



# BCP & Dorset Council Community Trigger

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## *Putting Victims First*

This procedure sets out what victims of anti-social behaviour can expect from a partnership of Dorset agencies when they believe inadequate action has been taken on their complaints

# Anti-Social Behaviour, Crime & Policing Act 2014

“It's about giving power back to people in the communities. It's about finding the harm and working backwards rather than simply finding the perpetrator and slapping them with this or that order. The legislation is aimed at giving the power to the victims.” “This is about identifying repeat and vulnerable victims of anti-social behaviour.”

*Home Office spokesman commenting on the Community Trigger  
22nd May 2012*

“We are very positive about this new tool as it is a real opportunity for victims to be heard. It sounds great on paper, but we hope that this will translate into results. We will be watching it carefully – to see how well it is publicised, how easy organisations make it to activate, and whether they will be as transparent as suggested in the legislation and statutory guidelines.

We suspect some areas may go on the defensive and see it as another complaints process, but we hope that it will have a positive impact on problem situations, bringing together all relevant parties to discuss issues and get results. We hope victims feel heard, understand more about what is being done to help them, and as a result gain greater confidence in the agencies involved.”

*ASB Help*

“Victims must be front, and centre of the approach police and local agencies take when tackling anti-social behaviour.

We know that powers are already being used to good effect and this guidance provides even greater clarity for local agencies.

We are determined to create safe and peaceful communities where people can thrive, and perpetrators of anti-social behaviour are robustly dealt with.”

*Victoria Atkins, Safeguarding Minister, 2020*

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October 2021

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## BCP & Dorset Council Community Trigger Procedure

### 1. Introduction

The focus on the response to anti-social behaviour (ASB) must be centred on the needs of the victim with agencies identifying and supporting people at high risk of harm. Communities need to be empowered to ensure action is taken to deal with persistent ASB and hold agencies accountable for their actions, and not passed through a revolving door of agencies. The Community Trigger, also known as the ASB Case Review, will form an integral part of the overall framework for tackling anti-social behaviour in Dorset.

Agencies in Dorset, such as the Local Authorities, Dorset Police, Registered Providers, Health Services, etc. will treat complaints under this trigger process seriously. Practitioners should consider the Community Trigger as an aid to their practice, not a hindrance or something to be avoided. It should be viewed as a learning opportunity to help improve services for the people of Dorset.

The Anti-Social Behaviour, Crime and Policing Act 2014, Part 6 Local Involvement and Accountability, Section 104 Review of Response to Complaints, introduces what is in effect a Community Trigger with an effective date of 20<sup>th</sup> October 2014.

The purpose of this section of the 2014 Act is to give victims the right to request a review of their reports of ASB and bring agencies together to take a joined-up, problem-solving approach to review their case.

This procedure sets out how victims of ASB across Dorset can request a review of their case if they consider the action taken to resolve their case has not been effective and it describes how local agencies will deal with that request.

### 2. The Purpose of the Community Trigger

The Community Trigger Procedure is aimed at ASB practitioners in Dorset who are likely to become involved in the process in some way. This document will appear on our webpages so being available to members of the public. The purpose of the Community Trigger is:

- To ensure that vulnerable victims and communities are supported and protected, with their ASB case taken seriously and investigated and that their needs are at the centre of a partnership approach.
- To create a mechanism whereby victims can request a review of their case because they believe agencies have not responded effectively or adequately and feel they are not being listened to.
- To use a problem-solving approach in finding a solution for the victim.

# Anti-Social Behaviour, Crime & Policing Act 2014

The Community Trigger is not a substitute or alternative to a formal complaints procedure and all agencies will have processes in place to deal with a formal complaint about a given service. The Community Trigger will not accept complaints about the alleged conduct of another agency or discuss it at Review Meetings. The Applicant must raise such issues with the agency in question or the relevant ombudsman. See Appendix 5 for more details.

The Lead Agency (the agency who managed or manages the ASB complaint/case) may have done everything they possibly can do. The Community Trigger is the opportunity to bring in partner agencies to consider other possible solutions to the ASB.

Agencies involved in the Review Meeting will be honest and realistic in the responses to residents using the trigger process.

The use of the Community Trigger will not be able to solve every complaint of anti-social or nuisance behaviour that residents complain about. However, it may help some complainants to understand the issues better and the tools and powers that may be available to various local agencies. Even where there are no recommendations the case review provides multi-agency confirmation that everything possible has been done and helps to manage the expectations of persistent or unreasonable complainants.

The Community Trigger process will not enable the applicant to move to another or better social housing property, or force landlords to evict an alleged problem tenant where suitable evidence is not available. All partnership tools and powers require some level of evidence before they can be used, and all agencies need to work together with victims and communities to try and secure such evidence.

## **3. Agencies Involved**

Relevant Bodies that have a statutory duty to have a local Community Trigger procedure and are party to this agreement are:

- Bournemouth, Christchurch & Poole (BCP) Council
- Dorset Council
- Dorset Clinical Commissioning Group
- Dorset Police

Social housing providers are also Relevant Bodies if co-opted into the procedures. Dorset's statutory agencies would expect providers of social housing (Registered Providers) to be co-opted into this procedure and fully co-operate in any triggers/case reviews that affect their tenants or their functions.

Dorset Council and BCP have details about the Community Trigger on their websites. Relevant Bodies and Registered Providers should provide links to these pages on their own websites.

