

HART COMMUNITY SAFETY COMMUNITY TRIGGER POLICY & PROCEDURE

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Version: 1.1

Owner: Community Safety Manager

1. Introduction

The Community Trigger, also known as the ASB case review, is a statutory provision introduced in the Anti-Social Behaviour, Crime and Policing Act 2014. It is a safety net for victims of anti-social behaviour.

The Community Trigger is the victim's right to request a review of their case if they feel that no effective action has been taken to resolve it. The community trigger is not about apportioning blame. Its focus is on problem solving the case, utilising the expertise of partner agencies, to identify a resolution roadmap.

To activate the Community Trigger, the victim must meet a threshold. The threshold test is detailed at section 5 of this document.

The Community Trigger confers responsibilities on relevant bodies including the local authority, police, and registered providers of housing to manage and participate in the community trigger process. Further information can be found in the statutory guidance for frontline professionals ([ASB Statutory Guidance](#)).

2. Anti-Social Behaviour Defined

For the purposes of the Community Trigger, the anti-social behaviour must be serious and persistent in nature and this behaviour is defined as: -

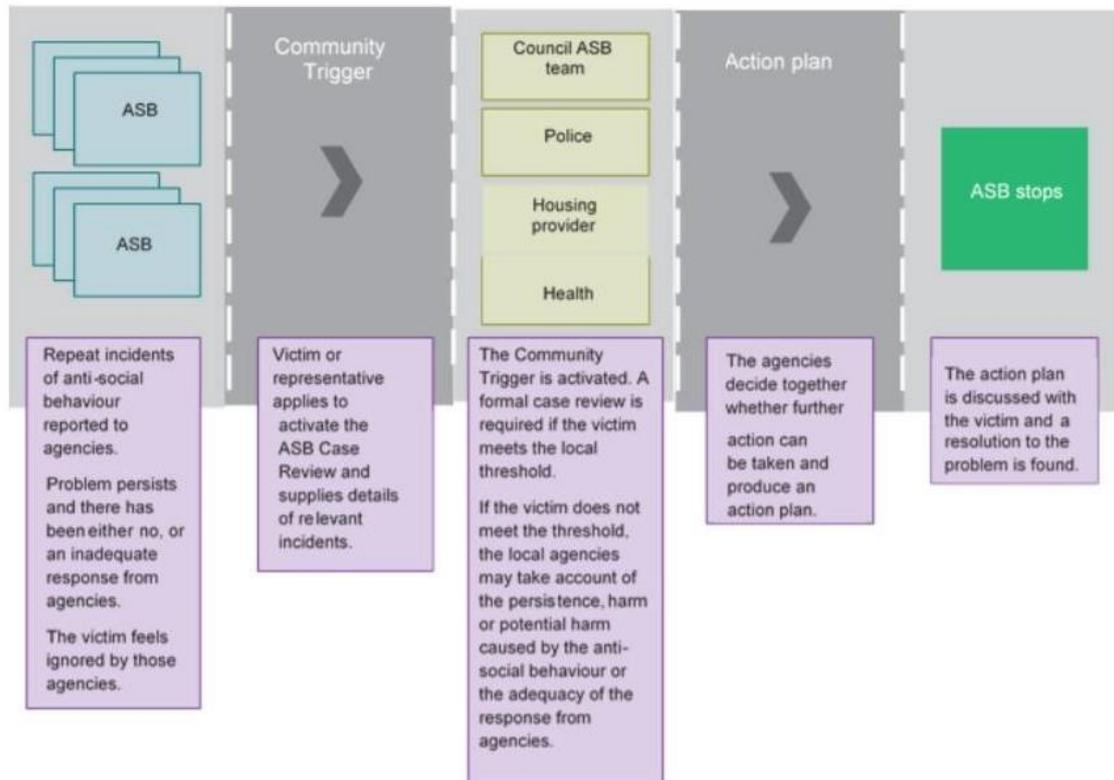
- Conduct that has caused, or is likely to cause, harassment, alarm, or distress to any person.
- Conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises¹.

3. Purpose

“To give victims and communities the right to request a review of their case where a local threshold is met, and to bring agencies together to

¹ Anti-social Behaviour, Crime and Policing Act (2014)

take a joined up, problem-solving approach to find a solution for the victim.²



4. Principles

The Community Trigger is only available to victims of serious and persistent anti-social behaviour where they feel no effective action has been taken to resolve their case. It is not an alternative complaints procedure and will not review concerns about service provision. Service complaints should be directed to the appropriate agency who will then follow their complaints procedure.

Hart Community Safety, on behalf of Hart District Council, is the administrator of the community trigger in this area. Relevant bodies and responsible authorities are required to take responsibility for the community trigger process also (for a full list of relevant bodies and responsible authorities please refer to section 6 of this document).

