

# Redcar and Cleveland

## COMMUNITY TRIGGER PROCEDURE



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## **1. Introduction**

On 13<sup>th</sup> March 2014 the Anti-social Behaviour, Crime and Policing Act 2014 received Royal Assent.

On 20<sup>th</sup> October 2014, the response to complaints about anti-social behaviour (commonly referred to as the Community Trigger) provisions of this Act under Sections 104 and 105 commenced.

This procedure sets out how relevant bodies and responsible authorities in the Redcar and Cleveland Local Authority Area will carry out their duties regarding the Community Trigger under the Anti-social Behaviour, Crime and Policing Act 2014.

## **2. Purpose**

To give victims the legal right to request a case review of how relevant bodies and responsible authorities have dealt with their reports of anti-social behaviour and hate crime/incidents.

To bring agencies together to take a joined up, problem solving approach aimed at dealing with some of the most persistent, complex cases of anti-social behaviour.

## **3. Relevant Bodies and Responsible Authorities**

3.1 The relevant bodies and responsible authorities under the Community Trigger in the Redcar and Cleveland Borough are:

- Redcar and Cleveland Borough Council
- Cleveland Police
- Redcar and Cleveland Clinical Commissioning Group

3.2 The co-opted housing association is Coast and Country Housing who represent all registered housing providers in the Borough.

## **4. Definitions**

### **4.1 Anti-social Behaviour**

**For the purpose of the Community Trigger this is defined as; “behaviour causing harassment, alarm or distress to a member, or members of the public.”**

When deciding whether this definition is met, agencies should 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.

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

The harm, or the potential for harm to be caused to the victim, is an important consideration in determining whether the definition is met because those who are vulnerable are likely to be less resilient to anti-social behaviour. People can be vulnerable for a number of reasons, and vulnerability or resilience can vary over time depending on personal circumstances and the nature of the anti-social behaviour.

**Even though housing related anti-social behaviour has a lower test of nuisance or annoyance, because of the victims inability to separate themselves from the anti-social behaviour the harm experienced is highly likely, depending upon the circumstances, to result in harassment, alarm or distress for the purposes of the Community Trigger.**

### **4.2 Hate Incident**

For the purpose of the Community Trigger this is defined as; “any non-crime incident which is perceived by the victim or any other person, to be motivated by a hostility or prejudice based on a person’s race or perceived race, religion or perceived religion, sexual orientation or perceived sexual orientation, disability or perceived disability, transgender or perceived transgender.”

### **4.3 Hate Crime**

For the purpose of the Community Trigger this is defined as: “any hate incident, which constitutes a criminal offence, perceived by the victim or any other person, as being motivated by prejudice or hate.”

## **5. Threshold**

Redcar and Cleveland's Community Trigger threshold is defined as;

- (a) An individual, business or community group has made **three** or more reports of **separate** incidents of antisocial behavior regarding the same problem in the past six months to Redcar and Cleveland Council, Cleveland Police and/or a Registered Social Landlord
- (b) More than one individual, business or community group has made **five** or more reports about the **same** problem in the past six months to Redcar & Cleveland Borough Council, Cleveland Police, or their Landlord (if a Housing Association operating in Redcar & Cleveland), or
- (c) An individual, business or community group has reported **one** incident or crime motivated by hate in the last three months to Redcar and Cleveland Council, Cleveland Police, or their Landlord (Housing Association).

## **6. Qualifying Complaints**

### **6.1 Incident Reporting Criteria**

- (a) Incidents will only be considered under the threshold where they have been reported within one month of the date of the incident occurrence to Redcar and Cleveland Council, Cleveland Police, the Redcar and Cleveland Clinical Commissioning Group, or a Housing Association operating in Redcar and Cleveland
- (b) Applications to use the Community Trigger will only be considered where they have been made within six months of the date of all the reports of anti-social behaviour and/or hate crime/incidents being considered under the threshold.
- (c) Incidents which have been reported anonymously will not be considered under the threshold.
- (d) Incidents will not be considered under the threshold where the time between the incidents being reported, and the request for activation of the Community Trigger has not allowed the investigation agency(s) in receipt of the reports, time to have investigated the reports under the operating days/times and timescale(s) of their investigation procedures.

For example; an individual reports an incident of anti-social behaviour on a Friday evening on the following Saturday and Sunday to the Council's Out of Hours contact number, followed by their request to activate the Community Trigger on the Monday morning. As the Council's Anti-social Behaviour Officers finish work at 4.30pm on the Friday and return to work at 9.00am on the Monday this has not allowed Officers time to investigate and action the anti-social behaviour reports before a request to activate the Community Trigger has been made.

