**Tameside Strategic Partnership**

**Anti-Social Behaviour Case Review Procedure**

**Produced by Neighbourhood Services**

**Directorate of People**

**Tameside Council**

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**1. Introduction**

The Anti-Social Behaviour, Crime and Policing Act 2014, requires the relevant bodies in a Local Government area to have an ASB Case Review Procedure, also known as the “Community Trigger”. For this purpose Tameside Council is the relevant body and the Council’s Neighbourhood Services teams will be responsible for co-ordinating and administrating the ASB Case Review Procedure on behalf of the Tameside Strategic Partnership.

Accordingly, the following relevant bodies have been consulted in the development of this procedure:-

* Greater Manchester Police (Tameside Division)
* Tameside’s Registered Housing Providers
* Tameside Clinical Commissioning Group

Manchester’s Police and Crime Commissioner has also been consulted in the development of this procedure.

**2. Purpose**

This procedure sets out the actions taken when a victim (hereafter referred to as “the Applicant”) of anti-social behaviour requests an ASB Case Review. For the purpose of this procedure “Anti-Social Behaviour” means behaviour causing harassment, alarm or distress to any member of the public.

The aim is to offer a ‘safety net’ for Applicants, to avoid individuals being passed between agencies and strengthen information sharing and communication to achieve a satisfactory resolution to their complaint on behalf of the Applicant. This procedure explains who can request an ASB Case Review and the threshold for cases that will be considered within the scope of this procedure. The steps taken and timescales involved when an application for an ASB Case review is made are outlined in **Appendix 1**: ASB Case Review Process Flow Chart.

Through co-option arrangements the Tameside Strategic Partnership are committed to participate and share relevant information for the purpose of ASB Case Reviews. Please refer to **Appendix 2** for a list of Tameside Housing Providers.

**3. Who can request an ASB Case Review?**

An applicant who has experienced ASB or another person acting on behalf of the Applicant such as a carer or family member, Member of Parliament or councillor.

The Applicant can be an individual of any age, a business or a community group.

If the applicant is aged under 18 years old on the date the application is made, the application must be made by a responsible adult on their behalf: such as a parent, guardian, other family member, teacher, social worker, Member of Parliament or Councillor.

Effective communication with Applicants is an important part of the ASB Case Review process. Applicants will be offered the services of interpreters, translators, and signers if required to facilitate effective communication.

Applicants will also have the right to involve an advocate to support them in the process.

**4.** **Anonymous Complaints**

Where requesting an ASB Case Review Applicants will be reassured that their details will not be passed onto any third party without their consent. If an applicant will not provide their contact details and insists on remaining completely anonymous the complaint will be considered as invalid for the purpose of the ASB Case Review as there would be limitations in validating the incidents referred to in the application, and no way of assessing their vulnerability or providing feedback to the Applicant.

**5. How can an ASB Case Review be requested?**

* By downloading an online form at

[www.tameside.gov.uk](http://www.tameside.gov.uk)

* By writing to Tameside Council, Neighbourhood Services, Wellington Rd, Ashton-under-Lyne, Lancashire OL6 6DL
* By telephoning Tameside Council on 0161 342 8355 and asking to speak to the relevant Neighbourhood Team for your area.

Please see **Appendix 3**

**6. ASB Case Review Threshold**

The ASB Case Review threshold is met when;

You (as an individual) have complained three times in the last six months about separate incidents and no action has been taken

**Or**

Five people in the local community have complained separately in the last six months about similar incidents and no action has been taken

**Or**

You (as an individual) have complained in the last six months about an incident or crime motivated by hatred (hate/crime) and no action has been taken.

Each of the individual qualifying complaints must have been reported. The review panel may also consider the following when determining if the ASB Case Review threshold is met;

* Persistence of the anti-social behaviour; and
* The harm or potential harm caused by the anti-social behaviour; and
* The adequacy of the response from agencies.

A complaint of Anti-Social behaviour could be made to the same or different organisations such as Greater Manchester Police, Tameside Council or Tameside Registered Housing Providers.

**7. Acknowledging the request for an ASB Case Review and Written Consent to Share information.**

Within two working days of receiving a request for an ASB Case Review, an officer from the Council’s Neighbourhood Service will write to the Applicant to acknowledge their request. The letter will advise the Applicant that they will be informed of the outcome of the ASB Case Review within 24 working days of their request for an ASB Case Review; unless the case is complex when they will be informed of an extended timeframe.

**8. Information Sharing**

Relevant information will be provided within 10 working days by the Council, GMP, Clinical Commissioning groups and Registered Housing Providers (through co-option arrangements), unless disclosure of the information would;

1. Contravene the Data protection Act 1998, or
2. Contravene Part 1 of the regulation of Investigatory Powers Act 2000, or
3. Breach the confidence owed by the person making the disclosure or
4. Breach any other restriction on the disclosure of information (however imposed).