² The Anti-Social Behaviour, Crime and Policing Act 2014

This Community Trigger Policy is conversant with the Statutory Guidance for Frontline Professionals, and future amendments, as outlined in “**Anti-Social Behaviour, Crime and Policing Act 2014: Anti-Social Behaviour Powers (Home Office)**”.

5. **Qualifying Complaints and Thresholds**

To activate the Community Trigger a victim must meet a threshold test. This is:

- The victim has reported three separate incidents (Qualifying Complaints) to either the council, police, or registered provider of housing within the preceding 6-month period and feel no effective action has been taken to resolve the ASB.

OR

- The victim has reported one hate incident or crime motivated by hate (due to race, religion, disability, sexual orientation, or transgender identity) in the last six months and no effective action has been taken to resolve the matter.

OR

- The Community Safety Manager or the District Police Inspector decides that a Community Trigger Review is necessary to safeguard a vulnerable victim of anti-social behaviour³.

An incident must be a ‘Qualifying Complaint’.

A Qualifying Complaint is an incident that has been reported to either the council, police, or registered provider of housing within 30 days of it taking place.

A single incident which is reported to more than one agency only constitutes as one Qualifying Complaint.

³ Appropriate seniority may include the ASB Team manager (or above), a police officer of the rank of Inspector (or above) or a similar senior officer within another responsible authority.

When considering a Community Trigger activation request, the administering authority must have due regard for:

- the persistence of the anti-social behaviour
- the harm or potential harm caused by the anti-social behaviour
- the adequacy of response to the anti-social behaviour

Regardless of the previous actions taken in the case, if the anti-social behaviour persists, a community trigger activation request should be accepted to determine what new or alternative actions are more likely to be effective to resolve it.

6. Relevant Bodies and Responsible Authorities

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

- Local Authorities
- Police
- Clinical Commissioning Groups (CCG) in England and Local Health Boards in Wales.
- Registered providers of social housing

In the local context of this policy, the relevant bodies and responsible authorities are:

- Hart District Council Community Safety (HDCCS)
- Hampshire Constabulary (HC)
- The appropriate Clinical Commissioning Group (CCG) dependent upon location
- Registered providers of social housing who provide accommodation in Hart District

The Community Trigger case review must include a representative(s) from at least 3 of the agencies listed above but should also include representatives from other agencies relevant to the case. This could include the fire and rescue service, mental health, and drug and alcohol support agencies.

7. Information Sharing

For the Community Trigger process to be effective, relevant information must be shared across relevant bodies and partner agencies under the following legislation;

- The Anti-Social Behaviour, Crime and Policing Act 2014 requires relevant bodies to share information pertinent to a community trigger activation and review. (please refer to schedule 4, para 6(2))

Where a request is made to an agency which does not exercise public functions, that agency may comply with the request subject to para 7(4) Anti-Social Behaviour, Crime and Policing Act 2014.

Paragraph 7 (4) of Schedule 4 Anti-Social Behaviour, Crime and Policing Act 2014 provides the disclosure of information is not required where it relates to non-exempt personal data which would be a breach of Data Protection legislation, a breach of any obligation of confidence owed by the person making the disclosure, or which is prohibited by parts 1 to 7 of Chapter 1 of Part 9 of the Regulation of Investigatory Powers Act 2016.

- Schedule 2 5(b) to the Data Protection Act 1998
- Section 115 Crime and Disorder Act 1998

8. Who can raise a Community Trigger?

- A victim can be an individual person, business, or community group.
- A third party can make an application for a Community Trigger on behalf of a victim, with their consent. This can

include a friend, relative, carer, councillor, Member of Parliament, or another professional person. We will still need to contact the victim to establish the facts and may need to confirm this consent.

- The Community Safety Manager or the District Police Inspector decides that a Community Trigger Review is necessary to safeguard a vulnerable victim of anti-social behaviour (please refer to section 5).

9. Who is not suitable for the Community Trigger?

- A person who wishes to remain anonymous in the Community Trigger application as the applicant is required to engage in a two-way process and the impact of the persistent ASB is not possible to ascertain with anonymity.⁴
- A person who wants a review of a Crown Prosecution Service (CPS) decision in relation to the prosecution or non-prosecution of a criminal offence.
- A person who is dissatisfied with a decision made by a civil or criminal court.
- A person whose complaint is about service provision only.

10. How to raise a Community Trigger in Hart District

Hart Community Safety administers and coordinates the Community Trigger in the Hart District area. It does not matter which agency a victim has reported incidents to, Hart Community Safety will obtain the details of incidents relevant to the Community Trigger application.

A victim can activate the community trigger by any of the following methods:

- Contacting HC via 101 or online:
<https://www.hampshire.police.uk/ro/report/>

⁴ Local Authorities are required to publish number of Community Trigger requests received, accepted or declined annually but the specific details of a Community Trigger will not be published so an applicant's details would remain confidential between the agencies involved.

