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# Derbyshire Anti-Social Behaviour (ASB) Case Review

## Practitioner Guidance

May 2023

Version 2.2



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### Change History

<b>Date</b>	<b>Version</b>	<b>Reason</b>
13/5/14 – 19/8/14	Versions 0.0 – 0.4	Development drafts
29/9/14	Version 1.0	Approved by Derbyshire Safer Communities Board and Derby City Council
27/3/17	Version 1.1	Amended to incorporate introduction of timescale for the Office of the Police and Crime Commissioner to receive appeals
21/3/18	Version 1.2	Amended, following Derbyshire ASB Sub-Group, to incorporate amendments to the statutory guidance
24/9/20	Version 2.0	Approved by Derbyshire Safer Communities Board
10/2/21	Version 2.1	Amendment to application form template to improve accessibility and Derbyshire Victim Services added to Letter templates
18/5/23	Version 2.2	Document updated to replace 'Community Trigger' with 'Anti-Social Behaviour Case Review' in accordance with the revised Home Office statutory guidance

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### **INTRODUCTION**

Anti-social behaviour (ASB) continues to be a priority for residents, the Police and Crime Commissioner and all community safety partners in Derbyshire.

ASB covers a wide range of incidents from litter and dog fouling to noise nuisance and targeted, abusive behaviour and cases often involve different types of ASB, reported to different organisations, which each have different legislative options available to them. The complex nature of ASB means that agencies must work together to bring perpetrators to justice and provide the right level of support for victims.

The Anti-Social Behaviour (ASB) Case Review, originally known as the Community Trigger, was introduced by the Anti-Social Behaviour, Crime and Policing Act in 2014 and the aim of this document is to translate the [‘Anti-Social Behaviour, Crime and Policing Act 2014: Anti-social behaviour powers - Statutory guidance for frontline professionals’](#), issued by the Home Office in July 2014 (updated January 2021), into guidance to assist agencies to work together to tackle ASB in Derbyshire and meet their statutory obligations under the legislation.

This guidance has been produced by Safer Derbyshire, in consultation with, and on behalf of, the ASB Case Review ‘relevant bodies’ and wider anti-social behaviour partners in Derbyshire.

We want to ensure a consistent approach for victims of ASB, who wish to use the ASB Case Review to request a review of the action taken to deal with the ASB they are experiencing. This guidance outlines the process, elements of which may be localised by each Community Safety Partnership (CSP) in terms of exactly how the ASB Case Review will be conducted, but the minimum steps and timescales, described within this document, should be followed by all partners involved in the ASB Case Review process.

This guidance is intended to complement, not replace, individual agency complaints procedures. Complaints about individual officers, or services, should be directed to those complaints procedures and/or the Local Government and Social Care Ombudsman or the Independent Office for Police Conduct.

#### Review of the Community Trigger / ASB Case Review Guidance

In 2019, ASB Help, a registered charity in England and Wales that provides advice and support to victims of ASB, produced a report, [‘The Community Trigger. Where We Are Today’](#), detailing their findings from a national review of the Community Trigger process and usage. It provided a number of recommendations summarised within a proposed ‘Community Trigger Charter’ (now known as the [ASB Help Pledge](#)) to ‘ensure the Community Trigger is an effective way of empowering victims of repeat, persistent anti-social behaviour and see its potential to make a difference for victims and communities unlocked.’

In addition, the Victims Commissioner produced a joint report with ASB Help and Nottingham Trent University, [‘Anti-Social Behaviour: Living A Nightmare’](#), which made a number of additional recommendations to improve the experience of victims of ASB.

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In Derbyshire, there are well established structures and processes, which ensure strong partnership working in relation to the management of ASB. Our Community Trigger guidance was originally developed in 2014, but it already incorporated the majority of the recommendations suggested in the reports produced by ASB Help and the Victims Commissioner.

We took the opportunity to undertake a thorough review of our ASB Case Review processes and consulted 'relevant bodies', local partners and ASB Help to produce revised guidance in 2020.

In addition, Derbyshire signed up to the ASB Help Pledge, demonstrating our commitment to supporting victims of ASB by working together to tackle ASB, bring perpetrators to justice and make Derbyshire an even safer place to live, work and visit.

## **BACKGROUND**

### Legislation

The Anti-Social Behaviour, Crime and Policing Act 2014 places a duty on the 'relevant bodies' in that area to develop procedures for conducting ASB Case Reviews. This was previously referred to as the 'Community Trigger'.

### Definitions

#### *What is the ASB Case Review?*

The ASB Case Review gives victims the right to request a review of the response to their complaints of ASB, where they feel the problem persists and

- there has been no response from agencies

or

- there has been an inadequate response from agencies responsible for dealing with the ASB.

The ASB Case Review is subject to specific criteria, or a 'threshold'.

The aim of the ASB Case Review is to encourage a joined up, problem solving and victim-centred approach to the resolution of the serious and persistent problems experienced by victims of ASB. It enables agencies to review a case and re-consider their actions objectively.

#### *What is Anti-Social Behaviour?*

For the purpose of the ASB Case Review, ASB is defined, in the legislation, as 'behaviour causing harassment, alarm or distress to a member, or members, of the public'.

#### *Which Agencies are involved in the ASB Case Review Process?*

The '*relevant bodies*' are defined, in the legislation, as the District/City Council, Police, Clinical Commissioning Group and local Social Housing Providers. In addition, the Youth Offending Service will be involved, where the review involves a perpetrator who is under 18.

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Depending on the individual case, it may also be appropriate to involve other partners that have, or ought to have, been involved in the case from a victim and perpetrator perspective, e.g. schools, Children's Services, Adult Services, Mental Health Services, Probation Service, Fire and Rescue Service etc.

In Derbyshire, the Community Safety Team at the appropriate District/City Council acts as the administrator, or 'Single Point of Contact' (SPOC), for the ASB Case Review process.

### **APPLICATION FOR THE ASB CASE REVIEW**

#### Who can use the ASB Case Review?

Subject to meeting the threshold, the ASB Case Review can be 'activated' by a victim of ASB or another person acting on behalf of the victim, with their consent, such as a family member, carer, elected member or MP.

Managers (equivalent of Police Inspector or above) of partner agencies receiving complaints of ASB, or supporting victims of ASB, could also activate the ASB Case Review for the victim, if they determine that reported ASB incidents meet the threshold for an ASB Case Review and the ASB has not been resolved through talking to the local Community Safety Partnership.

Where a partner identified issues relating to the 'lack of engagement' of a specific partner, these should be escalated through existing community safety structures, such as Tasking, Strategy Group, Derbyshire Neighbourhood Crime and Anti-Social Behaviour Board Group, Derbyshire Safer Communities Board/ Safer Derby Board.

The victim could be an individual, a business or a community group.

#### What is the Threshold?

The criteria, or threshold, for submitting a ASB Case Review application for agencies to undertake an ASB Case Review is:-

- Three or more '*qualifying complaints*' about related incidents of ASB, that occurred on separate occasions, within the last six months.

#### *Explanatory Notes*

The purpose of the ASB Case Review is to consider how to deal with serious persistent, or targeted, ASB that the relevant bodies have been unable to tackle successfully.

In deciding whether the threshold has been met for triggering a review, there must be a link between the complaints.

For the avoidance of doubt, if the partners receive separate complaints about totally unconnected ASB, then they will not be counted together in deciding whether the threshold has been met. This will be the case even if the type of ASB is the same.



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For example, if noise nuisance is suffered from two different sources, the complaints will not generally be counted together.

Also, if a complaint about the same incident has been made to multiple agencies, it will only count as one incident.

A *'qualifying complaint'* is one which is made within the period of one month, beginning with the date on which the behaviour is alleged to have occurred. Further, a complaint is a report of an ASB incident, which is made to a relevant body, either in writing, by e-mail, by telephone or by visiting the offices of the relevant body. Other than to a Police Officer or Police Community Support Officer on duty, reporting an incident of ASB to an officer of the relevant organisation, whilst he/she is on site, in the community, will not normally be considered to be a qualifying complaint.

### What if the ASB Case Review Threshold is not met?

If the threshold for the ASB Case Review is not met, the formal ASB Case Review procedures, outlined in this guidance, will not be invoked, but it does provide an opportunity for the relevant bodies to undertake an informal review of the case to determine whether there is more that can be done.

If the threshold is not met, an informal case review should be considered for all hate incidents or cases where the risk assessment of the victim identifies them as vulnerable, due to the harm caused by the seriousness, or cumulative impact, of the ASB.

### How can an application for the ASB Case Review be made?

Victims of ASB, their advocates or partner agencies, who wish to request a review of their case must complete the ASB Case Review Application Form, with full details of the incidents of ASB.

The ASB Case Review Application Form is available, in hardcopy, from the SPOC for the relevant area or, as an online form, on the relevant District/City Council website. Links to each council's website are available via the [Safer Derbyshire website](#).

Templates for the application form and applicant guidance notes are at [APPENDIX B](#) and [APPENDIX C](#).

### Vexatious Complaints

ASB Case Review applications will be rejected if they are thought to be prejudicial, discriminatory, malicious or vexatious. They will be dealt with in accordance with the receiving agency's complaints policy.

Anonymous applications will not be accepted.