### **6.2 Responsible Area**

Incidents will only be considered under the threshold where they have involved persons living, visiting, working or engaging in lawful activity within the Borough of Redcar and Cleveland.

Linked incidents which involve persons living, visiting, working or engaging in lawful activity within the Borough of Redcar and Cleveland, but which have occurred outside of the Borough of Redcar and Cleveland area may be considered where it is considered appropriate by the Case Review Panel members to do so.

### **6.3 Referrals to Complaint Procedures**

Any request for a case review under the Community Trigger process which meets the definition of a complaint will be refused with a referral made instead into the appropriate agency(s) complaint process.

Complaint Definition - "A complaint is an expression of dissatisfaction, however made, about the standard of service, action or lack of action by an agency, its staff, or contractors or agents providing services on behalf of the agency that requires a response".

## **7. Activating the Community Trigger**

7.1 Any individual (of any age), business or community group (or a person acting on their behalf with their consent) who has been the victim of anti-social behaviour or a hate incident or crime may request that the Community Trigger is activated.

7.2 All requests to activate the Community Trigger in Redcar and Cleveland Borough must be made by telephone, e-mail or letter to:

Community Trigger  
Redcar and Cleveland Borough Council  
Fairway House, Limerick Road, Dormanstown, Redcar, TS10 5JU

Telephone: 01642 774774

E-mail: [community\\_trigger@redcar-cleveland.gov.uk](mailto:community_trigger@redcar-cleveland.gov.uk)

**(Please see Appendix 1 – Community Trigger Flowchart)**

7.3 **Redcar and Cleveland's Single Point of Contact for the Community Trigger is:**

Lisa Manders, Antisocial Behaviour Officer – Coastal

Amy Kenny, Antisocial Behaviour Officer – Guisborough and East Cleveland

Sue Watson, Antisocial Behaviour Officer – Greater Eston

7.4 No anonymous requests to activate the Community Trigger will be accepted.

7.5 The relevant Antisocial Behaviour Officer will acknowledge in writing the receipt of all requests to activate the Community Trigger. This should occur within five working days. This acknowledgement letter should contain a date when the applicant can expect a formal response to their trigger request.  
**(Please see Appendix 2 – Acknowledgement Letter)**

- 7.6 The relevant Antisocial Behaviour Officer will contact all applicants to discuss their trigger application request. This contact should occur within five working days of receipt of their request. **(Please see Appendix 3 - Community Trigger Initial Assessment Proforma)**
- 7.7 The relevant Antisocial Behaviour Officer will send all Redcar and Cleveland relevant bodies and responsible authorities a Community Trigger Information Request Form. This should occur within 2 working days of all trigger requests being received. **(Please see Appendix 4 - Community Trigger Agency Information Request Form)**
- 7.8 These bodies and authorities will provide to the relevant Antisocial Behaviour Officer Team any information they hold on any involvement they have with the requester or the threshold incidents. This should occur within five working days of the information request. (Subject to the provisions of the Data Protection Act 1998, and Part 1 of the Regulation of Investigatory Powers Act 2000.)

## **8. Case Review Process**

- 8.1 The Antisocial Behaviour Officer will arrange a Community Trigger Case Review Panel Meeting to discuss all requests received to activate the Community Trigger. This meeting should occur within 10 working days of the receipt of the trigger application request.
- 8.2 The Community Trigger Case Review Panel Meeting may consist of a nominated senior representative from the following organisations:
- Antisocial Behaviour Officer  
(Representing Redcar and Cleveland Borough Council)
  - Cleveland Police
  - Redcar and Cleveland Clinical Commissioning Group
  - South Tees Youth Offending Service  
(Where the perpetrators involved in the incidents are under the age of 18 years)
  - Coast and Country Housing or other housing provider as appropriate
- 8.3 A Community Trigger Case Review Panel meeting will only occur where a minimum of three panel members are present.
- 8.4 Members of the Case Review Panel meeting will be responsible for voting in a Chair for the Case Review Panel meeting.
- 8.5 The Case Review Panel meeting members will consider whether the application made meets the Community Trigger definitions, and threshold. **(Please see Appendix 5 – Review Panel Letter)**
- 8.6 Where it is agreed that the Community Trigger definitions, threshold and qualifying complaints criteria agreed for Redcar and Cleveland have been met the Case Review Panel meeting members will be responsible for reviewing what action has previously been taken in response to the requesters reports of anti-social behaviour, and/or hate crime/incidents.
- 8.7 This review may include (but is not limited to) whether or not:

- Acknowledgement of the anti-social behaviour and/or hate crime/incident reports has been made.
  - A Vulnerability Assessment Matrix (VAM) been completed to determine the vulnerability of the victim by an investigating agency, (where used by the investigating agency)
  - Service delivery by an investigating agency has taken into account the vulnerability of the victim,
  - Service delivery has been appropriate or effective due to a lack of information sharing / problem solving / joint working by an investigating agency,
  - Service delivery has been appropriate or effective due to a failure by an investigatory agency to follow its investigation procedures,
  - Service delivery by an investigating agency has been able to reduce the vulnerability of the victim to a satisfactory level,
  - Service delivery by an investigating agency has been able to reduce the problem to a level where in the professional opinion of the investigating officer the behaviour reported is no longer a cause for concern.
- 8.8 When a requester is considered to be vulnerable, the meeting should review what practical and emotional support has been offered to them and whether any additional support is necessary or appropriate.
- 8.9 As a result of the case review the panel members may make recommendations to agencies. These recommendations may take the form of an action plan to resolve the reported behaviour.
- 8.10 Where appropriate any recommendations / action plan developed by the Case Review Meeting will be monitored through the Community Safety Groups.
- 8.11 The Anti-social Behaviour, Crime and Policing Act places a duty on a person who carries out public functions to have regard to any recommendations made by the Case Review Panel.
- 8.12 This means that they are not obliged to carry out the recommendations, but that they should acknowledge them and may be challenged if they choose not to carry them out without good reason.
- 8.13 The Antisocial Behaviour Officer will contact the applicant to discuss the outcome of the Case Review Panel meeting. This contact should occur within five working days of the meeting.
- 8.14 This discussion will include:
- the reasons why the case review panel decided that the definitions, threshold and/or qualifying complaints criteria had not been met by the trigger application, and the appeal process for the panel's decision,

OR



- the outcome(s) (if any) from the case review panel meeting, any recommendation(s) that were made by the case review panel, and the applicants comments on any recommendations / draft action plan that may have been developed by the case review panel.

The applicant will also be informed of the appeal process for the case review meeting outcomes, recommendations or action plan.

## **9. Appeal Process**

9.1 All applicants (or a person acting on their behalf with their consent) have the right to request an appeal of:

- the case review panel's decision that the definitions, threshold and/or qualifying complaints criteria had not been met by their trigger application,

AND

- the outcome(s) from the case review panel meeting, any recommendation(s) or action plan that may have been developed by the case review panel.

9.2 All requests for an appeal must be made in writing by an applicant within ten working days of being informed of the outcome(s) of the case review meeting.

9.3 If an applicant is appealing more than ten working days after being informed of the outcome(s) of the case review meeting they must explain why their appeal has been delayed. The time limit to make an appeal may be extended if there are good reasons for the delay. The Community Safety Partnership reserves the right to refuse to accept late appeals.

9.4 All requests for an appeal must be made in writing and clearly state the reasons (with any supporting information/evidence) for the appeal to:

Community Trigger  
Redcar and Cleveland Borough Council  
Fairway House, Limerick Road, Dormanstown, Redcar, TS10 5JU

E-mail: [community\\_trigger@redcar-cleveland.gov.uk](mailto:community_trigger@redcar-cleveland.gov.uk)

9.5 It is not enough for an applicant to simply appeal because they do not agree with the decision of the case review panel. Any appeals received on this basis will be refused by the Community Safety Partnership

9.6 Appeals may be made on the following basis. That the case review panel:

- Used information that is incorrect, or has been taken out of context to determine a trigger application,
- Not considered all relevant information about an applicant's (or their household's) circumstances or vulnerability, or the circumstances/details of the incidents of anti-social behaviour and/or hate crime/incident(s)

reported, or the actions of relevant bodies and responsible authorities regarding these reports when conducting the case review,

- Failed to follow its published procedures when determining a trigger application.

9.7 No anonymous appeals will be accepted.

9.8 The relevant Antisocial Behaviour Officer will acknowledge in writing the receipt of all appeals. This should occur within five working days. This acknowledgement letter should contain a date when the applicant can expect a formal response to their appeal request.

9.9 The relevant Antisocial Behaviour Officer will arrange a Community Trigger Appeal Panel Meeting to discuss all appeal requests received. This meeting should occur within ten working days of the receipt of the appeal request.

