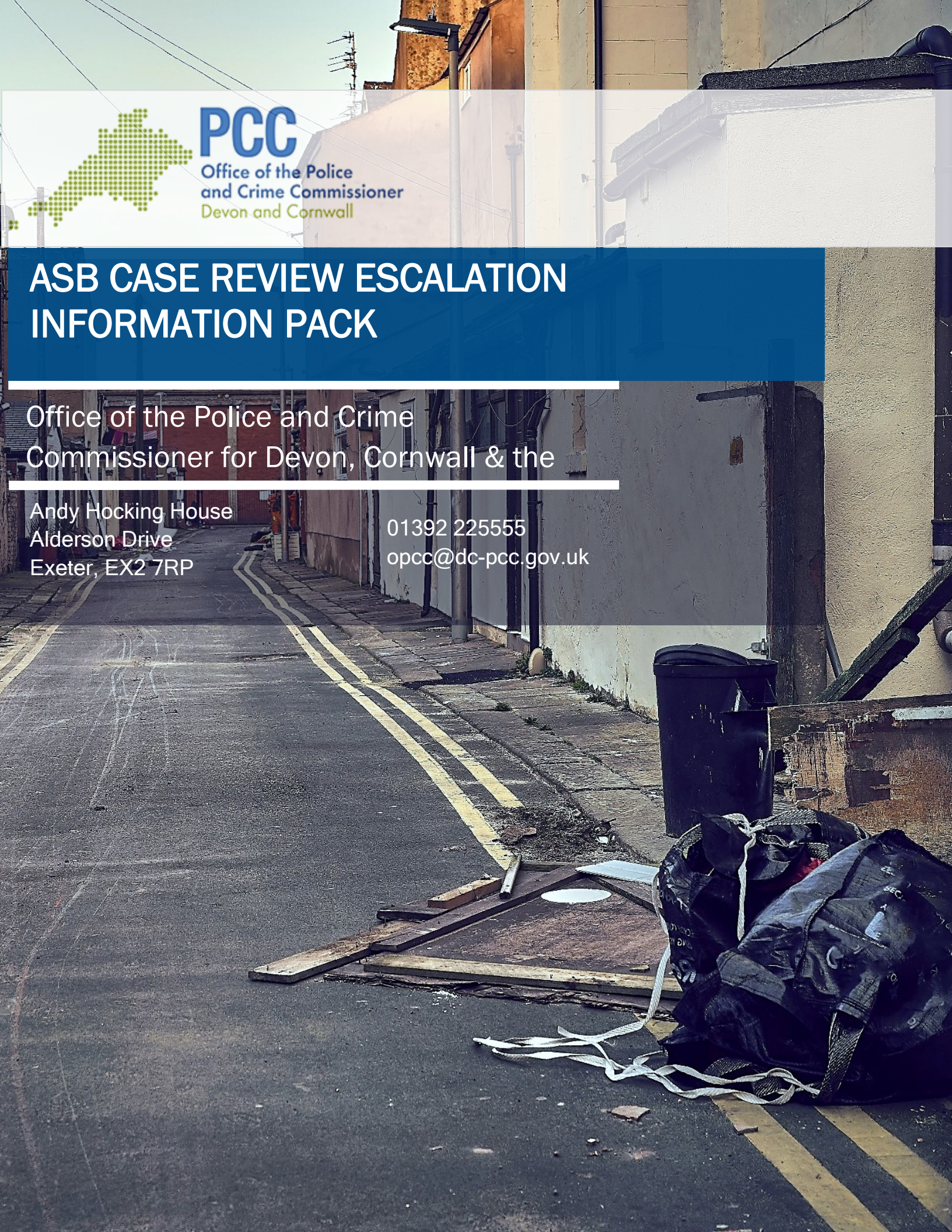

PCC
Office of the Police and Crime Commissioner
Devon and Cornwall

ASB CASE REVIEW ESCALATION INFORMATION PACK

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Creating Safe, Resilient and Connected Communities

Introduction

Persistent Anti-Social Behaviour (ASB) is a visible sign of disorder which negatively impacts people's health, wellbeing and daily quality of life. The police, local authorities and all other relevant agencies across the peninsula, need to work together to find solutions to stop ongoing and severe ASB.

The ASB Case Review process (formerly known as Community Trigger) is a legal tool introduced by the **Anti-Social Behaviour, Crime and Policing Act 2014** which seeks to support those who have been affected by persistent ASB and have already formally reported these events to the relevant local agency.

The **Home Office's Statutory guidance on Anti-Social Behaviour Powers for Frontline Professionals (2023)** encourages the involvement of the local Police and Crime Commissioner (PCC) in the ASB Case Review process. The guidance identifies a number of ways in which PCCs may be involved in the procedure, including auditing case reviews, promoting awareness of the process, monitoring its use and providing a route for victims to query the decision on whether the threshold was met or the way in which the review was carried out.

The PCC for Devon, Cornwall and the Isles of Scilly has formally agreed with a number of local authorities that the Office of the Police and Crime Commissioner (OPCC) will offer a route for victims to query the decision on whether the threshold was met, or the way in which the review was carried out, in the event that the victim is dissatisfied with the outcome of their ASB Case Review (i.e., an ASB Case Review Escalation).

In addition, the OPCC is committed to monitoring the use of ASB Case Reviews across the peninsula to identify any trends, learnings and best practice to share more widely with partners.

The PCC's pledge to tackling ASB is also more widely reflected in the **Police and Crime Plan 2021-2025,** which features ASB as one of the key priority areas – along with their Commissioning intention plan 2023 - 2024, which includes prospective funding to Support victims of ASB.

Purpose of this document

This information pack has been developed to provide transparency on how the OPCC carries out ASB Case Review escalations and to promote best practice to all relevant agencies involved in this process across the peninsula.

Key issues that the OPCC wishes to highlight are displayed in a green box.

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Section 1 – Background information

1.1 Why is the ASB Case Review important?

The Anti-Social Behaviour, Crime and Policing Act 2014 introduced specific measures designed to give victims and communities a say in the way that complaints of ASB are dealt with; this includes **ASB Case Reviews**.

The ASB Case Review gives victims of persistent ASB who have reported to any of the main responsible agencies (e.g., local authorities, police, housing provider and Integrated care boards) the right to request for a multi-agency case review.

