

# **HERTSMERE'S ANTI-SOCIAL BEHAVIOUR CASE REVIEW POLICY AND PROCEDURES**

**(REVISED MAY 2023)**

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## 1. INTRODUCTION

The Anti-social Behaviour 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 Anti-social Behaviour (ASB).

The ASB Case Review is the victim's right to request a review of their case if they feel that no effective action has been taken to resolve it. The ASB Case Review is not about apportioning blame, its focus is on problem solving the case, utilising the expertise of partner agencies and identifying a resolution roadmap.

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

The ASB Case Review confers responsibilities on relevant bodies including the local authority, police, and registered providers of housing to manage and participate in the case review process. Further information can be found in the statutory guidance for frontline professionals [\[Title\] \(publishing.service.gov.uk\)](#).

## 2. ANTI-SOCIAL BEHAVIOUR DEFINED

For the purposes of the ASBB Case Review, the ASB must be serious and persistent in nature and this behaviour is defined as: -

- Conduct that has caused, or is likely to cause, harassment, alarm, or distress to any person.
- Conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises<sup>1</sup>.

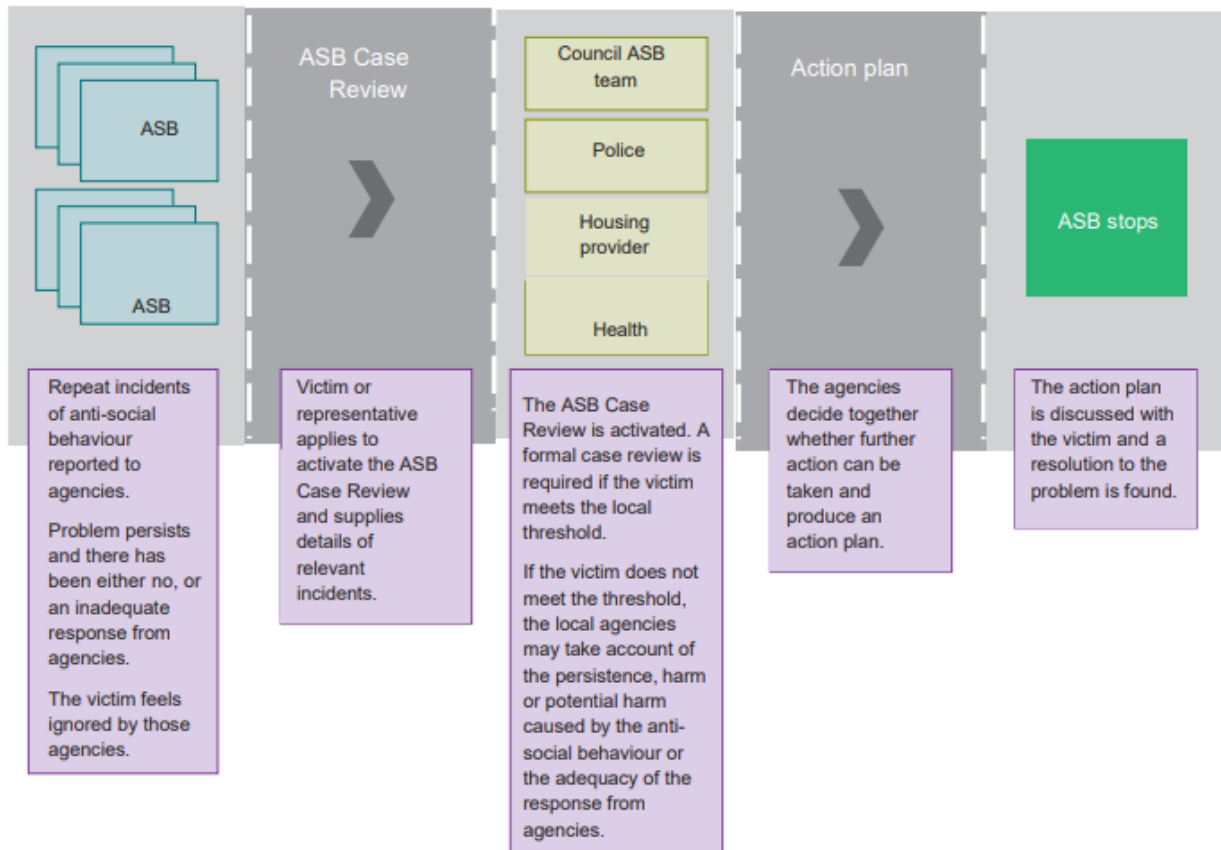
## 3. PURPOSE

"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."<sup>2</sup>

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<sup>1</sup> Anti-social Behaviour, Crime and Policing Act 2014

<sup>2</sup> Anti-Social Behaviour, Crime and Policing Act 2014



#### 4. PRINCIPLES

The ASB Case Review is only available to victims of serious and persistent ASB where they feel no effective action has been taken to resolve their case. It is not an alternative complaints procedure and will not review concerns about service provision. Service complaints should be directed to individual organisations complaints procedures.

