

**ASB HELP**

Don't suffer in silence

# The ASB Case Review – the victims' voice or a box-ticking exercise?

January 2024



## About ASB Help

ASB Help is the national charity for victims of anti-social behaviour (ASB), set up in 2013 with victims at its heart. Our vision is to create better outcomes for victims experiencing ASB by championing victims' voices, as well as providing practical support and advice to disseminate best practice for practitioners tackling ASB.



ASB Help works alongside a number of strategic organisations to influence national ASB policy. We sit on the ASB Strategic Board and on the ASB Ministerial Taskforce, which was established following the publication of the Government's ASB Action Plan in March 2023.

ASB Help is committed to ensuring victims truly are put first when tackling anti-social behaviour and we passionately believe that victims should not suffer in silence. The Charity has grown immensely over the last 10 years and the team is comprised of officers who have experience in ASB, policing, housing, community safety and victim support.

From our beginnings, we have worked tirelessly to promote the ASB Case Review (formerly known as the Community Trigger). We are the leading voice and experts on the ASB Case Review, as well as being the only independent 'go to' charity in England and Wales for victims who need advice on ASB. We are regularly asked to act as independent chairs for ASB Case Reviews to support both the victims and agencies involved.

ASB Help has seen increasing numbers of both victims and practitioners seeking advice and support on their ASB cases over the years. Using the skills and expertise of the team, ASB Help provides a range of training courses on the ASB Case Review, as well as the tools and powers available to tackle ASB. Our aim is to support practitioners in the field, in a bid to ensure every victim is heard and the Anti-Social Behaviour, Crime and Policing Act (2014) is used properly and effectively.



We have developed the ASB Pledge and believe adoption of our ASB Help Pledge would enable the ASB Case Review to become more effective and help areas operate more in the spirit of the original premise of putting victims first and empowering agencies.

Our goal is to get as many areas as possible to sign up to the Pledge therefore working towards establishing national consistency with victims at the core of their policy and procedures.

Every individual experiencing ASB should feel confident that they are being heard and that the agencies involved are taking all the proportionate steps available to support them and take action where appropriate. We will continue to champion best practice, working with organisations to improve their procedures, as well lobby for change to legislation that prioritises victims of ASB.

ASB Help wishes to thank all the areas of England and Wales who submitted their data as it enables us to understand the baseline of how the ASB Case Review is being implemented nationally.

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## **Foreword from Victims' Commissioner, Baroness Newlove**

I welcome this report and am grateful to ASB Help for once again highlighting the difficulties victims of anti-social behaviour experience in getting the support they need.

For far too many victims, experiencing persistent anti-social behaviour (ASB) can be like a living nightmare. It turns homes into prisons and can devastate lives and communities.

As Victims' Commissioner, I firmly believe the ASB Case Review – formerly known as the Community Trigger – should be one of the most effective tools we have to tackle and resolve ASB in communities. At its core, the Case Review is about empowering victims and giving them a voice.

Yet despite its potential, the ASB Case Review remains hampered by low awareness, inconsistent application, and poor victim engagement, as this report outlines. ASB Help detail concrete steps to unlock the full potential of the ASB Case Review, and I fully endorse and welcome their recommendations.

Furthermore, I'm pleased ASB Help join my calls to automatically extend rights under the Victims' Code to those who qualify for the ASB Case Review. Together we're calling for victims of persistent anti-social behaviour to be recognised as victims of crime in the Victims and Prisoners Bill, ensuring they have the same rights to support as other victims of crime.

Victims of ASB are not - and must not be treated like - second-class victims.

## 2.Executive Summary

Anti-social behaviour (ASB) remains a high-volume and high impact problem across England and Wales. As the national victims' charity, we are committed to supporting and empowering victims to achieve justice.

The ASB Case Review is a formal process that victims can activate if they are experiencing ongoing ASB and feel that more needs or can be done. Our previous research, published in 2019, *The Community Trigger. Where We Are Today*,<sup>[1]</sup> demonstrated that the ASB Case Review was poorly utilised by the authorities and victims are unaware of their rights.

