



Anti-Social Behaviour Case Review Process

(Previously Community Trigger)

1. Introduction

The ASB Case Review, is a statutory provision introduced in the Anti-Social Behaviour, Crime and Policing Act 2014. It is a safety net for victims of persistent anti-social behaviour to request a review of their case to determine if further action can be taken to resolve the ongoing ASB. The ASB Case Review is not about apportioning blame but is to focus on problem solving the case utilising the expertise of partner agencies.

To activate the ASB Case Review, the victim must meet a threshold. The threshold test is detailed at section 5 of this document.

The ASB Case Review confers responsibilities on relevant bodies including the local authority, police, Integrated Care Board (ICB) and registered providers of housing, to manage and participate in the ASB Case Review process.

Cumberland Council and Westmorland and Furness Council are the administrators of the ASB Case Review in Cumbria.

This ASB Case Review Policy is conversant with the Statutory Guidance for Frontline Professionals, and future amendments, as outlined in **“Anti-Social Behaviour, Crime and Policing Act 2014: Anti-Social Behaviour Powers (Home Office)”**.

2. Anti-Social Behaviour Defined

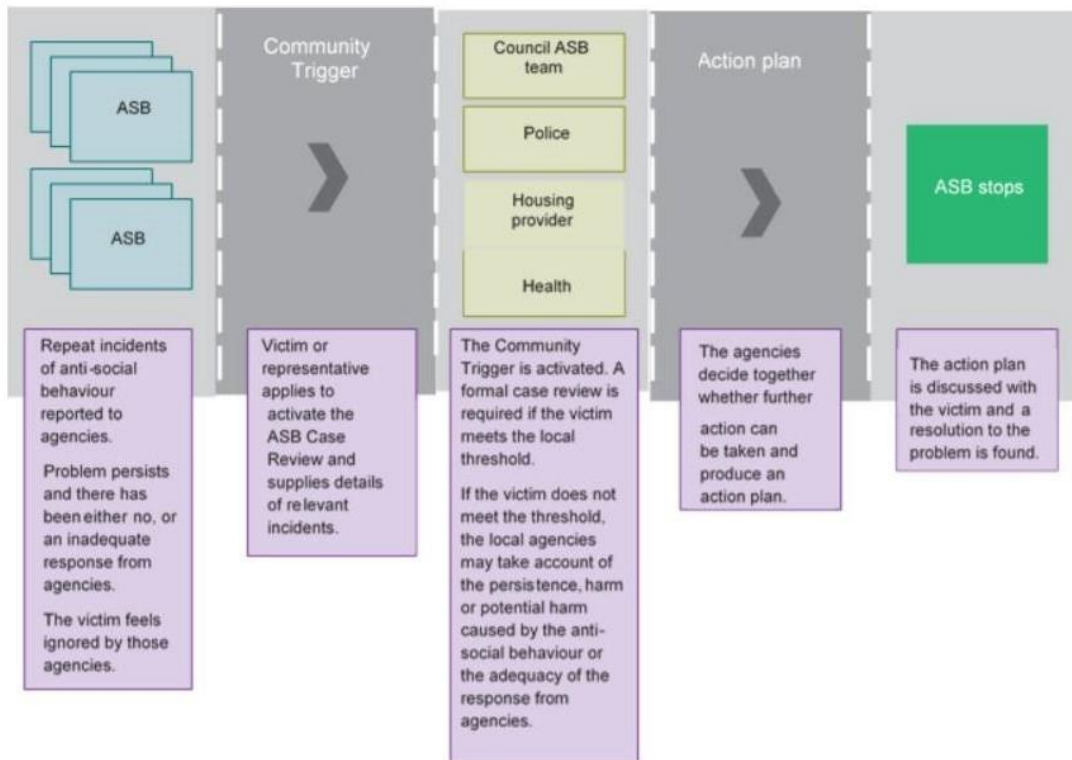
For the purpose of the ASB Case Review, the anti-social behaviour must be persistent in nature and the behaviour is defined as “conduct that has caused, or is likely to cause, harassment, alarm or distress to any person”¹

3. Purpose

“To give victims and communities the right to request a review of their case where a local threshold is met, and to bring agencies together to take a joined up, problem-solving approach to find a solution for the victim.”²

¹ Agencies should consider the cumulative impact of the anti-social behaviour rather than each individual incident causing harassment, alarm and distress. Due regard should also be given to the persistence of the ASB, harm or potential harm caused and the adequacy of the response to the behaviour.

