

North East Derbyshire District Council

Cabinet

19 November 2014

The Community Trigger

**Report No LR/02/14/PC of Councillor L Robinson, Portfolio Holder with
Responsibility for Community Safety and Health**

This report is public

Purpose of the Report

To inform members of the new Community Trigger that has been introduced by the ASB Crime and Policing Act 2014.

1 Report Details

The ASB, Crime and Policing Act 2014 introduced a range of new tools and powers in relation to anti-social behaviour (ASB). The legislation was enacted on 20th October 2014.

The Act includes a new right for victims of ASB to request a review of the response to their complaints of ASB, where they feel the problem has not been effectively addressed by agencies. This is known as the Community Trigger.

The aim of the Community Trigger is to encourage a more joined up, problem solving and victim-centred approach to the resolution of the problems experienced by victims of ASB. Following receipt of statutory guidance from the Home Office, local guidance has been produced to support practitioners in the delivery of the process developed for Derbyshire.

What is the Community Trigger?

The Community Trigger gives victims of ASB, the right to request an ASB Case Review of the response to their previous reports of ASB, if they think their concerns have not been dealt with, or acted upon, by agencies.

Concerns about individual officers, or services, should continue to be directed to the relevant organisation's complaints procedure and/or the Ombudsman or the Independent Police Complaints Commission.

The Community Trigger is subject to specific criteria, or a threshold. In Derbyshire, this has been defined as follows:-

- If you, as an individual, have made three or more '*qualifying complaints*' about related incidents of ASB that occurred on separate occasions, within the last six months
Or
- Five individuals have made '*qualifying complaints*' about related incidents of ASB that occurred on separate occasions, within the last six months.

Explanatory Notes

To be a '*qualifying complaint*', the ASB must have been formally reported to the relevant organisation, within one month of it happening. The ASB should have been reported either in writing, by e-mail, by telephone or by visiting the offices of the relevant organisation. A discussion with an officer of an organisation whilst they are on-site in the community will not normally be considered, unless it is to a Police Officer or Police Community Support Officer on duty.

For the purposes of deciding whether the threshold is met, we can only consider incidents that have occurred within the last six months.

Who can use the Community Trigger?

Subject to meeting the threshold, the Community Trigger can be 'activated' by a victim of ASB or another person acting on their behalf, such as a family member, carer, elected member or MP, but they must obtain and provide the victim's written consent. The victim could be an individual, a business or a community group.

How do victims activate the Community Trigger?

To activate the Community Trigger, victims (or their advocates) must complete the Community Trigger Application Form, which will be available on the website for each Community Safety Partnership (CSP) area. The Saferderbyshire website will include links to individual websites, go to www.saferderbyshire.gov.uk/communitytrigger

If required, victims (or their advocates) will also be able to request a hardcopy of the Community Trigger Application Form.

Advocates can apply for the Community Trigger on behalf of ASB victims, but they must provide the victim's written consent, alongside the application form.

Each Community Safety Partnership will publicise a Single Point of Contact (SPOC) for Community Trigger applications.

What happens when the Community Trigger is activated?

The Community Trigger process is summarised on the flowchart (below)

Basically, the SPOC will review the information provided on the Community Trigger Application Form to determine whether the case meets the Community Trigger threshold. If it does, an ASB Case Review will take place.

The ASB Case Review must involve the SPOC and appropriate manager level representatives of the 'relevant bodies', which are defined in the legislation, namely:-

- District Council
- Derbyshire Constabulary
- Clinical Commissioning Group (or appropriate healthcare provider)
- Social housing provider, where the review involves one of their tenants (as a victim or perpetrator)
- Youth Offending Service, where the review involves a perpetrator who is under 18
- Depending on the individual case, it may also be appropriate to invite other partners that have, or ought to have, been involved from a victim and perpetrator perspective, e.g. schools, Children's Services, Adult Safeguarding, Probation Service etc.

The ASB Case Review Meeting will:-

- Review what action has been taken and whether it was adequate to stop, or reduce, the ASB;
- Consider the persistence of the ASB;
- Consider the harm caused, or the potential for harm to be caused, to the victim(s);
- Consider whether the complaints are malicious or vexatious;
- Consider whether any additional information needs to be obtained;
- Make a decision for communication to the applicant;
- Where appropriate, make recommendations for additional actions to resolve the problem;
- Identify the Lead Officer(s) to implement the resulting Action Plan, if appropriate.

It is not appropriate for the ASB Case Review Meeting to be attended by the victim or their advocate.

What happens if the victim is not happy with the outcome of their Community Trigger application?

In Derbyshire, the appeal body for the Community Trigger is the Office of the Police and Crime Commissioner for Derbyshire.

If victims (or their advocates) are not satisfied with the outcome of the Community Trigger, they can lodge an appeal with the Office of the Police and Crime Commissioner for Derbyshire. For more information go to www.derbyshire-pcc.gov.uk/Public-Information/CommunityTrigger

What role do partners play in the Community Trigger process?

Partners in Derbyshire, will be involved in different aspects of the Community Trigger process.

For example:-

- The Community Trigger SPOC for each area will manage the whole process.
- 'Relevant bodies' will be involved in the ASB Case Review process.
- Other partner agencies that have, or ought to have, been involved in the case, from a victim or perpetrator perspective, will be involved in the ASB Case Review process.
- Partners who work with victims of ASB, particular those who are vulnerable, should raise awareness of the Community Trigger amongst their client group.