This report outlines new data, which we gathered via Freedom of Information (FOI) requests from every local authority in England and Wales. We wanted to know how many times the ASB Case Review has been used, as well as details about local processes, including the fairness of the review for victims.

Overall, we found the ASB Case Review continues to lack consistency across England and Wales. It appears the ASB Case Review is sometimes used by agencies as a 'box-ticking' exercise, with the original purpose of the process forgotten. We believe a lack of oversight and scrutiny of the execution of the ASB Case Review legislation is the primary reason for this.

### Key Findings

1. The evidence presented demonstrates that **there are a significant number of local authority areas (44%) that do not invite the victim to attend the ASB Case Review**, therefore demonstrating victims are not at the heart of the ASB Case Review process. Where victims' cases meet the threshold for a review, the area where they live, or the particulars of the case are shown to influence whether the victim is invited to attend. This demonstrates how some agencies are not following best practice when it comes to the ASB Case Review process and taking the opportunity to hear the victims voice. There is a clear gap in the support that victims of ASB receive. It is often a postcode lottery leaving many victims suffering in silence.



2. Despite a high number of applications for ASB Case Reviews by victims, **fewer than half of them met the local threshold for a review to take place.** One of the factors for this may be that there are a significant number of variations between local ASB Case Review thresholds with additional caveats introduced locally, which create a postcode lottery for victims.

3. The evidence presented in this report highlights that most areas **promote the ASB Case Review via their website.** Whilst we did not ask the question as to whether they promote the case review, we know from our experience of working with victims and recent surveys, that many victims are not aware of the ASB Case Review or know how to access it.

4. The vast majority of areas **chaired ASB Case Reviews within their own organisations,** and others using both internal and external independent chairs. When chaired internally victims tell us it feels like a 'box-ticking' exercise with the assumption that organisations are marking their own homework. ASB Help also works with practitioners to raise awareness of victims needs and the ASB Case Review. Practitioners share a range of concerns about the case review itself such as actions not being carried out and partners focusing on covering their backs rather than working together to problem-solve.

5. The evidence presented also showed **inconsistencies with the appeal processes following the ASB Case Review,** specifically, around the threshold for appeals, who should be conducting the appeal, and the process this should follow. The Criminal Justice Bill proposes to give a mandate to the Police and Crime Commissioners requiring them to be involved in ASB Case Review appeals and to regularly review the process.

## Recommendations

1. All victims must be invited to attend for the first part of their ASB Case Review, so they have an opportunity to tell key agencies about the impact and harm the ASB has caused them. We support the Victims and Prisoners Bill and call for it to include victims of persistent ASB and ensuring they get the support they need.



2. The threshold for the ASB Case Review, which is defined in the statutory guidance as making three (or more) qualifying complaints in a six-month period, must be made the legal threshold and relevant authorities should decide whether the application for the threshold is met. No additional caveats should be introduced locally that make it difficult for victims to access the review process.
3. ASB Case Reviews should be widely promoted and accessible to victims to submit an application by offering a range of online and offline opportunities to access the process and preferably a named contact. All areas to use the same name ASB Case Review instead of the Community Trigger.
4. All ASB Case Reviews should have an independent chair, and this should be made a 'requirement' rather than a 'recommendation' in the statutory guidance. It is important for the chair to have knowledge of the ASB Crime and Policing Act 2014 and offer an objective and fresh perspective. When actions are agreed in review meetings, we want to see greater local accountability where they are not delivered.
5. The appeals process for the ASB Case Review should be reformed and written into the statutory guidance, to bring about consistent practice for appeals across England and Wales. There should be a greater clarity about the appeals process, specifically around the threshold for appeal, and a clear mandate for Police and Crime Commissioners requiring them to be involved in ASB Case Review appeals and to regularly review the process.



### 3. Introduction

The ASB Case Review is a process whereby victims of anti-social behaviour (ASB) can apply for a review of their case. All relevant agencies are to receive the application to determine if it meets the local threshold. The agencies who are most likely to be responsible for receiving ASB Case Review applications are local authorities and the police. The threshold advice in the statutory guidance is that the threshold is to be defined by the local agencies and should be set to no higher than three incidents of ASB having been reported in the last six months. The persistence of and the harm/potential harm caused by the ASB, as well as the adequacy of the response to the ASB should also be considered if the standard threshold is not met. If the case meets the local threshold, the agencies then meet to discuss the case in detail and develop an action plan to tackle the ASB, as well as ensure the relevant support is in place for the victim. The ASB Case Review gives the victims a voice, therefore all agencies must know how to operate it effectively.

