



ESSEX ASB CASE REVIEW GUIDANCE JULY 2014

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ESSEX ASB CASE REVIEW GUIDANCE**BACKGROUND****ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014**

An Act to make provision about anti-social behaviour, crime and disorder, including provision about recovery of possession of dwelling-houses; to make provision amending the Dangerous Dogs Act 1991, the Police Act 1997, Schedules 7 and 8 to the Terrorism Act 2000, the Extradition Act 2003 and Part 3 of the Police Reform and Social Responsibility Act 2011; to make provision about firearms, about sexual harm and violence and about forced marriage; to make provision about the police, the Independent Police Complaints Commission and the Serious Fraud Office; to make provision about invalid travel documents; to make provision about criminal justice and court fees; and for connected purposes.

[13th March 2014]

The Act includes new measures designed to give victims a say in the way anti-social behaviour is dealt with and provides for the introduction of ASB Case Reviews (previously referred to as the Community Trigger) in October 2014.

Across Essex a consistent approach has been developed to support all agencies involved in the use of the new legislation, aiming to provide victims of anti-social behaviour with a coherent and effective response regardless of where they live in the County.

Anti-social behaviour (ASB) is a broad term used to describe the day-to-day incidents of crime, nuisance and disorder that can make many people's lives a misery from litter and vandalism to public drunkenness or noisy and abusive neighbours. Such a wide range of behaviour means that responsibility for dealing with anti-social behaviour is shared between a number of agencies, particularly the police, councils and housing providers.

PURPOSE

Victims of anti-social behaviour will be able to use the power in the event that they feel that agencies have not taken action in respect of their complaint, and where the case meets the locally defined threshold.

For the purpose of the ASB Case Review, anti-social behaviour is defined as behaviour "causing harassment, alarm or distress" to a member, or members, of the public. However, when deciding whether the threshold is met agencies should 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.

In instances where the threshold is met relevant bodies including councils, the police, clinical commissioning groups and housing providers have a duty to

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undertake an Anti-Social Behaviour Case Review by way of a Review Panel. It is intended that the purpose of the review panel should be for agencies to take a more joined up, problem solving approach aiming to find a solution for the victim.

The ASB Case Review can also be used by any person on behalf of a victim, for example a family member, friend, Carer, Councillor, MP or other professional person. It is intended to ensure that all victims are able to use the review albeit the victim's consent should be sought by the person using the ASB Case Review on their behalf.

The ASB Case Review can be used by someone of any age, and agencies should make it as accessible as possible to all victims.

THRESHOLD

Section 104(4) of The Anti-Social Behaviour, Crime and Policing Act 2014 sets a baseline threshold and no additional factors should be added to the simple test that:

- an application has been received and the victim has made at least three qualifying complaints.

For victims who perceive the ASB to be of a Hate Crime nature the threshold has been set lower that:

- an application has been received and the victim has made at least one qualifying complaint of a Hate Crime nature.

Section 104(5) of the Act states that in any other situation where an application is received, the question as to whether the threshold for a case review is met must be decided by the relevant bodies in accordance with the review procedures, and may take account of:

- (a) The persistence of the anti-social behavior about which the original complaint was made;
- (b) The harm caused, or the potential for harm to be caused, by the behaviour;
- (c) The adequacy of the response to that behaviour;

QUALIFYING COMPLAINTS

The legislation sets out what will be considered a 'qualifying complaint' for using the ASB Case Review to prevent someone reporting historical incidents of anti-social behaviour in order to use the ASB Case Review. The legislation sets out the following standards: *(agencies can set different levels if appropriate for their area, as long as it does not lower the standard set out)*

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- The anti-social behaviour was reported within a month of the alleged behaviour taking place; and
- The application to use the ASB Case Review is made within six months of the report of anti-social behaviour.

RISK ASSESSMENT

Victims vulnerabilities will be assessed through the risk based harm model already in use across Essex.

INFORMATION SHARING

Agencies have signed up to the Essex Trust Charter and/or local Community Safety Partnership Data Sharing Protocols already exist, the requirement to establish another data sharing protocol for the purposes of the Essex ASB Case Review was not considered to be necessary.