- HDC online ASB Reporting Form:
<https://www.hart.gov.uk/anti-social-behaviour-reporting-form>
- Email to: communitysafety@hart.gov.uk
- By phone: 07816 109682 / 07816 109687
- In writing to:
Community Safety Manager
Hart District Council Civic Offices
Harlington Way
Fleet GU51 4AE

11. The Community Trigger Activation Request Procedure

Upon receipt of an activation request, the Community Safety Officer will acknowledge receipt of the activation request within 5 working days from the date of the trigger application.

The Community Safety Manager will confirm if the threshold is met. Good conscience and professional judgement should be exercised to allow the community trigger to progress, even when the threshold is not met, where there are concerns about risk and vulnerability. Where the threshold is not met, a letter informing the applicant of the reasons why, should be sent within 5 working days from the date of that decision. The letter should include details of raising a service complaint against a particular agency if the request is deemed to be a service complaint rather than a Community Trigger request.

Where the Community Trigger activation is accepted, the Community Safety Manager will normally be the SPOC (specific point of contact) to manage the Community Trigger process.

The Community Safety Officer will provide an outline of the next steps of the community trigger process, contact details for the SPOC and associated timescales within 5 working days from the date the community trigger activation is accepted. The letter will advise the victim of support and advocacy agencies available to them and how they can be referred. The letter should also detail how the victim's voice will be heard at the community trigger review - either attendance at the start of the community trigger or through a written victim impact statement.

The SPOC will contact the victim within 5 working days and complete a Community Trigger Contact Form (CTCF).

Where the victim cannot be reached initially, the designated SPOC should make reasonable efforts to contact them (letter, phone, email, visit etc). Where contact cannot be made, the trigger will be listed as withdrawn and closed and confirmation of this sent by letter to the victim within 5 working days.

Where contact with the victim is made, ideally by phone, the SPOC will complete a CTCF to gather information about the incidents of anti-social behaviour and agency involvement in the case. A harm centred anti-social behaviour risk assessment will be completed and a discussion/referral to support services.

On completion of the CTCF, the SPOC will complete a Community Trigger Partner Agency Response form. The form will require identified partners and responsible agencies to provide information on the reports they have received and details of any actions taken. The agency should be informed of the timeframe to return the information within 10 working days.

Other agencies, relevant to the case, such as mental health or drug and alcohol services should also be engaged with citing the existing information sharing agreements, memorandum of understanding, information sharing permitted by the Crime and Disorder Act 1998, Anti-Social Behaviour Act 2014 and Data Protection Act/GDPR 2018.

The Community Safety Officer will contact agency representatives to arrange the date and time of the community trigger review. This will include an independent chair and minute taker. As a minimum, the panel must include representatives from:

- Hart Community Safety – Community Safety Manager
- HC District Police Inspector
- Social Housing Provider (relevant management level)
- CCG (relevant management level)

Any recommendations or appropriate actions identified during the initial review process, where an immediate risk of physical or

mental harm is present, should be actioned and should not be unduly delayed until the meeting of the panel. Any interim actions taken should be communicated to the SPOC or Community Safety Officer.

The Community Trigger review must be convened with consideration of the information in the Chair's pack and Appendix 1 (informal and formal enforcement list) and Terms of Reference.

After the Community Trigger review, the SPOC will inform the victim of the outcome of the review, ideally by phone call but then formalised in writing within 5 working days. The victim should be informed about the actions agreed, except those actions which identify the perpetrators protected personal and sensitive data.

Minutes of the community trigger review, and the action plan must be circulated to all panel members by SPOC within 5 working days.

All panel members who have actions to complete must endeavour to do so within the timeframe allocated. Panel members must inform the SPOC when actions have been completed or to explain why an action is delayed.

Where the circumstances of the case significantly change, the SPOC can request panel members conduct a further review of the case.

12 Appeals

The Appeals process should be accessed through the Office of the Police & Crime Commissioner (OPCC).

13 MONITORING OF ACTION PLANS

It is vital to the spirit of the process that the agreed actions are completed in the timeframe set out. It is the responsibility of the agency's representative to complete their required actions and inform the SPOC when each action is completed.

Where an action is not completed within the agreed timeframe the SPOC will contact the person assigned the action. If the action remains outstanding for more than 3 weeks the SPOC will escalate this to the assigned person's direct line manager. Outstanding actions that remain incomplete for more than 2 months will be escalated to the Head of Service and where the immediate line manager is the Head of Service it will be escalated to the Chief Executive.

An action is not considered complete until the SPOC is informed. If it is no longer viable, or if the action is no longer necessary because another course of action has resolved the case, then it is the responsibility of the person assigned the action to inform the SPOC. That person should also advise what the outcome was so that partners can agree further actions to be completed or whether to re-refer the case for discussion.

14 ADDITIONAL APPLICATIONS

Where further requests for activation of the Community Trigger are received following a decision, these will be considered on their merit and may be allowed where there is a material change in the circumstances of the case.

Where multiple requests for activation of the Community Trigger are received without good cause, Hart Community Safety may refer to Hart District Council Policy covering unreasonably persistent complainants.