



Stoke-on-Trent Community Trigger Procedure

The Anti-social Behaviour, Crime and Policing Act 2014 gives victims and communities the right to request a review of their case and bring agencies together to take a joined up, problem-solving approach to find a solution.

A Community Trigger can be requested by a victim of anti-social behaviour or by a person acting on their behalf, for example a family member, friend, carer, or other professional.

Agencies including local authorities, police forces, the NHS and local registered providers of social housing (collectively known as the "Relevant Bodies") have a duty to undertake a case review where the case meets the threshold.

The Community Trigger does not replace an organisation's complaints procedure. Any complaint about how the City Council has responded to anti-social behaviour should be made to the City Council's Corporate Complaints Team. Details of the procedure can be found on the City Council website. Other agencies have their own respective complaints procedures.

The Community Trigger will not prompt a review of decisions previously made by the Crown Prosecution Service (CPS). If a victim is not satisfied with a decision made by the CPS they should refer to the CPS complaints process, and the Victims' Right to Review Scheme.

Requesting a Community Trigger

You (or your representative) may apply for a Community Trigger by completing an on-line application form, which can be found on the City Council website -

https://www.stoke.gov.uk/directory_record/333313/community_trigger_procedure

Alternatively, a paper copy of the application form can be requested by writing to:
Stoke-on-Trent Community Safety Partnership, Civic Centre, Glebe Street ST4 1HH

The application must include the applicant's name, address and contact details to enable the case to be considered, and must also detail:

- Three complaints that the applicant is citing as grounds for the raising of a Community Trigger
- How each of these complaints have been responded to by agencies

The request to use the Community Trigger must be made within six months of the first report of anti-social behaviour that is being cited

The complaints must have been reported to an agency in each case within one month of the alleged behaviour taking place.

The applicant or their third party representative will be advised whether their request for a case review has been accepted. If the request is not accepted the reasons for this will be explained.

Applications will be rejected if they are considered to be repetitious (see Further Applications), or if they are prejudicial, discriminatory, malicious, unreasonable, vexatious or frivolous.

Supporting the Applicant

Once a Community Trigger request has been received, the applicant will be contacted by the Harmony Anti-Social Behaviour support service. The service is independent of the agencies involved, and will support the applicant and ensure that their views can be fairly and accurately represented throughout the process. This service is provided free of charge.

Considering the Request – The Relevant Bodies

Relevant Bodies are those organisations/sectors which have a statutory duty to have a Community Trigger procedure, and to undertake case reviews when the threshold is met.

The relevant bodies in Stoke-on-Trent are:

- Stoke-on-Trent City Council;
- Staffordshire Police;
- Stoke-on-Trent Clinical Commissioning Group; and
- A social housing provider within the City

There may be more than one Relevant Body representative for each organisation/sector, although only one will represent their organisation/sector in each case.

When a request to use the Community Trigger has been received, the Relevant Bodies will decide whether the complaints meet the threshold.

A decision will be made within three weeks of the application being submitted (via e-mail) by the Community Safety Partnership to the Relevant Bodies.

The threshold test will be determined to have been met unless three or more Relevant Bodies respond to the Community Safety Partnership (via e-mail) within three weeks of receiving the application to advise that their decision is that the threshold test has not been met.

The threshold for a Community Trigger is that there have been three (or more) qualifying complaints of anti-social behaviour in the six month period.

The definition of anti-social behaviour in this context is behaviour causing harassment, alarm or distress to a member or members of the public.

The Relevant Bodies have discretion to conduct a case review even if the threshold condition set out above has not been met, taking into account the following factors:

- The persistence of the anti-social behaviour about which the original complaint was made
- The harm caused, or the potential for harm to be caused, by that behaviour
- The adequacy of the response to that behaviour

The applicant or their third-party representative will be advised in writing of the decision of the Relevant Bodies whether the request to use the Community Trigger has met the threshold. This letter will also set out the next steps in the Community Trigger process.

The decision of the Relevant Bodies is final.

Further Applications

Where a further application is submitted, it will be considered to determine if it is substantially the same as the previous application. Information will be requested from the Relevant Bodies organisations and other agencies with whom the applicant has had contact in order to inform this consideration.

Where it is considered that it is not substantially the same the application will be considered by the Relevant Bodies.

Where it is considered that it is substantially the same, the Relevant Bodies will be advised that an application has been received which is substantially the same as the previous application. The Relevant Bodies will not apply the threshold test.

Case Review Meeting

A Case Review Meeting will be held to consider a case review where an application has been made and the Community Trigger threshold has been met.

Meetings will take place bi-monthly on the first Thursday of the month, commencing in January. Meetings will be cancelled by the Community Safety Partnership if there is no business to consider. Alternatively, a special meeting may be convened to hear a case.