Where a locally determined threshold is met, victims can require the relevant bodies to undertake an ASB Case Review, and those bodies have a statutory duty to undertake said review.

The powers granted by the ASB, Crime and Policing Act 2014 are deliberately local in nature, based on the rationale that those who work within, and for, local communities will be best placed to understand what is driving the behaviour in question, the impact that it is having, and to determine the most appropriate response.

The process therefore offers an opportunity, where problems continue, for local authorities, the police and other relevant agencies, to come together and review what has already been done and work collaboratively where a partnership approach may be helpful or necessary to resolve ongoing ASB.

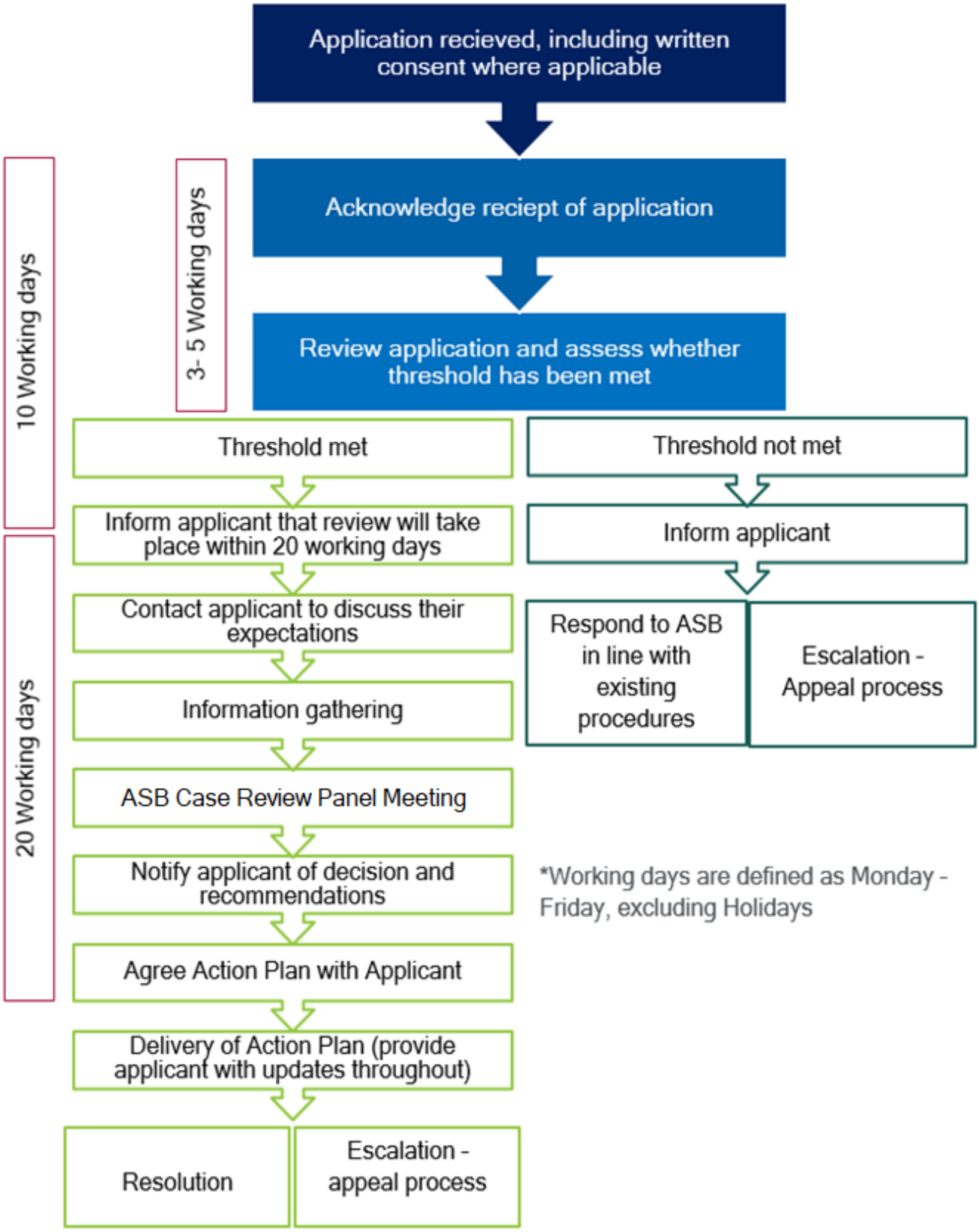
On this basis, this tool is an important statutory safety net for victims of ASB who believe they have not had a satisfactory response to their complaints.

Applications for ASB Case Reviews have consistently increased across Devon and Cornwall over the years, surging by **+144%** from 2018/2019 to 2020/2021. This reflects victims' growing awareness of the ASB Case Review process and the value of this procedure in addressing persistent ASB.

More recently, in its **ASB Action Plan**, the government announced that it intends to relaunch ASB Case Reviews.

A flowchart outlining the ASB Case Review process can be found on the following page:

ASB CASE REVIEW PROCESS



Section 2 - ASB Case Review Escalation process

2.1 Procedure for escalating an ASB Case Review to the PCC

ASB Case Review applicant/s who wish to request for their case to be escalated to the PCC may do so within 4 weeks of notification of the outcome.

Applicants are required to make their escalation request to the lead organisation undertaking the ASB Case Review. The lead organisation (usually a local authority) will then escalate this accordingly - In most cases, this will be to the OPCC; however, this may vary depending on the lead organisation's escalation policy and procedure.

2.2 Complaints

The handling of complaints against the conduct or service provision of any of the relevant bodies involved in an ASB Case Review falls outside the scope of the escalation process carried out by the OPCC.

Appendix D provides supplementary information on the types of complaints that the OPCC can handle, and its role in police complaint reviews.

2.3 What will happen on escalation to the Police & Crime Commissioner's office?

All timescales below are from the date at which the OPCC receives notification from a relevant body that an applicant wishes to escalate their ASB Case Review case to the OPCC.

Within 5 working days – An OPCC officer will be appointed to handle the escalation. The OPCC officer will request all documentation relevant to the handling of the ASB Case Review from the lead organiastion.

