



South Staffordshire District Council ASB Case Review Procedure

The Anti-social Behaviour, Crime and Policing Act 2014 introduced a new power (the “Community Trigger recently renamed the ASB Case Review”) which gives victims and communities the right to request a review of their case and bring agencies together to take a joined up, problem-solving approach to find a solution.

An ASB Case Review can be requested by a victim of anti-social behaviour or by a person acting on their behalf, for example a family member, friend, carer, Councillor, Member of Parliament or other professional.

Agencies including local authorities, police forces, the NHS and local registered providers of social housing (collectively known as the “Relevant Bodies”) have a duty to undertake a case review where the case meets the threshold.

The ASB Case Review does not replace an organisation’s complaints procedure. Any complaint about how the District Council has responded to anti-social behaviour should be made to the Council’s Corporate Complaints Team. Details of the procedure can be found on the Council website.

The ASB Case Review will not prompt a review of decisions previously made by the Crown Prosecution Service (CPS). If a victim is not satisfied with a decision made by the CPS they should refer to the CPS complaints process, and the Victims’ Right to Review Scheme.

Requesting an ASB Caser Review

The request must detail:

- Three complaints that the victim has reported to council, registered social landlord or police within the last 6 months

The complaints must have been reported to an agency within one month of the alleged behaviour taking place, and the request for the ASB Case Review must be made within six months of the first report of anti-social behaviour that is being cited.

Supporting the Victim:

Once an ASB Case Review request has been made to Staffordshire Police, it will be reviewed to ensure the criteria has been met.

The applicant or their third party representative will be advised in writing by South Staffordshire Council as to whether their request for the ASB Case Review has been accepted. If the request is not accepted the reasons for this will be explained. If the request has been accepted consent will be requested for agencies to share information with relevant bodies in respect of anti-social. The information sharing consent form is included at the back of this policy. Without this consent it may not be possible to progress the request any further.



Considering the Request – The Relevant Bodies

Relevant Bodies are those organisations which have a statutory duty to be part of the ASB Case Review, and to undertake case reviews when the threshold is met.

The relevant bodies in South Staffordshire are:

- South Staffordshire District Council;
- Staffordshire Police;
- South Staffordshire Housing Association or other housing provider
- Mental health services
- Staffordshire Fire & Rescue Service as an Independent Chair

When a request has been made for an ASB Case Review the Relevant Bodies will decide whether the complaints meet the threshold. If two or more Relevant Bodies agree that the threshold has been met, a case review will be undertaken.

The threshold for the ASB Case Review is that there have been three (or more) qualifying complaints of anti-social behaviour in the six month period.

The definition of anti-social behaviour in this context is behaviour causing harassment, alarm or distress to a member or members of the public.

The Relevant Bodies have discretion to conduct a case review even if the threshold condition set out above has not been met, taking into account the following factors:

- The persistence of the 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

The applicant or their third party representative will be advised in writing of the decision of the Relevant Bodies whether the request for an ASB Case Review has met the threshold.

Case Review Meeting

An Case Review Meeting will be held to consider a case review where an application has been made and the threshold has been met.

The Relevant Bodies will consider the case at the meeting. In addition, the following representatives will attend the meeting as advisors:

- Lead Officer: Community Services Manager South Staffordshire Council
- Housing officer responsible for the case (when the complainant or alleged perpetrator are housing association tenants)
- Local police officer
- Health professional
- Youth Offending Service Manager

(when the alleged perpetrator is under 18 years old)

- The Independent Anti-Social Behaviour Victim Champion to represent the Victim.
- Staffordshire FARS – Staffordshire FARS



In advance of the Case Review Meeting, information will be requested from the Relevant Bodies organisations and other agencies with whom the victim has had contact in respect of anti-social behaviour, in accordance with the completed information sharing consent form

A Lead Officer from within the Relevant Bodies' organisations will produce a report detailing:

- The three complaints that the victim cited as grounds for raising the ASB Case Review
- All other anti-social behaviour complaints made in the six months prior to the submission of the ASB Case Review request

The report will provide an analysis of the incidents on which the complaints were based and the agency responses to them, and will make recommendations to improve support for the victim where appropriate.

Case Review Meeting Procedure

The ASB Case Review meetings invite the victims or a representative to present the circumstances to the Review. The victim may be represented at the meeting by the Anti-Social Behaviour Victim Champion (it is the decision of the victim whether they wish to accept this representation).

More than one individual case review may be heard at a meeting. Each case will be considered on its own individual merits.

The Chair for the meeting will be independent.

The quorum for the meeting is three Relevant Bodies representatives.

Minutes of the meeting will be taken by an appointed person who will not participate in the meeting other than for the purposes of minute taking.

Declarations of interest must be stated before each case is heard. Any Relevant Bodies representative who has a disclosable pecuniary interest or any other pecuniary interest in an item of business must withdraw from the meeting room during the whole of the consideration of that item of business.