In 2019, ASB Help published a report *The Community Trigger- Where Are We Today* using the data received from Local Authorities in England and Wales and victims' testimonies. The findings demonstrated a substantial disregard of the Community Trigger legislation by local authorities. We found 45% of local authority respondents reported a zero return, with no Community Trigger activations at all for the 2017/18 financial year, with no one taking overall ownership of the process. The lack of ownership was reflected in the victims' accounts which highlighted that the Community Trigger was largely unknown and inaccessible.

As the charity who continues to lobby for positive change for victims, we work with agencies to encourage them to embrace the ASB Case Review legislation. It should be seen as an opportunity to problem solve as opposed to an accountability exercise or complaints procedure, whilst ensuring victims are at the heart of the response. ASB Help consistently finds that a large number of victims that approach the charity are not aware of the ASB Case Review and that practitioner understanding also varies.



A Resolve commissioned YouGov survey in September 2023 showed that 87.5% of people had still not heard of the ASB Case Review, and the data indicated that just 1% of people fully understand what it is and how it works[2]. This data builds on our previous report which demonstrated inconsistency on a national scale about how the ASB Case Review is implemented across England and Wales. Four years on, whilst positive steps have been taken and the name change from Community Trigger to ASB Case Review brings consistency we still come across victims that are not aware of their rights when it comes to the ASB Case Review.

Prior to the FOI exercise we wanted to gather information on how the ASB Case Review is being implemented nationally. The ASB legislation states relevant bodies must publish information covering the number of ASB Case Reviews received, those that met the threshold, the number carried out and those that resulted in recommendations at least every twelve months. We found this information was not readily available or accessible, as required in the ASB legislation.

To understand how the ASB Case Review is being implemented nationally and address the gaps in our initial research ASB Help issued a Freedom of Information (FOI) request to every Local Authority in England and Wales asking for information on their ASB Case Review process between the dates April 2018 and April 2022.

We wanted to know about four key things:

- If the ASB Case Review is more available and accessible now than it was previously.
- If there is a consistency across England and Wales with the threshold criteria.
- Whether victims are being put at the heart of the process and having a voice in their review.
- If independent chairs are being used to ensure a fair case review for all victims.

We successfully received 267 responses from the 339 requests, 72 areas did not respond. We used the data for this report from the 230 areas who were able to provide the requested information. We extended the timeframe between April 2018-April 2022 to allow more time for areas to make their returns and to get quantifiable returns to analyse the data.



The ASB landscape has changed and developed over the years. We saw the introduction of the Anti-Social Behaviour, Crime and Policing Act (2014) which provides a range of tools and powers to tackle ASB, the launch of the ASB Action Plan and the statutory practitioners guidelines were updated (2023).

We are pleased that the Criminal Justice Bill looks to give police and crime commissioners more levers to tackle ASB. We are lobbying for the Victim and Prisoners Bill to ensure victims of persistent ASB are recognised under the Victims Code irrespective of whether the police choose to treat the behaviour as a criminal matter or a misdemeanour.

### **Best Practice Case Study**

In 2023, Gloucester OPCC held a case review whereby 2 families had endured approximately 8 years of ASB from a neighbour. The ASB consisted of drug dealing and taking, alcohol fuelled ASB, loud music, multiple visitors as well as violence and criminal damage which resulted in police attendance. The victims in this case had been reporting incidents to Police, Local Authority and Housing for 3 years but the ASB still persisted.

Upon raising the ASB Case Review and meeting the threshold, the victims were invited to the initial part of the hearing to discuss the impact. Being able to have this opportunity gave the victims a sense of empowerment and they were able to speak openly and honestly about the impact the ASB had had on their lives. They were quite simply exhausted and up until this point did not feel listened to.