This may include (but is not limited to)

- A copy of the applicant/s' request for an ASB Case Review (application form).
- A copy of the relevant ASB Case Review policy and process that has been followed.
- Documents detailing the evidence, decision and rationale on whether or not the case was considered to meet the threshold for an ASB Case Review.
- Evidence that risk assessments have been undertaken, both before the threshold evaluation was carried out by the relevant agency and during the ASB Case Review process (redacted when necessary).
- A timeline recording activity undertaken against the requirements of the (locally agreed) ASB Case Review procedure, from receipt of the application by the relevant agency to the conclusion of the case review.
- Evidence of any support services offered / provided to the applicant/s.

- A copy of the ASB Case Review Panel meeting minutes / transcript and/or a recording of the meeting – this should include information on who attended the meeting and a copy of the Victim/s' Impact Statement when possible.
- Evidence of any correspondence with the applicant/s relevant to the ASB Case Review (emails, letters etc.)
- The ASB Case Review action plan and delivery plan (including timeframes and deadlines) and a copy of the updated action plan, including actions that have been successfully completed within the set deadlines, those that are overdue or those that are still ongoing.
- Any additional information/ evidence / documentation that may be relevant to the applicant/s' case.
- Any relevant evidenced information that became available *after* the ASB Case Review was officially closed.

If, for any reason, relevant authorities are not able to provide any of the requested information - or there are known instances where the ASB Case Review process has diverted from the statutory guidance and/ or local policy and process, a detailed explanation will be required so that this may be taken into consideration.

The OPCC officer will write to the applicant to seek further information on their request for escalation, including their reasons as to why they consider that their request meets one or more of the following grounds:

A. The relevant bodies have rejected an application on the basis that the threshold has not been met and the victim disagrees with that assessment.

B. The ASB Case Review failed to consider a relevant process, policy or protocol.

C. The ASB Case Review failed to consider relevant factual and evidenced information.

Within 10 working days – the lead organisation is expected to have supplied all relevant documentation to the OPCC Officer. The applicant is expected to have responded to the OPCC's request for information.

Once the OPCC Officer is provided with all required information from the relevant bodies and the applicant/s, it will complete the report within *25 working days.*

The Escalation process is therefore expected to proceed for a total of *35 working days**

*The Office of the Police & Crime Commissioner will make every effort to ensure that escalations from ASB Case Reviews are dealt with within the timescales given above. However, should there be any delays in the provision of all relevant documentation by the relevant bodies or applicant/s to the OPCC Officer, or in the event that the case in question is exceptionally complex or a high volume of paperwork is supplied, the escalation procedure may exceed the time limits outlined above. - in such circumstances, updates will be provided regularly.

Appendix A and B provide detailed compliance checklists to support the understanding of CSP partners of the process behind ASB Case Review Escalations.

The OPCC may take one or more of the following actions:

a. Refer the case back to the relevant bodies in the event that the application met the threshold, but the applicant was denied an ASB Case Review;

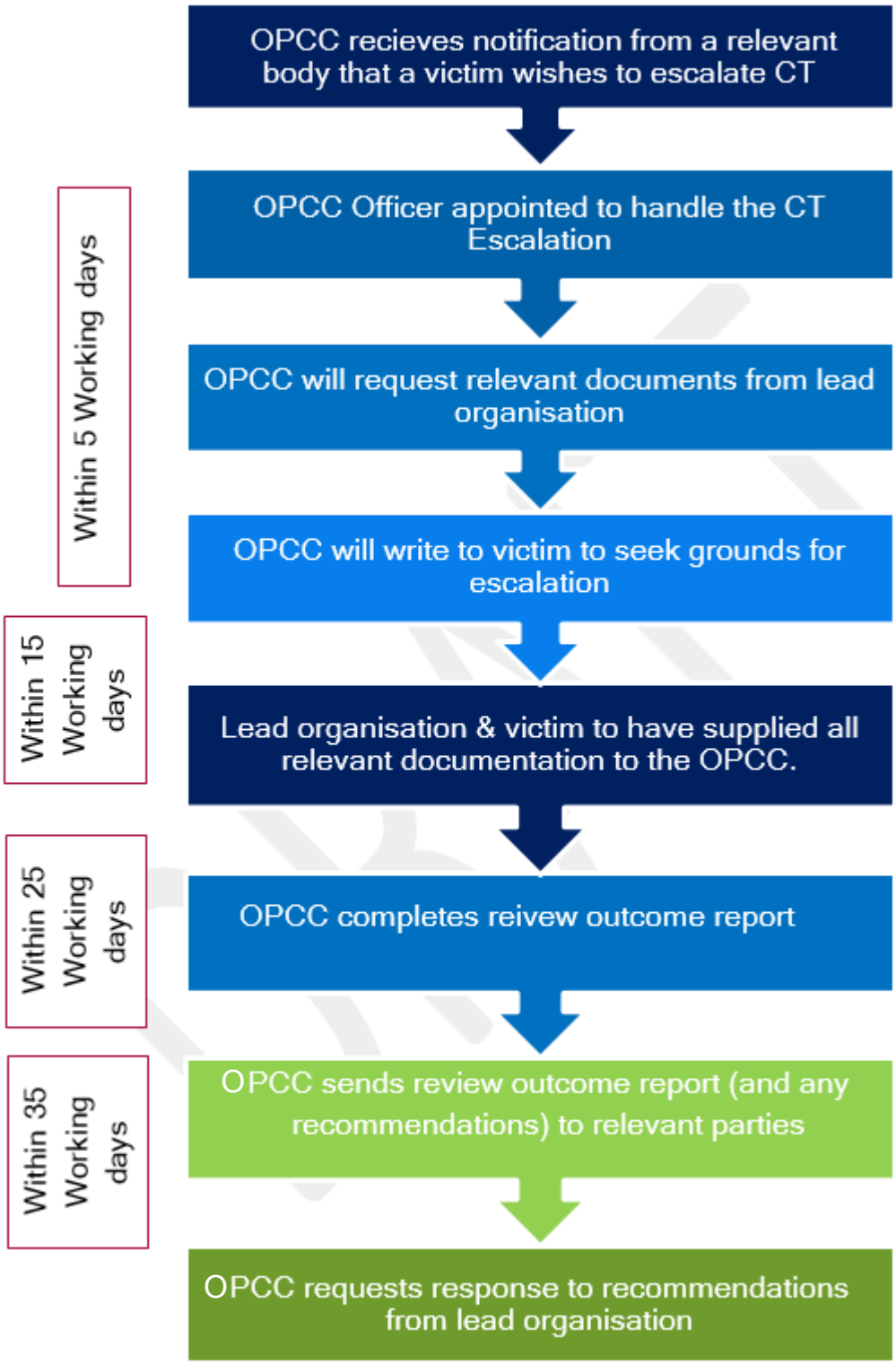
b. Refer the case back to the relevant bodies asking them to consider a particular process, policy or protocol not previously considered;

c. Refer the case back to the relevant bodies identifying additional information that the PCC believes should be considered as part of the ASB Case Review.

