to see happen following an ASB Case Review).

Upon receipt of an application confirmation of the submission will be given either by email (if electronic) or letter (if downloaded and posted) to the applicant (**Appendix 3**).

Within 3 working days of receipt of an application requesting an ASB Case Review, information will be requested from agencies to help establish whether the threshold

has been met (**Appendix 4**). Agencies will be requested to provide this information for the ASB Case Review Group, if applicable, **within 7 working days** of the request for information.

At the same time if there is not a current risk assessment on the person who has requested an ASB Case Review, or on whose behalf the request is made, the completion of a risk assessment will be co-ordinated by the respective Neighbourhood Police Inspector (or their nominated representative/s). The result of the risk assessment will be provided to the ASB Case Review Group **within 7 working days** of the above request for information. If the need for additional practical and/or emotional support is identified this will be facilitated through existing processes and the respective Neighbourhood Police Inspector (or their nominated representative/s) will provide an update to the ASB Case Review Group.

Within 15 working days of receipt of an application, a decision will be made by the ASB Case Review Group as to whether the application meets the threshold. The applicant will be informed in writing if the request does or does not meet this (**Appendix 5a/b**).

If the application meets the threshold or if a meeting is required to determine whether the threshold has been met, a meeting of the ASB Case Review Group will take place **within 20 working days** of receipt of the application. If the threshold has been met, an assessment will be made as to whether the Review can be undertaken with the information available (which will then take place) or further information is required.

If further information is needed, a request will be made to relevant individuals, services, bodies and/or agencies for the information required requesting that it is provided **within 10 working days**. In complex cases this may be extended to **15 working days**. Upon receipt a meeting will be held and every effort will be made to conduct the Review at this meeting. It may however be necessary to convene a further meeting, for example due to further information being required. If this is the case, a commitment is given to seek to conduct the Review within no more than 60 working days from the date of receipt of the application.

If the perpetrator is under the age of 18, Wirral Youth Offending Service will be invited to participate in the ASB Case Review Group meeting.

The ASB Case Review Group will consider the following when reviewing the case:

- whether the individuals, services, bodies and/or agencies involved have followed their procedures;
- any recommendations that need to be made to any person who carries out a public function in respect of the case and/or future practice.

If there are recommendations arising from the Review to be made in relation to any person(s) that carries out a public function, the ASB Case Review Group will write to them setting these out. The person is required by law to have regard to those recommendations when carrying out their public functions.

The ASB Case Review Group will write to the applicant setting out the outcome of the Review and any recommendations.

Requesting information

All agencies that have signed up to this procedure are in agreement that they will share information such as is reasonable in order to give effect to the principles and duties enshrined in this document.

If the request for information is made to a person who carries out a public function, and they possess that information in connection with the exercise of such functions, then the person *must* comply with that request. If the request for information is made to a person who does not carry out a public function, the person *may* comply with the request. This legislation does not however compel the disclosure of information which would contravene the Data Protection Act 1998, is restricted or prohibited or would breach any obligation or confidence owed by the person making the disclosure. This may mean that any information provided is redacted of any sensitive material before disclosure.

Escalation of the Community Trigger to the Police and Crime Commissioner for Merseyside

Where an individual is dissatisfied with the outcome of an ASB Case Review ('Community Trigger') they may escalate their concerns to the Police and Crime Commissioner. An ASB Case Review may only be escalated where one of the following measures is satisfied:

- (1) The ASB Case Review has failed to consider a relevant process, policy or protocol;
- (2) The ASB Case Review has failed to consider relevant factual information.

The role of the Office of the Police and Crime Commissioner will be to consider due process and ensure that the ASB Case Review has been properly and effectively undertaken. In considering an ASB Case Review escalation the Office of the Police and Crime Commissioner can either:

1. Refer the case back to the Community Safety Partnership asking them to consider a particular process, policy or protocol not previously considered;

2. Determine that the Community Safety Partnership has reviewed the case, considering all relevant policies, process and protocols.

An ASB Case Review cannot be escalated where a complainant is dissatisfied that a particular agency has not utilised a particular enforcement tool and where it has been established through the 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.