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### Consent

The ASB, Crime and Policing Act 2014 places a legal obligation on the 'relevant bodies' to undertake an ASB Case Review, once a 'completed application' is received, which meets the local threshold.

A '*completed application*' includes all required information on the application form and the victim's consent (or evidence of a third party's authority to act), where the application has been made by a third party.

Implicit in that legal obligation is the need for the 'relevant bodies' to share personal information about the victim, which is necessary, relevant and proportionate in order to establish whether the application meets the threshold and, if so, to undertake the ASB Case Review.

The 'relevant bodies' do not, therefore, require the consent of the applicant to process their personal data for the purpose of undertaking an ASB Case Review. In order to comply with Article 6 of the General Data Protection Regulations (Lawfulness of Processing), the relevant bodies will instead rely upon Article 6c '*the processing is necessary for compliance with a legal obligation to which the controller is subject*'.

To ensure transparency, the Guidance Notes that accompany the ASB Case Review application form (See [APPENDIX C](#)) detail how information will be shared between partner agencies to conduct the ASB Case Review.

However, an application for the ASB Case Review from a third party must be accompanied by evidence that the third party has authority to act on the victim's behalf. It is the third party's responsibility to supply this. Where the victim is competent to give consent, this evidence must take the form of written consent from the victim, authorising the third party to make the application on their behalf and to receive information about the application from the relevant bodies. Where the victim is not competent to give consent, other evidence must be supplied (e.g. Power of Attorney). The review process will not commence until this has been received by the SPOC.

If a victim wishes to withdraw their consent for an advocate to act, this must be submitted, in writing, to the SPOC. From that point, all future contact will be directly with the victim.

If a victim wishes to withdraw their ASB Case Review application, this must be provided, in writing, to the SPOC. Upon receipt, the review process will stop.

## **ASB CASE REVIEW PROCESS**

### Receipt of ASB Case Review Application

All application forms for the ASB Case Review must be submitted to the designated SPOC for each Community Safety Partnership (CSP) area, as detailed on their local website. The applicant will have the choice of completing an online form or a hardcopy application form.

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A '*completed application*' includes all required information on the application form and the victim's consent (or evidence of a third party's authority to act), where the application has been made by a third party.

The '*applicant*' is the victim, or their advocate, who has submitted the application.

**Within 5 working days**, the SPOC should:-

- Telephone the '*applicant*' to acknowledge receipt of the '*completed application*'.
- Offer a referral to Derbyshire Victim Services.
- Formally acknowledge the application, using *Template Letter 1* at [APPENDIX D](#).
- Update E-CINS:-
  - Create a new Case linked to the victim's Profile, using the Case title format '*ASB Case Review victim's name*'. The Case number will be the reference used in all written correspondence with the applicant.
  - Record '*ASB Case Review application received*' as an 'Action'.
  - Upload a copy of the letter(s) to the 'Documents' tab.

### Receipt of Third Party ASB Case Review Application

In addition to the above, the SPOC should:-

- Ensure the victim's consent (or evidence of a third party's authority to act) has been received. If not, request this from the advocate, using *Template Letter 2*. **NB The review process will not commence until the victim's written consent, or evidence of authority to act, has been received by the SPOC.**
- Once received, telephone the victim to ensure they are aware of the application and send *Template Letter 3* to the victim.

### Assessing the ASB Case Review Application

**Within 15 working days** of receipt of the completed application, the SPOC should:-

- Review the application on behalf of the relevant bodies
- Liaise with the appropriate agencies to establish whether the application meets the threshold, in terms of qualifying complaints. A template to collate information from partners is included at [APPENDIX E](#).
- Establish the vulnerability of both victims and perpetrators.
- Notify the applicant, in writing, of the decision as to whether the threshold has been met or not, using the appropriate template.

### Threshold Not Met

If the threshold for the ASB Case Review has not been met, the SPOC should:-

- Advise the applicant in writing, using *Template Letter 4*.
- Update E-CINS:-
  - Upload a copy of the letter to the 'Documents' tab.
  - Record '*ASB Case Review Threshold not met*' as an 'Action'
  - Archive the Case.

If the ASB is on-going, it will be managed through existing multi-agency processes and procedures.

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If the applicant is not satisfied with the decision that their application does not meet the threshold, they can follow the [ASB CASE REVIEW APPEAL PROCESS](#).

Situations where there are repeated ASB Case Review applications which, on investigation, relate to non-ASB matters, may be an indicator of an underlying vulnerability, or unmet needs. In these circumstances, the ASB Case Review process is not appropriate, but partners should consider hidden needs, or risks, which may require a multi-agency response, for example through the Vulnerable Adult Risk Management (VARM) process.

### Threshold Met

If the threshold for the ASB Case Review has been met, the SPOC should:-

- Send *Template Letter 5* to the applicant, advising the date of the ASB Case Review Meeting, which should take place **within 20 working days** of the date of *Template Letter 5*.
- Make personal contact with the applicant / victim to explain the review process, gather additional information and establish what outcome the applicant wants from the review. This will enable the SPOC to understand, and manage, their expectations.
- Give the victim the option to attend the ASB Case Review Meeting to help the agencies understand the impact of the ASB on the physical and emotional health and quality of life of the victim, members of their household and their visitors. If the victim, or their advocate, does not wish to attend the meeting, they should be invited to submit a written 'victim statement', to expand on information already provided on the ASB Case Review application form (See [APPENDIX F](#)).
- The relevant bodies may decide that there are good reasons as to why a victim is not invited to attend the ASB Case Review, and these should be recorded in the Minutes.
- Update E-CINS:-
  - Upload a copy of the letter(s) to the 'Documents' tab.
  - Record 'ASB Case Review Threshold met' as an 'Action'.

### Information Sharing

For the ASB Case Review process to be effective, partners are required, under Schedule 4, Part 3 of the ASB, Crime and Policing Act 2014, to comply with the SPOC's request for information and share information, which will enable the relevant bodies to conduct the ASB Case Review, objectively. The exceptions to this are where disclosure:-

- Contravenes Data Protection legislation, as defined at Section 3 (9) of the Data Protection Act 2018
- Is prohibited by any of Parts 1 to 7, or Chapter 1 of Part 9, of the Investigatory Powers Act 2016

In most cases, partners involved in the review process will already be signed up to the Derbyshire ASB Information Sharing Agreement but, for the purposes of the ASB Case Review, information sharing is also facilitated under the following legislation:-

- Section 104 of the ASB, Crime and Policing Act 2014
- Schedule 2, Part 1, 5 (2) of the Data Protection Act 2018

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- Section 115 of the Crime and Disorder Act 1998.

An ASB Case Review may require the involvement of additional partner agencies, who are not defined as 'relevant bodies'. This is acceptable, providing personal data is only shared with those other organisations, where it is strictly 'necessary, relevant and proportionate' in order to conduct an effective review. This is particularly important where the personal data relates to a child, is a '*special category of personal data*' or relates to a third party. Consideration must be given to the redaction of personal data that is not strictly necessary, relevant or proportionate for the purpose of the ASB Case Review.

*'Special categories of personal data'* include personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, genetic data, biometric data or data concerning health, a person's sex life or their sexual orientation.

A nominated officer, within each partner agency that has received, and responded to, the complaints made by the victim(s), will collate information that is to be shared at the ASB Case Review Meeting.

Information relating to the six-month period, prior to the receipt of the ASB Case Review application, should be shared. This may include:-

- Details of previous ASB incidents reported by the victim(s)
- Risk assessments for all victims and perpetrators
- Information about the effect the problem has had on the victim and others in the community
- Details of action previously considered
- Details of action taken
- Perpetrator Proportionality Assessment, if previously completed.

This list is not exhaustive.

### ASB Case Review Meeting

The ASB Case Review Meeting should take place **within 20 working days of *Template Letter 5***, advising the applicant that the ASB Case Review threshold was met.

The SPOC will:-

- Arrange the meeting
- Identify and invite representatives from appropriate agencies
- Identify an independent Chair, to be agreed by the relevant bodies

### *Format*

The 'format' of the meeting will vary from area to area, depending on existing partnership arrangements. Examples of how the ASB Case Review could be conducted include:-

- Within an existing multi-agency meeting – e.g. Tasking Meeting, ASB Strategy Meeting
- At the end of an existing multi-agency meeting

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- A separate meeting

### *Attendance*

The ASB Case Review Meeting must be attended by the SPOC and appropriate manager level representatives of the relevant bodies:-

- District / City Council
- Derbyshire Constabulary
- Clinical Commissioning Group (or appropriate healthcare provider)
- Social housing provider, where the review involves one of their tenants (as a victim or perpetrator)
- Youth Offending Service, where the review involves a perpetrator who is under 18

Depending on the individual case, it may also be appropriate to invite other partners that have, or ought to have, been involved in the case from a victim and perpetrator perspective, e.g. schools, Children's Services, Adult Services, Mental Health Services, Probation Service, Fire and Rescue Service, etc.

Attendees should be able to make operational decisions on behalf of their organisation and commit to actions and resources.

The victim, or their advocate, should be invited to attend at least part of the ASB Case Review Meeting, to help the review panel understand the impact of the ASB on the physical and emotional health and quality of life of the victim, members of their household and their visitors. Where involved, the ASB Case Worker from Derbyshire Victim Services should also attend.