² This is a direct quote from the Statutory Guidance for frontline practitioners which was revised in April 23



*Community Trigger/ASB Case Review

4. Principles

The ASB Case Review is available to victims of anti-social behaviour who meet the threshold (as detailed at section 5) and are victim to ongoing ASB. It is not an alternative complaints procedure, and it will not review concerns about service provision. Service complaints should be directed to Cumberland Council, Westmorland and Furness Council or Cumbria Police complaints procedure.

5. Threshold and Qualifying Complaints

To activate the ASB Case Review a victim must meet the following threshold test: -

- The victim has reported 3 separate, but related incidents³ (Qualifying complaints, as detailed below) to either the local authority, police or housing provider within the preceding 6-months to the application, and the anti-social behaviour still persists and there has been either no, or an inadequate response from agencies OR

³ the three incidents do not have to be of the same ASB category (noise, threats, foul and abusive language etc) but they need to relate to the same case and not 3 completely unrelated incidents.

A senior manager decides that an ASB Case Review is necessary to safeguard a vulnerable victim of anti-social behaviour or identifies a case that would benefit from the process and would meet the threshold regardless of whether an application has been received or not ⁴

An incident must be a **‘Qualifying Complaint’**. A Qualifying Complaint is an incident that has been reported to either the council, police, or registered provider of housing within 30 days of it taking place.

A single incident which is reported to more than one agency only constitutes as one Qualifying Complaint.

All ASB Case Review applications will be passed onto the relevant bodies (detailed in section 6). When there is uncertainty or debate as to whether the threshold is met, if one or more of the relevant bodies considers that it is met, then the ASB Case Review should be accepted.

If the ASB Case Review application does not meet the threshold (by way of 3 qualifying complaints), due regard should be given to the following to establish if the ASB Case Review should still proceed:

- ☐ Harm or potential harm caused by the anti-social behaviour
- ☐ Adequacy of response to the anti-social behaviour
- ☐ Persistence of the anti-social behaviour

Good conscience and professional judgement should be exercised to allow the ASB Case Review to progress, even when the threshold is not met (by 3 qualifying complaints), where there are concerns about risk and vulnerability.

Regardless of the previous actions taken in the case, if the anti social behaviour persists, an ASB Case Review activation request (that meets the threshold) should be accepted. The ASB Case Review hearing will then determine whether any new or alternative actions are more likely to be effective to resolve it.

6. Relevant Bodies and Responsible Authorities

The Relevant Bodies are outlined in the statutory guidance as:

- Local Authority
- Police
- Integrated Care Board (ICB) in England and Local Health Boards in Wales

⁴ Appropriate seniority may include the ASB Team manager/Local Focus Hub Manager (or above), a police officer of the rank of Inspector (or above) or a similar senior officer within another relevant body.

- Registered providers of social housing

In the local context of this policy, the Relevant Bodies are:

Cumberland Council

Westmorland and Furness Council

Cumbria Police

Lancashire & South Cumbria ICB

North East & North Cumbria ICB

Registered provider of social housing (to be advised by Local Focus Hub for each respective area)

The ASB Case Review case review must not only include a representative(s) from at least 3 of the agencies listed above but should also include representatives from other agencies relevant to the case. Relevant local health services may need to be involved in the review and this should be treated as standard for those ASB Case Reviews that involve victims with health-related vulnerabilities.

Where the ASB Case Review involves a youth, the Youth Offending Team/Service should also be involved in the process.

7. Information Sharing

For the ASB Case Review process to be effective, relevant information must be shared across relevant bodies and partner agencies under the following legislation;

- The Anti-Social Behaviour, Crime and Policing Act 2014 requires relevant bodies to share information pertinent to an ASB Case Review activation and review. (Please refer to schedule 4, para 6(2))

Where a request is made to an agency which does not exercise public functions, that agency may comply with the request subject to para 7(4) Anti-Social Behaviour, Crime and Policing Act 2014.

