



STAFFORDSHIRE
POLICE

Anti-Social Behaviour Case Review Process

What is the Case Review?

The Anti-Social Behaviour (ASB) Case Review (CR), is a statutory provision introduced in the ASB Crime and Policing Act 2014 which gives victims and communities the right to request a review of their case where a local threshold is met, and to bring agencies together to take a joined-up problem solving approach to find a solution for them. A victim can be an individual person, business, or community group and a third party can make an application for a CR on their behalf, with their consent. This can include a friend, relative, carer, councillor, Member of Parliament, or another professional person including a police officer. If a third party activates the CR on their behalf the victim will need to be contacted to establish the facts and will need to confirm their consent to share their data.

The CR is not about apportioning blame but is to focus on problem solving the issue utilising the expertise of partner agencies.

The CR places responsibilities on agencies including the local authority, police, Integrated Care Boards (ICBs) (previously known as CCGs) and registered providers of housing, to manage and participate in the CR process.

The CR application is not appropriate if the victim wants to remain anonymous and it cannot be used to review a Crown Prosecution Service (CPS) decision in relation to the prosecution or non-prosecution of a criminal offence, or a decision made by a civil or criminal court. It is not an alternative complaints procedure about service provision and such complaints should be signposted to the appropriate agency to follow their complaints process.

Where activation of the CR is shown to be malicious or vexatious the CR can be disqualified.

Relevant Bodies and Responsible Authorities

The Relevant Bodies and Responsible Authorities are outlined in the statutory guidance as:

- Local Authorities
- Police
- Integrated Care Boards (ICBs) (formerly CCGs)
- Registered providers of social housing

In Staffordshire, the Relevant Bodies and Responsible Authorities are:

- Staffordshire Police
- Cannock Chase District Council
- East Staffordshire Borough Council
- Lichfield District Council
- Newcastle-under-Lyme Borough Council
- South Staffordshire District Council
- Stafford Borough Council
- Staffordshire Moorlands District Council
- Stoke-on-Trent City Council

- Tamworth District Council
- Relevant Integrated Care Boards (ICBs) (previously CCGs)
- Social housing providers

The CR should include a representative(s) from at least 3 of the Relevant Bodies. For cases that involve victims with health-related vulnerabilities it is imperative that health services are involved in the process. Their contribution may be evidential documentation or a statement, attendance at the CR meeting or another form of participation that agencies deem necessary.

Representatives from other agencies relevant to the case could include the fire and rescue service, mental health, drug and alcohol support and Harmony ASB support service. A representative from the Youth Offending Team should attend if the perpetrator is under 18.

Threshold Test

To activate the CR a victim must meet the following threshold test:-

- The victim has reported 3 separate related incidents to either the local authority, police or housing provider within the preceding 6 months to the application, and the ASB still persists.
- The ASB incident should have been reported within 30 days of it taking place.

If the threshold test is not met, consideration should be given to:-

- Harm or potential harm caused by the ASB
- Adequacy of response to the ASB
- Persistence of the ASB

In deciding whether a CR should be allowed to progress to protect a victim if there are concerns around risk, vulnerabilities or incidents of hate fuelled ASB. When there is debate as to whether the threshold is met, if one or more of the Relevant Bodies considers that it is met, then the CR should be accepted.

Information Sharing

For the CR process to be effective, The ASB Crime and Policing Act 2014 requires Relevant Bodies and partner agencies to share pertinent information.

Where a request is made to an agency which does not exercise public functions, that agency may comply with the request subject to para 7(4) ASB Crime and Policing Act 2014 if they are part of the One Staffordshire Information Sharing Protocol and subject to Schedule 2 5(b) to the Data Protection Act 1998 and Section 115 Crime and Disorder Act 1998 which allows sharing of information to tackle crime and ASB.

Paragraph 7 (4) of Schedule 4 ASB Crime and Policing Act 2014 notes that the disclosure of information is not required where it relates to non-exempt personal data which would be a breach of Data Protection legislation, a breach of any obligation of confidence owed by the person making the disclosure, or which is prohibited by parts 1 to 7 of Chapter 1 of Part 9 of the Regulation of Investigatory Powers Act 2016. Those agencies not part of the One Staffordshire Information Sharing Protocol can share data once a confidentiality agreement is in place.