If it is not possible, for whatever reason, for the case review meeting to be held in person, then it may be held virtually by way of video or telephone conference.

The Relevant Bodies will consider the case at the next available meeting. In addition, the following representatives will attend the meeting:

- Community Safety Partnership Officer
- City Council Legal Services Officer
- City Council Anti-Social Behaviour Manager
- Youth Offending Service Manager
(where an alleged perpetrator is under 18 years old)
- Harmony Anti-Social Behaviour service representative
- Lead Officer(s)

In advance of the meeting, information will be requested from the organisations with whom the applicant has had contact in respect of anti-social behaviour. The Lead Officer(s) from those organisations will produce a report detailing:

- The three complaints that the applicant cited as grounds for raising the Community Trigger
- All other anti-social behaviour complaints made in the six months prior to the submission of the Community Trigger request. This time period may be extended if the information is directly relevant to the case.

Where there is more than one Lead Officer (due to more than one agency being involved in the case) a joint report shall be produced.

The report will provide an analysis of the incidents on which the complaints were based, the agency responses to them, and will make recommendations to improve support for the applicant, where appropriate.

Case Review Meeting Procedure

Case Review meetings are not open to the public. The applicant or alleged perpetrator may not attend in person.

The applicant will be represented at the meeting by the Harmony Anti-Social Behaviour service (unless the applicant should request that they are not represented at the meeting).

More than one individual case review may be heard at a meeting. Each case will be considered on its own individual merits.

A Chair for the meeting will be appointed at the meeting from amongst the Relevant Bodies representatives present. Where possible the Chair will be appointed from an organisation that was not involved operationally in the case.

The quorum for the meeting is three Relevant Bodies representatives.

Declarations of interest must be stated before each case is heard. Any Relevant Bodies representative who has a disclosable pecuniary interest or other pecuniary interest in an item of business must withdraw from the meeting room during the whole of the consideration of that item of business.

The meeting will proceed for each case as follows:

1. The Lead Officer(s) will present their report to the meeting.
2. Points of clarification and questions may be asked by those present.
3. The Lead Officers and the Harmony Anti-Social Behaviour representative will withdraw from the meeting room.
4. The Relevant Bodies will agree recommendations (see below).
5. The Lead Officers and the Harmony Anti-Social Behaviour representative will re-join the meeting to be advised of any recommendations.

Recommendations

The Relevant Bodies may make recommendations to their own organisations or to other agencies. These may include, but are not limited to, those put forward within the report.

The Relevant Bodies may decide that there are no recommendations to be made.

The legislation places a duty on a person who carries out public functions to have regard to those recommendations. 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.

The recommendations are likely to take the form of an action plan to resolve the anti-social behaviour.

The applicant or their third party representative will be written to with the outcome of the case review and any recommendations made by the Relevant Bodies.

The Lead Officer(s) will be responsible for managing the implementation of the recommendations and associated action plan.

Appeals

If an applicant or their third party representative is dissatisfied with the way in which the review was carried out they may appeal in writing, stating the grounds for appeal.

Appeals must be received within twenty one calendar days of the decision that is being appealed against. Appeals received after this date will not be accepted.

An appeal may be made on the following grounds only:

- a) The manner in which bodies have dealt with an application; or
- b) The manner in which bodies have carried out the anti-social behaviour review.

Appeals may not be made against the decisions or recommendations of the Relevant Bodies.

Applications which are rejected due to being repetitious, prejudicial, discriminatory, malicious, unreasonable, vexatious or frivolous may not be appealed against.

Appeals are heard by the Chair of the Stoke-on-Trent Community Safety Partnership and the Cabinet Member with responsibility for community safety (if this is a different person).

The outcome of an appeal is final.

An appeal may be requested by completing the appeal form and returning it to:

Stoke-on-Trent Community Safety Partnership, Civic Centre, Glebe Street ST4 1HH

Copies of this form are available from the address above.

Statistical Reporting

On an annual basis, the Community Safety Partnership will publish on the Stoke-on-Trent City Council website, on behalf of the Relevant Bodies, the following information:

- 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

The information can be found on this webpage -

https://www.stoke.gov.uk/directory_record/333313/community_trigger_procedure

Information Sharing

In order for us to proceed with your Community Trigger request we need to record your personal and sensitive data together with details of your case and share them with other organisations.

Your information will be shared with the Relevant Bodies, i.e. the Local Authority, the Police, the Clinical Commissioning Group and the named registered provider of Social Housing, and with the Harmony Anti-Social Behaviour support service.

It may be necessary to share your personal and sensitive data and the details of your case with other organisations relevant to your case so that they can also assist with your complaint.

Information is shared in accordance with the Data Protection Act 2018 and General Data Protection Regulations and is shared under the lawful basis of public task.

The details of your complaint may be stored both electronically and in paper version.