Monitoring and reporting

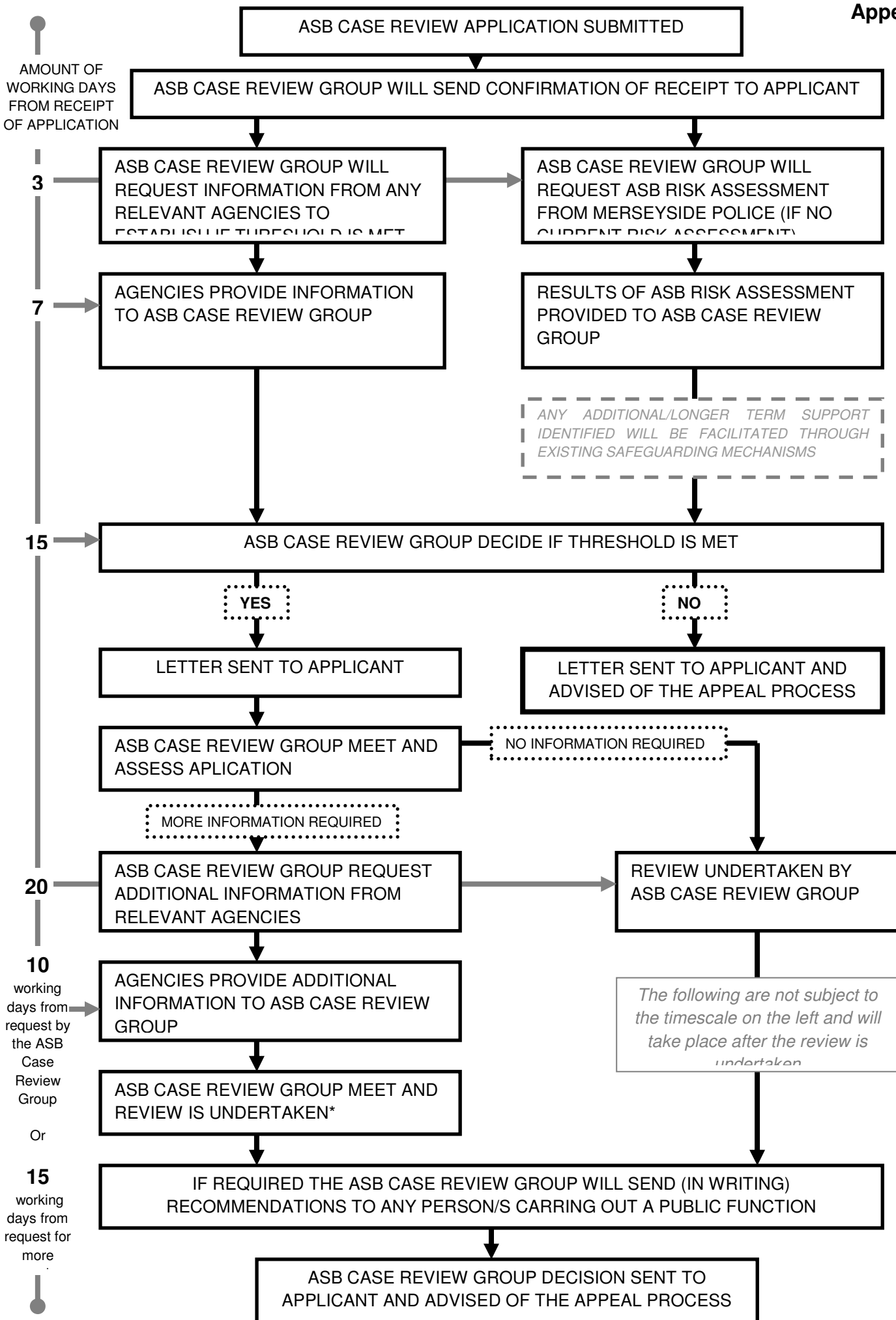
Wirral is required to publish information about ASB Case Reviews. This is a multi-agency process and individual agencies can decide whether to publish information related to the process and if so, when and where. As a minimum, the following information will be published quarterly on Wirral Council's web site at www.wirral.gov.uk/ASBCaseReview on behalf of the relevant bodies.

- the number of applications received for ASB Case Reviews and from which geographical area;
- the number of times a decision was made that the threshold was not met;
- the number of ASB Case Reviews carried out and how many resulted in recommendations being made;
- the number of ASB Case Reviews resulting in an appeal.

A report will be submitted to the ASB Case Review Appeal Panel on a quarterly basis (where applicable) providing information about ASB Case Reviews in the preceding period and summarising any recommendations made. The Panel will assess the effectiveness of the procedures and seek revision to the procedures where appropriate (ensuring that the necessary consultation takes place). The Panel may seek to make recommendations to Wirral Public Service Board to review policy, practice and/or strategy as it considers appropriate.

Impact on existing complaints procedures

As the ASB Case Review process is focused upon problem solving, it can therefore run parallel to any existing internal complaints processes.



* Every effort will be made to conduct the review at this meeting however it may be necessary to convene another meeting together more information. If this is the case a commitment is given to conduct the review within no longer then **60 WORKING DAYS** from receipt of application.

**WIRRAL ANTI-SOCIAL BEHAVIOUR CASE REVIEW
(‘COMMUNITY TRIGGER’):
CONSENT FORM**

I, **(insert name of victim of ASB)**

of **(insert address)**

hereby give consent for **(insert name of the person acting for the victim)**

to make application for an ASB case review on my behalf.