Requests for Information will be made through the form attached at Appendix 8.

VEXATIOUS AND COMPLAINTS PROCEDURES

A statement is to be included within local authority vexatious complaints policies stating that *“vexatious complaints relating to the ASB Case Review Process will be dealt with through the local authority policy”*.

Local authorities will need to agree this approach locally with Registered Social Landlords and Housing Providers that operate in their area.

Reference is to be made within Complaints Procedures to show how complaints of ASB are dealt with.

APPEAL PROCESS

The review procedures must include provision about what is to happen when an applicant is dissatisfied with the way in which the relevant bodies have:

Dealt with an application for a review; or
Carried out an ASB Case Review

In such cases these will be sent to the Chair of the relevant Community Safety Partnership in the first instance and notified to PCC's office.

SINGLE POINT OF CONTACT (SPOC)

Each area is to identify a SPOC who has some level of independence and who would not generally be involved in ASB case management. In some areas this

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will be Community Safety Manager, in others this may not be appropriate and will need to be determined locally.

PUBLISHING THE ASB CASE REVIEW PROCEDURE AND CONTACT DETAILS

The responsible bodies must publish the ASB Case Review procedure, including the point of contact for making an application to use the ASB Case review.

The ASB Case Review procedure will be published on local Council websites and will include details on how to make an application, contact details, phone no. email address. It is intended for generic materials to be produced and used County-wide.

ROLE OF THE POLICE AND CRIME COMMISSIONER

The local PCC must be consulted on the ASB Case Review procedure when it is established must be consulted whenever the procedure is reviewed. The PCC may be involved in the auditing and monitoring of the use of the ASB Case Review, as well as provide a route for victims to appeal decisions as to whether the threshold was met or the way the ASB Case Review was conducted.

The Essex model has made provision for the PCC to be notified of an appeal by the Chair of the local Community Safety Partnership, acting as an independent body if necessary.

The PCC may chose to monitor the use of the ASB Case Review across the County to identify any learning points to be disseminated to local Single Points of Contact.

GUIDANCE FOR USE OF THE MODEL

Step 1: Gateway to ASB Case Review

Victims will be able to access the ASB Case Review through the on-line reporting form which is required to be publicised on local Council websites. Hard copies of forms must be made available upon request – mechanism for doing this to be determined locally.

Each area is to have its own dedicated email address and telephone nos. promoted locally.

Upon receipt of the reporting form there is to be an acknowledgement sent within 3 working days, realistically this can be sent automatically through email or local areas may wish to use the letter attached to this guidance.

Step 2: Determine if Threshold has been met

The reporting form will be sent through to local Single Point of Contact, who along with the ASB Manager/lead will determine whether the threshold has been

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met. In some cases this may be obvious; in others it may be that an initial scoping exercise is undertaken with the relevant agencies to assist the determination.

The SPOC will send a determination letter to victim within 10 working days advising of decision, along with details of the appeal process if the threshold hasn't been met.

Step 3: Information Requests

If the threshold has been met the SPOC will send an information request to the relevant agencies asking for details of the case to be submitted to the identified SPOC within 10 working days and advising that their agency is required to part of the ASB Case Review Panel.

Step 4: Review Panel Meeting

The identified SPOC will arrange and Chair a review panel meeting where previous actions will be considered and recommendations will be provided. The Review Panel must formulate an action plan, details of which will be sent to the applicant. This must take place within 10 working days of the information requests being received.

Step 5: Decision Letter to Applicant

If the Review Panel determines that all agencies have taken appropriate action and that no further resolutions can be offered, a letter advising of the determination and providing details for decision will be sent to victim, along with details of the appeals process if they are dissatisfied with the outcome. Decision letter is to be sent within 10 working days.

If the Review Panel determines that further action can be taken, a letter will sent to the victim advising of the action plan detailing next steps and advising of anticipated timescales for delivery. This decision letter will provide details of the appeals process if they remain dissatisfied with the outcome. Decision letter is to be sent within 10 working days.