- Partners who receive complaints of ASB should ensure the details of the incident are recorded or shared with the agency that can take action on that particular type of ASB, as soon as possible, to ensure that the incident meets the criteria for a 'qualifying complaint'.
- The Office of the Police and Crime Commissioner for Derbyshire will manage the appeal process.

Who do victims of ASB contact for more information about the Community Trigger?

The contact details for each local Community Trigger SPOC are:-

Bolsover community.trigger@bolsover.gov.uk

North East Derbyshire communitytrigger@ne-derbyshire.gov.uk

Who do partners contact for more information about the Community Trigger?

For more information about the countywide process, please contact

tracy.coates@derbyshire.gov.uk

2 Conclusions and Reasons for Recommendation

2.1 The report is noted.

3 Consultation and Equality Impact

3.1 None, the Council has worked with other agencies to produce the Derbyshire approach.

4 Alternative Options and Reasons for Rejection

4.1 Not applicable, this is led by legislative change.

5 Implications

5.1 Finance and Risk Implications

5.1.1 None directly arising from this report.

5.2 Legal Implications including Data Protection

5.2.1 None directly arising from this report.

5.3 Human Resources Implications

5.3.1 None directly arising from this report.

6 Recommendations

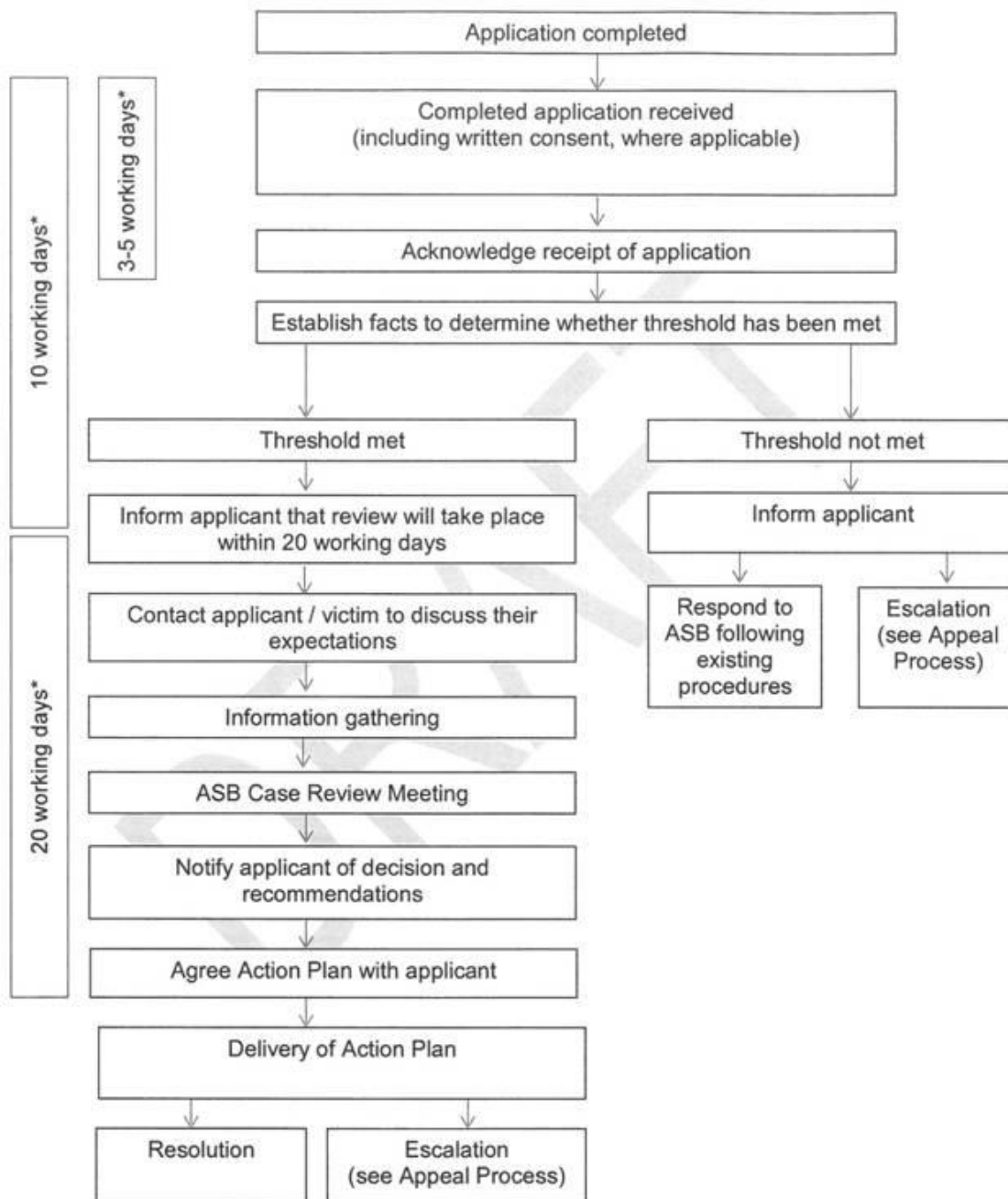
6.1 That members note the introduction of the Community Trigger and how this will be implemented within Derbyshire.

7 Decision Information

Is the decision a Key Decision? (A Key Decision is one which results in income or expenditure to the Council of £50,000 or more or which has a significant impact on two or more District wards)	No
District Wards Affected	
Links to Corporate Plan priorities or Policy Framework	

8 Document Information

Appendix No	Title
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
Papers held by the JAD Community safety.	
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* Working days are defined as Monday – Friday, excluding Bank Holidays