9.10 The Community Trigger Appeal Panel Meeting will consist of three members of the Community Safety Partnership Executive Group to include the Chair or Vice (unless not appropriate due to a conflict of interest).

9.11 Any Appeal Panel meeting will only occur where a minimum of three nominated appeal panel members are present.

9.12 The Appeal Panel meeting will be responsible for reviewing the handling of the Community Trigger application received.

9.13 The Chair of the Appeal Panel should then write to the Community Trigger applicant with the outcome of their appeal within five working days of the appeal meeting.

9.14 Where an applicant continues to dispute the outcome of their Community Trigger Appeal they retain the right to submit a Formal Complaint to the appropriate authorities under their respective Formal Complaint policies. (Formal Complaint Policy for Redcar and Cleveland Borough Council, Cleveland Police, Redcar and Cleveland Clinical Commissioning Group, and the relevant Housing Association).

9.15 Applicants also retain the right to submit a Formal Complaint to the appropriate authorities' independent regulators. (Local Government Ombudsman, Independent Police Complaints Commission, Health Service Ombudsman, Housing Ombudsman)

## **10. Accountability**

10.1 The Antisocial Behaviour Officers will be responsible for administrating the Community Trigger.

10.2 This to include:

- Development of the Community Trigger process,
  - Consultation regarding the Community Trigger process with partners,
  - Development of publicity and training packages,
  - Responding to Trigger application requests with partners and maintaining records regarding these,
  - Arranging for any Case Review and Appeal Panel meetings,
  - Maintaining and circulating any information, documents, minutes, recommendations, or action plan required for the Community Trigger process.
- 10.3 The Community Trigger Case Review and Appeal Panels will be accountable to the Redcar and Cleveland Community Safety Partnership Executive Group and will be responsible for producing an annual report.
- 10.4 The Community Trigger Annual Report will include the following information:
- implementation, and any review of the Community Trigger process,
  - numbers / details of requests for activation of the Community Trigger,
  - requests for appeals over refusal to activate the Community Trigger,
  - requests for appeals over the outcome of Community Trigger case reviews,
  - any recommendations made by Community Trigger case reviews.

## **11. Information Governance and Agency Responsibility**

- 11.1 All information regarding Community Trigger applications will be shared under the terms of the Redcar and Cleveland Information Sharing Protocol and will be classified as confidential.
- 11.2 All Redcar and Cleveland Community Safety Partnership members will be responsible for co-operating with, and participating in, the Community Trigger process and the Case Review and Appeal Panel meetings as needed and requested.
- 11.3 All Redcar and Cleveland Community Safety Partnership members will be responsible for providing the Antisocial Behaviour Officers and the Case Review and Appeal Panels with any information required to deal with Community Trigger application requests, and to conduct Community Trigger Case Review or Appeal Panel meetings.
- 11.4 All Redcar and Cleveland Community Safety Group members will be responsible for responding to any recommendation(s) and/or action plan(s) produced by the Case Review and Appeal Panel meetings.
- 11.5 The relevant bodies and responsible authorities in Redcar and Cleveland may request any person to disclose information for the purpose of a Community Trigger review.
- 11.6 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 information would be either:

- In contravention of any of the provisions of the Data Protection Act 1998,  
OR
- Prohibited by Part 1 (Communication Interception) of the Regulation of Investigatory Powers Act 2000.

11.7 Other than these two exceptions, disclosing information for the Community Trigger does not breach any obligation of confidence or any other restriction on the disclosure of information.

11.8 Housing providers undertake several functions, including some that are public in nature and some that are not. (Homes and Communities Agency's Regulatory Framework, Neighbourhood and Community Standard) If a request is made in relation to their functions that are considered to be public in nature, the information sharing duty applies. This is the case for housing providers who are co-opted into the group of relevant bodies as well as those who are not.

## **12. Communication and Publicity**

12.1 Redcar and Cleveland Community Safety Partnership will be responsible for co-ordinating all publicity regarding the Community Trigger.