Step 6: Response to Case Review

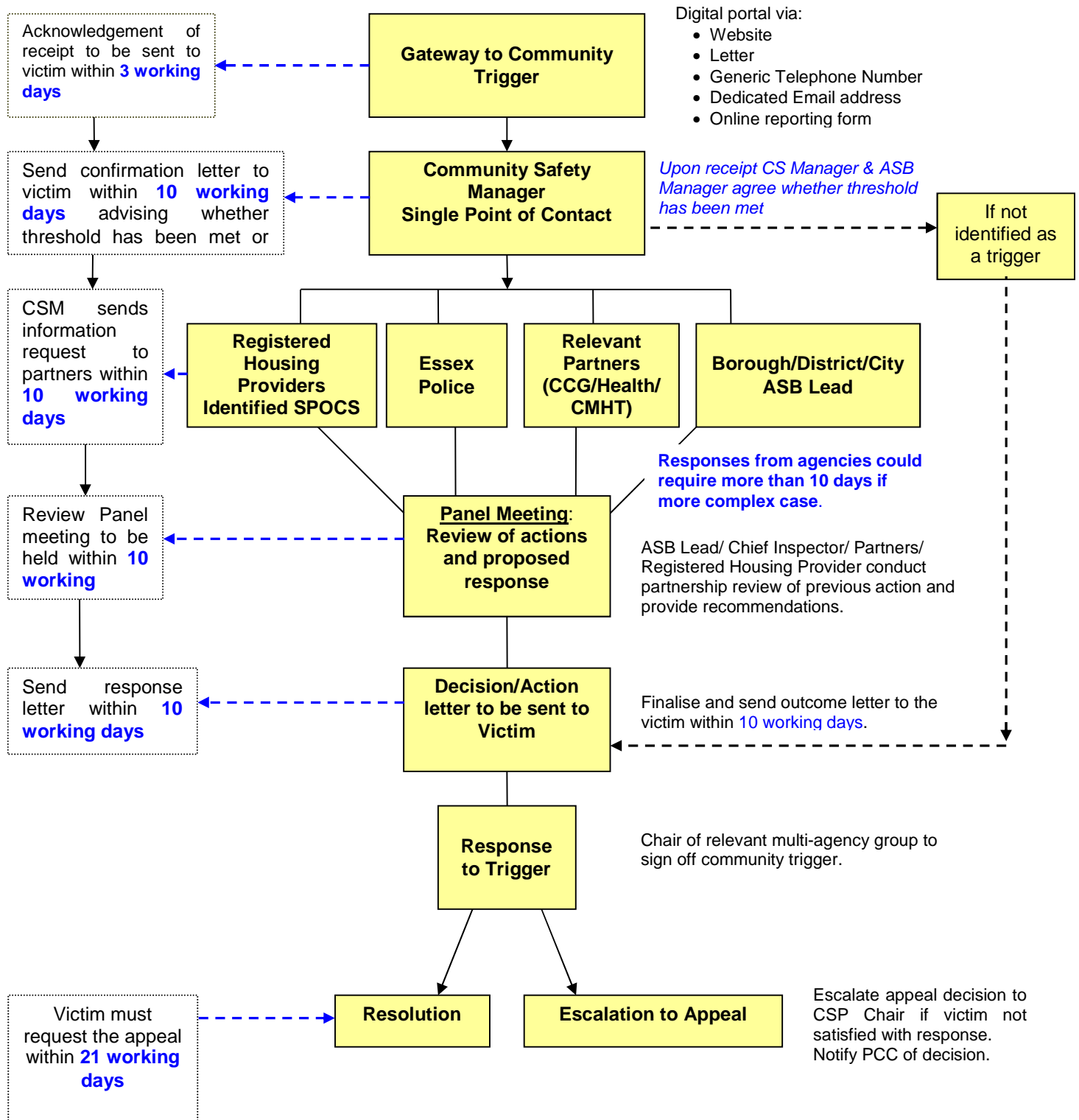
The Chair of the Community Safety Partnership (or other identified partnership) will sign off the ASB Case Review and the method for achieving this will be determined locally.