Hertsmere Borough Council's Community Safety Partnership (CSP) is the administrator of the ASB Case Review in Hertsmere. Relevant bodies and responsible authorities are required to take responsibility for the ASB Case Review process also (for a full list of relevant bodies and responsible authorities please refer to section 6 of this document).

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)**”.

#### 5. QUALIFYING COMPLAINTS AND THRESHOLDS

To activate the ASB Case Review a victim must meet a threshold test. This is:

- the victim has reported three separate incidents (Qualifying Complaints) to either the council, police, or registered provider of housing within the

preceding 6-month period and feel no effective action has been taken to resolve the ASB.

**OR**

- the victim has reported one hate incident or crime motivated by hate (due to race, religion, disability, sexual orientation, or transgender identity) in the last six months and no effective action has been taken to resolve the matter.

**OR**

- a senior manager within the authority decides that a ASB Case Review is necessary to safeguard a vulnerable victim of ASB<sup>3</sup>.

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.

When considering a ASB Case Review activation request, the administering authority must have due regard for:

- the persistence of the ASB
- the harm or potential harm caused by the ASB
- the adequacy of response to the ASB

Regardless of the previous actions taken in the case, if the ASB persists, a case review activation request should be accepted to determine what new or alternative actions are more likely to be effective to resolve it.

## **6. RELEVANT BODIES AND RESPONSIBLE AUTHORITIES**

The relevant bodies and responsible authorities are outlined in the statutory guidance as:

- Local Authorities
- Police
- Clinical Commissioning Groups (CCG) in England and Local Health Boards in Wales.
- Registered providers of social housing

In the local context of this policy, the relevant bodies and responsible authorities are:

- Hertsmere Borough Council (HBC)
- Hertfordshire County Council (HCC)

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<sup>3</sup> Appropriate seniority may include the Community Safety Manager (or above), a police officer of the rank of Inspector (or above) or a similar senior officer within another responsible authority.

- Hertfordshire Constabulary (HC)
- Hertfordshire's Police and Crime Commissioner (PCC)
- Herts Valley Clinical Commissioning Group (HVCCG)
- Registered providers of social housing who provide accommodation in the borough of Hertsmere

The ASB Case Review must include a representative(s) from at least three of the agencies list above but should also include representatives from other agencies relevant to the case. This could include the fire and rescue service, mental health, and drug and alcohol support services.

## **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 a 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 REQUEST AN ASB CASE REVIEW**

- A victim can be an individual person, business, or community group.
- A third party can 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 may need to confirm this consent.
- A senior manager within the authority can decide that an ASB Case Review is necessary to safeguard a vulnerable victim of ASB (please refer to section 5).

## **9. WHO IS NOT SUITABLE FOR AN ASB CASE REVIEW?**

- A person who wishes to remain anonymous in the ASB Case Review application.
- A person who wants a review of a Crown Prosecution Service (CPS) decision in relation to the prosecution or non-prosecution of a criminal offence.
- A person who is dissatisfied with a decision made by a civil or criminal court.
- A person whose complaint is about service provision only.

## 10. HOW TO REQUEST AN ASB CASE REVIEW IN HERTSMERE

Hertsmere CSP administers and coordinates the ASB Case Review in the borough of Hertsmere. It does not matter which agency a victim has reported incidents to, Hertsmere CSP 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:

- Via the online form [Report anti-social behaviour or crime - Hertsmere Borough Council](#)
- Download a word document of the form [Report anti-social behaviour or crime - Hertsmere Borough Council](#)
- Email [community.trigger@hertsmere.gov.uk](mailto:community.trigger@hertsmere.gov.uk)
- By phone: 020 8207 7801
- In writing to:  
FAO: Community Safety Intervention Officer, Community Safety Team  
Hertsmere Borough Council  
Civic Offices  
Elstree Way  
Borehamwood  
Hertfordshire  
WD6 1WA

## 11. THE ASB CASE REVIEW ACTIVATION REQUEST PROCEDURE

Upon receipt of an activation request, the Community Safety Intervention Officer (CSIO) will acknowledge receipt of the activation (CT1) request within 2 working days from the date of the review application. The CSIO will provide an outline of the next steps of the ASB Case Review process, contact details for the SPOC and associated timescales.