If the victim does not wish to attend the meeting, their views should be adequately represented, either by the attendance of an advocate or a written 'victim statement' from the victim. A template is included at [APPENDIX F](#).

The relevant bodies may decide that there are good reasons as to why a victim is not to be invited to attend the ASB Case Review and these should be recorded in the Minutes.

### *Chair*

It is likely that many of the agency representatives will have been involved with the case, at some point, so it is essential that the Chair of the meeting is independent.

The Chair should be appointed on a case-by-case basis and, depending on the nature of the complaints, could be:-

- A senior manager from one of the relevant bodies, who is familiar with ASB case management, but has no previous involvement in the case.
- The ASB Case Review SPOC, or senior manager of one of the relevant bodies from another area, ideally one not within the same police division.

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The Chair is responsible for:-

- Ensuring the best interests of the victim(s) are considered and solutions identified to stop/reduce/manage the ASB;
- Ensuring partner representatives have no conflict of interest;
- Determining whether it is appropriate to complete the Perpetrator Proportionality Assessment ([APPENDIX H](#));
- Resolving any disagreements between partner agencies;
- Having the final decision on the content of the Action Plan;
- Identifying learning opportunities for partners;
- Removing any desire to apportion blame.

### *Purpose*

The aim of the ASB Case Review Meeting is to actively problem solve the case. The meeting must consider the qualifying complaints and:-

- Consider the persistence and cumulative impact of the ASB;
- Consider the harm caused, or the potential for harm to be caused, to the victim by the ASB;
- Consider who is the victim and who is the perpetrator (for example in neighbour disputes);
- Consider whether the complaints are malicious or vexatious;
- Consider whether any additional information needs to be obtained;
- Review what action has been taken and whether it was adequate to stop, or reduce, the ASB;
- Where appropriate, make recommendations for additional actions to resolve the problem;
- Make a decision for communication to the applicant;
- Agree which agency will liaise with the victim;
- Identify the Lead Officer(s) to implement the resulting Action Plan, if appropriate.

An agenda template is at [APPENDIX G](#).

### Outcome of the ASB Case Review

#### *Minutes*

Minutes of the ASB Case Review Meeting will be recorded, using the template at [APPENDIX I](#) to clearly record the decision and any recommendations.

The SPOC will:-

- Circulate the Minutes to all relevant partners
- Update E-CINS:-
  - Upload the Minutes to the 'Documents' tab.
  - Record 'ASB Case Review Meeting held' as an 'Action'.

#### *Action Plan*

The proposed actions to be taken to resolve the ASB should be recorded on the Action Plan, using the template at [APPENDIX J](#).

The Action Plan will be reviewed at future Tasking Meeting/ASB Meetings, to ensure actions are completed within agreed timescales.



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### *Informing the Applicant*

**Within 5 working days** of the ASB Case Review Meeting, the SPOC should:-

- Inform the applicant of the outcome and any recommendations, either via telephone or face-to-face.
- Discuss the recommendations with the applicant and agree the Action Plan. The applicant may not agree to all the recommendations, but this should be clearly recorded.
- Send *Template Letter 6* to the applicant and victim.
- Hand over the responsibility for the Action Plan to the appropriate Lead Officer(s).
- Update E-CINS:-
  - Upload the Action Plan and letter(s) to the 'Documents' tab.
  - Record 'ASB Case Review Action Plan' as an 'Action'.

*Template Letter 6*, advising the applicant of the outcome of the ASB Case Review Meeting, resets the 'qualifying period' in terms of calculating 'qualifying complaints', should the applicant request an ASB Case Review for the same matter in the future.

If the applicant is not satisfied with the outcome of the ASB Case Review, they should follow the [ASB CASE REVIEW APPEAL PROCESS](#).

### *Recommendations*

The ASB Case Review Meeting will not be able to recommend the Crown Prosecution Service (CPS) take action, nor will it prompt a review of decisions previously made by the CPS. If the victim is not happy with a decision made by the CPS, they should be referred to the CPS complaints procedure and the Victims' Right to Review Scheme.

The ASB Case Review Meeting may make recommendations to other agencies. Public bodies have a duty to have regard to those recommendations and they may be challenged if they choose not to undertake them, without good reason.

### *Lessons Learned*

The ASB Case Review Meeting does not seek to lay blame for any potential failings, as this would be the subject of a formal complaint investigation, but there may be organisational and procedural lessons learnt as a result of a review. These will be shared with partners across Derbyshire at the next Derbyshire ASB-Sub-Group Meeting.

## **ASB CASE REVIEW APPEAL PROCESS**

### Who can make an appeal?

Anyone, who has previously submitted a ASB Case Review application, can make an appeal.

The appeal body is the Office of the Police and Crime Commissioner for Derbyshire.

### When can an appeal be made?

An appeal can be lodged at the following stages in the process:-



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- When an application has been assessed as not meeting the ASB Case Review threshold for Derbyshire.
- After the ASB Case Review Meeting, if the victim is not satisfied with the outcome, or the ASB Case Review process as a whole.

An appeal must be lodged with the Office of the Police and Crime Commissioner for Derbyshire, within 28 days of the date the applicant was notified of the decision that is being appealed.

### How can an appeal be made?

An appeal must be made using the ASB Case Review Appeal Application Form, is available on the [Police and Crime Commissioner's website](#). The completed application form can be submitted electronically, or printed and filled in by hand and sent to the Office of the Police and Crime Commissioner at:-

ASB Case Review Appeal  
Office of the Police and Crime Commissioner for Derbyshire  
Derbyshire Constabulary Headquarters  
Butterley Hall  
Ripley  
Derbyshire  
DE5 3RS  
Tel: 0300 122 6000

### Appeal Process

The Office of the Police and Crime Commissioner will acknowledge receipt of a ASB Case Review appeal within one working day.

The Office of the Police and Crime Commissioner will request information about the ASB Case Review from the relevant area SPOC.

The SPOC must:-

- Provide copies of the following information as a minimum:-
  - The ASB Case Review Application Form
  - The ASB Case Review Meeting Minutes
  - *Template Letter 6* sent to victim, confirming the agreed Action Plan
- Record 'ASB Case Review Appeal received' as an 'Action' on E-CINS.

The Office of the Police and Crime Commissioner will assess the appeal, based on the documents collected, and notify the appellant, and relevant bodies, of the appeal decision, **within 20 working days** of the appeal being lodged.

The SPOC should record the outcome of the appeal as an 'Action' on E-CINS, as either 'ASB Case Review Appeal upheld' or 'ASB Case Review Appeal rejected'.

The organisational and procedural lessons learnt as a result of an appeal will be shared with partners across Derbyshire at the next Derbyshire ASB-Sub-Group Meeting. The information will also be included within an annual report to the Local Criminal Justice Board.

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### Memorandum of Understanding

The Office of the Police and Crime Commissioner and partners have signed a Memorandum of Understanding to outline the roles and expectations of all partners and the basis for sharing information, within the appeal element of the ASB Case Review process.

### **ROLES WITHIN THE PROCESS**

The roles and responsibilities of the individuals / agencies within this process are summarised below:-

#### Victim

- Complete the ASB Case Review Application Form, providing full details of the ASB incidents.
- Submit the application form to the area SPOC.
- Give written consent for an advocate to act, if applicable.
- Attend the ASB Case Review Meeting, or ask an advocate to attend in their place.
- Submit a written victim statement, if not attending the ASB Case Review in person.
- Consider recommendations and agree Action Plan, with SPOC, following the ASB Case Review Meeting.
- If dissatisfied with the outcome of the ASB Case Review, lodge an appeal with the Office of the Police and Crime Commissioner.

#### Applicant (if different from the victim)

- Obtain the victim's written consent (or evidence of their authority to act e.g. Power of Attorney).
- Complete the ASB Case Review Application Form on behalf of the victim.
- Submit the application form and victim's written consent (or evidence of their authority to act) to the area SPOC.
- Attend the ASB Case Review Meeting on behalf of the victim or accompany the victim, if they wish to attend themselves.
- If dissatisfied with the outcome of the ASB Case Review, lodge an appeal with the Office of the Police and Crime Commissioner, together with the victim's written consent.

#### ASB Case Review SPOC (one for each CSP area)

- Be the single point of contact for victims, and their advocates, in relation to the ASB Case Review.
- Make the ASB Case Review Application Form easily available to the public.
- Receive ASB Case Review applications.
- Where appropriate, request advocate obtains victim consent (or supply evidence of their authority to act) for third party applications.
- Confirm receipt of completed applications.
- Offer a referral to Derbyshire Victim Services.
- Liaise with relevant bodies to establish whether the threshold has been met.
- Establish the vulnerability of victims and perpetrators.