# Anti-Social Behaviour, Crime & Policing Act 2014

## 4. Definition of Anti-Social Behaviour

Different legislation describes ASB in differing terms, but it broadly describes the day-to-day incidents, nuisance and disorder that impact upon people's quality of life.

Definitions of ASB are contained in the Crime & Disorder Act 1998, Ant-Social Behaviour, Crime & Policing Act 2014, Housing Act 1996 and Housing Act 2004.

Many agencies will have local procedures that describe the types of behaviours accepted into their service, how risk of harm is assessed, what constitutes a complaint of ASB and how they will deal with it. These procedures will apply when a Community Trigger is activated and reviewed. The review will not be able to demand action from an agency that is outside its remit, responsibility or existing procedures. However, it may recommend a review of such procedures.

Behaviours qualifying as a complaint may include:

- Harassment and intimidation
- Verbal abuse
- Bullying
- Threats to the person or property
- Incidents motivated by hate or prejudice
- Noise
- Vandalism.

Evidence of the ASB will need to be provided and gathered. This may include witness statements, CCTV, diary sheets, photographs, recordings, etc.

Some examples of what is not classed as anti-social behaviour are:

- Children playing in their garden or in the street
- Young people gathering to socialise in public open spaces
- Untidy gardens or property disrepair
- Clashes of lifestyle between neighbours
- Overhanging trees, shrubbery or foliage
- Inconsiderate parking.

Our approach to tackling ASB is centred on an assessment of risk, harm and threat in relation to the victim and this should be the approach in dealing with Community Trigger applications at every stage in the process.

## 5. Who Can Use the Community Trigger?

Any Dorset based resident, community or business may use the Community Trigger to request a review of their case. The community may be a loose group of affected residents or a formal community group or resident's association. The community may be a few people or a larger group.

# Anti-Social Behaviour, Crime & Policing Act 2014

Vulnerable people may choose to request a case review through an advocate such as a family member, Councillor, MP, solicitor, social worker, support worker or an advocacy service. Such requests will be accepted via the application process but must be accompanied with the written consent of the victim if they are able to such consent.

## 6. Community Trigger Threshold and Qualifying Complaint

To activate the Community Trigger Case Review, a Qualifying Complaint must first have been made to any agency in Dorset such as the police, a council or social landlord, as follows:

- **Three** reports from **one person** or a **community** regarding **three separate** incidents of anti-social behaviour reported to any local agency within a **six-month** period. Additionally:
  - To meet the threshold each incident must have been reported to at least one agency within **one month** of the incident occurring.
  - To qualify, the first reported incident must be within **six months** of applying for a Case Review under the Community Trigger procedure.
  - The behaviour complained of must be classified as **anti-social behaviour** capable of achieving the threshold.<sup>1</sup>
- Or:
  - **One** report of **hate/prejudice** made to a local agency within **six months** of the review application where the victim believes inadequate, or no action has been taken.

**Note:** With a gap of six months between incident and review, legal action may not be able to be taken against the alleged perpetrator due to the time lapsed.

Local agencies managing the most serious cases of ASB, harassment, or hate may trigger a review. An application form will need to be submitted and the victim informed.

## 7. Comments on Qualifying Threshold Issues

The Threshold is about incidents reported, not whether or how the agency responded. If the Qualifying Complaints are found, a Case Review must be held to determine the adequacy of the lead agency's response.

If after some time has elapsed since a review of their case the victim still claims to be suffering from ASB and still considers the action taken is inadequate, they may make a second application for a Case Review. The standard procedures in this document will still apply and be managed on a case-by-case basis.

Trigger activations from different individuals involved in a neighbour dispute will be treated separately and confidentially.

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<sup>1</sup> See page 4 on definition of ASB

# Anti-Social Behaviour, Crime & Policing Act 2014

Anonymous applications will not be accepted and will be referred to the Lead Agency to be investigated further.

Applications for a review that are found to be vexatious or malicious will not be accepted. Persistent applications for a review will not be accepted. They will be referred to the Lead Agency for further investigation.

A Qualifying Complaint can be either a closed ASB case or one still under investigation.

Applications for review will not be accepted, even if it is a Qualifying Complaint, where the date of the request is close to the date of the last ASB incident report. The Lead Agency must be provided with adequate time to respond to the report or to take meaningful action. In such circumstances, the SPOC will contact the Applicant to discuss delaying the Case Review Meeting until the Lead Agency has had reasonable time to investigate the incident reports. The SPOC will liaise with the Lead Agency to determine timescales and likely actions and request they keep the Applicant informed.

The Community Trigger procedure cannot include decisions made by the Crown Prosecution Service or Her Majesties Court Service. They have other appeal and complaints arrangements in place.

## **8. Other Determining Factors to Consider**

Requests for a review that do not meet the threshold as a Qualifying Complaint may be considered for a review if the Relevant Bodies believe the ASB to:

- Be harmful, or potentially harmful to an individual or a community.
- Be persistent in nature or have a cumulative negative effect on the victim.
- Not to have received an adequate response from agencies.

Those who are most vulnerable may lack the resilience to deal with the ASB therefore their case may benefit from a review.

Where the threshold is not met or in cases where there are repeated applications, whereby on investigation the matters are found not to be ASB related, this may be indicative of an underlying vulnerability or unmet need. In these instances, local agencies may wish to consider the possibility of hidden needs or risks which may require further investigation.

## **9. Who to Contact**

The Relevant Bodies have agreed the appointment of a Single Point of Contact (SPOC) for managing the Community Trigger process and to manage applications. In Dorset, this will be the two ASB leads in the Local Authorities.