Information may also be requested and shared by other agencies or organisations such as third sector services or General Practitioners if the expressed consent is provided by the Applicant and the information is considered relevant for the purpose of the ASB Case Review (and restrictions on the disclosure of the information do not apply).

**9. ASB Case Review Panel**

The information received will be reviewed by the ASB Case Review Panel, involving the relevant bodies and any other agencies or professionals bespoke to the application received.

Officers attending the ASB Case Review panel should be independent to any work undertaken in relation to the qualifying complaints subject to review.

The ASB Case Review Panel functions are;

* Share relevant information
* Undertake ASB Case Reviews within an agreed timeframe.
* Agree if the ASB Case Review threshold is met.
* Identify any recommendations
* Have regard to any recommendations
* Communicate with the Applicant

Please refer to **Appendix 4:** Terms and Reference for Review Panels.

Outcomes of ASB Case Reviews will be reported to and reviewed by the Head of Neighbourhood Services, Tameside Metropolitan Borough Council**.**

**10. ASB Case Review Outcome**

Following the ASB Case Review the applicant will be informed in writing of the outcome.

If the threshold was not agreed, the letter will inform the Applicant what happens next and provide any appropriate advice, such as how incidents of ASB should be reported in the future. The letter will also include the right to request a further review (an appeal). The appeal will be undertaken by more senior officers of the relevant organisations who are independent to the decisions made through the original ASB case review panel.

If the threshold is met and the review held, the letter will include an action plan specifying the recommendations that will be taken within defined timescales and state the lead agency responsible for each action to resolve the ASB. Please refer to appendix 5: ASB Case Review Action Plan. Completing and reviewing the agreed actions will be the responsibility of the agency named within the action plan.

**11. Escalation and Appeal**

If an applicant is dissatisfied with the response from their Application or how the case review has been carried out, there is a right to request a further review (an Appeal) that will involve officers from the relevant agencies who are more senior to those that completed the initial case review. The applicant will need to request the further review by writing to the Head of Neighbourhood Services at Tameside MBC. The request will be acknowledged within two working days and a final response provided within 20 working days of the request for a further review, unless the case is particularly complex when the applicant will be informed of a revised timeframe. Please refer to Appendix 6: ASB Case Review Appeal Flow Chart.

The outcome of the appeal is final. The Applicant has no further opportunity to challenge the decisions made within the ASB Case Review process.

The ASB Case Review does not replace an organisations own complaints procedures. If an ASB Case Review has been completed and the Applicant is unhappy about the service received from an individual officer or agency, a formal complaint may be made directly to that agency and if necessary may be escalated further through organisations such as the Ombudsman or Independent Police Complaints Commission.

**12. Unreasonably Persistent or Vexatious Applicants**

It is possible that after an ASB Case Review that there may be successive and unreasonable applications for a Case Review from the same Applicant.

Applicants can make a second request for an ASB Case Review if there have been a ‘new set’ of incidents and each of the incidents are ‘qualifying complaints’.

If, in the opinion of the ASB Case Review Panel any Applicant appears to be unreasonably persistent or vexatious, the Applicant would be informed in reference to the most appropriate relevant bodies’ vexatious or unreasonably persistent complainants’ policy.

**13. Statistical Reporting**

Every 12 months, starting April 2015, the Tameside Strategic Partnership will publicise the following information regarding ASB Case Reviews relating to the previous 12 month period;

1. The number of applications for ASB Case Reviews received;
2. The number of times the threshold was not met;
3. The number of ASB Case Reviews carried out;
4. The number of appeals made

The ASB Case Reviews Statistics will be published on the Council’s website.

Statistical information will also be available on request from Tameside Council Neighbourhood Services.

**14. Assessment and revision of review procedures**

An annual review will be conducted in consultation with relevant bodies and representing authorities.

The review will concentrate on the effectiveness of the ASB Case Review procedures and the revision of the procedures.

1. **Further Information**
* **Anti-Social Behaviour, Crime and Policing Act 2014**

[www.legislation.gov.uk/ukpga/2014/12/contents/enacted](http://www.legislation.gov.uk/ukpga/2014/12/contents/enacted)

* **Anti-Social Behaviour, Crime and Policing Act 2014: Reform of anti social behaviour powers – Statutory Guidance for frontline professionals**

[**https://www.gov.uk/.../uploads/.../StatutoryGuidanceFrontline.pdf**](https://www.gov.uk/.../uploads/.../StatutoryGuidanceFrontline.pdf)

* **Evaluation report from the Home Office Community Trigger trials**

[**https://www.gov.uk/.../community-trigger-trials-repor-v4.pdf**](https://www.gov.uk/.../community-trigger-trials-repor-v4.pdf)