## **PUBLIC**

- Notify applicant whether the threshold has been met or not.
- Collate own agency information to share with partners at the ASB Case Review Meeting.
- Arrange the ASB Case Review Meeting, inviting representatives from all appropriate agencies.
- Identify an independent Chair for the ASB Case Review Meeting.
- Invite the victim, or their advocate, to attend the ASB Case Review Meeting (or provide a written statement if they do not wish to attend in person).
- Attend the ASB Case Review Meeting.
- Adhere to confidentiality statement and Information Sharing Agreement.
- Circulate Minutes of ASB Case Review Meeting.
- Advise applicant of outcome of ASB Case Review Meeting.
- Discuss the recommendations of ASB Case Review Meeting and agree the Action Plan with the applicant.
- Hand over implementation of Action Plan to agreed Lead Officer(s).
- Update E-CINS throughout the progress of the ASB Case Review application.
- Provide the Office of the Police and Crime Commissioner with information, if required for the appeal process.
- Share the lessons learned from each ASB Case Review application and appeal at the next Derbyshire ASB Sub-Group Meeting.
- Maintain a record of ASB Case Review applications.
- Publish the annual ASB Case Review monitoring information.

### Relevant Bodies

- Complete the ASB Case Review Application Form on the victim's behalf, if consider an ASB Case Review is required (managers equivalent of Police Inspector or above only).
- Provide SPOC with information to establish whether the threshold has been met.
- Appoint an independent Chair for ASB Case Review Meeting.
- Appoint an officer to take the Minutes.
- Collate information to share with partners at the ASB Case Review Meeting.
- Appropriate level of officer to attend the ASB Case Review Meeting (or submit a written report to Chair, if unable to provide an agency representative).
- Adhere to confidentiality statement and Information Sharing Agreement.
- Implement Action Plan, as agreed with applicant.
- Provide the Office of the Police and Crime Commissioner with information, if required for the appeal process.

### Chair of ASB Case Review Meeting

- Ensure all agencies sign a confidentiality statement.
- Ensure participants have no conflict of interest.
- Ensure the best interests of the victim(s) are considered and solutions identified to stop/reduce/manage the ASB.
- Determine whether it is appropriate to complete the Perpetrator Proportionality Assessment.
- Resolve any disagreements between partner agencies.
- Have the final decision on the content of the Action Plan.

## **PUBLIC**

- Identify learning opportunities for partners.
- Remove any desire to apportion blame.

### Office of the Police and Crime Commissioner

- Manage the ASB Case Review appeal process.
- Receive written appeals.
- Where appropriate, request victim consent for third party appeals.
- Confirm receipt of appeals.
- Liaise with area SPOC to obtain the required information to consider the appeal.
- Assess the appeal.
- Advise appellant, SPOC and relevant bodies, of the outcome of a ASB Case Review appeal.
- Publish the annual ASB Case Review Monitoring information for Derbyshire.
- Include information about ASB Case Review appeals in the annual report to the Local Criminal Justice Board.

## **MONITORING INFORMATION**

The legislation requires that each Community Safety Partnership publishes the following information with regard to the use of the ASB Case Review:-

- The number of applications for ASB Case Reviews
- The number of applications for ASB Case Reviews that did not meet the threshold
- The number of ASB Case Reviews conducted
- The number of ASB Case Reviews that resulted in recommendations being made.

In addition, we will also publish the number of ASB Case Review appeals received by the Office of the Police and Crime Commissioner for Derbyshire.

To enable this information to be available, it is essential that the SPOC updates E-CINS at every stage of the ASB Case Review process.

The ASB Case Review monitoring information will be published annually by each Community Safety Partnership, within their statutory Community Safety Plan and separately on their website.

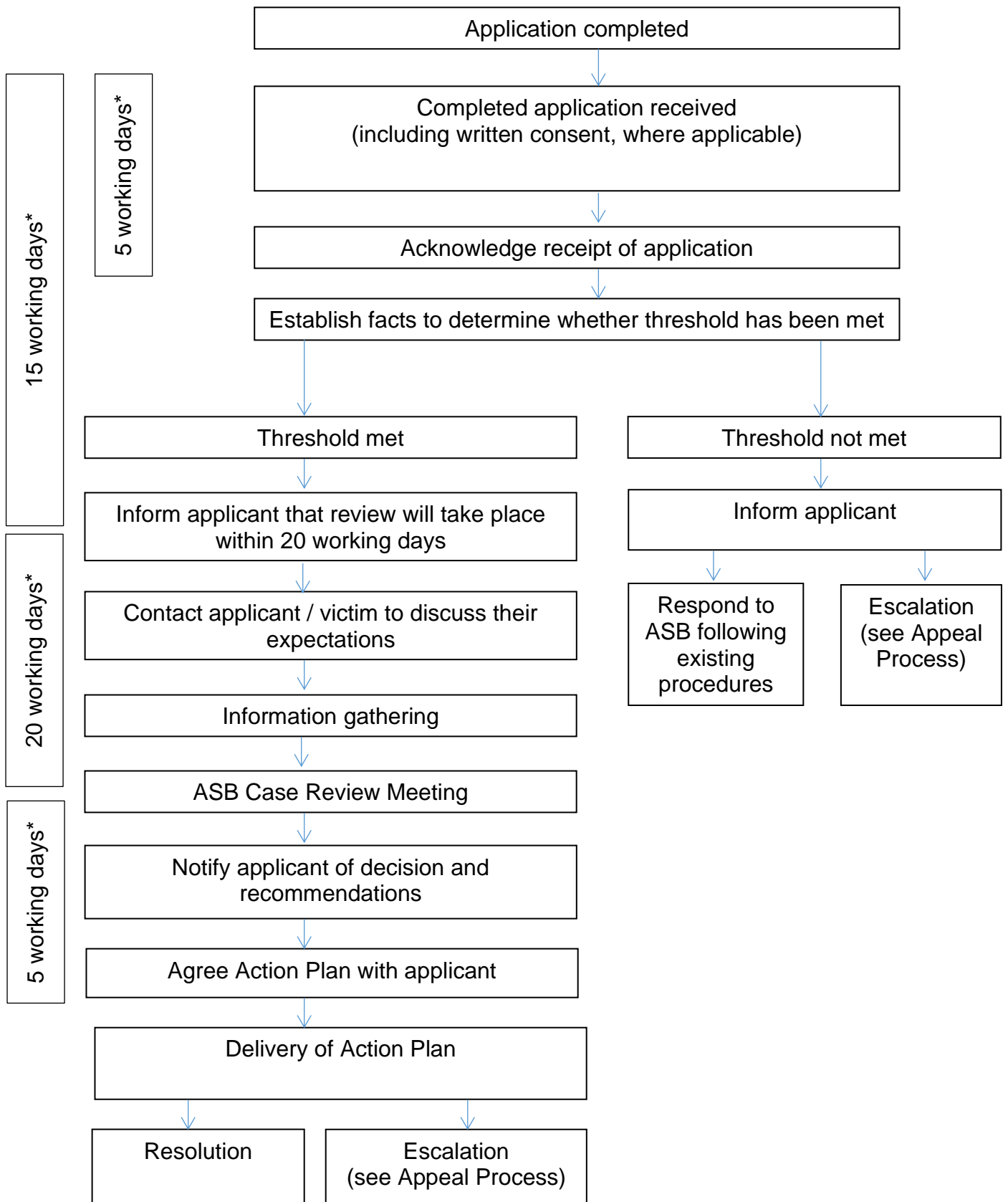
Countywide monitoring information will be collated by Safer Derbyshire and published annually on the Safer Derbyshire website and the Office of the Police and Crime Commissioner's website.

## **REVIEW**

The Derbyshire ASB Case Review Practitioner Guidance will be reviewed every two years by Derbyshire ASB Sub-Group.

**APPENDIX A**

ASB Case Review Process Flowchart



\* Working days are defined as Monday – Friday, excluding Bank Holidays

## PUBLIC

### **APPENDIX B**

#### Anti-Social Behaviour Case Review Application Form

For assistance completing the Anti-Social Behaviour Case Review Application Form, please see the separate Guidance Notes or contact **(INSERT LOCAL CONTACT DETAILS)**.

*\* Indicates questions which must be completed. There are additional questions for you to provide more information to support your application, if you wish.*

**Q1. On what basis are you making this application for an Anti-Social Behaviour Case Review?\***

*Please ensure you meet the Anti-Social Behaviour Case Review threshold, detailed in the Guidance Notes that accompany this application form.*

a – I am the person affected by the anti-social behaviour and have made three or more qualifying complaints, within the last six months. *Go to Q3*

b – I am acting on behalf of the person affected by the anti-social behaviour, who has made three or more qualifying complaints, within the last six months. *Go to Q2*

**PUBLIC**

**Q2. Details of the applicant who is acting on behalf of the person(s) affected by the anti-social behaviour \* (Required if 1b ticked)**

*If you are acting on behalf of someone else, complete your details then go to Q3*

<b>*Name:</b>			
<b>*Address:</b>			
<b>*Daytime No:</b>		<b>Mobile No:</b>	
<b>E-mail:</b>			

**Q3. Details of the person affected by the anti-social behaviour\***

<b>*Name:</b>			
<b>*Address:</b>			
<b>*Daytime No:</b>		<b>Mobile No:</b>	
<b>E-mail:</b>			

**PUBLIC**

**Q4. Briefly describe the type of anti-social behaviour you have been experiencing.\*** (*individual incidents are to be detailed at Q5*)



**PUBLIC**

**Q5. Please provide details of the anti-social behaviour incidents – who reported the incidents, when they were reported, who they were reported to and how.\***

Incident date	Incident details – ie what happened?	Reported by	Date reported	Agency reported to	How reported eg writing, telephone, in person, online

If there are more than five reported incidents of anti-social behaviour, please attach a separate sheet with the details.