Contacts for the local SPOC is published on the BCP and Dorset Council Community Trigger webpages.

# Anti-Social Behaviour, Crime & Policing Act 2014

The local SPOC will be responsible for:

- Receiving the request to review the case
- Determining if the threshold and qualifying complaint has been met by liaising with at least one other Responsible Officer in their area
- Organising a Review Meeting
- Providing feedback to the Applicant and partners.

Dorset Community Trigger SPOCs are:

## **Bournemouth, Christchurch Poole Council (BCP)**

SPOC: ASB Manager  
Telephone: 01202 128883  
Email: [asbteam@bcpcouncil.gov.uk](mailto:asbteam@bcpcouncil.gov.uk)  
Address: ASB Team, BCP Council, Town Hall, Bourne Avenue, Bournemouth BH2 6DY

## **Dorset Council**

SPOC: Community Safety Team Leader  
Telephone: 01305 762439  
Email: [communitysafetyteamc@dorsetcouncil.gov.uk](mailto:communitysafetyteamc@dorsetcouncil.gov.uk)  
Address: Community Safety Team, Dorset Council, Jubilee Close, Jubilee Business Park, Weymouth, DT4 7BG

## **10. How to Activate the Community Trigger**

Victims of ASB may activate the Community Trigger in the following ways:

- On-line application form
- Hard copy application sent via post or delivered by hand by themselves or a third party
- By telephone
- By email
- By letter.

Where a victim has a language or literacy issue, or a learning disability the Council will accept applications in person or by telephone. However, a signed consent by the Applicant on the official application must be obtained, a form is available from the SPOC or a verifiable letter is sufficient. The SPOC must treat applications on a case-by-case basis by being fair and reasonable.

## **11. Community Trigger Process**

When a request to review an ASB case is received via the Community Trigger application process the following procedure shall apply which should be treated as a priority considering the processing team's workload and availability.

# Anti-Social Behaviour, Crime & Policing Act 2014

## ***Stage 1 – Determining the Threshold***

- a) After receipt of an application the SPOC contacts the applicant for further information and to explain the process.
- b) The SPOC acknowledges in writing the receipt of the application, providing details about the Community Trigger process.
- c) Prior to determining if the application meets the threshold, the SPOC will discuss the case with agencies mentioned in the application.
- d) The SPOC may again need to talk to the Applicant about their application.
- e) The SPOC then assesses if the application is a **Qualifying** or **None-Qualifying Complaint**.<sup>2</sup>
- f) Consideration must be given to the person's vulnerability and what practical and emotional support may be offered by local agencies. The SPOC will need sufficient information to determine if the application meets the threshold.
- g) The SPOC will confirm the decision on a Qualifying or None-Qualifying Complaint to the victim on the template letter, following up with a telephone call.
- h) If the application fails to meet the threshold and is deemed to be a **None-Qualifying Complaint** the Community Trigger process is closed.

## ***Stage 2 – The Case Review Meeting***

- a) If confirmed as a **Qualifying Complaint** the SPOC convenes a partnership Case Review Meeting.
- b) Consideration could be given to the Case Review Meeting being an existing partnership meeting instead of convening specific meetings. These decisions will be judged on a case-by-case basis to be determined locally.
- c) Prior to the Review Meeting the SPOC will send the **Request for Information**<sup>3</sup> form to agencies involved in the applicant's case. This will also include relevant complaints from other victims or relevant ASB occurring in the same neighbourhood so that the wider impact can be assessed. This form sets out the details of the Applicant's complaint to the different agencies and should be returned to the SPOC as quickly as possible.
- d) An independent Chairperson for the Review Meeting will be appointed. This will be an Officer from a Local Authority with ASB experience.
- e) The Review Meeting is primarily a multi-agency, problem-solving meeting for professionals. The victim, or their representative, may attend the opening of the Case Review Meeting to provide additional information or explain the impact of the ASB. After their presentation they will be asked to leave the meeting. Alternatively, a written impact statement may be provided for the Chair to read to the meeting. People identified as vulnerable may be accompanied by a support worker or advocate.

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<sup>2</sup> See Appendix 4 for a glossary of terms