Paragraph 7 (4) of Schedule 4 Anti-Social Behaviour, Crime and Policing Act 2014 provides the disclosure of information is not required where it relates to non-exempt personal data which would be a breach of Data Protection legislation, a breach of any obligation of confidence owed by the person making the disclosure, or which is prohibited by parts 1 to 7 of Chapter 1 of Part 9 of the Regulation of Investigatory Powers Act 2016.

- Schedule 2 5(b) to the Data Protection Act 1998
- Section 115 Crime and Disorder Act 1998

8. Who can raise an ASB Case Review?

A victim can be an individual person, business, or community group.

A third party can also make an application for an ASB Case Review on behalf of a victim, with their consent. This can include a friend, relative, carer, councillor, Member of Parliament, or another professional person. We will still need to contact the victim to establish the facts and will need to confirm this consent.

A senior manager within the authority who decides that an ASB Case Review is necessary to safeguard a vulnerable victim of anti-social behaviour (please refer to section 5) or identifies a case that would benefit from the process and would meet the threshold regardless of whether an application has been received or not.

9. Who is not suitable for the ASB Case Review?

The ASB Case Review is not suitable for a person who: -

- Wishes to remain anonymous in the ASB Case Review application.
- Wants a review of a Crown Prosecution Service (CPS) decision in relation to the prosecution or non-prosecution of a criminal offence.
- Who is dissatisfied with a decision made by a civil or criminal court.
- Whose complaint is about service provision.

10. How to raise an ASB Case Review

Cumberland Council and Westmorland and Furness Council administer and coordinate the ASB Case Review in Cumbria. It does not matter which agency a victim has reported incidents to, the Council will obtain the details of incidents relevant to the ASB Case Review application.

A victim can activate the ASB Case Review by any of the following methods:

- Download a Form here: [Apply for an anti-social behaviour case review | Cumberland Council](#)
- Download a Form here: [Anti-social behaviour case review | Westmorland and Furness Council](#)
- If you are unable to access the website, please request a form by phone:
Cumberland Council – 0300 373 3730
Westmorland & Furness Council – 0300 373 3300

The details of the ASB Case Review SPOC will be provided to the applicant following acceptance of the Case Review form.

11. The ASB Case Review Application Procedure

Upon receipt of an application, the Customer Service Officer will acknowledge receipt within 3 working days from the date of the application and send the application to the local focus hub manager for the given area. If the relevant hub manager is on leave, then the Customer Service Officer will ensure the matter is passed to another hub manager to oversee.

The Hub Manager will be the SPOC (Specified Point of Contact) for the ASB Case Review.

Upon receiving an ASB Case Review application, the SPOC will (in no particular order): -

- a. Contact the victim (preferably by telephone) to gather further information about the incidents and ASB case as a whole and complete a risk assessment. A discussion/referral regarding support services will also be made if appropriate.
- b. Complete cross reference checks with relevant agencies to confirm the 3 qualifying complaints have been received and are accurate.

Where the victim cannot be reached, the SPOC should make reasonable efforts to contact them (letter, phone, email, visit etc). Where contact cannot be made, the Case Review will be listed as withdrawn and closed. A letter confirming this action will be sent by letter to the victim within 7 working days.

All the information detailed in points a and b above will be circulated to a specified contact at each of the relevant bodies (listed in section 6) so a decision can be made as to whether the threshold is met or not.

Good conscience and professional judgement should be exercised to allow the ASB Case Review to progress, even when the threshold is not met (by 3 qualifying complaints), where there are concerns about risk and vulnerability (as detailed in section 5).

When there is uncertainty or debate as to whether the threshold is met, if one or more of the relevant bodies considers that it is met, then the ASB Case Review should be accepted.

A decision letter should be issued to the applicant within 10 working days of the application unless further information is required from agencies to determine if the threshold is met. In this instance, the applicant will be advised of this delay by their preferred means of communication and advised of an appropriate timescale.