The OPCC does not hold any statutory powers with regard to the ASB Case Review process and can only make recommendations. The OPCC cannot direct the relevant bodies which undertake the ASB Case Review reviews to take a different action or overturn their decision.

A flowchart outlining the ASB Case Review escalation process can be found on the following page:

ESCALATION PROCESS



*Working days are defined as Monday - Friday, excluding Holidays

Section 3 – Key Information on ASB Case Reviews

The *Home Office's Statutory guidance for ASB Frontline Professionals*, was updated in March 2023. This section outlines key information that the PCC wishes to highlight found in the Anti-Social Behaviour and Policing Act 2014 and in the updated Statutory Guidance with regard to ASB Case Reviews.

3.1 Making and Revising ASB Case Review Procedures

Schedule 4 – Part 1 of the Anti-Social Behaviour and Policing Act 2014 states the following:

Consultation

- In making and revising the ASB Case Review procedures, the relevant bodies in the local government area must consult the local policing body (**PCC**) for the relevant police area.

(Consideration should also be given to consulting the local Community Safety Partnership(s) and other relevant local agencies to ensure a joined-up approach across all agencies).

- And should consult local providers of social housing as they consider appropriate

Dissatisfaction with ASB Case Reviews (Escalation process)

- The ASB Case Review procedures must include provision about what is to happen where an applicant is dissatisfied with the way in which the relevant bodies have -

  a) dealt with an application for an ASB Case Review
  b) carried out an ASB case review

Assessment and review of procedures

- The set local ASB Case Review procedure must include provision about -

  a) the assessment of the effectiveness of those procedures, and
  b) the revision of those procedures

The local ASB Case Review procedure should *clearly* state the timescales in which the review will be undertaken.

The relevant bodies must publish the ASB Case Review procedure to ensure that victims are aware of the appropriate circumstances in which they can apply for a review and understand how to do so.

Information on the ASB Case Review should be provided on the websites of all the relevant bodies, signposting the public to the lead agency's website and a relevant point of contact.

Relevant authorities may wish to review their policies and procedures to ensure that they are up to date with the new statutory guidance.

3.2 Thresholds for an ASB Case Review

The relevant bodies in each local area should collectively agree on an appropriate ASB Case Review threshold, having regard to the nature of ASB experienced by victims in their area and the working practices of the agencies involved.

For the purposes of the ASB Case Review procedures, a qualifying complaint is:

- Where the Anti-Social Behaviour was reported within *one month* of the alleged behaviour taking place;
- The application to use the ASB Case Review is made within *six months* of the report of Anti-Social Behaviour;
- The definition of Anti-Social Behaviour in this context is behaviour causing harassment, alarm or distress to a member or members of the public.

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, due to the victim's inability to separate themselves from the Anti-Social Behaviour, the harm experienced may well result in harassment, alarm or distress for the purposes of the ASB Case Review.

The threshold is about the incidents reported, not whether the agency responded. *It should be no higher than 3 complaints in the previous 6-months period - this does not preclude those who exceed this threshold. Agencies may choose to set a lower threshold.* If the qualifying complaints were made, an ASB Case Review must be held to then determine the adequacy of the agencies' responses - this can be on an open or closed case.

It is open to relevant agencies to set different levels to those set out above if appropriate for their area, provided that they do not lower the standard.

The requirement for the anti-social behaviour to be recent is to prevent more historical incidents of anti-social behaviour being used to invoke these procedures.

The relevant bodies and responsible authorities who undertake the case review can include:

- District Councils
- Local Authorities
- Police
- Registered providers of social housing who are co-opted into this group
- Integrated Care Board

When an ASB Case Review is requested, the relevant bodies must decide whether the threshold has been met and will be required to communicate this to the victim.

3.3 Who can apply for an ASB Case Review?

The ASB Case Review can be used by a victim/s (of any age) of ASB or by any person on behalf of a victim, such as a family member, friend, carer, Councillor, MP or other professional person. The victim/s' consent should be sought by the person using the ASB Case Review on their behalf. The victim/s may be an individual, a business or community group.

Where a request is made by a third party, one may expect contact to be made with the victim/s to confirm that they have consented to the referral and to establish who they wish to be the main point of contact for the review process. The victim/s will need to sign a declaration, giving the third-party authorisation to be the main contact on their behalf.

In some circumstances, the relevant authority may accept an ASB Case Review application made by a third party without the victim/s' consent, e.g., if a victim/s is unable to give consent or is at significant risk of harm.

3.4 How can victims apply?

Applying for an ASB Case Review should be made as straightforward as possible for victims of Anti-Social Behaviour. It should be recognised that some victims may feel more comfortable contacting one agency than another or may not have access to the Internet or, (in the case of issues involving neighbours), may be reluctant to use the telephone for fear of being overheard.

The ASB Case Review can be used by any person, and relevant agencies should therefore consider how to make it as accessible as possible to young people, those who are vulnerable, have learning difficulties or do not speak English.

When possible, relevant bodies should provide information on any *support available* for completing an ASB Case Review application form. This may include contact details for people who may be deaf or hard of hearing.

3.5 Responding to the victim/s

The 2014 Act places a duty on the relevant bodies to respond to the applicant at particular points in the process. These include when:

- The decision as to whether or not the threshold is met
- The outcome of the review is decided
- Any recommendations are made as an outcome of the review.

In some instances, people who make use of the ASB Case Review procedure may feel that they have previously been let down by agencies, so it is important that they receive timely and consistent communication regarding their case.

The relevant bodies may wish to provide the victim with a suitable contact for their ease of communication about the progress of the review.

When communicating with victims, local agencies should consider victim support issues e.g., any existing vulnerabilities - and whether they could benefit from being signposted or referred to local victims' services.

Determining whether the Threshold has been met

In considering whether the threshold is met, the relevant bodies should have regard to:

- The persistence of the Anti-Social Behaviour
- The harm, or potential harm, caused by the Anti-Social Behaviour
- The adequacy of the response from agencies

The relevant bodies should use their risk assessment procedures as part of the decision on whether the threshold is met. It may be beneficial for relevant bodies to adopt a common risk assessment matrix for the purposes of ASB Case Reviews.