Applying for the Case Review

Staffordshire Police has reporting responsibilities under legislation. To ensure accurate data recording all ASB Case Reviews should be activated through the Police by

- Ringing 101 and explain that you wish to apply for a case review
- Use the live messaging service
- Complete our online case review application form
- Visiting a police enquiry office at Longton, Cannock or Burton
- If you are unable to carry out any of the above then please Write to Central Disclosure Unit, Staffordshire Police HQ, Weston Road, Stafford, ST18 0YY detailing why you are applying for a case review.

All ASB Case Reviews will be recorded on STORM by the Force Contact Centre (FCC) and classified with code N31.

Each Relevant Body and Responsible Authority should identify a named Specific Point of Contact (SPOC), which can be an individual or a team, for the CR which should be detailed on the CR information page of their website where there should also be a link/signposting to the Police website to apply for the CR. The SPOC will respond to any CR related enquiries.

A victim can make a request for a CR to any Relevant Body, such as the Local Authority, who would then activate it with Staffordshire Police on the victim's behalf through one of the above listed channels.

The local council, as the Administrative Body (see below), may refer an application back to Staffordshire Police or to the SPOC of the Relevant Body raising the CR on a victim's behalf if it considers the application to be outside of the scope of the CR process, stating the reason for this and recommending another course of action. Staffordshire Police or the Relevant Body raising the CR on a victim's behalf will respond to the victim.

The Case Review process

Whilst agencies will aim to have a CR heard and outcome provided to the Applicant within **28 days** from activation of the CR it should be noted that this timescale may not always be achieved due to a number of reasons including level of detail in the CR and resource limitations. Rationale for any delay in processing the CR should be recorded on the Niche OEL and the victim notified of the delay and the reasons for it.

- The Central Disclosure Unit check STORM for newly recorded CRs on a daily basis with all new activations being flagged to the appropriate Local Policing Team (LPT) Harm Reduction Hub (HRH). The FCC should not close the CR Storm serial until there is a footprint by the relevant HRH. In LPTs where the HRH does not deal with ASB or CRs, the reference to HRH should be implied to mean the nominated officer.
- Relevant Bodies should be notified of the CR activation within **one working day** at which point the local council will become the Administrative Body. The Administrative Body will then liaise with the Applicant and coordinate the CR meeting – liaising with partners,

arranging the independent chair, minute taker, venue, time and date, drafting any correspondence, minutes and action plans etc.

- Each Relevant Body should undertake a risk assessment around the CR at the first opportunity in relation to both the victim and the perpetrator which in the case of police will be the THRIVE model.
- When a CR is applied for the Central Disclosure Unit will research all police systems to identify any relevant incidents and produce a disclosure report for sharing with Relevant Bodies who are party to the One Staffordshire Information Sharing Protocol.
- The disclosure report will be emailed to the HRH and LPT Commander.
- Other Relevant Bodies should research their systems and records and share their data as soon as practicable with the Local Authority to determine whether the threshold is met.

If the threshold is not met:

- The Applicant should be notified by their preferred method of contact within **28 days** of the activation date with a clear explanation of the reasons why the CR is rejected.
- Details of the appeal process should be provided.
- The Niche occurrence OEL should be updated to record the decision and rationale and if a confirmatory email or letter has been sent to the Applicant this should be uploaded to the occurrence on the same day.

If the threshold is met;

- The Administrative Body should identify a chair for the CR meeting. The chair should be independent meaning that they or their agency should not have had any direct involvement in the case. If all Relevant Bodies have been involved in the case then an independent chair from an alternative agency, such as Fire and Rescue Services, or opposing Local Authorities/ Housing providers should be appointed.
- The Administrative Body should notify the Applicant that the CR has been accepted and provide contact details. They will also set out the next steps of the process, providing details of how to access advocacy support from Harmony. The Applicant and/or their advocate should be invited to attend the initial part of the CR meeting to discuss the harm and impact that the ASB has had on their (and their family's) lives. Alternatively, they can choose to submit a statement detailing the impact and harm caused by the ASB and what they would like to see happen.
- The Administrative Body will contact all involved partner agencies to arrange a mutually convenient time for the CR meeting which should be minuted. It is good practice for each Administrative Body to have CR meetings scheduled in advance on a monthly basis to avoid difficulties in trying to convene a meeting at short notice. These pre-scheduled meetings can be cancelled if there are no live CRs to be heard and if a CR meeting is required urgently an additional ad hoc CR meeting can be scheduled at the earliest available opportunity. The local partnership meetings should include CR on the agenda.
- The CR panel should be a quorum of at least 3 of the following agencies;