Where the threshold is not met, the decision letter should clearly explain the reasons why and include details of the appeal process.

Where the threshold has been met, the decision letter will include:

- An outline of the next steps of the ASB Case Review process with associated timescales. [Provide a flow chart if available].
- Contact details of the SPOC

- Details of support and advocacy agencies available to the applicant and how they can be referred.
- The opportunity to attend the initial part of the ASB Case Review hearing to discuss the harm and impact that the ASB has had on their (and their family's) lives, submit a statement or allow someone to advocate on their behalf. If the date is yet to be established, the applicant should be advised that this will follow shortly.

As soon as it has been determined that the threshold is met, the SPOC will forward a Partner Agency Response Form (PARF) to all the relevant departments and agencies required to complete. The agencies contacted will be dependent on the nature of the case. The form will require the identified partners and responsible agencies to provide information on the reports they have received, and details of any actions taken. The agency should be informed of the timeframe to return the information which is 10 working days.

Other agencies, relevant to the case, such as mental health teams or drug and alcohol support services may also be engaged with, and relevant information obtained. Reference should be made to the existing information sharing agreements, information sharing permitted by the Crime and Disorder Act 1998, Anti-Social Behaviour Act 2014 and Data Protection Act/GDPR 2018 as detailed at section 7

The Local Authority SPOC will contact all the partner organisation's representatives to arrange the date and time of the ASB Case Review panel hearing and arrange for a. This will include an independent chair (from the respective CSP) and a minute taker. As a minimum, the panel must include representatives from at least 3 of the responsible bodies which are detailed below: -

- Cumberland Council & Westmorland and Furness Council ASB Team Manager/Local Focus Hub Manager
- Police Sector Inspector/Partnerships Inspector
- Social Housing Provider (relevant management level)
- ICB
- ASB Case Review SPOC

As noted in section 6, where the ASB Case Review involves a youth, the Youth Offending Team/Service should be involved in the process. In addition, health related services should be involved as standard, where the victim has health-related vulnerabilities.

The SPOC should arrange for all the Agency Response Forms and other pre reads to be circulated at least 5 days prior to the panel hearing to ensure all attendees including the chair have ample time to read, digest and prepare.

Any recommendations or appropriate actions identified during the initial review process, where an immediate risk of physical or psychological harm is present, they should be actioned and not unduly delayed until the panel hearing. Any interim actions taken should be communicated to the SPOC.

The SPOC should also be notified of any further incidents arising between the receipt of the Partner Agency Forms and the ASB Case Review panel hearing.

Minutes of the ASB Case Review panel hearing, and the action plan must be circulated and agreed by all panel members by the SPOC within 5 working days.

After the ASB Case Review panel hearing, the SPOC will inform the victim of the outcome of the review, ideally by a telephone call but then formalised in writing within 10 working days of the hearing. The victim should be informed about the actions agreed, except those actions which identify the perpetrator's protected personal and sensitive data. They should also be notified on what grounds they are able to request a review and how they are able to do so (please see section 12).

All panel members who have actions to complete must endeavour to do so within the time frame allocated. Panel members must inform the SPOC when actions have been completed or to explain why an action is delayed.

A follow up ASB Case Review panel hearing may be required before closing the ASB Case Review, especially in relation to cases where there is high risk and vulnerability. This will ensure the recommendations made on the initial action plan are completed and further actions can be proposed if necessary.

12. Monitoring of the Action Plan

It is vital to the spirit of the process that the agreed actions are completed in the timeframe set out in the action plan. It is the responsibility of the agency's representative to complete their required actions and inform the SPOC when each action is completed. is informed when these actions have been completed.

Where an action is not completed within the agreed timeframe the ASB COORDINATOR/SPOC will contact the person assigned the action. If the action remains outstanding for 10 days (over and above the originally agreed timescale) the SPOC will escalate this to the assigned person's direct line manager. Outstanding actions that remain incomplete for more than 20 days (over and above the originally agreed timescale) will be escalated up through the organisation's upward line management structure and to the respective CSP. The victim to be kept updated regarding any recognised delays.