Cases where there are repeated applications by people which, on investigation, relate to non-Anti-Social Behaviour matters may be indicative of an underlying vulnerability or unmet need. Consequently, even where the threshold is not met, local agencies may wish to consider the possibility of hidden needs or risks which may require a response from a particular agency.

Behaviour which falls below the level of harassment, alarm, or distress, may not meet the threshold- but when assessed on the grounds of potential harm to the victim, the impact of the behaviour may be such that the threshold is considered to be met.

Agencies should therefore 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.

Where the victim is considered to be particularly vulnerable, the relevant bodies should consider whether additional practical and emotional support can be offered to the victim.

It is recommended that relevant agencies consider undertaking an ASB Case Review when the threshold has been met *even where the victim has not requested one*. Agencies can do this by ensuring they monitor and keep a log of all qualifying complaints and automatically conduct a Case Review when three qualifying complaints have been made in a six-month period.

Anti-Social Behaviour can often be motivated by *hate* and the relevant bodies may wish to include reports of these incidents as part of their procedures.

If the threshold is met

The mechanism for undertaking an ASB Case Review is set locally. The following agencies: local authorities, the police, registered providers of social housing and integrated care board - have a duty to consult with all relevant partners and undertake an ASB Case Review when the applicant/s' case meets the locally defined threshold.

The relevant body will:

- Contact the applicant to inform them that the threshold has been met;

- Contact the applicant to complete (any additional) risk assessments, request any further information and offer necessary support;
- Share information about the case with other relevant agencies and consider whether any new relevant / additional information needs to be obtained;
- Arrange an ASB Case Review Panel meeting with all relevant agencies.

Relevant local health services may need to be involved in the review; they should work closely with those reviewing the case when this is requested by any of the key agencies. Their contribution may be evidential documentation or a statement, attendance at a review meeting or another form of participance that the agencies deem necessary.

This should be treated as standard for ASB Case Reviews that involve victims with health-related vulnerabilities.

It is recommended that local areas consider whether ASB Case Review meetings should be chaired by an appropriately trained independent lead. Where most of the agency representatives have been involved in a particular case, consideration should be given to involving somebody independent in the review to provide an external or fresh perspective on the case and the actions that have been taken.

- During the meeting, the relevant agencies will review what actions had previously been taken and will decide whether additional actions are possible.
- Where the perpetrator is under the age of 18, the youth offending team should be invited to attend the review.

Relevant bodies should always consider inviting the victim to attend a section of the case review meeting to help all members of the panel understand the level of harm and impact it has had on them. It may be more appropriate to invite a representative of the victim to attend, especially where they have activated the ASB Case Review on behalf of the victim. If the victim is not able to attend themselves, it is good practice to have somebody involved in the case review to represent the victim, such as from Victim Support or another organisation supporting victims in the local area.

- The relevant bodies will proceed to devise an action plan which may include tasks and recommendations for specific agencies to carry out. A problem-solving approach should be adopted to ensure that all the drivers and causes of the behaviour are identified and a solution sought.

The legislation places a duty on a person who carries out public functions to have regard to those recommendations where applicable (they are not obliged to carry out the suggested actions/ recommendations, but they should acknowledge them, and they should be challenged if they choose not to carry them out without good reason, particularly where vulnerabilities exist).

Whenever possible, the relevant bodies should involve the victim in devising the action plan to help ensure that it meets the victim's needs.

- The victim is informed of the outcome of the review; where further actions are necessary, an action plan will be discussed with the victim, including timescales.

It is good practice for the relevant bodies to keep the victim informed on how they are carrying out recommendations and monitor case progression. Where recommendations cannot be actioned, agencies should provide full reasons to the victim.

If the threshold is not met

The relevant body will:

- Contact the applicant to confirm that the threshold has not been met;
- Proceed to reviewing any further actions that the applicant or relevant agencies may wish to consider taking.

Although the formal procedures will not be invoked, this nonetheless still provides an opportunity for the relevant bodies to review the case to determine whether there is more that can be done.

3.6 Information-sharing

The effective operation of the ASB Case Review requires that the relevant bodies share information for the purpose of carrying out the review. This may include details of previous complaints made by the victim/s, information about the effect that the issue has had on others, and details of what action has previously been taken.

Relevant bodies should therefore have agreements in place for information sharing, risk assessments and a common understanding of the aims of the ASB Case Review. - Victims also need to give consent for information about them to be collected and shared between agencies.

Schedule 4 – Part 3 (7) of the Anti-Social Behaviour and Policing Act 2014 states the following:

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 -

- A disclosure of personal data in contravention of any of the provisions of the data protection legislation which are not exempt from those provisions;
- A disclosure which is prohibited by any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016.

Other than these two exceptions, disclosing information for the ASB Case Review does not breach any obligation of confidence or any other restriction on the disclosure of information.

3.7 Promoting the ASB Case Review

Section 104 – Part 6 of the Anti-Social Behaviour and Policing Act 2014 states that the relevant bodies must publish the ASB Case Review procedure to ensure that victims are aware that they can apply to activate the procedures in appropriate circumstances.

Consideration should be given to where this information is published and how accessible the information is. For example, the title 'ASB Case Review' in isolation may not be sufficient by itself to alert victims to the purpose of the process.

The Government has recently changed the name of the reviews to *ASB Case Reviews;* the title **'Community Trigger'** should therefore *no longer* be used. All relevant policies, procedures and any information available to the public on ASB should be amended to reflect this change accordingly.

The best way of reaching audiences is to clearly link ASB Case Review information to broader information on reporting and responding to Anti-Social Behaviour and clearly outlining what the function of the review is. *(Consideration should be given to whether it is appropriate to translate the information into different languages).*

The OPCC provides information on the ASB Case Review and the Escalation process on its website as follows:

Anti-social Behaviour Case Reviews (ASB Case Review) – Reviews and Escalation procedure · Devon & Cornwall Police & Crime Commissioner (devonandcornwall-pcc.gov.uk)

Information on the ASB Case Review is to be consistently provided on the websites of all the relevant bodies, signposting the public to the lead agency's website, and providing a point of contact and a copy of the procedure for activating the process.

