

## Derbyshire Anti-Social Behaviour Case Review Frequently Asked Questions

Here are the answers to questions that people often ask about the Anti-Social Behaviour Case Review.

### Where can I find information about the Anti-Social Behaviour Case Review?

Information about what the Anti-Social Behaviour Case Review is and how to apply, is available on your local authority website. You will find the application form, together with guidance notes to help you. There will also be details of how you can get in touch, if you have any questions or need help with the application.

Links to the local authority websites are available at [www.saferderbyshire.gov.uk/asbcasereview](http://www.saferderbyshire.gov.uk/asbcasereview)

## UNDERSTANDING THE ANTI-SOCIAL BEHAVIOUR CASE REVIEW

### When can I request an Anti-Social Behaviour Case Review?

You can request a review of the response to your reports of serious, persistent or targeted anti-social behaviour. You can do this if you feel the problem is ongoing and

- there has been no response from agencies

or

- there has been an inadequate response from agencies responsible for dealing with the anti-social behaviour.

You must give agencies the chance to respond to each of the incidents of anti-social behaviour. The timescale for an 'adequate response' may vary, depending on the type of behaviour and complexity of your case.

To request an Anti-Social Behaviour Case Review, you must also meet the 'threshold' or criteria.

### What is the 'threshold' for an Anti-Social Behaviour Case Review?

The criteria, or threshold, is:-

Three or more '*qualifying complaints*' (reports) about related incidents of anti-social behaviour, that occurred on separate occasions, within the last six months.

See below for more information about what a 'qualifying complaint is.

### What is a 'qualifying complaint'?

To be a 'qualifying complaint', each report of anti-social behaviour must be:-

- reported to the right organisation within one month of it happening
- reported to the right organisation by e-mail, by telephone or by visiting the offices of that organisation.
- about repeated, or persistent, incidents of the same type of anti-social behaviour.

We can only consider anti-social behaviour that has happened in the last six months.

For example:

- 2 January – A victim makes a report of anti-social behaviour to the local authority. The anti-social behaviour is not resolved by the local authority.
- 15 March – The victim continues to experience anti-social behaviour and makes a report to the police. The anti-social behaviour is not resolved by the police.
- 31 May – The anti-social behaviour continues, and the victim now makes a report to both the local authority and the police. The victim again receives no assistance from the relevant agencies.

The victim has made three 'qualifying complaints' (reports) of anti-social behaviour between 1 January and 31 May. This is within a six-month period. The relevant agencies must now hold an Anti-Social Behaviour Case Review to consider how to resolve the anti-social behaviour.

However, in this example:-

- 2 January – A victim makes a report of noise nuisance from Neighbour A that happened on New Years Eve.
- 15 February – The victim continues to experience noise nuisance and reports noise from a Valentine's Day party held by Neighbour A.
- 10 April – the victim makes a report to both the local authority and the police about a party held by Neighbour B over the Easter weekend.

The reports are within a month of the anti-social behaviour happening. They have been reported to the correct organisation, but the source of the noise is different. This means the reports will not be counted together. Also, if a report about the same incident has been made to more than one organisation, it will only count as one incident.

### I am experiencing anti-social behaviour, but I do not meet the threshold to request an Anti-Social Behaviour Case Review – what should I do?

You should:-

- Speak to the organisation that is dealing with your case. They will give you an update on your case.
- Contact [Derbyshire Victim Services](#). They offer free, confidential advice and support for people experiencing anti-social behaviour.

If you do not meet the threshold now, you may do so in the future. Please keep this information to hand, in case you need it.

### **What is the difference between the Anti-Social Behaviour Case Review and a complaint procedure?**

The Anti-Social Behaviour Case Review is not designed to apportion blame. It is there to bring organisations together to fully understand the problem and draw up a multi-agency action plan to resolve the anti-social behaviour.

The complaints procedure is appropriate for concerns, such as:-

- if staff have been rude or disrespectful to you
- if staff have given inaccurate or misleading information
- if staff have promised things, such as telephone calls or meetings, and have not delivered on these
- if the organisation has failed to follow their policy and/or procedure.

If you have followed the complaints procedure and you are still dissatisfied, you will be given information about the [Local Government and Social Care Ombudsman](#), the [Housing Ombudsman Service](#) or the [Independent Office for Police Conduct](#).

### **Will requesting an Anti-Social Behaviour Case Review stop any ongoing action in my case?**

Requesting an Anti-Social Behaviour Case Review should not stop any ongoing action in your case, however, once agencies review all the information, they may decide that there is a more suitable solution or action that can be taken to deal with the anti-social behaviour. This will be discussed with you, after the Anti-Social Behaviour Case Review meeting.

### **Can I request an Anti-Social Behaviour Case Review if my case is closed?**

Yes you can, but you need to bear in mind that:-

- if your case is closed and the anti-social behaviour is ongoing, the Anti-Social Behaviour Case Review will consider what else can be done.
- if your case is closed and the anti-social behaviour is not ongoing, the Anti-Social Behaviour Case Review will not be able to agree an Action Plan to resolve the case, as it is already resolved.

If you are not happy with the service you received whilst the anti-social behaviour was being investigated, this should be raised through that organisation's complaints procedure. It is not covered by the Anti-Social Behaviour Case Review process.