<sup>3</sup> See the section on Information Sharing for more details

## Anti-Social Behaviour, Crime & Policing Act 2014

- f) Usually, those individuals involved in a neighbour nuisance case will have separate meetings. However, if Applicants prefer they may all be present at the same Case Review Meeting to present their cases and support each other. This will not apply where a party is considered the perpetrator.
- g) The Review Meeting will focus on practical outcomes for the victim, consider their vulnerability and what additional protective, practical and emotional support is available.
- h) The Review Meeting will be guided by the Terms of Reference.<sup>4</sup>
- i) If the known perpetrator is a young person under the age of 18, Dorset Youth Justice Service must be invited to the Review Meeting.
- i) Members of the Review Meeting examine the evidence using a problem-solving approach. An initial Action Plan is developed, tasks allocated to appropriate agencies or individuals, a Case Officer (lead) and Case Manager (supervisor), the basis for the Meeting Report agreed and sets expected timescales of agencies and individuals. The Case Officer will be from the original Lead Agency, but the Case Manager may be appointed from a partner agency if necessary.
- k) The Review Meeting considers what effective action looks like and if the action taken so far is fair, reasonable, appropriate and proportionate to the alleged behaviours.
- l) The Review Meeting may identify further actions that could reasonably be taken, it may also identify that no further actions can be taken and everything appropriate and reasonable has been done.
- m) The Review Meeting can make recommendations to other agencies and the Anti-social Behaviour, Crime & Policing Act 2014 makes clear that those with a public function must have regard to any recommendations suggested by the meeting. The Review meeting cannot make recommendations that are outside an agency's approved procedures. Participants should aim to seek creative solutions to support and protect victims where possible. It should be noted that the Case Review meeting can only suggest recommendations, there is no statutory duty on agencies to action the recommendations. However, there is an expectation that all agencies will engage in a partnership approach to the Community Trigger process in a positive and meaningful way and act on any recommendations as suggested at the Case Review meeting.
- n) The Review Meeting will make recommendations from the evidence provided and develop an Action Plan for discussion with the victim.
- o) The SPOC drafts the initial Action Plan and Meeting Report which are distributed to the attendees for agreement and approval of the Chairperson, before it is provided to the Applicant.
- p) After the Review Meeting, the SPOC or Case Officer will provide an approved copy of the Action Plan and Meeting Report to the Applicant. This will be a redacted version to remove any third-party references or personal details to comply with the Data Protection Act. The Applicant may disagree with some points or wording in the Report or Action Plan. In which case the Trigger SPOC should try to resolve this with the

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<sup>4</sup> See Appendix 2

## Anti-Social Behaviour, Crime & Policing Act 2014

Applicant and the agencies involved before a final version of the documents is approved.

- q) All application documentation will be stored on the SPOC's case management system and retained according to their data retention policy.
- r) The Case Review Meeting will reconvene approximately eight weeks after the original meeting. The purpose of this meeting is to review the Action Plan and make any amendments. The SPOC will have contacted the Applicant prior to the meeting to determine any issues with the Action Plan or case management.
- s) The Community Trigger application is effectively closed after this meeting. However, it may be agreed that some dialogue between the SPOC and Case Officer is required. The Applicant must be informed in writing that the Trigger process is closed.

### ***Stage 3 – Ongoing Case Management***

- a) After the initial Case Review Meeting the Lead Agency will need to manage the ASB case using their ASB procedures. This will probably still apply after the 8-week review when the Trigger process will have closed. The Case Officer will deal directly with the Applicant and any other victims or perpetrators whilst investigating the case following the initial Action Plan.
- b) The Case Officer will further develop the Action Plan with the Applicant and complete a Vulnerable Victim Assessment, to assess victim needs and risks.
- c) If the victim is identified as vulnerable they must be referred to the relevant victim's conference for the local area and any high-risk protocols adhered to.
- d) The Case Manager will supervise the case, conducting regular reviews with the Case Officer and will have ultimate accountability. The case must not be closed without the approval of the Case Manager and a closing Vulnerable Victim Assessment completed.
- e) At their discretion the SPOC or Chairperson may recommend that the Case Review Meeting reconvenes to review the Action Plan further. The victim will be informed of the review meeting. The Applicant will not be entitled to attend any subsequent review meetings, but their views should be sought prior to the meeting.
- f) Any amendment of the Action Plan must be agreed by the Review Meeting attendees and an updated version will be provided to the Applicant.
- g) When the Community Trigger is closed the SPOC will not need to have further contact with the Applicant, their recourse is to their allocated Case Officer.
- h) When the actions contained in the plan are completed it is for the Lead Agency to determine when the ASB case is closed in line with their procedures.

# Anti-Social Behaviour, Crime & Policing Act 2014

## 12. Appeals

There is no direct right of appeal within the Community Trigger Procedure as described in the Anti-social Behaviour, Crime & Policing Act 2014. If the applicant is dissatisfied with the way their initial complaint has been handled by the Lead Agency it is recommended they use that agency's complaints procedure<sup>5</sup>. After some time has passed a second case review application may be appropriate and this will be considered on a case-by-case basis. We recommend that the victim speak to the original SPOC about their concerns.

An appeal may be made to the Dorset Office of the Police and Crime Commissioner if the grounds for appeal are that the Local Authority did not follow the procedures set out in this document. An appeal on the grounds of case outcome will not be upheld or accepted by the Police and Crime Commissioner. See Appendix 5 for the OPCC details.

## 13. Recording

Agencies in Dorset currently use a range of systems for recording ASB cases and incidents. Therefore, it is for each local area to determine how applications and outcomes for the Community Trigger are recorded so that information is readily available to be used and reported upon.

## 14. Sharing Information and Data Protection

The Crime & Disorder Act 1998, GDPR and the Data Protection Act 2018 allow agencies to share relevant personal and sensitive information in the execution of their duties to tackle crime and disorder in their area. The reviews necessary under the Community Trigger Procedure are covered by the above legislation and the Dorset Information Sharing Charter.

Under the Anti-social Behaviour, Crime & Policing Act 2014 the SPOC acting on behalf of a Relevant Body may request any person to disclose information for the purpose of a Community Trigger review. If the person exercises a public function and they have the information they **must disclose** it. The only exceptions are where to share information would:

- Contravene any of the provisions of the Data Protection Act 2018; or
- Prohibited by Part 1 of the Regulation of Investigatory Powers Act 2000.<sup>6</sup>

Other than these two exceptions, disclosing information for the Case Review Meeting under the Community Trigger does not breach any obligation of confidence or any other restriction on the disclosure of information.