## **13. Procedure Review**

13.1 The Community Trigger process and this policy should be reviewed on an annual basis.

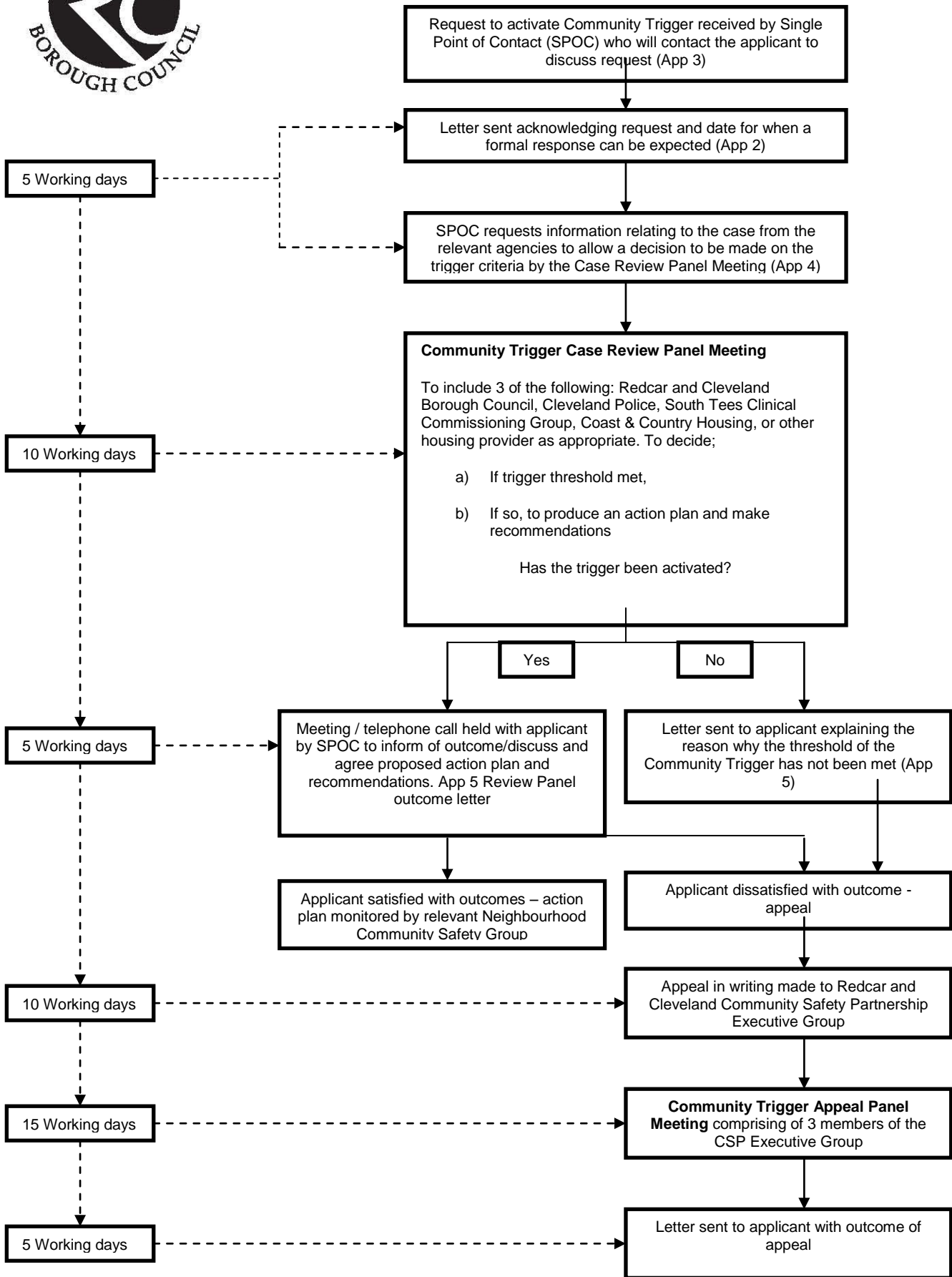
### **NOTE**

This policy has been written by Redcar and Cleveland's Anti-Social Behaviour Team. September 2014. The policy has been written making use of locally agreed thresholds and standards and the requirements and contents of the Anti-social Behaviour, Crime and Policing Act 2014 and its accompanying guidance: Reform of Anti-social Behaviour Powers: Statutory Guidance for Frontline Professionals.



# Community Trigger Flowchart

# Appendix 1





## Appendix 2

### Acknowledgement letter and consent

#### Reference: Redcar and Cleveland Community Trigger

Dear XXX

I am writing to you following your request to activate the Community Trigger, which was received on [REDACTED], relating to a problem that you have experienced regarding [REDACTED].

I can advise you that we take matters of this nature very seriously and you can be assured that your issue will be fully investigated.

