

# Manchester's ASB Case Review Procedure

Dated: 22 May 2023

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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 known as the “Community Trigger”. In Manchester, the relevant bodies are Manchester City Council, Greater Manchester Police, Manchester Integrated Care Partnership and providers of social housing in Manchester through co-option arrangements. The Council’s Anti-Social Behaviour Action Team (ASBAT) is responsible for coordinating and administering the ASB Case Review procedure on behalf of the relevant bodies and is the specific point of contact for victims of anti-social behaviour and partner organisations.

## 2. Purpose

This procedure explains the purpose of the ASB Case Review and sets out the actions taken when a victim of anti-social behaviour requests a Review.

The overarching purpose of the ASB Case Review is to problem solve ongoing anti-social behaviour through sharing information and utilising the knowledge and expertise of partner organisations. By listening to the victim and forging collaborative partnerships the aim is to formulate a strategy to facilitate a solution which stops the anti-social behaviour and prevents it from reoccurring. The primary objective is not to check that policies and procedures have been adhered to, or to apportion blame, rather to consider whether anything further can be done to bring an end to the ASB and/or harm being caused to the victim.

Victims can request an ASB Case Review if they feel their complaints of anti-social behaviour (ASB) (to the Police, Council, or Registered Providers of Social Housing (RP)) have not resulted in meaningful coordinated action to bring an end to that behaviour. The aim is to offer a ‘safety net’ for victims and to help avoid individuals being passed between agencies without resolution when a partnership response is needed.

### 3.0 ASB Case Review Objectives

The objectives of the ASB Case Review are;

3.1 To enable the victim(s) voice to be heard in terms of the impact of the ASB on their physical and emotional health, household members and visitors to their home.

3.2 To enable a fair and objective review of the case by ensuring all relevant agency records and representatives from relevant agencies are available for the ASB Case Review meeting.

3.3 To promote fairness and independence throughout the ASB Case Review meeting by ensuring the Chair of the meeting is independent of the case and independent of the agency(s) who held responsibility for the conduct of the case. The appointed Chair must hold a relevant position and be familiar with ASB case management. Panel representatives should be of a suitable seniority that they are able to make operational decisions on behalf of their organization and commit to actions and resources.

3.4 To enable participants of the ASB Case Review meeting to voice opinions and suggestions to assist in formulating a strategy to facilitate a successful resolution of the case.

3.5 To ensure that where a review of a case identifies prior failings in the management of it, that these are recognised as learning outcomes and that no individual or agency is held to account for or face reprisals which could invite reputational damage. Instead, the ASB Case Review meeting focuses on taking an honest approach when acknowledging any previous failings. This is to build trust and confidence in the process and to promote a future implementation of a strategy to bring an end to the anti-social behaviour.

3.6 To formulate a collective strategy to facilitate the successful conclusion to the anti-social behaviour.

3.7 To create an Action Plan which identifies the lead agency and delegates specific tasks to individuals within a reasonable timeframe.

3.8 To ensure individuals provide timely feedback to the lead agency regarding the completion of actions and the identification of any new actions.

3.9 To confirm which agency will communicate with victim(s) and act as liaison to enable victim(s) to be kept updated and make further representations where necessary.

3.10 To promote the collaborative benefits of the ASB Case Review by inviting independent third-party agency participation when appropriate and with consent of the victim.

3.12 To engage the participation of agencies who can provide emotional support for victim(s) and if necessary, request they attend the ASB Case Review meeting to represent the views of the victim

3.13 Be respectful of all participants' views but challenge those which are not inclusive or tolerant of others.

3.14 To provide an ASB Case Review escalation process. See Section 12.

4. Who can request an ASB Case Review?

A victim who has experienced ASB or another person acting on behalf of and with the consent of the victim such as a carer or family member, Member of Parliament, or councillor. The victim can be an individual of any age, a business, or a community group.

If the victim 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 victims is an important part of the ASB Case Review process. Victims will be offered the services of interpreters, translators, and signers if required to facilitate effective communication.

Victims will also have the right to involve a support person or an advocate to support them in the process.

#### 5. Anonymous Requests for an ASB Case Review

When requesting an ASB Case Review victims 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 a victim 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 victim.

