

OPCC Anti-social Behaviour Case Review Appeal Process

Overview

The ASB Crime and Policing Act 2014 sets out the ASB Case Review process, formerly known as the Community Trigger. The Crime and Policing Act 2026 makes amendments to the ASB Case Review process, but this element of the Act is not yet enacted. This policy will be revised when the enactments are in place.

The ASB Case Review process allows victims to request a multi-agency review of how their reports of anti-social behaviour have been dealt with by relevant bodies when a locally set threshold is met. These relevant bodies (local authorities, police forces, integrated care boards and co-opted providers of social housing) then have a duty to undertake an ASB Case Review if it is deemed that the threshold has been met.

The ASB Case Review process is designed to bring relevant bodies together to take a joined up and problem-solving approach to persistent reports of anti-social behaviour.

Who can raise an ASB Case Review

An ASB Case Review can be requested by a victim of ASB or by a third party (with the victim's consent), such as a family member, friend, carer or local elected representative (such as a Councillor or MP). The requester may be an individual, a business or a community group. The ASB Case Review cannot be requested anonymously.

How it works

Each local area sets a threshold which must be met for the ASB Case Review to be used. The threshold is about the incidents reported, not whether the agency responded. The threshold should be no higher than 3 qualifying reports within the last 6 months, but agencies may choose to set a lower threshold. If the qualifying reports are made, an ASB Case Review must be held to then review the actions taken by relevant bodies regarding the reports.

The relevant bodies who can undertake an ASB Case Review are:

- Councils
- Police Forces
- Integrated Care Boards
- Registered providers of social housing

The relevant bodies must publish an ASB Case Review procedure to ensure that victims are aware that they can apply to activate the procedures in appropriate circumstances. This information should be provided on the websites of all the relevant bodies, and signpost the public to the lead body's website, who acts as a single point of contact and publishes the procedures for activating the ASB Case Review process.

The process

When a request for an ASB Case Review has been received, agencies must decide whether the threshold has been met and communicate this to the requester.

If the threshold is not met

A letter will be sent to the requester to explain why the agencies consider that the threshold has not been met. This could be in relation to the number of reports made or in relation to whether issues reported meet the local definition as to what constitutes anti-social behaviour.

If the threshold is met

A case review will be undertaken by the relevant bodies and any other applicable statutory organisations. These organisations will share any information related to the reports made by the requester, review what action has previously been taken and decide whether there are any additional actions that should be taken. The local ASB Case Review procedure should clearly state the timescales in which the ASB Case Review will be undertaken.

ASB Case Review meetings should be chaired by an appropriately trained independent person who has sufficient knowledge of ASB procedures and legislation.

Relevant bodies should allow the requester to choose their level of involvement and always invite the requester to attend a section of the ASB Case Review meeting (in person or virtually) to help members of the panel understand the level of harm and impact the behaviour has had on them.

In some cases, the requester may prefer that a third party represent them and explain the impact the ASB is having on them. This could be a Councillor, MP or a case worker from a victim support organisation.

If the requester is unable to attend themselves, it is always good practice to have somebody involved in the ASB Case Review meeting to represent them. The requester should also be given the opportunity to submit a written impact statement detailing the impact of the reported behaviour on them.

The requester will be informed of the outcome of the ASB Case Review. Where further actions are believed necessary by an ASB Case Review meeting an action plan will, where appropriate, be discussed with the requester, including timescales.

Communications and support

Relevant bodies must respond to the requester 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
- how to appeal the outcome of the ASB Case Review process

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

Appeal Process

The ASB Case Review procedure must include a process for the requester to appeal if they are dissatisfied with the way in which the relevant bodies have dealt with an application for an ASB Case Review. Within Cleveland the Office of the Police and Crime Commissioner (OPCC) is the organisation responsible for dealing with any ASB Case Review Appeals.

An ASB Case Review Appeal may only be made on the following grounds:

- **Threshold** – an ASB Case Review request has not been upheld on the basis that the anti-social behaviour definition, threshold and/or qualifying criteria have not been met, and the requester disagrees with that assessment.
- **Process** - an ASB Case Review has failed to consider relevant legislation, guidance, policy or procedure.
- **Evidence** - an ASB Case Review has failed to consider relevant information or evidence.

It is not enough for a requester to simply appeal because they do not agree with the decision of the ASB Case Review panel. Any appeals received on this basis will be refused by the OPCC

An ASB Case Review can also not be escalated where an applicant is dissatisfied that a particular agency has not utilised a particular enforcement tool and where it has been established through the ASB Case Review that appropriate consideration has been given to the use of that tool but, having consideration of the facts and relevant protocols, that agency has determined that it would not be appropriate to utilise the enforcement tool.

The role of the OPCC when undertaking an ASB Case Review Appeal will be to ensure that the relevant bodies have properly and effectively undertaken an ASB Case Review. In considering an ASB Case Review Appeal the OPCC can either:

- Uphold the appeal and refer it back to the original ASB Case Review. The OPCC can recommend that the original ASB Case Review reconsider any decisions or recommendations that it may have made;
- Not uphold the appeal. The OPCC is satisfied that an ASB Case Review has been properly and effectively undertaken.