All the partners embraced the ASB Case Review which was chaired by someone independent. Seeing it as an opportunity to listen, work together and problem solve, a robust action plan was created to address the issues moving forward.

Since holding the Case Review, the ASB has now been resolved.



## 4. The national picture

The Office for National Statistics releases a yearly report on the amount of crime and ASB incidents the police have recorded. Table 1 shows the amount of police recorded ASB in England and Wales from 2014-2023.

**Table 1: Police recorded ASB in England and Wales 2014-2023**

Year ending	Police recorded ASB in England and Wales (including BTP)
March 2023	1 million
March 2022	1.3 million
March 2021	2 million (COVID)
March 2020	1.4 million
March 2019	1.5 million
March 2018	1.7 million
March 2017	1.8 million
March 2016	1.8 million
March 2015	2 million
March 2014	2.1 million

According to the Office of National Statistics, the police recorded one million incidents of ASB in the year ending March 2023[3]. The data shows a long-term downwards trend in the number of incidents recorded, apart from 2021 which reflects the COVID pandemic, but at one million incidents per year, ASB is still a high-volume problem. The October 2023 report also included an estimate for the Crime Survey for England and Wales, showing that 34% of people had ‘experienced or witnessed some type of anti-social behaviour.’[4]

Whilst we see a decrease of ASB recorded by the police in these statistics, we know this is not a true reflection of victims’ experiences because two key data sources are missing. To establish a full picture of the amount of ASB incidents taking place, we need information from local authorities and social housing providers as well as the police. Furthermore, a place/organisation to centrally collect all of this data would assist with the understanding of the prevalence of ASB nationally.

## 5.Key findings

### 5.1 ASB Case Review Applications

#### Our FOI questions

*How many ASB Case Review applications have you received from April 2018 – April 2022?*

*Out of the ASB Case Review applications that you have received during the proposed time frame:*

- a. How many applications did not meet the ASB Case Review threshold?*
- b. How many met the ASB Case Review threshold?*
- b1 Did all of those that met the threshold result in a panel hearing/review meeting? if not, are you able to expand on the reasons why a review hearing did not occur?*

#### FOI responses

***8% of local authorities (19/230) had received 0 applications.***

***3,145 ASB Case Reviews had been submitted.***

***1,671 ASB Case Review applications did not meet the local threshold for review.***

For the full dataset on the responses please see Appendix A in the separate PDF document on the ASB Help website.

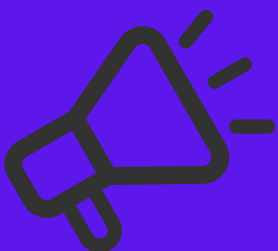


Fewer than half of all ASB Case Review applications submitted did not meet the local threshold for review. The statutory guidance has a clear threshold that an ASB Case Review can be activated if three or more incidents have been reported in a six-month period. In the years 2021 and 2022, ASB Help were approached by 1,885 victims for advice on their ASB cases. The majority of these victims had been reporting ASB for a long period of time and had reported at least three incidents in a six-month period.

On reviewing them the majority of ASB Case Review applications would have met the threshold recommended in the statutory guidance. If all areas used the statutory guidance, the number of those meeting the threshold for review may be substantially higher.

8% of local authorities who responded to our FOI request had received no applications. There may be many reasons for this i.e., not required, unaware of the review, victims not knowing how to access the case review, or the threshold may not be easily understood.

In our previous report on the Community Trigger we found that 45% of local areas had not received a single ASB Case Review application. It is positive to note the proportion of areas having no applications is decreasing from 45% (2019) to 8% is extremely positive and shows that the ASB Case Review may not be as unknown as it was before.



## 5.2 The Victims' Voice

The ASB Case Review statutory guidance states, “relevant bodies should always consider inviting the victim to attend a section of the case review meeting to help all members of the panel understand the level of harm and impact it has on them.”

### Our FOI questions

*Are the victims given the opportunity to:*

- Attend the initial part of the ASB Case Review Panel hearing/case review?*
- Have a representative attend on their behalf?*
- Provide a statement to be read aloud at the ASB Case Review Panel hearing/case review?*

### FOI responses

**56% (129 out of 230) of areas stated that they do give the victims the opportunity to attend the initial part of the ASB Case Review hearing. That means 44% do not.**

**Only 48% (110/230) of areas offered all three options to the victims.**

For the full dataset on the responses please see Appendix B in the separate PDF document on the ASB Help website.

