

ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS

1.	Meeting:	Cabinet Member for Safe & Attractive Neighbourhoods
2.	Date:	6th October 2014
3.	Title:	Implementation of the ‘Community Trigger’ Anti-Social Behaviour, Crime & Policing Act 2014
4.	Directorate:	NAS

5. Summary

The purpose of this report is to advise the Cabinet Member for Safe and Attractive Neighbourhoods of the proposed process to be introduced to support the implementation of the ‘Community Trigger’ in accordance with Section 104 of the Anti-Social Behaviour, Crime and Policing Act 2014 and the Home Office document, ‘Reform of anti-social behaviour powers – Statutory guidance for frontline professionals, July 2014’.

The legislation comes into force on 20th October 2014 although there has been an agreement between the Police and the four Community Safety Partnerships in South Yorkshire to introduce the Community Trigger from 1st September in order to quality assure the process prior to the formal commencement date.

It has been agreed by South Yorkshire Police and the four CSP’s that the process will be the same in each of the four South Yorkshire local authority areas.

6. Recommendations

That the Cabinet Member for Safe & Attractive Neighbourhoods:

- **Notes the proposed procedures to be put in place to facilitate the implementation of the Community Trigger in Rotherham**
- **Receives periodic update reports on the use of the Community Trigger and the response from partners to address the issues raised.**

7. Proposals and Details

7.1 Background

In 2010 the Home Office launched a consultation paper (More Effective Responses to ASB) that proposed a transformation in the way anti-social behaviour is dealt with. It also outlined the findings of a review of ASB tools and powers that found the current system inefficient, slow and not fit for purpose.

The Anti-Social Behaviour, Crime and Policing Act 2014 has stream-lined the current ASB toolkit (reducing the number of legal remedies (orders) from 19 to 6) so that the remedies are more flexible and swifter in addressing ASB. The Act also focuses on giving better witness satisfaction and making agencies more accountable to witnesses and communities when agencies fail to act.

7.1.1 The ‘Community Trigger’

A key change as a result of the Act is the introduction of the ‘Community Trigger’ which will impose a duty on the statutory partners in a Community Safety Partnership (CSP) to take action in cases where victims or communities have complained about ASB on a number of occasions or when a number of people report the same ASB and it is perceived that local agencies have failed to respond.

It is a process to give victims and communities the right to request a review of their anti-social behaviour case and bring agencies together to take a joined up, problem-solving approach to find a solution. It does not replace an organisations existing complaints process and it is up to the complainant/victim to request that the trigger is activated. There is no responsibility on the part of the organisation to review complaints of ASB to see if the trigger should be activated, although this form of ‘hot spot’ identification should be established good practice. The current practice in Rotherham of identifying and supporting vulnerable victims through the multi-agency Vulnerable Persons Unit (VPU) and the Vulnerable Adults Risk Management process (VARM) compliments the Community Trigger process and where it is highlighted either through the VPU/VARM processes or by other professionals that the trigger could be activated, this should be brought to the attention of the complainant for them to make an informed decision.

7.1.2 Relevant bodies and responsible authorities

- Councils;
- Police;
- Clinical Commissioning Groups in England and Local Health Boards in Wales;
- Registered providers of social housing who are co-opted onto this group;

7.1.3 Who can use the Community Trigger

A victim of ASB or another person acting on their behalf such as a carer, family member, Member of Parliament or councillor. The trigger can be used by a person of any age and agencies should make it as accessible as possible to all victims.

7.1.4 Community Trigger Threshold

- Three complaints relating to the same problem in the previous six months;
- Or, five different households have separately reported the same anti-social behaviour issue which has occurred within the last 6 months.
- The anti-social behaviour was reported within one month of the alleged behaviour taking place; and
- The application to use the Community Trigger is made within six month of the report of anti-social behaviour;

When a request to use the Community Trigger is received, agencies must decide whether the threshold has been met and communicate this to the victim. In doing so they may take into account the persistence of the ASB, the harm or potential harm caused by the ASB and the adequacy of response to the ASB.

In an attempt to estimate the impact that Community Triggers under the new ASB, Crime and Policing Act 2014 may have on the partnership, a review of ASB incidents recorded by SYP between 01/02/14 to 31/07/14 has been carried out.

A total of 7,713 ASB incidents were recorded. There have been a minimum of 184 different residential addresses from which 3 or more ASB incidents have been reported within the review period. Approximately 11% of all recorded ASB. The greatest volume of calls from one single residential address was 34.

In comparison, there are a minimum of 36 non-residential addresses from which 3 or more ASB incidents have been reported. The greatest volume of calls from one single non-residential address was from Rotherham District General Hospital.

7.1.5 Community Trigger process

The process to be implemented in Rotherham and across South Yorkshire was developed by the Police and the four South Yorkshire CSP's. It was presented to the CSP's Chairs/Police District Commanders meeting on Thursday 1st May 2014 and agreement obtained for it to be implemented across South Yorkshire. A flow chart of the process, including timescales, is shown at Appendix 1.