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<sup>5</sup> See Appendix 5 for details of complaints procedures

<sup>6</sup> Interception of private communications and communications data

# Anti-Social Behaviour, Crime & Policing Act 2014

Case Review Meetings must have a signed Personal Information Sharing Agreement (PISA). Review documents must be stored securely, carried securely and be destroyed after the review is completed. The Lead Agency may retain relevant documents as per their own document retention policy.

The SPOC will hold all relevant data pertinent to the Community Trigger in accordance within the Council's document retention policy. The SPOC should delete/destroy third party information when the Community Trigger is classified as being closed.

If a partner agency holds information that was provided for the purpose of the Community Trigger that agency will have to disclose it if a Subject Access Request is received under the data protection legislation.

The Homes and Communities Agency's Regulatory Framework, Neighbourhood and Community Standard, requires registered housing providers (RPs) to:

- Work in partnership with other agencies to prevent and tackle anti-social behaviour in the neighbourhoods they own homes.

Agencies who do not have a public function should delete/destroy the disclosed information once the Community Trigger process is completed.

It is advisable for all participating agencies to review their need to hold the disclosed information if it is not used for case management or safeguarding purposes. The information should be deleted/destroyed when no longer needed.

All emails sent by the SPOC that relate to information sharing or disclosure must include the following tag line – ***The attached information is for the purpose of the Community Trigger only and must not to be retained after the Community Trigger is concluded.***

After the Review Meeting, the SPOC will issue participants the Retained Information Confirmation document. On this form agencies will confirm what disclosed information they have retained, deleted or destroyed.

## 15. Publication and Review

### ***Publication***

Relevant Bodies will publish information related to the Community Trigger on their websites with links to the Local Authority's site, which will include the on-line application form. It is expected that local Registered Providers will also provide information and links on their websites.

Annually each Local Authority will publish the anonymised results of the use of the Community Trigger in their area on their website in line with the legislation.

# Anti-Social Behaviour, Crime & Policing Act 2014

- The number of applications for the Community Trigger
- The number of times the threshold for review has been met
- The number of anti-social behaviour case review carried out
- The number of anti-social behaviour cases that resulted in recommendations being made.

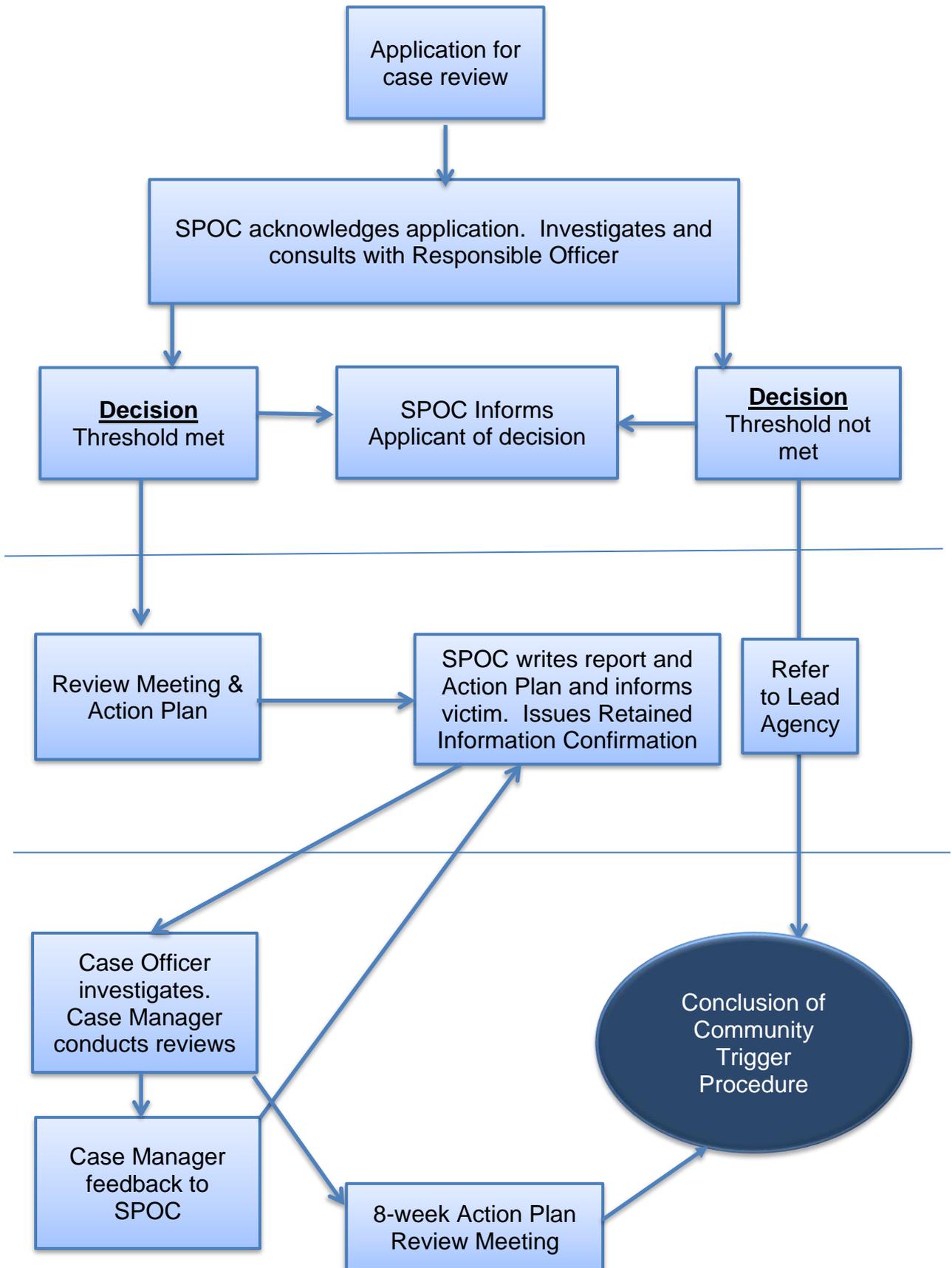
To ensure vulnerable people can use the Community Trigger, Responsible Bodies should ensure the scheme is promoted widely to agencies and organisations that support this client group.