The statutory guidance recommends that the victims be given an option to choose one of the above opportunities when their ASB Case Review is accepted.

Of those areas that responded that they do give victims the opportunity, six areas made the following comments alongside their answers: ‘if appropriate’, ‘with discussion’, ‘case dependent’ and ‘if requested, not offered’.

The finding shows inconsistency across England and Wales which in turn creates a ‘postcode lottery’ for victims. This is a clear example of victims not being put at the heart of the response, particularly as this is the victim’s opportunity to get their voice heard.

All victims must be offered the opportunity to attend the ASB Case Review.



## 5.3 Thresholds and caveats

### Thresholds

Relevant bodies should collectively agree an appropriate ASB Case Review threshold, having regard to the nature of anti-social behaviour and harm experienced by victims in their area. The threshold must be no higher than three qualifying complaints of anti-social behaviour in a six-month period; this does not preclude those who exceed this threshold.

### Our FOI question

*What are your threshold criteria for a ASB Case Review application to be met? (Please include any caveats, for example - the case must be closed, one of the incidents needs to have occurred in the month prior to the application being made, etc.)*

### FOI responses

**In 98% of areas (227/230), their threshold contained (or wording to a similar effect of) ‘if you have reported 3 or more incidents in the last 6 months.’**

**18% (41/230) of areas had a secondary threshold of (or wording similar to) ‘if one incident has been reported by 5 or more households.’**

**27% (63/230) of areas gave an additional threshold- that you can apply for the ASB Case Review ‘if you have reported one hate crime incident in the last 6 months.’**

For the full dataset on the responses please see Appendix C in the separate PDF document on the ASB Help website.

The threshold which is locally defined continues to be confusing to victims. As with ASB Help’s 2019 report, there is still a frequent use of a ‘two-tier’ threshold and from our data, there are 20 areas that use a ‘three-tier’ threshold (more than one threshold criteria to qualify for review). A two, or even three- tier threshold, potentially gives more opportunity to apply for the ASB Case Review.



However, with such varied thresholds across England and Wales, we feel that it is making the process more complex. A universal threshold would prevent confusion and be clearer as to who can apply. 18% of local areas still have the old criteria of 5 or more households which is no longer a qualifying threshold that requires removing.

27% reported a threshold of one hate crime incident in the last 6 months. Hate crime may initially manifest itself as ASB therefore it is positive to see hate crime is given the priority in the ASB Case Review. However, one incident of hate crime does not reflect the persistent behaviour as with ASB. Many areas have removed the one hate incident stating that there are hate crime policies and procedures that are more appropriate that support victims of hate crime.

### **Caveats**

Our findings found that additional caveats were introduced locally that are not in line or recommended in the ASB Crime and Policing Act 2014 statutory guidelines for professionals.

### **FOI Responses**

**12% (27/230) areas had additional caveats in order for a victim to meet the threshold.**

For the full dataset on the responses please see Appendix C in the separate PDF document on the ASB Help website.

Below is a list of caveats that were mentioned (or wording similar to) in the responses we received.

- The case must be closed- **4 areas.**
- Incident/s reported through diary sheets will not be accepted- **1 area.**
- The investigation must be completed/complaint is still being dealt with- **13 areas.**
- Application must be made within 1 month of the last incident having been reported
- You feel the ASB has not been addressed- **1 area.**
- You must not be subject to a formal complaint or ongoing investigation- **2 areas.**
- If a live complaint or investigation is ongoing with any agency linked to the incidents, the ASB Case Review will not be accepted- **2 areas.**
- No more than 3 complaints in a 6 month period- **1 area.**

As seen in the list above, **4 areas state that the ‘ASB case must be closed’** to apply for an ASB Case Review. If there is ongoing ASB which is unresolved, in the majority of cases they wouldn’t necessarily be closed. In **13 areas the caveats mentioning that ‘investigation must be completed’** is also confusing and may be perceived as the case must be closed. The statutory guidance was updated in 2023 with amendments made to state the case can be open or closed for a victim to meet the threshold.