Recommendations

The Relevant Bodies may make recommendations to their own organisations or to other agencies.

The legislation places a duty on a person who carries out public functions to have regard to those recommendations. 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.

The recommendations are likely to take the form of an action plan to resolve the anti-social behaviour.

The applicant or their third party representative will be written to with the outcome of the case review and any recommendations made by the Relevant Bodies. If requested the Antisocial behaviour victims champion will provide an oral update immediately after the meeting to inform the complainant of the outcomes of the meeting.

The Lead Officer (Community Services Manager) will be responsible for managing the implementation of the recommendations/action plan.



Appeals

If an applicant or their third party representative is dissatisfied with the way in which the review was carried out they may appeal in writing, stating the grounds for appeal.

An appeal may be made on the following grounds only:

- a) The manner in which bodies have dealt with an application; or
- b) Carried out the anti-social behaviour review itself

An appeal against the decision that the threshold has not been met may not be made.

Appeals are heard by the Chair of the Responsible Authorities Group (statutory community safety partnership) and the Cabinet Member with responsibility for community safety.

The outcome of an appeal is final.

An appeal may be requested by completing the appeal form and returning it to:

Maggie Quinn, Community Wellbeing and Partnership Officer, Community Services, South Staffordshire Council. Wolverhampton Rd, Codsall, Wolverhampton WV8 1PX Tel: 01902 696530. Alternatively, send by e-mail to m.quinn@sstaffs.gov.uk

Copies of this form are available from the address above.

Statistical Reporting

On an annual basis, the South Staffordshire district council will publish on the South Staffordshire district council website, on behalf of the Relevant Bodies, the following information:

- the number of applications for ASB Caser Review received
- the number of times the threshold for review was not met
- the number of ASB Case Reviews carried out
- the number of ASB Case Reviews that resulted in recommendations being made



ASB Case Review – INFORMATION SHARING CONSENT FORM

In order for us to help you with your ASB Case Review request we may need to record your personal and sensitive data together with details of your case and share them with other organisations.

To comply with the Data Protection Act 1998 and General Data Protection Regulations (with effect from 25 May 2018) we must tell you how we will use this data and ask for your permission.

The details of your complaint will be stored both electronically and in paper version. The information will be used to help you with your complaint.

YOUR STATEMENT OF CONSENT TO SHARE INFORMATION WITH RELEVANT BODIES

Please read the following carefully and tick 'yes' or 'no' and then sign and date the form.

By signing the form you are agreeing to the following:-

1. I agree to my complaint being shared with the Relevant Bodies who will consider my complaint i.e. the Local Authority, the Police, the Clinical Commissioning Group, Midlands Partnership Foundation Trust, the Fire Service and the named registered provider of Social Housing

YES NO

2. I agree that my personal information may be shared with the Relevant Bodies i.e. the Local Authority, the Police, the Clinical Commissioning Group, Midlands Partnership Foundation Trust and the named registered provider of Social Housing

YES NO

3. I agree that my sensitive personal information may be shared with the Relevant Bodies i.e. the Local Authority, the Police, the Clinical Commissioning Group, Midlands Partnership Foundation Trust and the named registered provider of Social Housing.

YES NO

I understand that my information will be held secured on paper and computer in accordance with the Data Protection Act and General Data Protection Regulations.

SIGNED _____ DATE _____

PRINT NAME _____

It may be necessary to share your personal and sensitive data and the details of your case with other organisations relevant to your case so that they can also assist with your complaint.

South Staffordshire Council • Council Offices • Codsall • South Staffordshire • WV8 1PX

Tel: (01902) 696000 • Email: info@sstaffs.gov.uk • www.sstaffs.gov.uk

Twitter: [@south_staffs](https://twitter.com/south_staffs) • Facebook: [South Staffordshire Council](https://www.facebook.com/SouthStaffordshireCouncil)



Other organisations may include, but are not limited to, providers of support services for victims of anti-social behaviour, other registered providers of social housing, and health providers.

YOUR STATEMENT OF CONSENT TO SHARE INFORMATION WITH OTHER ORGANISATIONS

Please read the following carefully and tick 'yes' or 'no' and then sign and date the form.

By signing the form you are agreeing to the following:-

1. I agree to my complaint being shared with other organisations
YES NO
2. I agree that my personal information may be shared with other organisations
YES NO
3. I agree that my sensitive personal information may be shared with other organisations
YES NO

I understand that my information will be held secured on paper and computer in accordance with the Data Protection Act and General Data Protection Regulations.

SIGNED _____ DATE _____

PRINT NAME _____

We will not record your information unless you provide your consent, but please note that **without your consent to share information it may not be possible to progress your ASB Case Review request any further.**

We will not share your information with anyone else without your consent, unless required to do so by law.