**PUBLIC**

**Q6. How has the anti-social behaviour affected you/the person you are acting on behalf of?**

**Q7. What action has been taken, to your knowledge?**

**Q8. What further action are you hoping for?**

**PUBLIC**

**Q9. Have you any special circumstances that we need to take into consideration? If so, please provide details.**

**Q10. Please provide any other information relevant to your application.**

**PUBLIC**

**Signature\***

I confirm that the information given in this Anti-Social Behaviour Case Review Application Form is correct to the best of my knowledge and belief.

**In order to undertake an Anti-Social Behaviour Case Review, we (the ‘relevant bodies’) need to share information. In some cases, it may be necessary to share information with other partners, that we consider appropriate to be involved in the review process, to help resolve your case. Full information about how we will share information is detailed within the Guidance Notes for the Anti-Social Behaviour Case Review Application Form and our Privacy Notice [INSERT LINK OR DETAILS OF HOW TO FIND LOCAL AUTHORITY PRIVACY NOTICE.](#)**

By requesting that an Anti-Social Behaviour Case Review is undertaken, I acknowledge, and understand, that the ‘relevant bodies’, and other partners as necessary, will share personal information they hold about me in order to progress a review of my case.

Signature of Anti-Social Behaviour Case Review applicant	Date

**PUBLIC**

**Remember - If you are applying for the Anti-Social Behaviour Case Review on behalf of someone else who has been affected by anti-social behaviour, their individual written consent, or evidence of your authority to act (eg Power of Attorney), must also be provided. The Anti-Social Behaviour Case Review Application Form will not be processed until their consent / evidence has been received.**

I confirm that I give my permission for the person detailed at Q2 to apply for the Anti-Social Behaviour Case Review on my behalf.

I confirm that I give my permission for all relevant bodies', and other partners as necessary, to share information about this Anti-Social Behaviour Case Review application with the person detailed at Q2.

Signature of person experiencing the anti-social behaviour, if different to the applicant	Date

Please send your completed Anti-Social Behaviour Case Review Application Form to:-

**INSERT CONTACT DETAILS FOR AREA SPOC**

## **APPENDIX C**

### **Guidance Notes for the Anti-Social Behaviour Case Review Application Form**

#### **Anti-Social Behaviour Case Review Threshold**

The Anti-Social Behaviour Case Review gives, those affected by anti-social behaviour, the right to request a formal, multi-agency review of the response to their reports of anti-social behaviour. This is known as an Anti-Social Behaviour Case Review.

The Anti-Social Behaviour Case Review should only be used if you think the anti-social behaviour is on-going and either there has been no response, or there has been an inadequate response, from the agencies responsible for dealing with the anti-social behaviour.

The purpose of the Anti-Social Behaviour Case Review is to consider how to deal with serious persistent, or targeted, anti-social behaviour that the relevant bodies have been unable to tackle successfully.

Before submitting a Anti-Social Behaviour Case Review Application Form, please ensure your case meets the below criteria, or threshold:-

- You have made three or more '*qualifying complaints*' about related incidents of anti-social behaviour that occurred on separate occasions, within the last six months.

#### ***Explanatory Notes***

To be a '*qualifying complaint*', you must have formally reported the anti-social behaviour to the relevant organisation, within one month of it happening.

The anti-social behaviour should have been reported either in writing, by e-mail, by telephone or by visiting the offices of the relevant organisation. A discussion with an officer of an organisation whilst they are on-site in the community will not normally be considered, unless it is to a Police Officer or Police Community Support Officer on duty.

For the purposes of deciding whether the threshold is met, we can only consider incidents that have occurred within the last six months.

If your case does not meet the Anti-Social Behaviour Case Review threshold, we will not be able to conduct an Anti-Social Behaviour Case Review, but we will still look at ways we can support you.

#### **Completing the Anti-Social Behaviour Case Review Application Form**

Below are guidance notes to help you complete the Anti-Social Behaviour Case Review Application Form.

We are unable to progress incomplete applications, so please ensure full details are provided on your application form. \* indicates questions which must be completed.

## PUBLIC

There are additional questions for you to provide more information to support your application, if you wish.

If you require further assistance with completing the form, contact [\(INSERT LOCAL CONTACT DETAILS\)](#).

### **Q1. On what basis are you making an application for an Anti-Social Behaviour Case Review?\***

We need to know if you are the person affected by the anti-social behaviour or if you are submitting an application on someone else's behalf.

If you are the person affected by the anti-social behaviour, tick 'a' and complete your personal details at Question 3.

If you prefer, someone else can complete the Anti-Social Behaviour Case Review application on your behalf, but we will need your written consent (or evidence of their authority to act on your behalf, such as a Power of Attorney) to enable us to progress the application. (See 'Third Party Applications' below for further information).

If you are acting on behalf of the person affected by the anti-social behaviour, tick 'b' and complete your personal details at Question 2.

### **Q2. Details of the applicant who is acting on behalf of the person(s) affected by the anti-social behaviour\***

If you ticked '1b' because you are acting on behalf of the person(s) affected by the anti-social behaviour, complete your personal details.

### **Q3. Details of the person(s) affected by the anti-social behaviour\***

Complete the personal details of the person affected by the anti-social behaviour.

### **Q4. Briefly describe the type of anti-social behaviour you have been experiencing.\***

Full details of the individual incidents are required at Question 5, so this is a short summary of the anti-social behaviour, which you would like us to review.

### **Q5. Please provide details of the anti-social behaviour incidents – who reported the incidents, when they were reported, who they were reported to and how.\***

In order for us to fully review your application, we need information about the incidents of anti-social behaviour you have reported:-

- Dates of the anti-social behaviour
- Details of the anti-social behaviour – i.e. what happened?
- Who reported the anti-social behaviour? (This should be the person detailed at Question 2 or Question 3)
- The date the incident was reported
- Which organisation the incident was reported to

## **PUBLIC**

- How it was reported to that organisation – e.g. in writing, over the telephone, in person, online.

If there are more than five reported incidents of the anti-social behaviour, please attach a separate sheet with the details.

### **Q6. How has the anti-social behaviour affected you/the person you are acting on behalf of?**

We want to understand the impact of the anti-social behaviour on the person experiencing it.

### **Q7. What action has been taken, to your knowledge?**

Please tell us what action any of the organisations involved in dealing with the anti-social behaviour have taken.

### **Q8. What further action are you hoping for?**

We want to understand what you want to happen as a result of the Anti-Social Behaviour Case Review.

### **Q9. Have you any special circumstances that we need to take into consideration? If so, please provide details.**

Please include anything relating to your personal circumstances that you feel is relevant to the application.

### **Q10. Please provide any other information relevant to your Anti-Social Behaviour Case Review application.**

## **Signature\***

### How we will use your information

In order to undertake an Anti-Social Behaviour Case Review we need to share information, provided on your completed application form, with the 'relevant bodies'.

The '*relevant bodies*' are the organisations which have been involved in your case, and may include District/Borough/City Council, Police, Clinical Commissioning Group, the local housing provider. In addition, the Youth Offending Service will be involved, where the anti-social behaviour involves someone who is under 18.

We will use the information you provide to enable us to facilitate a review of your case, under the Anti-Social Behaviour, Crime & Policing Act 2014. The '*relevant bodies*' will share relevant, necessary and proportionate information to enable them to review the incidents you have reported and the action that has been taken, or could be taken, to resolve the situation.



## PUBLIC

In some cases, it may be necessary to share information with other partners, that the relevant bodies deem appropriate to be involved in the review process, to help resolve your case.

To process your personal data, we will rely upon Article 6(c) of the General Data Protection Regulations, in that it is 'necessary to comply with a legal obligation'. This is because the Anti-Social Behaviour, Crime and Policing Act 2014 places a legal obligation on the relevant bodies to undertake an ASB Case Review and share relevant information when a valid ASB Case Review application is received.

Where it is necessary to process any of your personal data which falls within a *special category*\*, we will rely upon Article 9, 2(g) of the General Data Protection Regulations, in that it is the substantial public interest, based on the lawful requirement to conduct an ASB Case Review, and is proportionate for that purpose. We will also meet the substantial public interest condition at Schedule 1 Part 2, (6) of the Data Protection Act 2018, in that the processing is necessary for a statutory purpose.

*\*Special categories of personal data* include personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, genetic data, biometric data, data concerning health or a person's sex life or their sexual orientation.

Please, therefore, ensure the information you provide is accurate and confirm this by ticking the box.

For further information about how we will use your information, our Privacy Notice is available at [INSERT LINK OR DETAILS OF HOW TO FIND LOCAL AUTHORITY PRIVACY NOTICE](#).

### Third Party Applications

If you are applying for the Anti-Social Behaviour Case Review on behalf of someone else, the application form must be accompanied by evidence that you have the authority to act on the victim's behalf. It is your responsibility to supply this. Where the victim is competent to give consent, this evidence must take the form of written consent from the victim, authorising you to make the application on their behalf and to receive information about the application from the relevant bodies. Where the victim is not competent to give consent, other evidence must be supplied (e.g. Power of Attorney).

The Anti-Social Behaviour Case Review Application Form will not be processed until the written consent of the person, detailed as being affected by the anti-social behaviour, or the evidence of your authority to act on the victim's behalf, has been provided.