Step 7: Escalation to Appeal

If the applicant remains dissatisfied with the outcome they have a right to appeal the decision and the case will be escalated to the CSP Chair (or other identified person) who will review the details of the case and consider if there are grounds for appeal. The CSP Chair will notify the PCC of decision accordingly. The Applicant must do this within 21 days of the date of the decision letter.

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APPENDIX 1

ACKNOWLEDGEMENT LETTER

Dear

**ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014
ANTI-SOCIAL BEHAVIOUR (ASB) CASE REVIEW**

I write to confirm receipt of your application for an Anti-Social Behaviour Case Review to be conducted in respect of the anti-social behaviour you are experiencing where you deem no action has been taken.

XXXXX will be contacting you within 10 working days to confirm whether your request has met the threshold.

If you wish to report any further incidents of Anti-Social Behaviour these can be reported by either contacting Essex Police on 101 or the (insert name of Council) Anti-Social Behaviour team on XXXXXXXXXXXX or in an emergency always dial 999.

Yours sincerely

Insert name of SPOC and title

TRESHOLD NOT MET

Dear

**ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014
ANTI-SOCIAL BEHAVIOUR (ASB) CASE REVIEW**

Thank you for your recent application dated (insert DATE) for an ASB Case Review to be conducted in respect of your anti-social behaviour case.

I am writing to inform you that having considered your application we do not feel that it meets the threshold for the ASB Case Review to be conducted for the following reasons:

- Outline reasons here –

If you are dissatisfied with this outcome you have the right to appeal to (insert name of CSP Chair) within 21 days of the date of this letter. A copy of this process is included with this letter.

If you wish to report any further incidents of Anti-Social Behaviour these can be reported by either contacting Essex Police on 101 or the (insert name of Council) Anti-Social Behaviour team on XXXXXXXXXXXX, in an emergency always dial 999.

Yours sincerely

Insert name of SPOC and title

TRESHOLD NOT MET – BUT CASE REVIEW WILL BE UNDERTAKEN

Dear

**ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014
ANTI-SOCIAL BEHAVIOUR (ASB) CASE REVIEW**

Thank you for your recent application dated (insert DATE) for an ASB Case Review to be conducted in respect of your anti-social behaviour case.

I am writing to inform you that having reviewed the details of your application we consider that, although we do not feel that your application meets the qualifying threshold, the (list qualifying reason) means that an ASB Case Review will be conducted.

(qualifying reasons to be inserted are:-

- *The persistence of the anti-social behaviour about which the original complaint was made*
- *The harm caused, or the potential of harm to be caused, by the behaviour*
- *The adequacy of the response to that behaviour*

Therefore, the ASB Case Review process has commenced.

Further information will now be sought from relevant partners and other agencies in regard to their involvement in your case to enable us to undertake a full review. It may be necessary for us to contact you again in order to clarify information or obtain further details.

An ASB Case Review Panel Meeting will be scheduled to review the information where representatives from agencies or partners that have been involved in your case will be present, in order to discuss the case fully. The purpose of this meeting is to also identify any further actions that can be taken, if deemed necessary, to ensure that a resolution is reached for you.

Once this has been completed you will receive a letter advising you of the outcome of the review along with details of any recommendations that have been made. It is anticipated that the review process will take 40 working days in total, although in more complex cases this may be longer, in which circumstances you will be notified.

In the meantime if you have any further queries please do not hesitate to contact XXXX (insert NAME and TELEPHONE NO.) direct on XXXXXX.

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If you wish to report any further incidents of Anti-Social Behaviour these can be reported by either contacting Essex Police on 101 or the (insert name of Council) Anti-Social Behaviour team on XXXXXXXXXXXXX, in an emergency always dial 999.

Yours sincerely

Insert name of SPOC and title

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THRESHOLD MET

Dear

**ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014
ANTI-SOCIAL BEHAVIOUR (ASB) CASE REVIEW**

Thank you for your recent request dated (insert DATE) to have your anti-social behaviour case considered for an ASB Case Review.

