

Suffolk Anti-Social Behaviour (ASB) Case Review (formerly known as the Community Trigger)

October 2024

**Guidance for members of the public on
how to request an Anti-Social Behaviour
(ASB) Case Review**



Suffolk ASB Case Review Guidance

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Suffolk Anti-Social Behaviour (ASB) Case Review Guidance

Background

We know that, where left unchecked, ASB can have an overwhelming impact on its victims and, in some cases, on the wider community.

The Anti-social Behaviour, Crime and Policing Act 2014¹ introduced specific measures designed to give victims and communities a say in the way that complaints of ASB are dealt with. This included the creation of the Anti-Social Behaviour Case Review (also known as the Community Trigger).

Across Suffolk a consistent approach has been developed to support all agencies involved in ASB Case Reviews, aiming to provide victims of ASB with a consistent and effective response regardless of where they live in the County.

Anti-Social Behaviour (ASB) is a broad term used to describe the day-to-day incidents of crime, nuisance and disorder that can make many people's lives a misery. This covers but is not limited to vandalism, public drunkenness or noisy and abusive neighbours. Such a wide range of behaviour means that responsibility for dealing with ASB is shared between a number of agencies, particularly the Police, Councils and housing providers.

Purpose

Victims of ASB will be able to request a Case Review in the event that they feel that agencies have not taken action in respect of their complaint, and where the case meets the locally defined threshold.

For the purpose of the ASB Case Review, ASB is defined as behaviour "causing harassment, alarm or distress" to any member of the public.

When someone has requested a Case Review and the threshold is met, relevant bodies including Councils, the Police, Integrated Care Boards and housing providers have a duty to undertake review. The purpose of the ASB Case Review is for agencies to take a more joined up, problem solving approach to review what action has previously been taken and decide whether there are additional actions that can be taken.

The Case Review application does not replace the complaints procedures of individual organisations. These should be used where there is a specific complaint about the actions / inaction of a specific organisation.

¹ <https://www.gov.uk/guidance/anti-social-behaviour-asb-case-review-also-known-as-the-community-trigger>

Making an application

Step 1: Gateway to ASB Case Review

You will be able to access the ASB Case Review online reporting form through your District/Borough Council websites. Hard copies will be available on request for postal applications.

Completed forms will be received by the local authority Single Point of Contact (SPOC) and you will receive an acknowledgement within 3 working days.

The ASB Case Review application can also be completed by any person on your behalf (with your consent), for example a family member, friend, carer, Councillor, MP or other professional person.

Step 2: Determine if Threshold has been met

The reporting form will be sent through to local Single Point of Contact, who along with the ASB Manager/Lead will determine whether the threshold has been met. In some cases this may be obvious; in others it may be that an initial scoping exercise is undertaken with the relevant agencies to assist the determination.

Section 104(4) of the Anti-social Behaviour, Crime and Policing Act 2014 sets a baseline threshold and no additional factors can be added to the simple test that an application has been received and the victim has reported at least 3 qualifying complaints within 6 months.

Section 104 (11) of the legislation sets out what will be considered a 'qualifying complaint' for using the ASB Case Review to prevent someone reporting historical incidents of anti-social behaviour in order to use the ASB Case Review. The legislation sets out the following standards, which have been adopted in Suffolk:

- The anti-social behaviour was reported within 1 month of the alleged behaviour taking place; and
- The application to use the ASB Case Review is made within 6 months of the report of anti-social behaviour.

You will receive communication within 10 working days detailing whether:

- The threshold has not been met and that an ASB Case Review will not be conducted. This will include details for appeal
or
- The threshold has been met and that an ASB Case Review will begin.

Step 3: Information Requests

If the threshold has been met the SPOC will send an information request to the relevant agencies asking for details of your case and informing them that a Case Review Panel will meet. In most cases the timescale is around 10 days, however your Single Point Of Contact will keep you informed.

Step 4: Review Panel Meeting

Your Single Point Of Contact will arrange and Chair a Review Panel meeting once there is confirmation that an ASB Case Review is to be carried out. As a minimum, the following core agencies will be involved in the Review:

- District/Borough Council
- Police
- Housing provider(s) for victim and perpetrator, as applicable
- Health services as appropriate if there are any drug/alcohol/mental health issues
- Youth Offending Team (YOT) where the perpetrator is under 18
- Children's Services/school where the victim or perpetrator is under 18
- Suffolk Police and Crime Commissioner

The multi-agency case review discussion enables a thorough review of the partners response to ASB you have reported. The review will consider further actions or alternative responses that could be considered to help resolve the ASB.

The Review Panel will formulate an action plan, details of which will shared with you.

In most circumstances this will be within 10 working days, although your single point of contact will keep you updated of timescales. The action plan will be managed by the local authority SPOC.

Your SPOC may ask you to complete an Impact Statement before the review meeting. This is optional and is intended purely as a guide for understanding the impact the ASB has had on you.

You will be invited to attend the Case Review meeting. This enables you to speak about the situation and the impact it is having on you. It may be more appropriate to invite a representative to attend on your behalf such as an advocate, victim support practitioner or another organisation supporting victims in the local area. Normally you will have around 15 minutes to speak, although further information will be provided by your Single Point Of Contact.

Under the Equality Act 2010, Public Sector organisations have to make changes in their approach or provision to ensure that services are accessible to disabled people as well as everybody else.

Where a known disability is present your Single Point Of Contact will ensure that reasonable adjustments are considered. This includes but is not limited to;

- Support and assistance with completing the ASB Case Review application form
- Support and assistance with completing the Impact Statement
- Recognising your preferred method of contact such as verbal communication, not written
- An Advocate to support you through the process

- An Advocate to attend and support you at the meeting
- More time to present at the meeting.

Step 5: Decision

If the Review Panel determines that all partners have taken appropriate action and that no further resolutions can be offered, a letter advising of the decision will be sent to you. This is normally within 10 working days. This letter will also detail the process for appealing against the decision.

If the Review Panel determines that further action can be taken, a letter will be sent to you advising of the Action Plan, detailing next steps and advising of anticipated timescales for delivery. This is normally within 10 working days. The Action Plan will remain 'open' and reviewed regularly until all agreed actions have been completed. Your Single Point Of Contact will keep you informed on anticipated timescales. Once all actions are completed your Single Point Of Contact will make contact you to say your case has now been resolved.

Escalation to Appeal

If you remain dissatisfied with the outcome you have a right to appeal the decision and the case will be escalated to Suffolk County Council Community Safety Team. Your Single Point Of Contact will inform you of how to make an application. Your application for appeal must be received within 21 working days of receipt of your resolution letter.

The countywide ASB Appeal Panel will review the details of the case and consider if there are grounds for appeal against either:

- a) The decision that my case didn't meet the threshold for an Anti-Social Behaviour (ASB) Case Review
- b) The outcome of the Anti-Social Behaviour (ASB) Case Review

Suffolk ASB Case Review Model