When publishing the point of contact, it is good practice to provide a telephone number, email address, postal address, printable form, and a form which can be completed online.

The OPCC recently carried out desk-based research that looked at the accessibility of the webpages of relevant local authorities across Devon, Cornwall and the IOS on ASB and ASB Case Reviews. It provided greater insight on the extent that a victim of ASB may easily navigate the relevant webpage and find the appropriate information.

**Appendix E (Evaluation of ASB Case Review webpages) provides information on the findings.*

3.8 Victim Support

The Police and Crime Commissioner is committed to ensuring that victims of persistent and severe ASB in our communities are heard and know how to get help.

As noted in their Commissioning Intentions plan 2022/23, the PCC has commissioned a Victim support service solely dedicated to victims of ASB.

New service descriptors	Indicative budget	Objectives/outcomes
ASB Victim support service	£200,000	• Support people affected by ASB to cope and recover • Provide emotional and practical advice and guidance to enable positive outcomes

Delivered by Victim Support, this service provides a mix of emotional and practical help (e.g., security products and Victim Support resources), with the aim of strengthening the individual's ability to cope with the strain of their situation. Additionally, Victim Support signposts, refers and advocates on behalf of their clients.

To access victim support, please find relevant information at: Home - Victim Care Devon & Cornwall (victimcare-dc.org)

Victim Support is a national charity dedicated to helping anyone affected by crime to cope with and recover from their experience. If it doesn't have an office in a specific area, it will signpost agencies or victims to local help.

It also runs My Support Space, a free, safe, secure and confidential space where victims can choose how they wish to be supported.

ASB Help is a charity in England and Wales providing online advice and support to victims of AntiSocial Behaviour. The ASB Help website provides guidance about different types of ASB, advice about gathering evidence, and available support systems.

SupportLine is a confidential service offering emotional support to anyone on any issue by telephone, email and post. SupportLine is particularly aimed at those who are socially isolated, vulnerable, at-risk groups and victims of any form of abuse.

Helpline: **01708 765200** Email: **info@supportline.org.uk**

Section 4 – Monitoring outcomes & best practice

4.1 Publishing data

The legislation states that relevant bodies *must* publish information covering the number of:

- Applications for ASB Case Reviews received
- Times the threshold for ASB Case Reviews was not met
- ASB Case Reviews carried out
- ASB Case Reviews that resulted in recommendations being made

Published information must not include details which could identify victims.

This is a statutory requirement which all relevant bodies must adhere to. Agencies have a duty to publish specified data on the ASB Case Review at least *every twelve months*.

Relevant bodies may wish to publish data more frequently, or to publish additional details if this information is useful to communities and victims; for example, information about which area applications came from, or the agencies they related to.

As part of the PCC's involvement in the ASB Case Review process, encouraged by the Home Office's Statutory guidance on Anti-Social Behaviour Powers for Frontline Professionals (2023), the OPCC will be monitoring the use of this legal tool across the peninsula to identify any trends and learnings to share more widely with partners.

This is solely to promote good practice and *not* to judge the performance of agencies involved in ASB Case Reviews.

In particular, the OPCC will collect data on the following:

- Number of ASB Case Review applications received
- Number of ASB Case Reviews where the threshold was not met
- Number of ASB Case Reviews carried out
- Number of ASB Case Reviews that resulted in recommendations / Action plan
- Number of ASB Case Reviews escalated

4.2 PCC request for information

In the event that an ASB Case Review is escalated to the OPCC, and recommendations are made to the relevant body on that particular case or on their local ASB Case Review policy and procedure, the PCC will request for information following the completion of the Escalation.

This may include:

- A response from the relevant body (local authority) to the OPCC's recommendation/s.
- An update on the status / progress of the Case 3 months following the completion of the escalation.
- Further updates may be periodically sought following the 3-months update as appropriate.

Whilst the provision of data requested by the PCC post the conclusion of an ASB Case Review escalation is not a statutory requirement, Local Authorities should nonetheless expect to receive data requests from the OPCC as this will fall under the PCC's commitment to monitoring the use of ASB Case Reviews for the purpose of transparency and future learnings.

Appendix A - ASB Case Review Escalation: Evidence Checklist

Evidence	Available (Y/N)	Reason if not available
A copy of the applicants' request for an ASB Case Review (application form).		
A copy of the relevant ASB Case Review policy and process that has been followed.		
Documents detailing the evidence, decision and rationale on whether or not the case was considered to meet the threshold for an ASB Case Review.		
Evidence that risk assessments have been undertaken, both before the threshold evaluation by the relevant agency and during the ASB Case Review process (redacted when necessary).		
A timeline recording activity undertaken against the requirements of the (locally agreed) ASB Case Review procedure from the receipt of the application to the conclusion of the ASB Case Review.		
Evidence of any support services offered / provided to the applicant/s.		
A copy of the Panel meeting minutes or transcript / or recording of the meeting - this should include information on who attended the meeting and a copy of the Victim/s' Impact Statement.		
Evidence of any correspondence with the applicant/s relevant to the ASB Case Review (emails, letters etc.)		
The ASB Case Review action plan and delivery plan, including timeframes and deadlines.		
A copy the updated action plan, including actions that have been successfully completed within the set deadlines, those that are overdue or are still ongoing.		
Any additional information/ evidence / documentation that may be relevant to the applicant/s' case.		
Any relevant evidenced information that became available *after* the ASB Case Review was officially closed.		

Appendix B – Compliance Audit Checklist – Statutory Guidance

Grounds

A. The Relevant Bodies have rejected an application on the basis that the threshold has not been met and the Victim disagrees with that assessment