I can confirm that having considered the details of your case it does meet with the previously determined threshold, and as such the ASB Case Review process has commenced.

Further information will now be sought from relevant partners and other agencies in regard to their involvement in your case to enable us to undertake a full review. It may be necessary for us to contact you again in order to clarify information or obtain further details.

An ASB Case Review Panel Meeting will be scheduled to review the information where representatives from agencies or partners that have been involved in your case will be present, in order to discuss the case fully. The purpose of this meeting is to also identify any further actions that can be taken, if deemed necessary, to ensure that a resolution is reached for you.

Once this has been completed you will receive a letter advising you of the outcome of the review along with details of any recommendations that have been made. It is anticipated that the review process will take 40 working days in total, although in more complex cases this may be longer, in which circumstances you will be notified.

In the meantime if you have any further queries please do not hesitate to contact XXXX (insert NAME and TELEPHONE NO.) direct on XXXXXX.

If you wish to report any further incidents of Anti-Social Behaviour these can be reported by either contacting Essex Police on 101 or the (insert name of Council) Anti-Social Behaviour team on XXXXXXXXXXXXX, in an emergency always dial 999.

Yours sincerely

Insert name of SPOC and title

REVIEW PANEL OUTCOME LETTER – FURTHER ACTION

Dear

**ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014
ANTI-SOCIAL BEHAVIOUR (ASB) CASE REVIEW**

I refer to my previous correspondence confirming to you that your ASB case had met the threshold to activate the ASB Case Review Process.

I write to advise you that details of your case were reviewed by the ASB Case Review Panel at the meeting held on (insert DATE) XXX, resulting in the following action plan being agreed by the agencies involved:

- insert DETAILS here -

You will soon be contacted directly by the agencies responsible for delivering the action plan to provide you with an update on progress and reassurance that activity is taking place with a view to bringing this matter to a resolution.

This review will be concluded once the action plan has been fully implemented and in doing so it is hoped that this will bring a positive resolution to the anti-social behaviour you have been experiencing.

I trust this clarifies the situation, however, should you have any further queries please do not hesitate to contact me directly on (insert TELEPHONE NO.) XXXXX.

If you wish to report any further incidents of Anti-Social Behaviour these can be reported by either contacting Essex Police on 101 or the (insert name of Council) Anti-Social Behaviour team on XXXXXXXXXXXX, in an emergency always dial 999.

Yours sincerely

Insert name of SPOC and title

REVIEW PANEL OUTCOME LETTER – NO FURTHER ACTION

Dear

**ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014
ANTI-SOCIAL BEHAVIOUR (ASB) CASE REVIEW**

I refer to my previous correspondence confirming to you that your ASB case had met the threshold to activate the ASB Case Review Process.

I write to advise you that details of your case were reviewed by the ASB Case Review Panel at their meeting held on (insert DATE) XXX. Having reviewed all of the information available to the Panel it was felt that relevant agencies had taken appropriate action to resolve the ant-social behaviour you were experiencing as follows:

- provide a brief overview of action taken –

The Review Panel have therefore concluded that no further action would be taken in relation to this case.

I trust this clarifies the situation, however, should you have any further queries please do not hesitate to contact me directly on (insert TELEPHONE NO.) XXXXX.

If you are dissatisfied with this outcome you have the right to appeal to (insert name of CSP Chair) within 21 days of the date of this letter. A copy of this process is included with this letter.

If you wish to report any further incidents of Anti-Social Behaviour these can be reported by either contacting Essex Police on 101 or the (insert name of Council) Anti-Social Behaviour team on XXXXXXXXXXXX, in an emergency always dial 999.

Yours sincerely

Insert name of SPOC and title

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APPEAL LETTER TO PCC

Dear insert (NAME OF PCC)

**ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014
ANTI-SOCIAL BEHAVIOUR (ASB) CASE REVIEW – NOTIFICATION OF APPEAL**

I write with reference to the above and to advise you that (insert NAME of AUTHORITY) received an application from insert (NAME, ADDRESS) XXXXX for their ASB case to be reviewed. This request was received on insert (DATE) XXXX.