### Submitting your Anti-Social Behaviour Case Review application

All Anti-Social Behaviour Case Review applications relating to [INSERT LOCAL AREA](#) must be either submitted on-line at [INSERT LOCAL URL](#) or in hardcopy to:- [INSERT CONTACT DETAILS FOR LOCAL AREA SPOC](#)

## **PUBLIC**

If you require assistance completing the application form, please contact **INSERT CONTACT DETAILS FOR LOCAL AREA SPOC**

### **What happens next?**

When a completed Anti-Social Behaviour Case Review Application Form is received, we will acknowledge receipt of your completed application for an Anti-Social Behaviour Case Review, within 5 working days.

We will review the information you have provided, to determine whether your case meets the Anti-Social Behaviour Case Review threshold. If it does not meet the threshold, you will be advised, in writing, within 15 working days of us receiving your completed Anti-Social Behaviour Case Review application.

If your application meets the threshold, an Anti-Social Behaviour Case Review will take place within 40 working days of us receiving your completed application. This will involve agencies sharing information, such as the police, housing, environmental health, social care and health providers, depending on the nature of your case. The Anti-Social Behaviour Case Review will discuss the issues you raise, consider what actions have already been taken and consider recommendations for additional action to resolve the problem.

You, or the person applying for the Anti-Social Behaviour Case Review on your behalf, will be invited to attend part of the Anti-Social Behaviour Case Review Meeting. If you do not wish to attend, you will be given the option to provide a written victim statement.

Within 5 days of the meeting, we will inform you of the outcome and recommendations.

If you are not satisfied with the outcome of the Anti-Social Behaviour Case Review, you can lodge an appeal with the Office of the Police and Crime Commissioner for Derbyshire, within 28 days of being notified of the outcome of your Anti-Social Behaviour Case Review application. For more information, go to <https://www.derbyshire-pcc.gov.uk/help-support/anti-social-behaviour-case-review/>

We welcome the opportunity to review cases of anti-social behaviour, but Anti-Social Behaviour Case Review applications may be rejected if they are thought to be prejudicial, discriminatory, malicious, unreasonable or vexatious.

**PUBLIC**

**APPENDIX D**

Template Letters

*Letter 1 – Confirm receipt of application*

Ref: **INSERT CASE NO**

**INSERT APPLICANT'S NAME**  
**INSERT APPLICANT'S ADDRESS**

**INSERT DATE**

Anti-Social Behaviour Case Review Applicant – (INSERT APPLICANT'S NAME)  
Person affected by the anti-social behaviour– (INSERT VICTIM'S NAME, WHERE DIFFERENT TO APPLICANT)

Dear **(INSERT APPLICANT'S NAME)**

Thank you for completing the Anti-Social Behaviour Case Review Application Form.

Your application will be assessed to establish whether it meets the threshold for an Anti-Social Behaviour Case Review.

I will write to you again, within the next 15 working days, to advise you of the initial assessment of your application.

In the meantime, if there are any further incidents of anti-social behaviour, please call:-

Derbyshire Constabulary on 101 (or 999 in an emergency)

**(INSERT CONTACT DETAILS FOR LOCAL AUTHORITY/HOUSING PROVIDER)**

Support for victims of anti-social behaviour is available through Derbyshire Victim Services - contact 0800 612 6505 or text 'DVS' to 82228.

Yours Sincerely

**INSERT NAME**

Chair of **(INSERT AREA)** Community Safety Partnership

For enquiries regarding your Anti-Social Behaviour Case Review application contact **INSERT LOCAL SPOC CONTACT DETAILS**, quoting the above reference.

**PUBLIC**

*Letter 2 – Victim consent required*

Ref: **INSERT CASE NO**

**INSERT APPLICANT'S NAME**  
**INSERT APPLICANT'S ADDRESS**

**INSERT DATE**

Anti-Social Behaviour Case Review Applicant – **(INSERT APPLICANT'S NAME )**  
Person affected by the anti-social behaviour– **(INSERT VICTIM'S NAME)**

Dear **(INSERT APPLICANT'S NAME)**

Thank you for completing the Anti-Social Behaviour Case Review Application Form.

As detailed in the Guidance Notes for the Anti-Social Behaviour Case Review Application Form, if you are making an application on behalf of someone affected by the anti-social behaviour, their individual written consent, or evidence of your authority to act (e.g. Power of Attorney) must be provided, in addition to the application form.

Your Anti-Social Behaviour Case Review Application will, therefore, not be processed until the requested documentation has been sent to the below address:-  
**(INSERT CONTACT DETAILS FOR LOCAL SPOC)**

Yours Sincerely

**INSERT NAME**  
Chair of **(INSERT AREA)** Community Safety Partnership

For enquiries regarding your Anti-Social Behaviour Case Review application contact **INSERT LOCAL SPOC CONTACT DETAILS**, quoting the above reference.

**PUBLIC**

*Letter 3 – Confirm receipt of application to victim, if not applicant*

Ref: **INSERT CASE NO**

**INSERT VICTIM'S NAME**  
**INSERT VICTIM'S ADDRESS**

**INSERT DATE**

Anti-Social Behaviour Case Review Applicant – **(INSERT APPLICANT'S NAME)**  
Person affected by the anti-social behaviour– **(INSERT VICTIM'S NAME)**

Dear **(INSERT VICTIM'S NAME)**

I write to confirm receipt of the Anti-Social Behaviour Case Review Application Form, submitted on your behalf by **(INSERT APPLICANT'S NAME)**.

The application will be assessed to establish whether it meets the threshold for an Anti-Social Behaviour Case Review.

Correspondence regarding the application will be sent to **(INSERT APPLICANT'S NAME)**, unless you notify me in writing that you wish to withdraw your consent for **HIM/HER** to act on your behalf.

In the meantime, if there are any further incidents of anti-social behaviour, please call:-

Derbyshire Constabulary on 101 (or 999 in an emergency)

**(INSERT CONTACT DETAILS FOR LOCAL AUTHORITY/HOUSING PROVIDER)**

Support for victims of anti-social behaviour is available through Derbyshire Victim Services - contact 0800 612 6505 or text 'DVS' to 82228.

Yours Sincerely

**INSERT NAME**  
Chair of **(INSERT AREA)** Community Safety Partnership

For enquiries regarding your Anti-Social Behaviour Case Review application contact **INSERT LOCAL SPOC CONTACT DETAILS**, quoting the above reference.

**PUBLIC**

*Letter 4 – Threshold not met*

Ref: **INSERT CASE NO**

**INSERT APPLICANT'S NAME**  
**INSERT APPLICANT'S ADDRESS**

**INSERT DATE**

Anti-Social Behaviour Case Review Applicant – **(INSERT APPLICANT'S NAME )**  
Person affected by the anti-social behaviour– **(INSERT VICTIM'S NAME, WHERE DIFFERENT TO APPLICANT)**

Dear **(INSERT APPLICANT'S NAME)**

Further to my letter dated **(INSERT DATE OF TEMPLATE LETTER 1)**, I write to advise you that we are unable to progress with your application for an Anti-Social Behaviour Case Review, because it does not meet the threshold detailed in the Guidance Notes that accompany the application form (see attached) because **INSERT REASON(S) WHY APPLICATION DOES NOT MEET THRESHOLD**.

If you are dissatisfied with the decision, you can lodge an appeal, within 28 days of the date of this letter, with the Office of Police and Crime Commissioner for Derbyshire.

For more information go to <https://www.derbyshire-pcc.gov.uk/help-support/anti-social-behaviour-case-review/>

Dealing with anti-social behaviour in Derbyshire is a key priority for agencies in this area, so if there are any further incidents of anti-social behaviour, please call:

Derbyshire Constabulary on 101 (or 999 in an emergency)

**(INSERT CONTACT DETAILS FOR LOCAL AUTHORITY/HOUSING PROVIDER)**

Support for victims of anti-social behaviour is available through Derbyshire Victim Services - contact 0800 612 6505 or text 'DVS' to 82228.

Yours Sincerely

**INSERT NAME**

Chair of **(INSERT AREA)** Community Safety Partnership

For enquiries regarding your Anti-Social Behaviour Case Review application contact **INSERT LOCAL SPOC CONTACT DETAILS**, quoting the above reference.

**PUBLIC**

*Letter 5 – Threshold met*

Ref: **INSERT CASE NO**

**INSERT APPLICANT'S NAME**  
**INSERT APPLICANT'S ADDRESS**

**INSERT DATE**

Anti-Social Behaviour Case Review Applicant – **(INSERT APPLICANT'S NAME )**  
Person affected by the anti-social behaviour– **(INSERT VICTIM'S NAME, WHERE DIFFERENT TO APPLICANT)**

Dear **(INSERT APPLICANT'S NAME)**

Further to my letter dated **(INSERT DATE OF TEMPLATE LETTER 1)**, I write to advise you that your application meets the threshold and the partner agencies involved will be undertaking a full Anti-Social Behaviour Case Review.

You are invited to attend the Anti-Social Behaviour Case Review Meeting:-

Date: **(INSERT DATE)**

Time: **(INSERT TIME)**

Location: **(INSERT LOCATION)**

**(INSERT IF CURRENTLY NO ADVOCATE)** If you do not wish to attend yourself, you can ask a representative to attend on your behalf.