In respect of the four Local Authorities across South Yorkshire it has been agreed that the respective ASB Departments will be the single point of contact (SPOC) for requests to activate the Community Trigger. From the 1st September 2014 requests to activate the trigger in Rotherham can be made in the following ways:

By phone: 01709 334562 (RMBC Crime & ASB Unit)
By email: CommunityTrigger@Rotherham.gov.uk
By post: Community Trigger, Crime & Anti-Social Behaviour Unit, Floor B2,
Riverside House, Main Street, Rotherham, S601AE

Where requests to activate the trigger are received by any other relevant body or responsible authority, details of that request will be forwarded to the SPOC and the process followed in line with Appendix 1.

Once received, the request will be acknowledged, partner agencies informed and an initial assessment made by the RMBC Crime & Anti-Social Behaviour Manager who will decide whether or not the threshold has been met in accordance with the statutory guidance.

If the threshold is met, the complainant will be notified and arrangements will be made for the case to be reviewed by a group consisting of the relevant bodies and responsible authorities (Community Trigger Panel). In the case of Rotherham, this will be the enhanced existing multi-agency Anti-Social Behaviour Case Conference (ASBCC) which in addition to the relevant bodies and responsible authorities includes RMBC Legal Services, RMBC Performance and Quality Team and Rotherham Victim Support, who will bring an independent element to the review process.

The introduction of an independent chair for this meeting would bring with it additional 'rigour' and provide greater challenge and support to the 'professionals' present. The view of the Safer Rotherham Partnership was sought at its meeting on Wednesday 27th August 2014. There was agreement that the review meeting should be chaired by a suitable person whose organisation is not directly involved in providing an operational response to reports of ASB. The chair is to be arranged by the councils Crime & ASB Manager as and when panel meetings are required. It was also agreed by the SRP that the identified chair of the review panel should give consideration to inviting the complainant to be part of the process if it is felt appropriate.

The case review will share information related to the case, review what action has previously been taken and decide whether additional actions are possible. The review will adopt a problem solving approach aimed at dealing with some of the most persistent, complex cases of ASB.

The Community Trigger Panel will if necessary agree an action plan to be delivered by the respective agencies. The complainant will be informed of the outcome of the review and where further actions are necessary, an action plan will be discussed with them, including timescales.

In the event of the complainant not being satisfied with the action taken, they can appeal to the respective CSP, in the case of Rotherham, the Safer Rotherham Partnership, who will review the case, the action taken and respond to the victim with its findings within 28 days. The statutory guidance does not make reference to any appeals process but it has been agreed that the four CSP's in South Yorkshire will perform this function. In the case of such an appeal, the Joint Chairs of the SRP Executive Group will be asked to identify an individual of suitable experience and seniority within the wider partnership family to review the findings of the Trigger Panel in the event of an appeal. This was agreed by the SRP at its meeting on 27th August 2014.

The reviewing officer (RO) will inform the complainant of their finding within the relevant timescale. Although this is formally the end of the Community Trigger process the RO will advise the complainant that if they are still not satisfied, they can enter into the formal complaints process of the relevant organisation(s).

7.1.6 Administration

The responsibility for the administration and monitoring of the Community Trigger process in Rotherham will sit with the RMBC Crime & ASB Manager who will ensure regular updates are reported through the Safer Rotherham Partnership (SRP) and the county-wide Anti-Social Behaviour Working Group, chaired by South Yorkshire Police.

7.1.7 Communications and Publicity

The communications plan for the Community trigger is currently subject of joint discussion between the Police and four local authority communication teams and the Police & Crime Commissioners Office to agree a standard approach.

7.1.8 Publishing data/Performance Management

The legislation states that relevant bodies must publish information covering:

- The number of applications for Community Triggers received;
- The number of times the threshold for review was not met;
- The number of anti-social behaviour case reviews carried out;
- The number of anti-social behaviour case reviews that resulted in recommendations being made;

This data can represent the whole area and does not need to be broken down by relevant body. One relevant body can publish the information on behalf of all the relevant bodies in the area and this must be at least annually. It is proposed that this publication of information will be supplemented by regular reports to the Cabinet Member for Safe and Attractive Neighbourhoods, Directorate Leadership Team and SRP.

Performance of the process will be monitored by the SRP which will receive regular reports from the RMBC Crime & ASB Manager.

8. Finance

There will potentially be administrative costs associated with the operational application of the Community Trigger process. This is currently difficult to quantify and for now any costs will be met from existing budgets. There may be costs associated with communication and publicity. Once the communications plan is agreed costs can be identified. The joint Communication Teams have asked the Police & Crime Commissioner whether any funding may be available to facilitate it.

9. Risks and Uncertainties

At this point it is difficult to estimate how many requests to activate the trigger will be made. The trigger was not widely used in the various 'pilots' that took place across the country throughout 2012/13, although this may have been as a result of the communications approach adopted.

Tackling ASB and responding to the vulnerable within our communities is a priority for both South Yorkshire Police and the council in keeping people safe and protecting the most vulnerable. Putting in place a robust, customer focussed Community Trigger process shows a clear commitment towards meeting these priorities in addition to complying with our statutory responsibilities under the Anti-Social Behaviour, Crime & Policing Act 2014.

10. Policy and Performance Agenda Implications

- CP4 -All areas of Rotherham are safe, clean and well maintained

11. Background Papers and Consultation

- Anti-Social Behaviour, Crime & Policing Act 2014
- Home Office document – ‘Reform of anti-social behaviour powers – Statutory guidance for frontline professionals’

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