## **APPLICATION PROCESS**

### **Can someone apply for an Anti-Social Behaviour Case Review on my behalf?**

Yes, if you prefer, someone else can apply on your behalf. This could be family member, carer, elected member or MP. They will need to complete the application form and provide your written consent (or evidence of their authority to act on your behalf, such as a Power of Attorney) so that we can progress the application.

**Can I apply for an Anti-Social Behaviour Case Review anonymously?**

No, anonymous applications will not be accepted. Anonymous, unreasonably persistent, vexatious or malicious applications will be rejected and dealt with in accordance with the council's complaints policy.

If you wish to report anti-social behaviour anonymously, you can contact Crimestoppers to report incidents that are serious, criminal or causing a risk to a person.

**Why do I need to give my consent to share my information?**

An Anti-Social Behaviour Case Review will only progress with the victim's consent. To help us review every aspect of your case, we need to share information with organisations that have been, or should have been, involved in your case. The application form and guidance notes give more detail about who is involved and why.

However, if we have a safeguarding concern, we do not require your consent to share that information.

**What happens if I do not want my information to be shared?**

If you do not consent to your information being shared, we will be unable to process your application for an Anti-Social Behaviour Case Review.

**What happens when I apply for the Anti-Social Behaviour Case Review?**

The step-by-step process is explained in the Applicant Guidance Notes. If you need another copy, contact the Community Safety team at your local council.

**ANTI-SOCIAL BEHAVIOUR CASE REVIEW MEETING**
**What happens at the Anti-Social Behaviour Case Review Meeting?**

The meeting will be attended by people from all the different organisations that have been, or should have been, involved in any part of your case.

They will:-

- Review the full case history;
- Consider the persistence and seriousness of the anti-social behaviour;
- Consider the impact and harm caused to you and other people;
- Review the personal circumstances of everyone involved;
- Review what the different organisations have already done to tackle the anti-social behaviour;
- Consider if the actions are 'reasonable and proportionate', based on the circumstances of the case. This may also include considering reasons as to why certain actions have, or have not, been taken; and
- Wherever possible, recommend extra action that could stop, or reduce, the anti-social behaviour.

You will be invited to attend the first part of the meeting to help the review panel understand how the anti-social behaviour has affected you and, where appropriate, other people who live with, or visit, you. You will also have the chance to ask any questions you have about your case.

### **Why can't I stay for the full Anti-Social Behaviour Case Review meeting?**

The meeting will discuss sensitive and private information about everyone involved in the case, including those people involved in the anti-social behaviour. We are unable to share all of this information with you.

### **What happens if I can't, or don't, want to attend my Anti-Social Behaviour Case Review?**

If you cannot, or do not want, to attend the meeting you can:-

- Ask for the meeting to be rearranged to a more convenient time (This may delay the completion of the process);
- Send us a written Victim Statement, to help the panel understand how you have been affected;
- Ask the person who submitted the application to attend on your behalf; or
- Ask your Support Worker from Derbyshire Victim Services to attend on your behalf.

Anti-Social Behaviour Case Reviews will only be held on normal working days - Monday – Friday between the hours of 9am and 5pm (excluding Bank Holidays).

### **What can't the Anti-Social Behaviour Case Review do?**

The Anti-Social Behaviour Case Review cannot:-

- Consider anti-social behaviour that has not been reported to the relevant organisation.
- Consider complaints about individual officers, or services.  
You should follow the complaint procedures of that organisation.
- Recommend that the Crown Prosecution Service (CPS) take action or request a review of decisions previously made by the CPS.  
This is dealt with by the CPS complaints procedure and the [Victims' Right to Review Scheme](#).
- Recommend action that is not proportionate to the individual circumstances of the case. Sometimes people have unrealistic expectations of what action should be taken, for example, they think that the neighbour should be evicted or sent to prison. Our powers to tackle anti-social behaviour require a certain level of evidence. We have to meet specific legal criteria.

## **OUTCOME OF THE ANTI-SOCIAL BEHAVIOUR CASE REVIEW**

### **What happens if I am not satisfied with the outcome of the Anti-Social Behaviour Case Review?**

If you are not satisfied with the outcome, you have the right to appeal. Appeals can be made to the Office of the Police and Crime Commissioner for Derbyshire, within 28 days of you being notified of the outcome of your Anti-Social Behaviour Case Review application.

Information about the appeal process is available on the [Police and Crime Commissioner's website](#).

**Can I apply for the Anti-Social Behaviour Case Review again?**

Another Anti-Social Behaviour Case Review would only be considered if there is a substantial change in the circumstances of your case and you have reported further incidents of anti-social behaviour, which meet the threshold for the Anti-Social Behaviour Case Review.

Multiple applications for the Anti-Social Behaviour Case Review, without good cause will be rejected and dealt with in accordance with the council's complaints policy.

**APPEAL PROCESS**

**Will the Police and Crime Commissioner review my anti-social behaviour case?**

The Police and Crime Commissioner cannot investigate, or review, individual incidents of anti-social behaviour, or do another Anti-Social Behaviour Case Review. If you have not yet reported the anti-social behaviour, please do so through the [appropriate agency](#).

The purpose of the appeal is to consider whether the Anti-Social Behaviour Case Review process has been followed and ensure the circumstances of your case have been fully considered. The appeal process will consider if the steps taken by the relevant agencies to address the anti-social behaviour are reasonable and proportionate, in the circumstances of your case.

If you are not satisfied with the actions resulting from the Anti-Social Behaviour Case Review, you should speak to the Community Safety team at your local council.