I understand that I will be contacted to enable an assessment of the risk of harm to me.

I also consent to the ASB Case Review Group providing **(insert name of the person acting for victim)**

such personal information as is required to notify them of the outcome of the review.

I can confirm that **(insert name of the person acting for the victim)**

will keep me informed as to the progress and outcome of the review application.

Signed: _____

Name: _____

Position (if signing on behalf of an organisation): _____

Date: _____



Eric Robinson
Chief Executive

Appendix 3

Town Hall
Brighton Street
Wallasey
Wirral
Merseyside CH44 8ED
Tel: 0151-777-2018
Email: neighbour.nuisance@wirral.gov.uk

to

date

your ref
my ref ASBCaseReview/App3/receipt
service
tel 0151-777-2018 Please ask for
fax
email neighbour.nuisance@wirral.gov.uk

Dear

**Your application for an Anti-Social Behaviour (ASB) Case Review
(Section 104 Anti-Social Behaviour, Crime and Policy Act 2014)**

Thank you for making an application for an ASB Case Review. I am writing to you on behalf of the bodies responsible for conducting such Reviews.

Your application has been received and you/the victim will be contacted in the next two working days to help us determine the risk of harm to you/the victim.

We shall make enquiries with the relevant agencies and will contact you within the next 15 working days to advise you whether your application has met the necessary threshold for a review to take place. If your application has met the threshold, the ASB Case Review Group will meet within 20 working days of receipt of your application to undertake the Review. You will be contacted again after this has taken place.

You will find details of the process at www.wirral.gov.uk/asbcasereview

Yours sincerely

Town Hall
Brighton Street
Wallasey
Wirral
Merseyside CH44 8ED
Tel: 0151-777-2018
Email: neighbour.nuisance@wirral.gov.uk

to

date

your ref
my ref ASBCaseReview/App4/information
service
tel 0151-777-2018 Please ask for
Fax
email neighbour.nuisance@wirral.gov.uk

Dear Colleague

**Application for an Anti-Social Behaviour (ASB) Case Review
(Section 104 Anti-Social Behaviour, Crime and Policy Act 2014)**

An ASB Case Review application has been made. I am writing to you on behalf of the bodies responsible for conducting such Reviews.

We would be obliged if you can confirm whether you hold any reports of ASB received within the six months prior to **[Application Date]** in respect of **[location of ASB]** and in respect of **[If known, name of perpetrator]**.

If so we would be obliged if you can confirm:

- a) how many of these relate to incidents that occurred within one month of the report being received;
- b) whether any include the use or threatened use of violence;
- c) whether any may include ASB motivated by hate; and
- d) whether any have not been responded to.

This information is required within 7 working days.

Yours sincerely



Eric Robinson
Chief Executive

Appendix 5a

Town Hall
Brighton Street
Wallasey
Wirral
Merseyside CH44 8ED
Tel: 0151-777-2018
Email: neighbour.nuisance@wirral.gov.uk

to

date

your ref
my ref ASBCaseReview/App5a/threshold
service
tel 0151-777-2018 Please ask for
fax
email neighbour.nuisance@wirral.gov.uk

Dear

**Your application for an Anti-Social Behaviour (ASB) Case Review
(Section 104 Anti-Social Behaviour, Crime and Policy Act 2014)**

Further to our previous correspondence with you we can now confirm that your application has not met the threshold for an ASB Case Review.

We recognise that this may be disappointing for you and we would urge you to continue to liaise with the agency you have been reporting anti-social behaviour to if you are still experiencing similar anti-social behaviour issues.

If, however, you would like any further clarification as to why your application has not met the threshold please do not hesitate to contact XXX on XXXX.

If you feel that your case does fall within the criteria set out in the ASB Case Review procedures that can be found at www.wirral.gov.uk/asbcasereview you may request an appeal of this decision by writing to XXXXXX within 21 days of the date of this letter.

Yours sincerely



Eric Robinson
Chief Executive

Appendix 5b

Town Hall
Brighton Street
Wallasey
Wirral
Merseyside CH44 8ED
Tel: 0151-777-2018
Email: neighbour.nuisance@wirral.gov.uk

to

date

your ref
my ref ASBCaseReview/App5b/threshold
service
tel 0151-777-2018 Please ask for
fax
email neighbour.nuisance@wirral.gov.uk

Dear

**Your application for an Anti-Social Behaviour (ASB) Case Review
(Section 104 Anti-Social Behaviour, Crime and Policy Act 2014)**

Further to our previous correspondence with you we can now confirm that your application has met the threshold for an ASB Case Review.

A review of the response to the ASB that you have complained of will now take place. This will take place on **[date of ASB Case Review]**.

As soon as the review is complete you will be notified of the outcome accordingly.

Yours sincerely