Having considered the details of the case it was felt that the request did not meet the threshold to commence an ASB Case Review for the following reasons:

- Outline reasons here –

Unfortunately, insert (NAME) was dissatisfied with the response and as such wishes to appeal against this decision.

As the Chair of the (insert name) Community Safety Partnership I will review this decision and notify you in due course of the outcome.

Should you have any further queries please do not hesitate to contact me directly on insert (TELEPHONE NO.) XXXXX.

Yours sincerely

Insert (CSP CHAIR NAME AND TITLE)

Anti-Social Behaviour Case Review

Information Sharing Agreement

In order for agencies to consider your application for an ASB Case Review it will be necessary for (insert local authority name) to request information from Housing Providers, external agencies and partners and for them to share information with each other.

Please tick the box below to confirm that you authorise (insert local authority) to obtain and share information in respect of your case.

☐

ASB Case Review Threshold

- an application has been received and the victim has made at least three qualifying complaints.
- an application has been received and the victim has made at least one qualifying complaint of a Hate Crime nature.

Qualifying Complaint

- The anti-social behaviour was reported within one month of the alleged behaviour taking place; and
 - The application to use the "ASB Case Review" is made within six months of the report of the anti-social behaviour.
-

Can you confirm that the incidents you have reported are in relation to:

☐

Anti-Social Behaviour

☐

Hate Crime

Do you think the incidents/concerns are because of (please tick if appropriate)

☐

Ethnicity

☐

Religion or Faith

☐

Disability

☐

Sexual orientation

☐

Being transgender

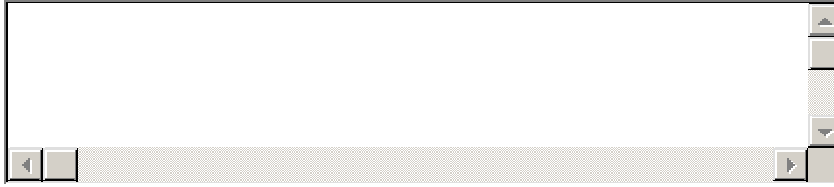
☐

None of the above

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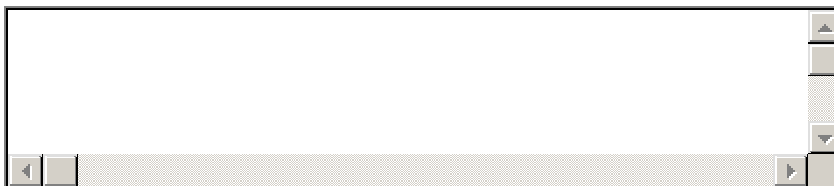
Dates Reported



Who have you reported this issue to:

- ☐ Police
- ☐ Social Services
- ☐ Community Mental Health Team
- ☐ Voluntary Agencies
- ☐ Council
- ☐ Anti-Social Behaviour Team
- ☐ Environmental Health
- ☐ Community Safety
- ☐ School
- ☐ GP (Doctor)
- ☐ Housing Provider
- ☐ Other (please specify below)

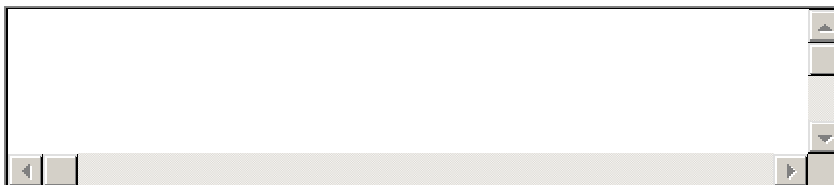
Please provide names of organisation(s), contact name and any reference numbers below:



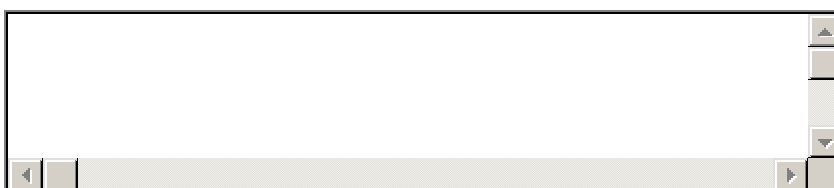
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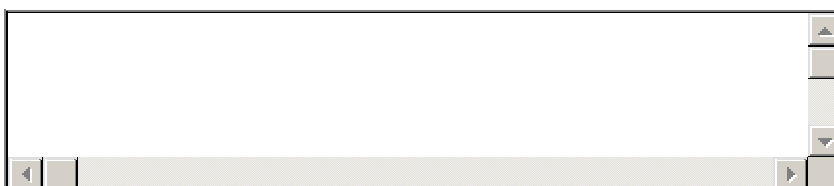
What has happened?



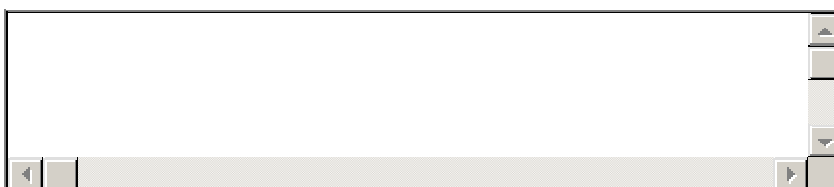
Where have these incidents happened? (i.e. location, street name and/or postcode etc)



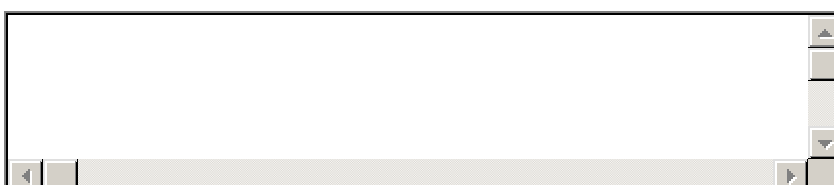
Who was involved in these incidents and what was their role? (i.e. witness, victim, perpetrator)



Has anyone else witnessed this? (if so, please specify below)



Does this issue affect more than one household or business premises?



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How are the incidents affecting you?

Has previous action been taken? (if yes, please give details in box below)

☐

Yes

☐

No

Your contact details

Please provide your details so that we can contact you. If you are completing this form on behalf of a friend/relative/client of your service, please provide details of the person affected by this situation. We will use this to ask you any further questions or provide feedback on your referral if necessary

Name *

Address *
(including postcode)

Home phone number

Mobile phone number

Email address

**Which of the following
describes you best**

☐

Council Tenant

☐

Leaseholder

☐

Private Tenant

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- ☐ Owner Occupier
☐ Housing Association
☐ Other

Please provide your landlords contact details, along with the name of your contact officer

Landlords Name

Landlords Address (including postcode)

Landlords Contact Number

Contact officer

Please provide contact details of your Managing Agent and contact officer if appropriate

Managing Agents Name

Managing Agents Address (including postcode)

Managing Agents Contact Number

Contact Officer

Equalities monitoring (optional questions)

Gender

- ☐ Male
☐ Female
☐ Transgender

Age

Sexual Orientation

- ☐ Heterosexual

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- ☐ Homosexual
- ☐ Bisexual
- ☐ Other - Please state below

Religion - Please State

Please give details of any disability

Ethnicity

- ☐ White
- ☐ Mixed
- ☐ Asian or Asian British
- ☐ Black or Black British
- ☐ Chinese or other ethnic group
- ☐ Refused

Keeping you informed

We will keep you informed about the progress of your referral.

Our promise is to acknowledge receipt of your referral within 3 working days.

An initial assessment of your referral will be carried out in 10 working days and you will be contacted.

If your referral meets the criteria an officer from an appropriate lead agency will review your situation and agree the appropriate actions within 30 days.