An action is not considered complete until the SPOC is informed. If it is no longer viable, or if the action is no longer necessary because another course of action has resolved the case, then it is the responsibility of the person assigned the action to inform the SPOC. That person should also advise what the outcome was so that partners can agree further actions to be completed or whether to re-refer the case for discussion.

13. Appeals

Our appeals procedure is fully conversant with Schedule 4, Part 1 of the ASB Crime and Policing Act 2014 which details that an applicant can appeal if they are dissatisfied with the way in which the relevant bodies have:

- a. Dealt with an application for an ASB Case Review (e.g. where the victim disagrees that the threshold is not met) or
- b. Carried out an ASB Case Review (e.g. not followed the ASB Case Review Policy and Procedures OR failed to consider a critical piece of evidence)

All appeals are to be sent to Cumberland Council/Westmorland and Furness Council and must be received within timeframe set locally. The appeal will take the form of a desktop review made up of a representative panel from the opposing CSP. In the event that an appeal is upheld, the outcome will be relayed to both CSPs to support lessons learned and may include recommendations or an action plan to resolve the issue.

14. Future Applications

Where further requests for activation of the ASB Case Review are received following a decision, these will be considered on their own merit.

Where multiple requests for activation of the ASB Case Review are received without good cause, the Cumberland Council or Westmorland and Furness Council may refer to 'The Policy on Unreasonably Persistent Complainants' or that of the relevant organisation.

ASB Case Review Partner Agency Response Form

I am writing to inform you we have received a request to activate the ASB Case Review under the Anti-Social Behaviour, Crime and Policing Act 2014.

As a signatory to the Information Sharing Agreement dedicated to the management of the ASB Case Review in this Local Authority, I require information from your agency to establish if the threshold is met.

I will require all the information you hold regarding incidents of ASB relating to the following individuals and addresses, within **XX** working days. If you are unable to provide the information in this time, please contact xxx directly to discuss.

Name		DOB	
Address		Postcode	

Name		DOB	
Address		Postcode	

Name		DOB	
Address		Postcode	

Name		DOB	
Address		Postcode	

Name		DOB	
Address		Postcode	

Please contact me directly at (Tel XXXXX) if you need further assistance in completing this request. Information is initially sought for (but not limited to) the period to (6 months) unless your records show that there is older information relevant to this case

Do you hold any ASB reports /incidents from the named person	Yes No	Do you have any vulnerability markers or flags on your systems relating to the applicant or the perpetrator	Yes No
Do you hold any completed risk assessments	Yes No	Is there a formal ASB complaint logged for this person which is currently being investigated	Yes No

If you have indicated **YES** to any of the above, please provide additional information/copies where possible and summarise reports in as much detail as possible below:

Reference Number	Date Received	Brief overview of the incident (please include details of reporting party and any named perpetrator/offender)	
Was any action taken?	Yes No	If yes, please detail the action taken in response, if no please summarise reasons	

Reference Number	Date Received	Brief overview of incident (please include details of reporting party and any named perpetrator/offender)	
Was any action taken?	Yes No	If yes, please detail the action taken in response, if no please summarise reasons	

Reference Number	Date Received	Brief overview of complaint/report (please include details of reporting party and any named perpetrator/offender)	
Was any action taken?	Yes No	If yes, please detail the action taken in response, if no please summarise reasons	

Please use the box below to provide any additional/supporting information regarding reports or your agencies response to reports. Examples of information that is required are detailed below. Please use professional judgement for any additional material you think is relevant to establish if the ASB Case Review threshold has been met.

- **Dates of communications**
- **Volume of incidents**
- **Nature of the incidents**
- **Actions and outcomes in response to incidents**
- **Any known vulnerabilities and/or disabilities**

- Any involvement and or support of other agencies
- Any referrals made
- Indicate if repeat caller
- Any risk, needs or vulnerability assessments related to these individuals or household members

This list is not exhaustive.

On reviewing the application with the relevant authorities do you consider the threshold to have been met. Please provide your reasoning in the box below and details of other organisations consulted with: -