## ***Review***

The BCP & Dorset Council Community Trigger Procedure will be reviewed bi-annually.

<b>Document Control</b>	
Original Version	12 <sup>th</sup> December 2014
Revised Version	17 <sup>th</sup> July 2015
Revised Version	May 2018
Revised Version	February 2020
Revised Version	March 2021
Revised Version	October 2021

**Appendix 1  
Community Trigger Process Flowchart**



## Appendix 2

### Community Trigger Case Review Meeting Terms of Reference

#### 1. Introduction

The Anti-Social Behaviour, Crime & Policing Act 2014 Part 6 section 104 introduces the right for a victim of anti-social behaviour to call for a review if they have reported at least three different incidents to any agencies. Agencies across Dorset have developed a joint procedure to deal with applications under this legislation.

If the application for review is accepted as a Qualifying Complaint a multi-agency Case Review Meeting must be convened by the local SPOC (Single Point of Contact) to examine the case and report to the victim. The Review Meeting must take place within a reasonable time after the receipt of the application.

This document sets out how a Review Meeting will be convened and managed.

#### 2. Purpose

The purpose of the Case Review Meeting is to review the Applicant's ASB case and determine if any further actions or interventions can be made to tackle the ASB, support the victims and deal with the perpetrators.

The Review Meeting will consider actions taken, any evidence, consider tools and powers then make recommendations to the Lead Agency and draft an Action Plan and a Report which are then shared with the Applicant.

#### 3. Membership

Local areas in Dorset will determine whether a standalone Case Review Meeting is convened or is attached to an existing multi-agency meeting held locally.

Local areas will determine membership of the Review Meeting based on officers who are able to make decisions and commit resources, for example regular attendees could be:

- The SPOC
- The ASB lead or ASB Officer from the local authority
- A Dorset Police Officer
- A representative from a local Registered Provider
- Officers from the Lead Agency
- Representative of the Dorset Clinical Commissioning Group

# Anti-Social Behaviour, Crime & Policing Act 2014

- Children's Services where children and young people are in the household of the victim and/or perpetrator and are deemed vulnerable or are identified as the perpetrator.
- Other relevant agencies may be invited as necessary such as support workers, health professionals, social workers, etc.
- Where the known perpetrator is a young person the Dorset Youth Justice Service must be invited.

The objective of the meeting is to have a representative sample of views and ideas with the aim of making a difference to the quality of life of the Applicant.

The Chairperson will be an independent practitioner determined locally. They will be an Officer from a Local Authority and have some experience of managing ASB cases. To ensure impartiality, confidentiality and independence, outside of the review meetings the Chairperson will not have any contact with the Applicant, or those agencies involved in the process.

The Review Meeting is primarily for professionals. However, the Applicant or their representative may attend the meeting at the start to state their case and tell attendees about the impact the ASB has on them. The Applicant may be accompanied by an advocate or support worker. The Applicant cannot attend for the whole of the meeting as other matters are likely to be discussed that are confidential. The Applicant will not have direct input into the Action Plan but may be asked what outcomes they hope for.

If the Applicant cannot, or does not want to, attend the Review Meeting they may submit an impact statement to be read at the meeting.

## 4. Information Sharing

For an effective meeting all partners should attend with the relevant information and documents and in a spirit of partnership with a willingness to share, participate and take responsibility for recommendations and actions.

The sharing of information within the Case Review Meeting is governed by the principles of the General Data Protection Regulations, Data Protection Act 2018 and the Crime & Disorder Act 1998 for the detection and prevention of crime and disorder and the protection of vulnerable people.

The Anti-social Behaviour, Crime & Policing Act 2014 also places a duty on statutory bodies, and those non-statutory with a public function, to disclose the information they hold relevant to the case.

The information shared in the Review Meeting is confidential and must not be shared without the data owner's permission.

Review Meetings will have in place a signed Personal Information Sharing Agreement (PISA) under the Dorset Information Sharing Charter.

# Anti-Social Behaviour, Crime & Policing Act 2014

Only the SPOC and Lead Agency should routinely retain third party documents and information connected to the Review Meeting and Trigger application. Other agencies may only retain information where it is relevant to their role in the future investigation of the complaint or in safeguarding the victim and should carefully consider the purpose of retention. Information should be stored securely and destroyed within the period of the agency's document retention policy.

The SPOC must delete/destroy third party information that is not needed for the purposes of investigation or safeguarding when the Community Trigger is classified as being closed. In these cases, only the Action Plan and the Report should be retained.

If an agency receives a Subject Access Request from the Applicant under the data protection legislation they must disclose any Community Trigger information they hold and inform the SPOC.

After the Review Meeting the SPOC will issue participants the Retained Information Confirmation document. On this form agencies will confirm what disclosed information they have retained, deleted or destroyed.