In the **2 areas that mention formal/ongoing complaint**, further clarification is again needed. If they mean a report of ASB is ongoing then the wording should be changed, as mentioning the word ‘complaint’ gives the impression that the victim has made a formal complaint into the agency. Victims should not be prevented from applying for the ASB Case Review because they have submitted a formal complaint. This gives the impression that agencies are still seeing the ASB Case Review as a formal complaint as a fault-finding exercise where a service user is not happy with the service they have received. The ASB Case Review is supposed to be a problem-solving exercise between partner agencies to discuss and create a plan of action to move the case forward.

In addition to the more obvious caveats, there is also the wording used that you could apply for the ASB Case Review **‘if you feel/there has been no action taken...’** in **68 areas**. This wording is confusing and could also be seen as an extra caveat, as in many cases, action may have been taken. Victims may perceive that they cannot raise the ASB Case Review, despite having concerns that any action that has already been taken has not resolved the ASB. Ultimately, something more needs to be done or other services need to be involved to take different action and the ASB Case Review would allow the opportunity for this to be discussed with all relevant agencies.

The threshold criteria and the caveats has been an extremely long process to break down and analyse. If all areas used the statutory guidance and did not include additional caveats, then many ASB cases would meet the threshold criteria. The findings require agencies to make the threshold and process clear and easily accessible, it should not be a postcode lottery.



## 5.4 Decision Making

### Our FOI question

*Do you share all of the ASB Case Review applications you receive with all the relevant bodies?*

### FOI Responses

**81% (187/230) of areas responded YES to this question.**

For the full dataset on the responses please see Appendix D in the separate PDF document on the ASB Help website.

When a ASB Case Review application meets the threshold, it can proceed to a review however there will be applications that don't fully meet the threshold therefore it is vital to consider the persistence of the ASB, harm or potential harm caused by the ASB, as well as the vulnerability of the victim.

In some areas the single point of contact will assess all applications and progress them once they have met the threshold and will only refer the applications to the relevant authorities when it is not a straightforward decision or see that the case will benefit from the review or use it as a safety net when a decision is made not to proceed to a full review.

It is important that all ASB Case Review applications are shared with all the relevant agencies:

- Local authority
- Police
- Co-opted housing associations
- Integrated Care Board (ICB)

The other agencies may have information about the case and/or the victim that the receiving agency does not. We believe that even if just one agency out of four feels that an ASB Case Review should go ahead, then the application should be accepted. Without sharing this information with all the relevant bodies, an opportunity to support victims could be missed.

## 5.5 Accessibility

### Our FOI question

*Please select how the ASB Case Review can be applied for at your organisation: online form, via telephone, in writing, downloadable form, other (please specify).*

### FOI Responses

**27% (62/230) of responding areas, had only 2 ways in which the ASB Case Review could be applied for.**

**14% (9/62) of those areas had received NO ASB Case Review applications.**

For the full dataset on the responses please see Appendix E in the separate PDF document on the ASB Help website.

In all of the above areas, the opportunity to apply for the Case Review required access to the internet and/or a printer with the options being either, or two, of the following-

- 'Online form'
- 'Downloadable form'
- 'Via e-mail'

Despite most people having access to technology that would allow this, this response ignores the people who are unable to access, or have the knowledge of computers, smart phones and/or printers, leaving them little to no opportunity to apply for an ASB Case Review.

The ASB Case Review is the victim's tool and if individuals do not have the ability to submit a request for one, they are limited in how they can get their voices heard. There needs to be an accessible way for ALL victims to apply for the ASB Case Review everywhere.



## Our FOI question

*Do you have information on the ASB Case Review on your website? (such as, what the ASB Case Review is and how to apply for the ASB Case Review)? Yes/No*

## FOI Responses

**96% (221/230) of areas answered yes to this question.**

For the full dataset on the responses please see Appendix F in the separate PDF document on the ASB Help website.