All requests for an ASB Case Review Appeal must be made in writing by a requester within 10 working days of being informed of the outcome of the ASB Case Review meeting. A request must clearly state the reasons for requesting an ASB Case Review Appeal together with any supporting information/evidence, applicant contact details and details of the geographic location where the original ASB Case Review took place.

If an applicant is appealing more than 10 working days after being informed of the outcome of the ASB 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 OPCC reserves the right to refuse to accept late appeals.

All requests for an ASB Case Review Appeal must be made directly to the Local Authority who dealt with the original ASB Case Review. The Local Authority will then seek the consent of the requester to pass the appeal request and data relevant to the undertaking of the appeal to the OPCC. Upon receiving consent this information should be sent to the OPCC within 5 working days.

Relevant information will include:

- Details of all reports made to the relevant authorities during the qualifying period
- Details of activity undertaken by the relevant authorities as a result of reports
- Any other materials which were considered as part of the original ASB Case Review
- Any action plans/reports produced as a result of the original ASB Case Review
- Any correspondence with the requester as part of the original ASB Case Review

The ASB Case Review Appeal will only consider the information which was available to the original ASB Case Review at the time of the meeting. New information will not be considered unless it can be shown that it could have been found and considered by the original ASB Case Review using reasonable effort.

Within 5 working days of receiving a request through the Local Authority to undertake an ASB Case Review Appeal an OPCC officer will be appointed to lead on the case. For more complex cases a panel of at least one additional OPCC staff member will be identified to handle the appeal.

The OPCC officer/panel will initially review the request to ascertain if it meets the criteria for an ASB Case Review Appeal:

- **Threshold** – an ASB Case Review request has not been upheld on the basis that the anti-social behaviour definition, threshold and/or qualifying criteria have not been met, and the requester disagrees with that assessment.
- **Process** - an ASB Case Review has failed to consider relevant legislation, guidance, policy or procedure.
- **Evidence** - an ASB Case Review has failed to consider relevant information or evidence.

Within 10 working days of the ASB Case Review Appeal being received by the OPCC the OPCC admin team will write to the requester to either:

- In instances where the case is not deemed to meet the criteria for an appeal, inform the requester of this decision.
- In instances where the case is deemed to meet the criteria for an appeal, inform the requester that an ASB Case Review Appeal process will be undertaken

For transparency all correspondence which is sent to the requester will also be sent to the Local Authority who dealt with the original ASB Case Review. To avoid the use of individual's email addresses correspondence to the Local Authority will be sent to the below email inboxes:

- Middlesbrough - FSM@middlesbrough.gov.uk
- Redcar and Cleveland - contactus@redcar-cleveland.gov.uk
- Stockton - SMSupportServicesLegal@stockton.gov.uk
- Hartlepool - community.safety@hartlepool.gov.uk

The ASB Case Review Appeal process will be a desk top review undertaken by the appointed OPCC officer/panel. This should be concluded no more than 28 working days after the requester has been

informed that the ASB Case Review Appeal will take place. Following the desktop review, if required, a series of clarification questions will be sent to the chair of the original ASB Case Review, via the above email addresses, to allow them to give context to the information provided and actions taken. The chair will respond as swiftly as possible to allow adherence to the 28 working days timescale for the ASB Case Review Appeal process to be undertaken.

A report detailing suggested recommendations from the ASB Case Review Appeal process will be produced and sent to the requester. A copy of the recommendations report will also be sent to the chair of the original ASB Case Review, via the above email addresses. The recommendations made by the OPCC panel through the ASB Case Review Appeal process are not legally binding and should only be considered as recommendations for the relevant authorities to consider.

An ASB Case Review Appeal does not prevent a requester from continuing to report new incidents of anti-social behaviour, nor does it remove their right to make further complaints if they believe agencies have failed to act appropriately.

In terms of the ASB Case Review Appeal the decision of the OPCC is final and the requester has no further opportunity to challenge the decision made. Complaints about a disagreement with the outcome will not be dealt with. Nor will complaints about the reviewing officer, should the requester disagree with the outcome of the ASB Case Review Appeal. However, if the requester has any evidence that the ASB Case Review Appeal has not been dealt with in accordance with this procedure, then these concerns will be responded to by the OPCC. There is no guarantee that this will alter the outcome of the ASB Case Review Appeal.

It is possible that after an ASB Case Review Appeal there may be successive and unreasonable activations from the same requester. If, in the opinion of the OPCC, the requester appears to be unreasonably persistent or vexatious, the OPCC reserves the right to refuse to accept further ASB Case Review Appeals and implement the published OPCC contact management scheme.

Appendix A details the complete ASB Case Review Appeal process.

As part of the governance of the ASB Case Review Appeal process an annual review/improvement meeting between the OPCC and representatives from the four Local Authorities will take place to highlight any learning across the areas covered by the process and to ensure that the process remains fair, impartial and fit for purpose.

All timescales are indicative and where possible the OPCC will strive to process any requests for ASB Case Review Appeals as swiftly as possible.