B. The ASB Case Review has failed to consider a relevant process, policy or protocol

C. The ASB Case Review has failed to consider relevant factual evidenced information

National Statutory Guidance	Compliance with procedure *	Policies & Procedure	ASB Case Review
* The method used to assess the relevant grounds for escalation and to review how the ASB Case Review was carried out may *vary* depending on the information and evidence available for each individual case. NB - All stages of the ASB Case Review process carried out by the relevant authority will be assessed throughout the CT Escalation against relevant existing policies and procedures – *Ground B* will therefore be integrated in each step of the review.			
Procedure: The relevant bodies in the local area must agree on and publish their ASB Case Review procedures.	The OPCC will review whether Local Authority's procedures are comprehensive, up-to-date and published, and whether said procedures were followed throughout the ASB Case Review.		
Timescales: The local ASB Case Review procedure should clearly state the timescales in which the review will be undertaken.	The OPCC will review evidence that the procedure includes timescales, and that the applicant/s are informed of these timeframes accordingly. The OPCC will assess whether all timeframes were respected and followed; if this is not the case, it expects the relevant agencies to provide details outlining why this is the case.		
ASB Case Review Threshold: When an ASB Case Review is requested, the relevant agency must decide whether the threshold has been met – they are then required to communicate this to the applicant/s.	In the event that the relevant agency rejects an application on the basis that the threshold was not met (and the applicant disagrees with this decision), the OPCC will review all provided evidence to assess whether the conclusion reached by the agency is justifiable. *Example: The OPCC will assess whether a formal initial risk-assessment was carried out.* *Example: The OPCC will review whether all relevant process, policy or protocol were followed by assessing the application against*		

	the Local Authority's procedure, relevant legislation and national guidance. *Example: The OPCC will review whether the Local Authority failed to consider relevant factual information when deciding whether the threshold was met by reviewing all information provided by both the relevant agencies and the applicant.*		
Risk assessment: It is good practice for agencies to assess the risk of harm to the victim, and their potential vulnerability, when they receive a complaint about Anti-Social Behaviour. This should be the starting point of a case-management approach to dealing with ASB complaints. The welfare, safety and wellbeing of victims must be the main consideration at every stage of the process. It is therefore important to identify the effect that the reported Anti-Social Behaviour is having on the victim, particularly if repeated incidents are having a cumulative effect on their well-being. The relevant bodies should use their risk assessment procedures as part of the decision on whether the *threshold* is met. It may be beneficial for the relevant bodies to adopt a common risk assessment matrix, or to have an agreed matrix for the purposes of the ASB Case Review. A continuous and organised risk assessment will help to identify cases that are causing, or could result in, serious harm to the victim, either as a one-off incident or as part of a targeted and persistent Anti-Social Behaviour against the victim.	The OPCC will review whether a comprehensive written risk assessment was carried out when the ASB Case review application was received (pre-decision of whether the threshold was met). The OPCC will review evidence to assess whether continuous and organised risk assessments were carried out throughout the review to ensure that the welfare and safety of the victim was safeguarded. *Example: The OPCC will assess whether the procedure includes the requirement to carry out a risk assessment.* *Example: The OPCC will assess whether a formal continuous risk-assessment was carried out.* **The OPCC does not view the sole use of dynamic risk assessments as good practice.*		
Impacts caused by ASB: When considering the response to a complaint of Anti-Social Behaviour, agencies must consider the effect that the behaviour in question is having on the lives of those subject to it. For example, agencies should recognise/consider the debilitating impact that persistent or repeated Anti-Social Behaviour can have on its victims, and the *cumulative*	The OPCC will review the Local Authority's Procedure to ensure that measures are in place for relevant agencies to effectively assess the impacts caused by the persistent ASB. *Example: It will assess whether the procedure includes the requirement to carry out a risk assessment.* The OPCC will also assess whether all evidence and factual information on the		

impact if that behaviour persists over a period of time.	impacts caused by the ASB has been taken into consideration. *Example: The minutes or recording of the ASB Case Review Panel meeting will be reviewed to assess whether a comprehensive assessment of the impacts caused by the ASB was carried out by the relevant agencies.*		
Hate Crimes & other criminal offences: ASB can be motivated by hate and the relevant bodies may wish to include reports of these incidents as part of their procedures.	The OPCC will review whether relevant agencies have carefully assessed the causes behind the occurrence of the ASB and previous actions taken. *Example: The OPCC will assess whether a formal risk-assessment was carried out.* *Example: The OPCC will review incident logs provided by the Police and other relevant agencies.* *Example: If appropriate, the OPCC will carefully review any included reports of incidents to assess their nature.*		
Victim Support: Local agencies need to consider how applicants are best supported and should ensure that victims are aware of their right to the ASB Case Review in the event that they meet the locally defined threshold. When communicating with applicants, local agencies should consider victim support issues e.g., any existing vulnerabilities - and whether they could benefit from being signposted or referred to local victims' services.	The provision of victim support is a requirement outlined in the Statutory Guidance. As such, the OPCC will review whether victims are appropriately supported throughout the process. *Example: The OPCC will assess whether the Victim/s was signposted / provided with appropriate support services.*		
Multi-agency approach: The response to ASB may require collaborative working between different agencies to determine the most appropriate solution. Where a report or complaint is made to one agency, that lead agency should consider the potential role of others in providing a solution if they are not themselves able to take action. **Problem-solving approach:** The review will see the relevant bodies adopting a problem-solving approach to ensure that all the drivers and causes of the behaviour are identified and a	Evidence that the ASB Case Review led to a multi-agency approach to tackle all relevant ASB issues. *Example: The minutes or recording of the ASB Case Review Panel meeting will be reviewed to assess whether all agencies involved worked together to find an appropriate solution.* *Example: The Action plan devised following the ASB Case Review Panel meeting will be reviewed to assess whether a multi-agency approach was adopted to tackle the issue.*		

solution sought, whilst ensuring that the victim receives appropriate support; The relevant bodies who undertake a case review may make recommendations to other agencies. The legislation places a duty on a person who carries out public functions to have regard to those recommendations. This means that they are not obliged to carry out the recommendations, but that they should acknowledge them and should be challenged if they choose not to carry them out without good reason.			
Information sharing: Relevant bodies should have agreements in place for information sharing, risk assessments and a common understanding of the aims of the ASB Case Review. Victims also need to give consent for information about them to be collected and shared between agencies. **Disclosure of information:** 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 (unless it contravenes data protection legislation or Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016).	The OPCC will assess whether relevant agencies have complied with Schedule 4 – Part 3 of the Anti-Social Behaviour and Policing Act 2014 on information-sharing. *Example: The OPCC will assess whether the procedure includes agreements for information-sharing.* *Example: The OPCC will review whether representatives for relevant agencies signed a data-sharing declaration form.*		
Independence: Statutory guidance recommends that local areas consider whether case review meetings should be chaired by an appropriately trained independent lead. Where most of the agency representatives have been involved in a particular case, consideration should be given to involving somebody independent in the review to provide an external or fresh perspective on the case and the action that has been taken.	The OPCC will review whether, if necessary, measures were taken to support independence. *Example: The minutes or recording of the ASB Case Review Panel meeting will be reviewed to assess who attended the meeting and whether measures were taken to avoid conflict of interests and uphold independence.*		
Victim representation: The ASB Case Review is an important safety net in ensuring that victims' voices are heard. Emphasis should be placed on victim representation at the case review and for	The OPCC will assess whether the victim was adequately represented or was given the opportunity to be heard and express their experiences.		