## 5. Structure of the Case Review Meeting

The Case Review Meeting needs to consider several matters in relation to the case presented to them and a recommended structure is as follows:

- Introduction, explanation of purpose and confidentiality
- Chairperson's opening remarks
- Presentation by the SPOC on the review application
- Applicant's impact statement (they then leave the meeting)
- Applicant's opinion on what outcomes they want to see and what actions they would like to see undertaken
- Lead Agency's case presentation:
  - Consider what "effective action" looks like
  - Is the action fair, reasonable, appropriate and proportionate
  - What more could have been done given available resources, tools and powers
  - Was all available evidence identified, collected and evaluated
  - Was the perpetrator robustly challenged
  - Could another agency's tools and powers have been effectively utilised
  - Were the behaviours fully understood and taken seriously by the Lead Agency
  - Was relevant information shared appropriately and timely with partner agencies
  - Was communication with the victim timely, in an agreed manner and pertinent to their circumstances
  - Were the victim's vulnerabilities assessed and understood
  - Was the victim supported emotionally and practically
  - Was the perpetrator's motivations and needs understood

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- The sharing of information by agencies should cover the following topics:
  - Vulnerabilities of the victim
  - Risk of harm and any assessments
  - Support for the victim
  - Investigative steps taken
  - Evidence gathered
  - Challenges to the perpetrator/s
  - Use of relevant tools and powers at the appropriate time
  - Case plans
  - Case supervision
  - Communication with the victim
  - Lead Agency's ASB procedure and any threshold criteria
  - Perpetrator's vulnerabilities and needs
- Agree on recommendations
- Appoint a Case Officer and Case Manager
- Agree and draft an initial Action Plan
- Agree the draft contents of the Meeting Report that will be written by the SPOC.

## Post Meeting:

- The SPOC will contact the Applicant, usually in writing with the outcome of the meeting and to share the Meeting Report, but may want to meet or telephone them
- The Case Officer will discuss the Action Plan with the Applicant, sending them and the SPOC a final copy
- The SPOC and Case Officer discuss progress against the Action Plan

## 8-Week Review:

- The SPOC will reconvene the Review Meeting at eight weeks with the purpose of reviewing the Action Plan and make any amendments. The Applicant or their advocate will not be invited to this review meeting. However, their views will be sought and included.

## 6. Decision Making

Decision making should be based on problem-solving techniques such as the Scanning, Analysis, Response and Assessment (SARA) model, be consensual and not be about making judgments on the way the case has been handled in the past. Meetings are not about apportioning blame. Personal attacks on officers will not be tolerated. Members should arrive at decisions based on the evidence provided by the Applicant and the agencies involved. Any recommendations will:

- Be based on the facts
- Consider agencies procedures and thresholds that are currently in place
- Have realistic timescales
- Consider the appropriate use of the tools and powers available to the Lead Agency and their partners
- Be appreciative of the resources available.

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- Be cognisant of the expectations and wishes of the Applicant, but not driven by them.
- Be realistic about what can be achieved given the behaviours and parties involved.

## 7. Equalities

The Community Trigger process and subsequent Case Review Meetings will adhere to the principles of the Human Rights Act 1998 and the Equalities Act 2010. The review process will be transparent, free of prejudice and discrimination and have equality of access for all those referred and those taking part. Members will be respectful towards each other and work together towards a common solution.

### Conflict of Interest

Participants should declare any conflicts of interest to the Chairperson.

Case Review Meeting participants may come from a range of agencies with a variety of aims and purposes. We all need to respect this. However, participants need to adhere to the procedure and not feedback to the Applicant or other victims on the outcomes of the meeting. The initial feedback is only to be provided by the SPOC and/or the Lead Agency, unless agreed otherwise at the meetings.

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## Appendix 3 Glossary of Terms

**2014 Act:** The Anti-social Behaviour, Crime & Policing Act 2014. The Act introduced the Community Trigger case review and describes some of the procedures included in this document.

**Anti-Social Behaviour (ASB):** Behaviour that causes nuisance, alarm, distress, harassment or annoyance to another person not of the same household that may have some impact on the quality of their life. Some ASB may also be criminal, such as harassment or vandalism.

**Applicant:** The person, usually the victim or complainant, who has complained about ASB and may be the person who activates the Community Trigger.

**Case Manager:** The practitioner with overall responsibility for supervising and reviewing the ASB when it has been returned to the Lead Agency for further investigation. The Case Manager may be a senior manager from the Lead Agency or appointed from a partner agency.

**Case Officer:** The practitioner responsible for managing and working the ASB case when it has been returned to the Lead Agency for further investigation.

**Dorset:** In this case the two Local Authorities within the County of Dorset being Bournemouth, Christchurch & Poole Council (BCP) and Dorset Council.

**Dorset Clinical Commissioning Group:** NHS Dorset Clinical Commissioning Group is the commissioning organisation for the whole county of Dorset. Formed of all 100 GP practices in Dorset organised around locality (geographical) groups.

**Dorset Information Sharing Charter (DISC):** The protocol that dictates safe sharing of information across signatory agencies throughout Dorset. Data protection legislation also applies.

**Independent Chair:** The person who chairs the Case Review Meeting and any subsequent Review Meetings. They are independent of the Lead Agency or the SPOC's own Local Authority.

**Lead Agency:** The primary agency that is working with the Applicant to investigate the ASB case. This may be a social landlord, council ASB team or Dorset Police.