#### 6. How can an ASB Case Review be requested?

- By completing an online form at  
<https://www.manchester.gov.uk/xfp/form/2074>
- By writing to ASB Case Review, Anti-Social Behaviour Action Team, PO Box 532, Manchester M60 2LA.
- By telephoning the Anti-Social Behaviour Action Team 0161 234 4612
- By emailing [asb.action.team@manchester.gov.uk](mailto:asb.action.team@manchester.gov.uk)

Please entitle all correspondence 'ASB Case Review.'

The ASBAT aims to acknowledge ASB Case Review requests within two working days from the date the request is received. A copy of this Procedure will be provided with the acknowledgement.

#### 7. ASB Case Review Threshold

When an ASB Case Review is requested, the relevant bodies must decide whether the threshold is met and communicate this to the victim. Victims will be informed whether the threshold is met within seven working days of the ASBAT receiving a request for an ASB Case Review.

The ASB Case Review threshold is met when;

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

## Anti-Social Behaviour

The definition of anti-social behaviour in the context of an ASB Case Review is behaviour causing harassment, alarm or distress to members or any member of the public. When deciding whether the threshold is met, the relevant bodies will consider the cumulative effect of the incidents and consider the harm or potential harm caused to the victim, rather than rigidly deciding whether each incident reached the level of harassment, alarm, or distress. Similarly, although housing-related anti-social behaviour has a lower test of nuisance or annoyance for an injunction under Part 1 of the 2014 Act, in such instances because of the victim's inability to separate themselves from the anti-social behaviour, the harm experienced may result in harassment, alarm or distress for the purposes of the ASB Case Review.

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

## Qualifying Complaint

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.

The relevant bodies 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

If the threshold is met an ASB Case Review meeting will be held. Please refer to Section 10 for further information about the case review meeting.

If the threshold is not met, formal procedures will not be invoked but there may be an opportunity for the relevant bodies to meet to review the case to determine whether there is anything further that can be done. Any further advice or support available will be shared when the victim is informed that the threshold was not met.

## 8. Consent to Share Information

To proceed with an ASB Case Review victims must provide consent to share information with the relevant bodies and any other relevant organisations. If consent to share information has not been given by ticking the relevant box on the ASB Case Review online form, an ASBAT officer will contact the victim and request their consent.

We aim to inform victims of the threshold decision within seven working days upon receipt of their written consent.

## 9. Information Sharing

Upon receipt of the written consent, a member of the Council's Community Safety Team will contact all relevant bodies and any other identified partners, providing a copy of the victim's request for an ASB Case Review, and ask them to share relevant information to enable the threshold decision to be considered.

If the ASB Case Review threshold is met, relevant bodies and partners will be asked to provide any further information within 10 working days.

The relevant bodies may request any person to disclose information for the purpose of the case review. If the request is made to a person who exercises public functions and they possess the information, they must disclose it. The only exception to that is where to share the information, would either be:

- a disclosure of personal data in contravention of any of the provisions of the data protection legislation (Data Protection Act 2018) which are not exempt from those provisions, or
- a disclosure which is prohibited by any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016.

A disclosure of information should not breach any confidence owed by the person making the disclosure or 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 victim 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).

Third party data such as personal and sensitive information about the individual/s responsible for the anti-social behaviour will not be shared with the ASB victim nor their representatives due to the confidentiality owed to the third party.

## 10. ASB Case Review Meeting

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

The ASB Case Review Panel functions are;

- Listen to the victim explain how the ASB has affected them
- Listen to any suggestions the victim has about how to resolve the ASB
- Share relevant information
- Undertake ASB Case Reviews within an agreed timeframe
- Identify the lead agency
- Identify any recommendations
- Have regard to any recommendations
- Communicate with the victim

Victims will be given the opportunity to attend the ASB Case Review meeting to share information about how the anti-social behaviour has affected them and their household. If the victim chooses not to attend the meeting, they can provide the same information in any of the following ways;

- Meeting in advance with the Chair
- Via an advocate who attends the panel meeting on their behalf
- Writing a letter/email to the Chair
- Providing a video recording or a voice note that can be played at the Case Review meeting

If the victim chooses to attend the meeting, they will have approximately 15 minutes at the beginning of the meeting to talk about the impact of the anti-social behaviour and share any ideas about what could be done to stop the ASB. Victims will then be asked to leave the meeting to enable a confidential discussion to take place between the organisations in attendance.