Please confirm your attendance to **(INSERT CONTACT DETAILS)**.

I will write to you again, within the next 20 working days, to advise you of the outcome of the Anti-Social Behaviour Case Review.

In the meantime, if there are any further incidents of anti-social behaviour, please call:

Derbyshire Constabulary on 101 (or 999 in an emergency)

**(INSERT CONTACT DETAILS FOR LOCAL AUTHORITY/HOUSING PROVIDER)**

Support for victims of anti-social behaviour is available through Derbyshire Victim Services - contact 0800 612 6505 or text 'DVS' to 82228.

Yours Sincerely

**INSERT NAME**

Chair of **(INSERT AREA)** Community Safety Partnership

For enquiries regarding your Anti-Social Behaviour Case Review application contact **INSERT LOCAL SPOC CONTACT DETAILS**, quoting the above reference.

**PUBLIC**

*Letter 6 – Outcome of review*

Ref: **INSERT CASE NO**

**INSERT APPLICANT'S NAME**  
**INSERT APPLICANT'S ADDRESS**

**INSERT DATE**

Anti-Social Behaviour Case Review Applicant – **(INSERT APPLICANT'S NAME)**  
Person affected by the anti-social behaviour– **(INSERT VICTIM'S NAME, WHERE DIFFERENT TO APPLICANT)**

Dear **(INSERT APPLICANT'S NAME)**

Further to my letter dated **(INSERT DATE OF TEMPLATE LETTER 5)**, I write to advise you that the relevant partner agencies have undertaken a full Anti-Social Behaviour Case Review.

The Anti-Social Behaviour Case Review has found that:-  
**(INSERT FINDINGS OF ASB CASE REVIEW MEETING)**

The Anti-Social Behaviour Case Review has recommended that:-  
**(INSERT RECOMMENDATIONS OF ASB CASE REVIEW MEETING)**

**(DELETE REFERENCE TO ACTION PLAN, IF NOT PROPOSED)** The Anti-Social Behaviour Case Review has proposed the attached Action Plan, which we discussed on **INSERT DATE**.

**(INSERT EITHER You have OR THE NAME OF THE VICTIM has)** agreed that Action(s) **INSERT NUMBER(S)** are progressed.

**(INSERT EITHER You have OR THE NAME OF THE VICTIM has)** asked that Actions(s) **INSERT NUMBER(S)** are not progressed.

Each of the agencies, detailed in the Action Plan will be responsible for their individual actions and will contact you to discuss them further.



## **PUBLIC**

If you are dissatisfied with the outcome of the Anti-Social Behaviour Case Review, you can lodge an appeal, within 28 days of the date of this letter, with the Office of Police and Crime Commissioner for Derbyshire.

For more information go to <https://www.derbyshire-pcc.gov.uk/help-support/anti-social-behaviour-case-review/>

Thank you for giving us the opportunity to review your case and work even harder to resolve the anti-social behaviour you have been experiencing.

Yours Sincerely

**INSERT NAME**

Chair of **(INSERT AREA)** Community Safety Partnership

For enquiries regarding your Anti-Social Behaviour Case Review application contact **INSERT LOCAL SPOC CONTACT DETAILS**, quoting the above reference.

## PUBLIC

### APPENDIX E

#### Threshold Assessment Template

I am writing to inform you that we have received a request to activate the ASB Case Review.

Under Schedule 4, Part 3 of the ASB, Crime and Policing Act 2014, partners are required to comply with the request for information and share information, which will enable the 'relevant bodies' to conduct the ASB Case Review, objectively.

At this stage, I require information from your organisation to enable me to establish whether the application meets the threshold, which is:-

- Three or more '*qualifying complaints*' about related incidents of ASB, that occurred on separate occasions, within the last six months.

*(Extract from the Derbyshire ASB Case Review Guidance Notes)*

#### Explanatory Notes

In deciding whether the threshold has been met for triggering a review, there must be a link between the complaints.

For the avoidance of doubt, if the partners receive separate complaints about totally unconnected ASB, then they will not be counted together in deciding whether the threshold has been met. This will be the case even if the type of ASB is the same. For example, if noise nuisance is suffered from two different sources, the complaints will not generally be counted together.

Also, if a complaint about the same incident has been made to multiple agencies, it will only count as one incident.

A '*qualifying complaint*' is one which is made within the period of one month, beginning with the date on which the behaviour is alleged to have occurred. Further, a complaint is a report of an ASB incident, which is made to a relevant body, either in writing, by e-mail, by telephone or by visiting the offices of the relevant body. Other than to a Police Officer or Police Community Support Officer on duty, reporting an incident of ASB to an officer of the relevant organisation, whilst he/she is on site, in the community, will not normally be considered to be a qualifying complaint.

I require all information you hold regarding incidents of ASB relating to the following individuals and addresses for the six-month period **(INSERT DATES)**

<b>Name:</b>	
<b>Address:</b>	
<b>DOB:</b>	

<b>Name:</b>	
<b>Address:</b>	
<b>DOB:</b>	

## PUBLIC

<b>Name:</b>	
<b>Address:</b>	
<b>DOB:</b>	

<b>Name:</b>	
<b>Address:</b>	
<b>DOB:</b>	

I require this information within **(INSERT TIMESCALE)** working days. If you are unable to provide the requested information within this time, please contact me directly to provide a verbal appraisal of the information you hold in the first instance.

Please contact me if you require any assistance with completing this request.

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## PARTNER RESPONSE

<b>Do you hold any ASB reports or complaints from any of the named individuals?</b>	YES/NO
<b>Are there any ASB complaints that are currently being investigated?</b>	YES/NO
<b>Do you have any vulnerability markers or flags on your systems?</b>	YES/NO
<b>Do you hold any completed risk assessments for the individuals?</b>	YES/NO

If you have indicated to **YES** to any of the above, please provide as much additional information as possible below (including attaching copies of documentation, where appropriate).

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

<b>Reference Number</b>	
<b>Date Received</b>	
<b>Brief overview of complaint/report</b> (include details of reporting party and any named perpetrator/offender)	
<b>Was any action taken?</b>	YES/NO

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

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

**Please include/attach any additional information you think is relevant to assist in determining whether the ASB Case Review threshold has been met.** This may include:-

- Details of previous ASB incidents reported by the victim(s)
- Risk assessments for all victims and perpetrators
- Information about the effect the problem has had on the victim and others in the community
- Details of action previously considered
- Details of action taken
- Perpetrator Proportionality Assessment, if previously completed.

This list is not exhaustive.

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**APPENDIX F**

Victim Statement Template

**ANTI-SOCIAL BEHAVIOUR CASE REVIEW  
ANTI-SOCIAL BEHAVIOUR VICTIM STATEMENT**

If you do not wish, or are not able, to attend the Anti-Social Behaviour Case Review, you can submit a written Anti-Social Behaviour Victim Statement.

Anti-social behaviour affects people in very different ways. The partner agencies involved in your case want to fully understand how you have been affected. We already have your application form, but this is your opportunity to expand on the information already provided.

There is no set format, so please tell us, in your own words, how the anti-social behaviour has affected you and, where appropriate, other members of your household or your visitors.

## **APPENDIX G**

### **ASB Case Review Meeting Agenda Template**

#### **1. Confidentiality Statement**

#### **2. Introductions / Apologies / Purpose of ASB Case Review**

*Explain why the meeting has been called – i.e. to undertake a fair and objective review of the case and enable the victim's voice to be heard.*

#### **3. Victim Perspective**

*Opportunity for the victim, or their advocate, to explain the impact of the ASB on themselves, their family and their visitors. This includes physical and emotional health, quality of life and ability to conduct their normal daily activities.*

#### **4. Case History**

*Information from partners in attendance and reports from those unable to attend in person.*

*What complaints/reports of ASB have been received by each agency?*

*What is the persistence or seriousness of the ASB?*

*What is the cumulative impact of the ASB?*

*Assessment of the harm caused, or potential for harm to be caused, to the victim and the community.*

*Identify who is the victim and who is the perpetrator in neighbour disputes.*

*Are there any malicious or vexatious complaints?*

*Are there any vulnerability factors for any of the victims or perpetrators?*

*What additional information is required?*

#### **5. Review Action Taken to Date**

*What action has already been considered/taken?*

*Complete Proportionality Assessment.*

#### **6. ASB Case Review Decision/Recommendations**

*Has all appropriate action been taken?*

*Is there more that partner agencies can do?*

*Is there more that victim or perpetrators can do?*

*Are there any learning opportunities for partners?*

#### **7. Agree Action Plan**

*What informal action can be taken by each partner to resolve the ASB?*

*What legal action can be taken to resolve the ASB and by whom?*

*Identify reasons why other potential actions are not to be pursued?*

#### **8. Next steps**

*Agree who will liaise with the victim/their advocate.*

*Agree who will be Lead Officer for the Action Plan.*

**APPENDIX H**

Perpetrator Proportionality Assessment



<b>Name of alleged perpetrator:</b>	
<b>Address of alleged perpetrator:</b>	
<b>Type of action being considered:-</b> e.g. injunction, ABC, CPW/N, tenancy demotion, possession etc.	