**None-Qualifying Complaint:** When a Community Trigger application is received the SPOC assesses if the application meets the threshold to convene a Case Review Meeting. An application that does not meet the threshold is described as a None-Qualifying Complaint.

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**Personal Information Sharing Agreement (PISA):** A document that forms part of the Dorset Information Sharing Charter that is signed by attendees of the Case Review Meeting and other multi-agency meetings.

**Qualifying Complaint:** When a Community Trigger application is received the SPOC assesses if the application meets the threshold to convene a Case Review Meeting. An application that meets the threshold is described as a Qualifying Complaint.

**Registered Provider:** Housing providers that were once called Registered Social Landlords. Social housing providers are now called Registered Providers. Some RPs have charitable status and may own properties nationally or regionally.

**Relevant Bodies:** Those local authorities, police and other bodies who under the legislation must be part of the Community Trigger process.

**Responsible Officer:** Independent practitioner from another agency who is consulted when an application for a review is received.

**SPOC:** The Single Point of Contact in each Local Authority who has the responsibility of receiving an application for a case review, for reviewing the application and determining if it is accepted as a Qualifying Complaint. They organise the Case Review Meeting and liaise with the Applicant and Lead Agency.

**Victim:** The person who is directly experiencing the ASB and who may make an application for a review under this procedure. They may also be referred to as the complainant or applicant.

**Dorset Youth Justice Service:** The Dorset Youth Justice Service works with young people that get into trouble with the police. They work with a young person to try to help them stay away from crime and address their behaviour.

**Vulnerable Victim Assessment:** An assessment completed by ASB practitioners and the police to identify an ASB victim's vulnerabilities, and their resilience to cope with the ASB allied to any identified risks from the perpetrator.

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## Appendix 4 Associated Community Trigger Documents

This appendix identifies and explains the various documents that the SPOC will need to use to manage applications under the Community Trigger procedure.

**Application Form:** Completed by the person activating the trigger to request a review of their ASB case.

**Acknowledgement Letter:** The letter used to acknowledge receipt of the application for a review of the Applicant's ASB case.

**Threshold Checklist:** An aid to the SPOC when checking if an application meets the threshold to be accepted for review.

**Non-Qualifying Complaint Letter:** The letter to be sent to an Applicant whose application fails to reach the threshold.

**Qualifying Complaint Letter:** The letter to be sent to the Applicant whose application is accepted for review.

**Request for Information Form:** The form to be sent to those organisations identified as having received reports of ASB from the Applicant.

**Review Meeting Agenda:** The formal agenda for the Case Review Meeting and sent to participants in advance of the meeting.

**Confidentiality Statement:** The statement sets out the principals of fairness, behaviour and confidentiality that apply during the Case Review Meeting. The statement can be read out at the start of the meeting or emailed with the agenda.

**Action Plan:** The document initially drafted by the Case Review Meeting and then completed by the Case Officer with the victim that sets out the actions all parties will take and incorporates the Case Review Meeting recommendations.

**Review Meeting Report:** The document to be completed that describes the discussions and decisions of the Case Review Meeting. The report will be shared with the Applicant but may be redacted to remove confidential items and references to third parties.

**Review Meeting Letter:** The letter sent to the applicant reporting on the outcomes of the Review Meeting and enclosing the Review Meeting Report.

**Trigger Closed Letter:** Letter to the Applicant stating that their application is now concluded and closed.

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**Retained Information Confirmation:** On this form agencies will confirm what disclosed information they have retained, deleted or destroyed.

## Appendix 5 Complaints Procedures

If an Applicant is dissatisfied with the conduct of a particular agency there are processes in place for people to complain or feedback that dissatisfaction. However, there is no right of appeal or complaint about the outcomes of a Community Trigger application. This section explains how to make feedback about an agency's performance or conduct. In the first place the Applicant should use the relevant agency's complaints procedure. This is likely to be found on their web site or by contacting the agency's office by telephone. The Ombudsman is unlikely to accept a complaint that has not been through an agency's complaints procedure.

### **Bournemouth, Christchurch & Poole Council**

[Feedback and complaints \(bcpcouncil.gov.uk\)](http://bcpcouncil.gov.uk)

01202 123 456

### **Dorset Council**

[Comments, compliments and complaints - Dorset Council](#)

01305 221000

[customerservices@dorsetcouncil.gov.uk](mailto:customerservices@dorsetcouncil.gov.uk)

### **Local Government and Social Care Ombudsman**

[Home - Local Government and Social Care Ombudsman](#)

0300 061 0614

### **Office of the Dorset Police & Crime Commissioner**

<https://www.dorset.pcc.police.uk/get-in-touch/>

01202 229084

[pcc@dorset.pnn.police.uk](mailto:pcc@dorset.pnn.police.uk)

### **Dorset Police**

[Make a Complaint | Dorset Police](#)

Call 101

[complaints-misconduct@dorset.pnn.police.uk](mailto:complaints-misconduct@dorset.pnn.police.uk)

### **Housing Ombudsman**

[Home - Housing Ombudsman \(housing-ombudsman.org.uk\)](http://housing-ombudsman.org.uk)

Call 0300 111 3000

[info@housing-ombudsman.org.uk](mailto:info@housing-ombudsman.org.uk)

**The Property Ombudsman** – Complaints against letting and property agents.

[The Property Ombudsman scheme: free, fair & impartial redress \(tpos.co.uk\)](http://tpos.co.uk)

Call 01722 333306

### **Information Commissioner's Office (ICO)**

[Make a complaint | ICO](#)

Call 0303 123 1113