This is a positive figure and could be a contributing factor in the increase in how many ASB Case Review applications have been applied for since the previous (2019) report. A small number of areas required further work on their website in terms of updating information and repairing broken links. At the time of writing the FOI we are encouraged to see almost all areas have information on the ASB Case Review on their websites. We encourage everyone to update their websites and change the name to the ASB Case Review from Community Trigger.

There is a clear need to ensure that the ASB Case Review is promoted and available online and offline.



## 5.6 The Chair

### Our FOI questions

*Do you provide an independent chair to hold your ASB Case Review panel hearings?  
Yes/No*

*How do you define independent?*

*The chair is from a different organisation/agency that is NOT involved with the case, OR*

*The chair is from within your organisation but is not involved with Or has had any previous involvement with the case.*

### FOI Responses

**74% (171/230) of areas answered a firm yes to providing an independent chair to hold their ASB Case Review hearings.**

**36% (62/171) are external independent organisations.**

**52% (90/171) who stated they provided an independent chair, defined independent as someone who is from within their organisation. A further 22% (21/171) used both definitions.**

The full dataset on the responses please see Appendix G in the separate PDF document on the ASB Help website.

The statutory guidance does not provide a definition of an independent chair. However, ASB Help, who as a charity champions the victim's voice and delivers training on the ASB Case Review, advise that to ensure best practice, an independent chair should be someone from a different organisation/agency that is not involved with the case. Only 36% invite external organisation to chair ASB Case Reviews.

Greater clarity in the statutory guidance would be beneficial in this regard, to ensure that all areas are using the same definition of independent. The purpose of an independent chair is to allow for a new perspective on the case. Victims have generally been on a long journey with their ASB case by the time of submitting an ASB Case Review application. A completely independent chair facilitates a fair case review for all victims. Victims would not feel agencies are marking their own homework.

## 5.7 The Appeals Process

All victims must be able to raise complaints to a named officer if they are dissatisfied with the way their local ASB Case Review has been handled.

### Our FOI question

On what grounds are applicants able to appeal?

### FOI Responses

**8% (18/230) of areas stated that a victim cannot appeal following an ASB Case Review application or ASB Case Review.**

**A further 2% (5/230) of areas stating that if the victim is to appeal, it will progress to a formal complaint.**

**1% (3/230) of areas said that the victim could appeal but they did not have an official appeals process in place.**

**36% (85/230) of areas responded that to appeal the ASB Case Review application decision or outcome, the victim was 'unhappy', 'dissatisfied' or 'disagreed' with the outcome.**

**27% (62/230) of areas used the wording given from the statutory guidance or terms to the effect of 'unhappy with the way in which their application or case review has been handled/dealt with'.**

**18% (41/230) stating words to the effect of 'there are no set grounds' 'any reason' or the response given was unclear.**

The full dataset on the responses please see Appendix H in the separate PDF document on the ASB Help website.

The statutory guidance recommendations for review are:

The review procedures must include provision about what is to happen when an applicant is dissatisfied with the way in which the relevant bodies have-

(a) Dealt with an application for an ASB Case Review, or

(b) Carried out an ASB Case Review

Many have adopted the below appeal criteria for the ASB Case Review:

**Threshold** - The relevant bodies have rejected an application on the basis that the threshold has not been met and the victim disagrees with that assessment.

**Process** - The Community Trigger Review has failed to consider a relevant process, policy or protocol.

**Evidence** - The Community Trigger Review has failed to consider relevant factual evidenced information.

### **Our FOI questions**

*Who chairs your appeal meetings?*

*How many appeals have you received in relation to the ASB Case Review application not meeting the threshold? and how many of these appeals were upheld?*

*how many appeals have been made following the outcome of a ASB Case Review panel hearing/case review?*

### **FOI Responses**

**Just 37 appeals were made in relation to the ASB Case Review applications not meeting the threshold and 79 appeals were made following the outcome of ASB Case Review hearings.**

The full dataset on the responses please see Appendix I in the separate PDF document on the ASB Help website.

The answers to the questions posed regarding the appeals process were varied and complex. We are unable to provide the data about how many appeals were upheld as not all areas responded.

There seems to be a greater lack of consistency in the appeals process than there is in the activation threshold. Similar to the review meeting, there should be a completely independent body/agency dealing with appeals and there should be a firm process in place.