- Police – LPT Inspector who can delegate to a neighbourhood Sergeant
- Local Authority – Manager
- Housing – Manager
- Integrated Care Boards (ICBs) (previously CCGs) – Manager
- Youth Offending Team if the perpetrator is under 18 - Manager
- If any Relevant Body identifies any recommendations or appropriate actions during the threshold test, where an immediate risk of physical or psychological harm is present, those should be actioned immediately and not unduly delayed until the CR meeting at which time they can be added to an action plan. Any interim actions taken should be recorded during the CR meeting and added to the action plan.
- The CR meeting can be held face to face or via Teams. The CR meeting will not proceed without the quorum of 3 agencies. If the victim or their advocate is in attendance they can only attend the initial part of the meeting and will not be permitted to attend the extended discussion around decision making and action planning. The Teams meeting can be recorded if required.
- Following the meeting the chairperson will circulate minutes and the action plan to the Relevant Bodies which once agreed by all should be uploaded to the Niche occurrence
- Once agreed the Administrative Body will notify the Applicant of the outcome in writing. The Applicant should be notified of the agreed actions, except those actions which identify the perpetrator's protected personal and sensitive data.
- Police should ensure the Niche occurrence OEL is updated at all stages of the process to enable a clear audit trail for any disclosure requests and for the IOPC.
- A follow up CR meeting may be required before closing the CR, especially in relation to cases where there is high risk and vulnerability. This will be chaired and attended by the same participants to ensure the recommendations made on the initial action plan have been completed and further actions can be proposed if necessary.

Monitoring of the Action Plan

It is vital to the spirit of the process that the agreed actions are completed in the timeframe set out in the action plan. Each Responsible Body should complete their required actions and inform the Administrative Body when it is completed or explain why an action is delayed.

Actions that remain incomplete for longer than the timeframe detailed on the action plan without justification or good reason will be escalated through the Responsible Body's upward line management structure.

An action is not considered complete until the Administrative Body is informed. If it is no longer viable, or if the action is no longer necessary because another course of action has resolved the case, then it is the responsibility of the person assigned the action to inform the Administrative Body. That person should also advise what the outcome was so that Responsible Bodies can agree further

actions to be completed or whether to re-refer the case for discussion before the CR is closed.

Appeals

In accordance with Schedule 4, Part 1 of the ASB Crime and Policing Act 2014, if

- The CR has not followed the CR process OR
- The CR has failed to consider relevant factual information or a critical piece of evidence

Within 28 days of being notified of the outcome the Applicant can initiate the Appeals Process and escalate the CR to the Commissioner's office to consider due process and ensure that the CR meeting panel has properly and effectively undertaken a review following which they will either;

- Uphold the appeal and refer the case back to the original CR panel asking them to consider the matter in line with the CR process; OR
- Determine that the CR meeting has reviewed the case in compliance with the CR Process and uphold the decision.

If the Applicant disagrees with the decision that the CR does not meet the threshold test they may also initiate the Appeals Process.

Details of the Commissioner's Appeals Process will be provided at the same time as the victim is notified of the outcome by their preferred method of contact.

The Appeals Process will be a desk top review and will be subject to periodic review to ensure that the victim's voice has been heard.

Future Applications

Where further requests for activation of the CR are received following a decision, these will be considered on their merit.

Where multiple requests for activation of the CR are received without good cause, the Administrative Body may refer to the Customer Contact Policy of the relevant organisation.

Publication

Publication of the number of CRs received and their outcomes is mandatory under the ASB Crime & Policing Act 2014. Figures are collated from the recorded STORM logs and an annual report is published by the Central Disclosure Unit on the Force website confirming;

- the number of applications for CRs received;
- the number of times the threshold for CR was not met;
- the number of CRs carried out; and
- the number of CRs that resulted in recommendations being made.

This data will represent the whole of Staffordshire and will be published annually on 1st April.

Other Relevant Bodies will signpost the public to the Staffordshire Police website for this information although they may also choose to publish local data on their websites.