<b>ACTION ALREADY TAKEN</b>	
<b>List the informal action taken to date for this matter</b> e.g. warning letters, visits, mediation ABC, etc	
<b>List the formal action taken to date for this matter</b>	

<b>VULNERABILITIES</b>	
<b>Does the alleged perpetrator have any vulnerability?</b> e.g. victim of domestic abuse, lifestyle, substance misuse, age  <b>If so, provide details of whether it is believed that the ASB or criminal behaviour is linked to the specific vulnerabilities.</b>	
<b>Is it believed that the alleged perpetrator is disabled within the definition of the <u>Equality Act 2010</u>?</b> e.g. learning disability, mental health, developmental impairment, such as autistic spectrum disorders (ASD)  <b>If so, provide details of whether it is believed that the ASB or criminal behaviour is linked to this disability.</b>	
<b>Does the alleged perpetrator reside with individuals who have a disability or vulnerability?</b>  <b>If so, what actions have been taken to mitigate the risks that enforcement</b>	

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<b>action against the alleged perpetrator will have on these individuals?</b>	
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### SUPPORT

<b>Has the alleged perpetrator been offered, or referred for, any support?</b>  <b>If yes, provide details.</b> e.g. which agency?, when was last contact made and how?	
<b>Has re-housing been considered and by who?</b>	

### IMPACT

<b>What impact is the behaviour having on:-</b>  <b>Victims?</b>  <b>Wider community?</b>  <b>Partner resources?</b>	
--	--

### SUMMARY

<b>Summarise why the proposed action is reasonable, necessary and proportionate</b>	
---	--

I can confirm that I have reviewed this case and the facts above and believe that the action suggested is reasonable, necessary and proportionate means to achieving a legitimate aim.

Signed:	
Job title:	
Date:	

Date review due:	
------------------	--

This assessment will be reviewed at regular intervals, including when new information material to it is revealed.



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**APPENDIX I**

ASB Case Review Meeting Minutes Template

**ASB CASE REVIEW APPLICATION REFERENCE NUMBER**

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**DETAILS OF SPOC**

<b>Name</b>	
<b>Organisation</b>	
<b>E-mail</b>	
<b>Telephone</b>	

**DETAILS OF APPLICANT**

<b>Name</b>	
<b>Address</b>	
<b>Date application acknowledged</b> <i>(Template Letter 1)</i>	

**DETAILS OF VICTIM (IF DIFFERENT TO APPLICANT)**

<b>Name</b>	
<b>Address</b>	
<b>Date consent rec'd</b>	

**DETAILS OF PERPETRATORS (IF KNOWN)**

<b>Name</b>	
<b>Address</b>	

<b>Name</b>	
<b>Address</b>	

<b>Name</b>	
<b>Address</b>	

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**ASB CASE REVIEW THRESHOLD ASSESSMENT**

<b>DECISION</b>	<b>Comments</b>
Threshold met / not met <i>(delete as appropriate)</i>	

<b>Date applicant advised</b> <i>(Template Letter 4 or 5)</i>	
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**ASB CASE REVIEW MEETING**

<b>Date</b>	
<b>Time</b>	
<b>Venue</b>	
<b>Chair</b>	

**1. CONFIDENTIALITY STATEMENT**

<b>Declaration signed by all attendees</b>	Yes / No
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**2. ATTENDEES**

<b>Organisation</b>	<b>Name</b>	<b>Job Title</b>

**APOLOGIES**

<b>Organisation</b>	<b>Name</b>	<b>Job Title</b>	<b>Written Report?</b> <i>(delete as appropriate)</i>
			Yes / No
			Yes / No
			Yes / No
			Yes / No

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**RECORD OF INFORMATION SHARED / MEETING DISCUSSION**

**3. VICTIM PERSPECTIVE**

Victim / advocate invited?	Yes / No
<b>Reason(s) for victim / advocate not being invited:</b>	

**4. CASE HISTORY**

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**ADDITIONAL INFORMATION REQUIRED**

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**5. REVIEW AND ASSESSMENT OF ACTION TAKEN TO DATE**

<b>Proportionality Assessment completed?</b>	Yes / No
<b>Reason(s) for not completing Perpetrator Proportionality Assessment:</b>	

<b>Action taken to date</b>	<b>By whom?</b>	<b>Adequate?</b>	<b>Comments</b>
		Yes / No	
		Yes / No	
		Yes / No	
		Yes / No	
		Yes / No	

**6. REVIEW DECISION /RECOMMENDATIONS**

--

**7. ACTION PLAN**

Complete Action Plan template at [APPENDIX J](#).

**ACTIONS CONSIDERED BUT NOT RECOMMENDED**

<b>Action</b>	<b>Agency</b>	<b>Reason not pursued / recommended</b>

**8. NEXT STEPS AGREED**

--

**POST MEETING**

<b>Date Minutes sent to partners</b>	
<b>Date Action Plan discussed with victim</b>	
<b>Date applicant / victim advised of outcome</b> <i>(Template Letter 6)</i>	
<b>Update E-CINS</b>	

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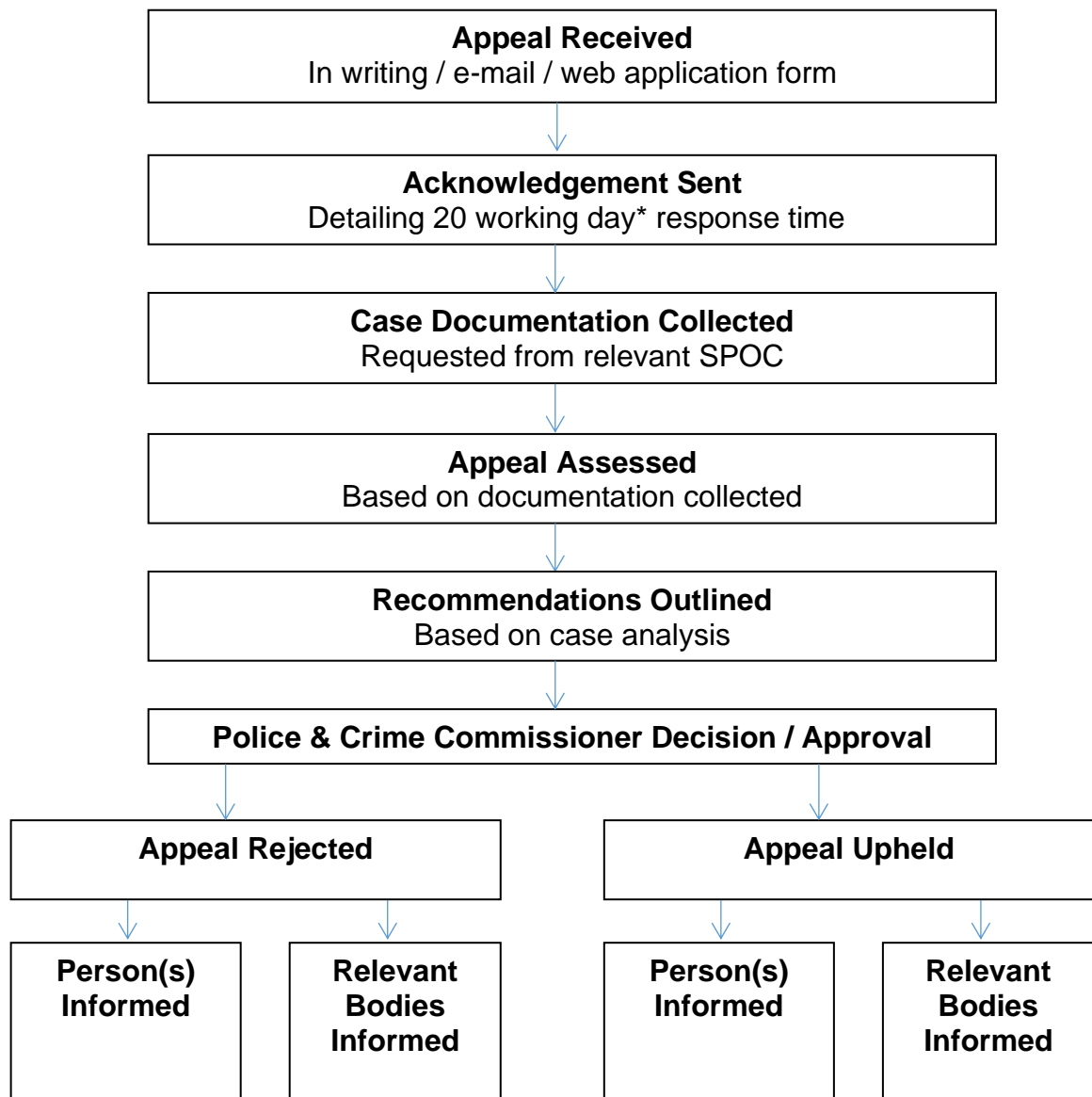
**APPENDIX J**

**Anti-Social Behaviour Case Review Action Plan Template**

Action	By Whom?		Timescales	Progress Update	Date completed
	Agency	Lead Officer			

**Appendix K**

**ASB Case Review Appeal Process Flowchart**



\*We will endeavour to respond from the initial acknowledgement of appeal to final notification of decision within 20 working days. Communication of extended response times will be provided in exceptional circumstances.

*(Working days are Monday to Friday excluding weekends and bank holidays).*