It may be deemed necessary to gather further information and data related to the incident to determine if a full case review should take place. To enable us to request this information please sign the attached consent form and return it to us in the envelope attached.

I will provide you with a formal update in no more than 15 working days regarding the outcome, and will outline the next steps that can be taken to address your concerns.

If you have any queries regarding the contents of this letter please do not hesitate to contact me on the above number.

Yours sincerely,



## Community Trigger Initial Assessment

<b>Ref</b>	<b>Date Received</b>	<b>Receiving Officer</b>
<b>How did you hear about the Community Trigger?</b>		

<b>About You:</b>			
Your full name:		Date of birth:	
Address:			
Town/City:		Post code:	
Tel No (including code)		Email	
Housing: (Owner Occupier, Housing Association, Private Rented )			
Gender:		Religion	
Preferred Language:		English spoken: Yes/No	Nationality/Ethnicity:
Are you disabled? :	Yes No Not disclosed	Type of disability:	
<b>Brief details of complaint</b> <i>(this should include dates of the three or more separate incidents in the last six months and who they were reported to and/or the one incident motivated by hate in the last three months)</i>			
<b>Who did you report the problem to?</b>			
<b>Council:</b> Which department or Name of officer?			
<b>Police:</b>			
<b>Landlord:</b> Name of Housing Provider?			







## Community Trigger Agency Information Request Form

### REDCAR AND CLEVELAND COMMUNITY TRIGGER INFORMATION REQUEST FORM

Redcar and Cleveland Borough Council has received an application from the below listed individual, business or community group requesting a case review (commonly referred to as the Community Trigger) of how relevant bodies have dealt with reports of anti-social behaviour and/or hate crimes and incidents. Their review application has been made under Sections 104 and 105 of the Anti-social Behaviour, Crime and Policing Act 2014.

It is due to this that Redcar and Cleveland Borough Council has convened a Case Review Panel meeting to review what action has previously been taken by agencies in response to the requesters reports and to consider whether any recommendations for further action are appropriate.

Your organisation has been identified as either a relevant body (Section 105 [1] [a] [b] [c] [d]) or a local provider of social housing operating in the Redcar and Cleveland area (Section 105 [1] [a] [b]) under the Community Trigger legislation.

Due to this please complete and return this form with any information you hold regarding involvement your organisation has had over the last six months, relating to anti-social behaviour and/or hate crimes or incidents involving the requester.

Please note that Section 7 (3) of the Anti-social Behaviour, Crime and Policing Act 2014 requires you to provide this information as an organisation that exercises public functions.

**Please return this form to:**

**Designated Anti-Social Behaviour Officer**

**Details of Person Requesting a Community Trigger Case Review**

**Name:** \_\_\_\_\_ **D.O.B:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Status: Individual / Business / Community Group**

**Information Requested**

Details of any information held by your organisation regarding any reports of anti-social behaviour and/or hate crimes or incidents which involve the above named requester.

Date period to consider: \_\_\_\_\_

For example: Number of reports received. Summary details of reports received including dates, times, occurring location, and details of any alleged offenders identified. Information regarding whether any responding / investigating officers, and from what teams, were assigned to deal with these reports. Details of any assessments, referrals, advice, support, treatment, meetings, mediation, restorative conferences, verbal or written warnings, legal action, or warning flags / markers which occurred in response to the reports. Details of any action taken in response to the reports. Details of why no action was taken in response to the reports. (if applicable)

**Please provide this information no later than:** \_\_\_\_\_

**Information Details**

(please continue on a separate sheet if necessary)

Empty space for providing information details.



## Appendix 5

### Review Panel Letter

#### Reference Redcar and Cleveland Community Trigger

Dear

Following your request to activate the Community Trigger a case review panel consisting of representatives from (insert agencies) met on (insert date) to review the reports you have made.

The case review panel decided that -:

- The threshold for activating the trigger was not met (to state reasons)
- The threshold for activating the trigger was met in that (3 reports.../5 households.../1 report of hate crime...) but no further action is required (state reasons)
- The threshold for activating the trigger was met in that (3 reports.../5 households.../1 report of hate crime...) and the following recommendations were made (insert recommendations)

I hope that you are satisfied with this outcome and the manner in which the Community Trigger has been investigated.

If however you still remain dissatisfied with the outcome of this process, you can appeal in writing stating your reasons to:

Community Trigger  
Redcar and Cleveland Council,  
Fairway House, Limerick Road,  
Dormanstown, Redcar, TS10 5JU.

Yours sincerely,

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