With no administrative body to oversee the ASB Case Review process, victims do not have a route to recourse.

A more clearly defined process detailed in the statutory guidance would be beneficial to both the victims and agencies involved.

## 6. Conclusion and recommendations for change

We firmly believe that the ASB Case Review is an excellent tool that gives victims a voice and to bring agencies together to take a joined-up problem solving approach and make a difference to the ASB they are experiencing.

However, victims are not being put first, and this important safety net is failing them. From our beginnings, we have worked tirelessly to promote the ASB Case Review and have established a best practice pledge that helps local areas to review their policy and procedures with the victims at its heart. We encourage local areas to sign the ASB pledge.

### Our key findings include:

1. The evidence presented demonstrates that **there are a significant number of local authority areas (44%) that do not invite the victim to attend the ASB Case Review**, therefore demonstrating victims are not at the heart of the ASB Case Review process. Where victims' cases meet the threshold for a review, the area where they live, or the particulars of the case are shown to influence whether the victim is invited to attend. This demonstrates how some agencies are not following best practice when it comes to the ASB Case Review process and taking the opportunity to hear the victims voice. There is a clear gap in the support that victims of ASB receive. It is often a postcode lottery leaving many victims suffering in silence.
2. Despite a high number of applications for ASB Case Reviews by victims, **fewer than half of them met the local threshold for a review to take place**. One of the factors for this may be that there are a significant number of variations between local ASB Case Review thresholds with additional caveats introduced locally, which create a postcode lottery for victims.
3. The evidence presented in this report highlights that **most areas promote the ASB Case Review via their website**. Whilst we did not ask the question as to whether they promote the case review, we know from our experience of working with victims and recent surveys, that many victims are not aware of the ASB Case Review or know how to access it.



4. The vast majority of areas chaired ASB Case Reviews within their own organisations, and others using both internal and external independent chairs. When chaired internally victims tell us it feels like a ‘box-ticking’ exercise with the assumption that organisations are marking their own homework. ASB Help also works with practitioners to raise awareness of victims needs and the ASB Case Review. Practitioners share a range of concerns about the case review itself such as actions not being carried out and partners focusing on covering their backs rather than working together to problem-solve.

5. The evidence presented also showed inconsistencies with the appeal processes following the ASB Case Review, specifically, around the threshold for appeals, who should be conducting the appeal, and the process this should follow. The Criminal Justice Bill proposes to give a mandate to the Police and Crime Commissioners requiring them to be involved in ASB Case Review appeals and to regularly review the process.

### **Our recommendations for change include:**

1. All victims must be invited to attend for the first part of their ASB Case Review, so they have an opportunity to tell key agencies about the impact and harm the ASB has caused them. We support the Victims and Prisoners Bill and call for it to include victims of persistent ASB and ensuring they get the support they need.
2. The threshold for the ASB Case Review, which is defined in the statutory guidance as making three (or more) qualifying complaints in a six-month period, must be made the legal threshold and relevant authorities should decide whether the application for the threshold is met. No additional caveats should be introduced locally that make it difficult for victims to access the review process.
3. ASB Case Reviews should be widely promoted and accessible to victims to submit an application by offering a range of online and offline opportunities to access the process and preferably a named contact. All areas to use the same name ASB Case Review instead of the Community Trigger.



4. All ASB Case Reviews should have an independent chair, and this should be made a 'requirement' rather than a 'recommendation' in the statutory guidance. It is important for the chair to have knowledge of the ASB Crime and Policing Act 2014 and offer an objective and fresh perspective. When actions are agreed in review meetings, we want to see greater local accountability where they are not delivered.

5. The appeals process for the ASB Case Review should be reformed and written into the statutory guidance, to bring about consistent practice for appeals across England and Wales. There should be a greater clarity about the appeals process, specifically around the threshold for appeal, and a clear mandate for Police and Crime Commissioners requiring them to be involved in ASB Case Review appeals and to regularly review the process.

The ASB Case Review process needs to change and leadership from within central government is also needed to ensure it is implemented effectively. We believe the recommendations above will go far to ensure that the ASB Case Review works effectively for victims of anti-social behaviour across England and Wales.





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