Glossary of Terms

Niche – Police record management software

Niche occurrence OEL – a specific record relating to the CR incident on which updates can be added

Storm – Police command and control software which records all reported incidents

LPT – Local Policing Team – geographically based team of response and neighbourhood police officers and police staff

HRH – Harm Reduction Hub; a team of officers and staff located in LPTs who focus on vulnerability

PIET – Partnership Information Exchange Team is part of the Central Disclosure Unit; a team which process information and data sharing requests

FCC – Force Contact Centre who receive all 999 and 101 calls to Police

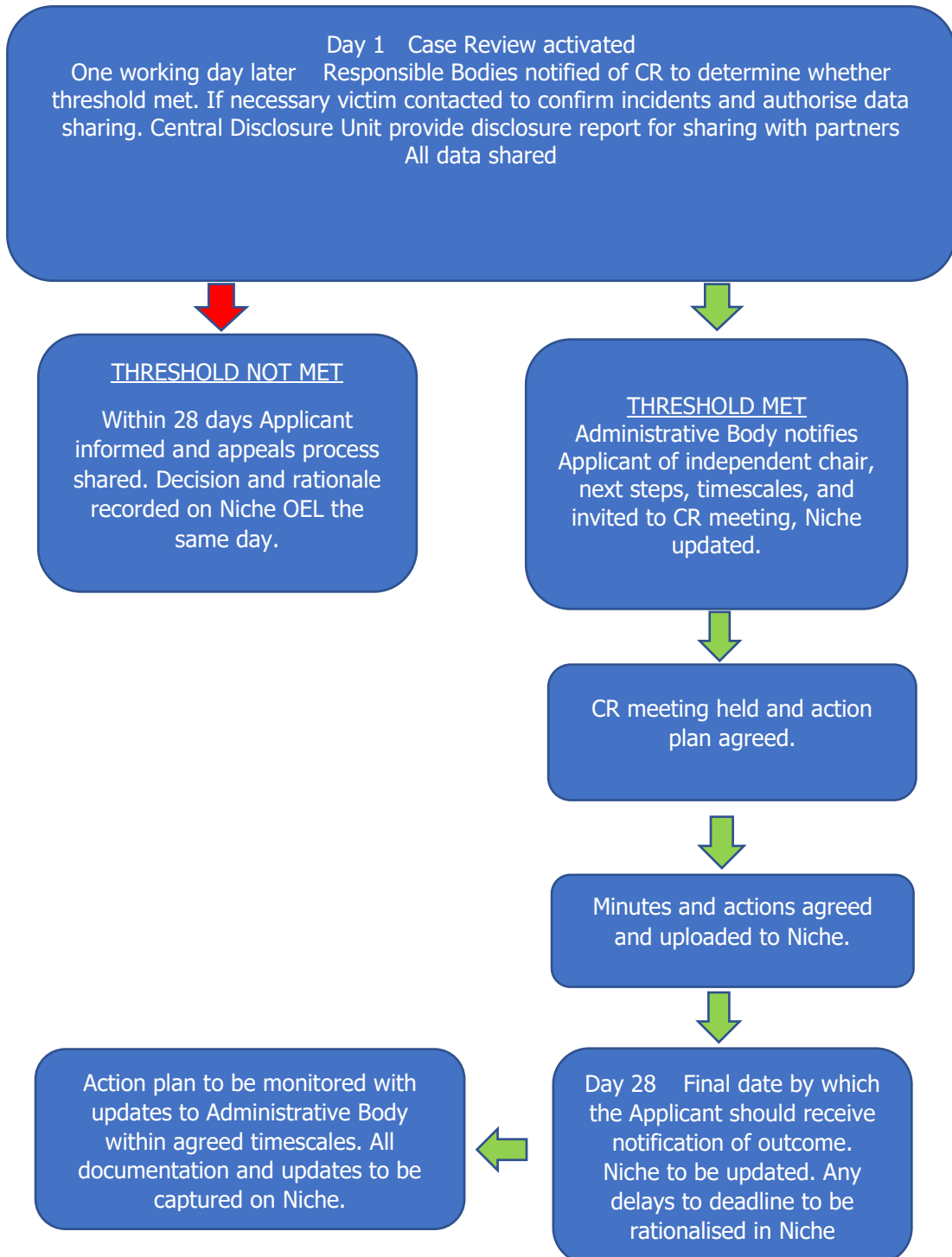
THRIVE – Police risk assessment which is based on Threat/Harm/Risk/Investigation/ Vulnerability/Engagement

IOPC – Independent Office for Police Conduct

PROCESS FLOWCHART

STORM

It is imperative that a STORM log is created for all CRs (code N31), as this provides a clear audit trail for review and the IPCC



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