The Manchester Community Safety Partnership
ASB Case Review Procedure

Produced by ASBAT, Crime and Disorder
Growth and Neighbourhood Directorate
Manchester City Council

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1. Introduction

Part 6 Schedule 4 of the Anti-social Behaviour, Crime and Policing Act 2014 requires the relevant bodies in a local government area to have an ASB Case Review Procedure, also sometimes known as the “Community Trigger”. For this purpose, Manchester City Council is the relevant body and the Anti Social Behaviour Action Team (ASBAT) is responsible for co-ordinating and administrating the ASB Case Review procedure on behalf of the Community Safety Partnership.

2. Purpose

This procedure sets out the actions taken when a victim (hereafter referred to as “the Applicant”) of anti-social behaviour requests an ASB Case Review. For the purpose of this procedure “Anti-social Behaviour” means behaviour causing harassment, alarm or distress to members or any member of the public, it does not include behaviour which is regarded as nuisance or annoyance.

The aim is to offer a ‘safety net’ for Applicants and to help avoid individuals being passed between agencies without resolution.

This procedure explains who can request an ASB Case Review and the threshold for cases that will be considered within the scope of this procedure. The steps taken and timescales involved when an Application for an ASB Case Review is made are outlined in Appendix 1: ASB Case Review Process Flow Chart.

Manchester’s Registered Housing Providers participate in ASB Case Reviews through co-option arrangements.

3. Who can request an ASB Case Review?

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

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

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

Effective communication with Applicants is an important part of the ASB Case Review process. Applicants will be offered the services of interpreters, translators, and signers if required to facilitate effective communication.
Applicants will also have the right to involve an advocate to support them in the process.

4. Anonymous Complaints

When requesting an ASB Case Review Applicants will be reassured that their details will not be passed onto any third party without their consent and that details of their Application will not be shared with any alleged perpetrators of the ASB.

If an Applicant will not provide their contact details and insists on remaining completely anonymous the complaint will be considered as invalid for the purpose of the ASB Case Review. There would be limitations in validating the incidents referred to in the application and no way of assessing their vulnerability or providing feedback to the Applicant.

5. How can an ASB Case Review be requested?

- By completing an online form at https://secure.manchester.gov.uk/forms/form/710/en/community_trigger
- By writing to ASB Case Review, Manchester’s Community Safety Partnership, PO Box 532, M60 2LA.
- By telephoning the Anti Social Behaviour Action Team 0161 234 3231
- An ASB Case Review appeal should be addressed to: Chair of Community Safety Partnership, Manchester’s Community Safety Partnership, PO BOX 532, M60 2LA.

6. ASB Case Review Threshold

The ASB Case Review threshold is met when;

a) an application for an ASB Case Review is made; and
b) at least three qualifying complaints have been made about the anti social behaviour to which the application relates

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

A complaint about anti-social behaviour is a qualifying complaint if:

(a) the complaint is made within the period of one month beginning with the date on which the behaviour is alleged to have occurred; and
(b) the application for an ASB Case Review is made within the period of six months beginning with the date on which the complaint is made.

Each of the individual qualifying complaints must have been reported within one month of each incident occurring.
If part (b) is not met, the review panel will also consider the following when determining if the ASB Case Review threshold is met;

- the persistence of the anti social behaviour; and
- the harm or potential harm caused by the anti social behaviour; and
- the adequacy of the response from agencies

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

Within two working days of receiving a request for an ASB Case Review, an officer from the ASBAT will write to the Applicant to acknowledge their request on behalf of the Community Safety Partnership. If consent has not been given by ticking the relevant box on the ASB Case Review online form, the officer will request that the Applicant gives consent to share information relevant to their Application with the named agencies who will form the review panel and the third party if applicable. The letter will advise the Applicant that they will be informed of the outcome of the ASB Case Review within 20 working days of their written consent being received, unless the case is complex when they will be informed of an extended timeframe.

8. Information Sharing

Upon receipt of the written consent, the ASBAT will write to the relevant agencies, providing a copy of the Applicant’s request for an ASB Case Review and ask them to provide relevant information. ASBAT will request that agencies provide information within 10 working days.

Relevant information will be provided by the Council, GMP, Clinical Commissioning Groups and Registered Housing Providers (through co-option arrangements) for the purpose of ASB Case Reviews if the information is held, unless disclosure of the information would;

a) contravene the Data Protection Act 1998, or
b) contravene Part 1 of the Regulation of Investigatory Powers Act 2000, or
c) breach the confidence owed by the person making the disclosure or,
d) breach any other restriction on the disclosure of information (however imposed)

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

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

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

The ASB Case Review Panel may correspond through telephone conferencing or by email. Panel meetings will be held if the case is particularly complex, if there are numerous agencies involved or there are serious concerns regarding agencies responses to the ASB incidents alleged.

The ASB Case Review Panel functions are:

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

Outcomes of ASB Case Reviews will be reported to and reviewed by the Head of Neighbourhood Delivery, Manchester City Council.

10. ASB Case Review Outcome

The Head of Neighbourhood Delivery, Manchester City Council, will write to the Applicant on behalf of the Community Safety Partnership within twenty working days of receipt of their written consent to share information to confirm whether or not the ASB Case Review threshold has been met and to inform the Applicant of the outcome of the review.

If the threshold has not been met, the letter will inform the Applicant what happens next and provide any appropriate advice, such as how incidents of ASB should be reported in the future.

If the threshold is met, the letter will include an action plan specifying the recommendations that will be taken within defined timescales and state the lead agency responsible for each action to resolve the ASB. Completing and reviewing the agreed actions will be the responsibility of the agency named within the action plan.

The letter will include a right to request a further review (an appeal). The appeal review will be undertaken by more senior officers of the relevant organisations who are independent to the decisions made through the original ASB Case Review Panel.
11. Escalation and Appeal

If an Applicant is dissatisfied with the response to their Application or how the case review has been carried out, there is a right to request a further review (an Appeal) that will involve officers from the relevant agencies who are more senior to those that completed the initial case review. The Applicant will need to request the further review by writing to the Chair of the Community Safety Partnership. The request will be acknowledged within two working days and a final response provided within 20 working days of the request for a further review, unless the case is particularly complex when the Applicant will be informed of a revised timeframe.

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

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

12. Unreasonably Persistent or Vexatious Applicants

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

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

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

13. Statistical Reporting

Every 6 months, beginning in April 2015, the ASBAT, on behalf of the Community Safety Partnership, will publicise the following information regarding ASB Case Reviews relating to the previous six month period;

(a) the number of Applications for ASB Case Reviews received;
(b) the number of times the threshold was not met;
(c) the number of ASB Case Reviews carried out;
(d) the number of ASB Case Reviews carried out that resulted in recommendations being made
The ASB Case Review statistics will be published on the Council’s and Making Manchester Safer’s websites.

Statistical information will also be available on request from the Anti Social Behaviour Action Team, Manchester City Council.

14. Assessment and revision of review procedures

The Community Safety Partnership will conduct an annual review involving the relevant bodies. The review will concentrate on the effectiveness of the ASB Case Review procedures and the revision of the procedures.

15. Further information

- Anti Social Behaviour, Crime and Policing Act 2014
  www.legislation.gov.uk/ukpga/2014/12/contents/enacted


- Evaluation report from the Home Office Community Trigger trials

- Anti Social Behaviour Action Team
  Manchester City Council
  PO Box 532
  M60 2LA
  Telephone: 0161 234 3231
  Email: asbat-commercial@manchester.gov.uk
  Web: www.manchester.gov.uk