The CSIO will make contact with the relevant agencies to confirm the reports that have been included in the ASB Case Review referral.

Where the threshold is not met, a letter (CT3) informing the applicant of the reasons why should be sent within 14 working days from the date of review application. The letter should include details of the appeal process (CT3a). If CT3a is returned then CT3b should be sent to the victim with details of who will conduct the appeal. The victim will be notified of the outcome of the appeal within 21 working days of the review request.

Where the ASB Case Review activation is accepted, the CSIO will be the Specific Point of Contact (SPOC) to manage the ASB Case Review process. A letter (CT4) confirming that the ASB Case Review has met the threshold for a case review will be sent within 14 working days of the of the case review application.

The letter (CT4) will advise the victim of support and advocacy agencies available to them and how they can be referred. The letter should also detail how the victim's voice will be heard at the ASB Case Review. This could either be by attending the start of the ASB Case Review or through a written victim impact statement.

The CSIO will send out Agency Response Forms (CT5) to the relevant agencies. The form requires responsible agencies to provide information on the reports they have received and details of any action that has been taken. The form should be returned to the CSIO within 2 working days.

Other agencies, relevant to the case, such as mental health or drug and alcohol services should also be engaged with citing the existing information sharing agreements, memorandum of understanding, information sharing permitted by the Crime and Disorder Act 1998, Anti-Social Behaviour Act 2014 and Data Protection Act/GDPR 2018.

The CSIO should contact the victim, preferably by phone within 5 working days of the letter being sent to ensure the victim understand the next stages of the process. This will also be the opportunity to ascertain whether they would like to attend the ASB Case Review or provide a victim impact statement, to gather any further information about the incidents if needed and to complete CT6 risk assessment to establish whether there are any vulnerabilities that need to be considered or referred to services.

Where the victim cannot be reached initially, the CSIO should make reasonable efforts to contact them (letter, phone, email, visit etc). Where contact cannot be made, the review will be listed as withdrawn and closed and confirmation of this sent by letter to the victim within 10 working days.

The CSIO will check SafetyNet+ to see if there is a case on the system and if not one will be created. The borough council leading on the ASB Case Review will update or create the SafetyNet+ case and will be the lead agency for the case. If after the case review has taken place there is a more suitable agency to lead on the SafetyNet+ case this will be updated to reflect this.

The CSIO will contact agency representatives to arrange the date and time of the ASB Case Review. If the victim wished to attend the case review their availability will also be sought. This will include an independent chair. The CSIO will take the minutes of the review. As a minimum, the panel must include representatives from:

- Hertsmere Borough Councils Community Safety Team – Community Safety Manager and CSIO
- Neighbourhood Inspector.

- Social Housing Provider (relevant management level)
- HVCCG (relevant management level).

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

The ASB Case Review must be convened with consideration of the information in the Chair's pack and Appendix 1 (informal and formal enforcement list) and terms of reference.

After the ASB Case Review, the SPOC will inform the victim of the outcome of the review, ideally by phone call but then formalised in writing within 5 working days. The victim should be informed about the actions agreed, except those actions which identify the perpetrators protected personal and sensitive data.

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

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

Where the circumstances of the case significantly change, the CSIO can request panel members conduct a further review of the case.

## **12. APPEALS**

Each victim has the right to appeal the decisions made by the panel (regarding whether or not the threshold has been met – or with the decision made at the review stage). For Hertsmere Borough Council, appeals will be considered by the Community Safety Manager, Hertsmere Borough Council, where possible in conjunction with an independent representative from another Community Safety Partnership (CSP) in Hertfordshire.

Appeals will be heard within 15 working days of the appeal being received. The victim will be notified of the outcome of the appeal within 5 working days.

## **13. MONITORING OF ACTION PLAN**

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

Where an action is not completed within the agreed timeframe the CSIO will contact the person assigned the action. If the action remains outstanding for more than 3 weeks the CSIO will escalate this to the assigned person's direct line manager. Outstanding actions that remain incomplete for more than 2 months will be escalated to the Head of Service and where the immediate line manager is the Head of





Service, it will be escalated to the Chief Executive. If actions remain incomplete for more than 3 months, this will be escalated to the Chief Executive.

An action is not considered complete until the CSIO 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 CSIO. 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.

#### **14. ADDITIONAL APPLICATIONS**

Where further requests for activation of the ASB Case Review are received following a decision, these will be considered on their merit and may be allowed where there is a material change in the circumstances of the case.

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