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014
ANTI-SOCIAL BEHAVIOUR (ASB) CASE REVIEW**REQUEST FOR INFORMATION**

(Insert name of local authority) has received a request for an ASB Case Review and it has been determined that the case does meet the threshold for an ASB Case Review to commence.

In this respect further information is being sought from your organisation in regard to involvement in your case to enable us to undertake a full review. Agencies have signed up to the Essex Trust Charter and/or local Community Safety Partnership Data Sharing Protocols, therefore, further information sharing agreements are not sought in respect of this request for information.

An ASB Case Review Panel Meeting will be scheduled within the next 10 working days to review information relating to the case, where a representative from your agency/housing association will be invited to attend in order to discuss the case fully. The purpose of this meeting is to also identify any further actions that can be taken to ensure that a resolution is reached where possible.

Name of Person Completing Form		Telephone No.:	
Organisation:		Email Address:	
Name of Applicant/Victim:		Contact Details:	
Address:		Crime or Other Reference No.:	

Date of Incident	Time of Incident	Source of Information	Details of Incident	Response / Outcome	Comments
Complete a separate line for each date if there is more than one that relates to this incident	Complete a separate line if there are various times relating to the incident	Where did you obtain the information (eg records, file notes, CRM system etc.)?	Include the names of other people and/or agencies involved as well as details of the event or incident	What was the outcome/response/action as a result of the incident?	Include any observations you have about the incident or the accuracy of the recordings etc.

Completed form to be returned to:

(insert local contact details)

By no later than: (insert date)

Please remember to use secure email accounts when sharing personal information.

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FREQUENTLY ASKED QUESTIONS

How can I activate an ASB Case Review?

If you have reported ASB to the Council, Police or Registered Housing Provider, (Housing Association) 3 or more time in the last six months, you can activate the ASB Case Review using one of the following methods:

Telephone

Calling - insert local authority on xxxxxxxx. Staff will be able to assist you in completing the form.

Letter or Email

You can write to x insert name of authority - where you can request a copy of the form to be sent to you:

Insert department and postal address.

Online

You can complete the ASB Case Review On line reporting form directly on – insert local authority website.

Reception

You can visit the Council offices and request a copy of the form. A member of staff will be happy to provide you with assistance in completing this form.

How do I qualify for the ASB Case Review?

The threshold for a qualifying complaint is as follows:-

- An application has been received and the victim has made at least three qualifying complaints

For victims who perceive the ASB to be of a Hate crime nature the threshold has been set lower that:

- An application has been received and the victim has made at least one qualifying complaint of Hate Crime nature.

What is a qualifying Complaint?

A Qualifying complaint is defined as:

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- The anti-social behaviour was reported within a month of the alleged behaviour taking place; and
- The application to use the ASB Case Review is made within six months of the report of anti-social behaviour.

What information will I need to provide?

The form is very detailed and will ask you a series of questions which will enable your request to be assessed. You will need to explain when you reported the ASB and to whom, with dates of incidents, any incident/reference numbers you may have, plus information about the incidents reported.

What can I expect?

Once you have requested for a case review to be undertaken, - insert local authority - will ask the agencies involved to provide details of your complaints and any actions that they have considered.

Who will decide if the threshold is met?

Insert local authority – will decide as to whether the threshold has been met and will notify you of the decision.

What happens if the threshold is met?

You will receive a letter confirming that the threshold has been met and this will also advise you of the timescales as to when the ASB Case Review will be finalised.

An ASB Case Review Panel Meeting will be held where all agencies/partners that have been involved in the case will be invited to attend. The meeting will establish what action (if any) has been taken so far and the Chair of this meeting may consider that further actions should be considered. These recommendations will be made to the relevant agencies regarding any future actions that must be considered.

What if I am not happy with the decision can I appeal against the decision?

Yes you can appeal the decision and you will need to do this in writing within 21 working days of the receipt of your decision letter.

This will be escalated to the Chair of the local Community Safety Partnership (CSP) who will review the details of the case and consider if there are any grounds for appeal. The Chair of the CSP will notify the Police Crime Commissioner (PCC) of the decision accordingly.