independent perspectives to be involved in the review. Consideration should always be given on how victims can best express the impact that the Anti-Social Behaviour has had on their lives, including attendance at relevant meetings. It may be more appropriate to invite a representative of the victim to attend, especially where they have activated the case review on behalf of the victim. It is always good practice to have somebody involved in the case review to represent the victim, such as from Victim Support or another organisation providing support for victims in the local area. **Victim involvement:** The recommendations are likely to take the form of an action plan to resolve the Anti-Social Behaviour. Whenever possible, the relevant bodies should involve the victim in devising the action plan to help ensure that it meets their needs. Relevant bodies should always consider inviting the victim to attend a section of the case review meeting to help all members of the panel understand the level of harm and impact.	*Example: The OPCC will review whether the victim was permitted to attend the ASB Case Review Panel meeting* *Example: The OPCC will review whether the Victim had the opportunity to provide a Victim Impact Statement.* *Example: The OPCC will assess if, where appropriate, a representative of the victim was invited to attend the meetings on their behalf.* *Example: The OPCC will assess if, where appropriate, the victim was involved in devising the action plan.*		
Providing victims with updates: It is recommended that victims or complainants are kept informed while consideration is being given to deciding the most appropriate response, and that they are informed about the intended course of action. People who make use of the ASB Case Review procedure may feel that they have been let down by agencies in the past, so it is important that they receive timely and consistent communication regarding their case. **Informing victim of the outcome:** The victim must be informed of the outcome of the review. Where further actions are necessary, an action plan should be discussed with the victim, including timescales.	The OPCC will review evidence to determine whether the victims were kept informed and were provided with updates throughout the ASB Case Review process, in a timely manner. It will assess whether relevant bodies have complied with their statutory duty (2014 Act) to respond to the applicant at particular points in the process. These include: • The decision as to whether or not the threshold is met • The outcome of the review • Any recommendations made as an outcome of the review. *Example: The OPCC will review all relevant correspondence between the agencies and the applicant/s (via email, letters etc).*		

It is good practice for the relevant bodies to keep the victim informed on how they are carryout out the recommendations.	*Example: Where recommendations cannot be made, the OPCC will review whether the relevant agencies have provided full reasons to the victim.*		

Appendix C - Relevant links

- ASB Help
- Resolve
- Victim Support
- Local Government Association
- Welsh Local Government Association
- The Knowledge Hub- this is an information sharing platform for police and practitioners, therefore requires a .police email or .gov email address to access
- Legislation: Anti-Social Behaviour, Crime and Policing Act 2014 - Explanatory Notes (legislation.gov.uk)
- Government Guidance: Anti-social behaviour (ASB) case review (also known as the ASB Case Review) - GOV.UK (www.gov.uk)
- Statutory Guidance: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/956143/ASB_Statutory_Guidance.pdf
- Devon and Cornwall Police: Anti-Social Behaviour case review ('ASB Case Review') | Devon and Cornwall Police (devon-cornwall.police.uk)

Appendix D – Supplementary Information on Complaints

In the event a victim wishes to file a formal complaint against one or more of the agencies involved in the ASB Case Review or involved in the response to reported ASB incidents, they must do so independently from the ASB Case Review and/or the ASB Case Review escalation process.

Information on how to make a formal complaint against Devon & Cornwall Police can be found at:

- How to make a complaint | Devon and Cornwall Police (devon-cornwall.police.uk)
- https://policeconduct.gov.uk/

Information about how to make a formal complaint against the PCC or their office can be found at:

- Complaints about the police and crime commissioner, chief constable, police officers and staff, PCCs staff. · Devon & Cornwall Police & Crime Commissioner (devonandcornwall-pcc.gov.uk)

Information about the PCCs role in police complaints can be found at:

- Police Complaint Reviews · Devon & Cornwall Police & Crime Commissioner (devonandcornwall-pcc.gov.uk)

Appendix E – Evaluation of ASB Case Review Webpages

In total, 14 websites were reviewed in accordance with the following criteria:

1. How easy was it to find information about Anti-Social Behaviour on the website?

2. How well does the website explain what comprises Anti-Social Behaviour and the help available to people who are experiencing it? for example, how well is the information presented? Is it written and set out in an easy-to-understand way,

3. How easy was it to find out how to report different types of Anti-Social Behaviour?

4. How may the website be improved for members of the public in relation to Anti-Social Behaviour?

Findings

Criteria	Easy	Relatively easy	Not easy
How easy to find?	5	4	5
How easy to understand what ASB is?	2	5	7
How easy to find support for ASB?	4	-	10
How easy to report? (incl. EDHR considerations)	7	-	7

General observations and recommendations

- The length and conciseness of the information available may have an impact on a person's ability to digest and understand its content.

- The inclusion of a variety of modes for communicating information on ASB and the ASB Case Review Process is deemed to be an example of good practice – for instance, some websites included an information video.

- The inclusion of an ASB overview page which includes the definition of ASB was found to aid a person's understanding of the purpose of ASB Case Review process.

- Font size, type and colour should be considered as these may affect the accessibility of the available information for some users.

- The inclusion of links and information which sign-posted relevant support services was considered an example of good practice.

- Relevant bodies should consider how and where they promote information on ASB and of the ASB Case Review process – for instance, publishing information under the title 'ASB Case

Review' or as a subcategory may limit a person's ability to find or access these webpages.

- A number of webpages failed to include a copy of the relevant bodies' ASB policy and procedure (*NB - this is a statutory requirement and Local Authorities are therefore legally responsible for ensuring that their ASB policies and procedures have been published*).

- Information on how to report an ASB incident or how to request for an ASB Case Review should be clear - Local Authorities may wish to consider including a 'report' button or a visible link.

- A number of webpages failed to include information on a person's right to escalate their ASB Case Review in the event that they are dissatisfied with how the review was carried out or the outcome. (*NB - this is a statutory requirement and Local Authorities are therefore legally responsible for ensuring that this information is favailable and clearly displayed*).