## 11. ASB Case Review Outcome

Following the ASB Case Review meeting the Chair will contact the victim to provide feedback and share the details of any recommendations made.

One of the Council's Community Safety Specialists (on behalf of the relevant bodies) will then write to the victim to confirm the outcome of the Review. The Council aims to provide the outcome letter, when the threshold is met, within thirty days of the ASB Case Review request being received.

The letter will include an action plan specifying the recommendations within defined timescales and state the overall lead agency and the individuals responsible for each action detailed in the plan. Completing and reviewing the agreed actions will be the responsibility of the individual agency named within the action plan.



The relevant bodies who carry out ASB Case Reviews may make recommendations to a person who exercises public functions (including recommendations to a relevant body) in respect of any matters arising from the review; and the person must have regard to the recommendations in exercising public functions. However, the Council does not have any jurisdiction to make any individual or organisation comply with the recommendations made.

The outcome letter will include a right to request a further review (an appeal) if the Appeal Criteria is met. Appeals will be undertaken by more senior officers of the relevant organisations who are independent of the decisions made through the original ASB Case Review process.

Victims 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." A second review has the same objectives listed in 3.0 and is focused on a partnership problem solving approach to stop the anti-social behaviour. A second review would not scrutinise the original review.

Outcomes of ASB Case Reviews will be reported to the Community Safety Partnership Board.

## 12. Escalation and Appeal

If a victim is dissatisfied with the ASB Case Review response or how the case review has been carried out, there is a right to request a further review (an Appeal) if one or more of the following appeal criteria is met;

- the ASB Case Review threshold was not properly considered
- the victim/their representative was not given the opportunity to explain the impact of the anti-social behaviour
- there were suggested actions that could help resolve the anti-social behaviour that the panel failed to consider
- the victim was not informed of the ASB Case Review outcome

The victim will need to request an appeal by using the contact methods at Section 6. For an appeal to be considered it must be requested within 20 working days of the date of the ASB Case Review threshold decision or outcome letter if an ASB Case Review meeting was held.

The request will be acknowledged within two working days and a final response provided within 20 working unless the case is particularly complex when the victim is informed of a revised timeframe. The outcome of the Appeal is final. The victim 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 complaints procedures. If the victim is dissatisfied 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 Office for Police Conduct. The focus of the ASB Case Review is to work in partnership through a problem-solving approach to stop ongoing anti-social behaviour.

#### 13. Unreasonably Persistent or Vexatious Requests

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

If, in the opinion of the ASB Case Review Meeting members, an individual appears to be unreasonably persistent or vexatious they will be informed in reference to the most appropriate relevant bodies' vexatious or unreasonably persistent complainants' policy.

#### 14. Publishing ASB Case Review Information

In compliance with the relevant legislation, annually the ASBAT, on behalf of the relevant bodies, will publicise the following information regarding ASB Case Reviews relating to the previous twelve-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 to public bodies

The ASB Case Review statistics will be published on the Council's website together with the ASB Case Review Procedure.

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

#### 15. Assessment and revision of review procedures

This procedure will be reviewed periodically and when there are any changes in legislation or statutory guidance. In accordance with the relevant legislation the review will concentrate on the effectiveness of the ASB Case Review procedures and the revision of the procedures.

## 16. Further information

- Anti-Social Behaviour, Crime and Policing Act 2014

[www.legislation.gov.uk/ukpga/2014/12/contents](http://www.legislation.gov.uk/ukpga/2014/12/contents)

- Anti-Social Behaviour, Crime and Policing Act 2014: Reform of anti-social behaviour powers – Statutory guidance for frontline professionals

<https://www.gov.uk/government/collections/antisocial-behaviour-guidance-for-professionals>

- Anti-Social Behaviour Action Team

Manchester City Council, PO Box 532, Manchester M60 2LA

Telephone: 0161 234 4612

Email: [asb.action.team@manchester.gov.uk](mailto:asb.action.team@manchester.gov.uk)

Web: [www.manchester.gov.uk](http://www.manchester.gov.uk)