



**South
Cambridgeshire
District Council**

COMMUNITY TRIGGER GUIDANCE

Version 1

Community Trigger Guidance

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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

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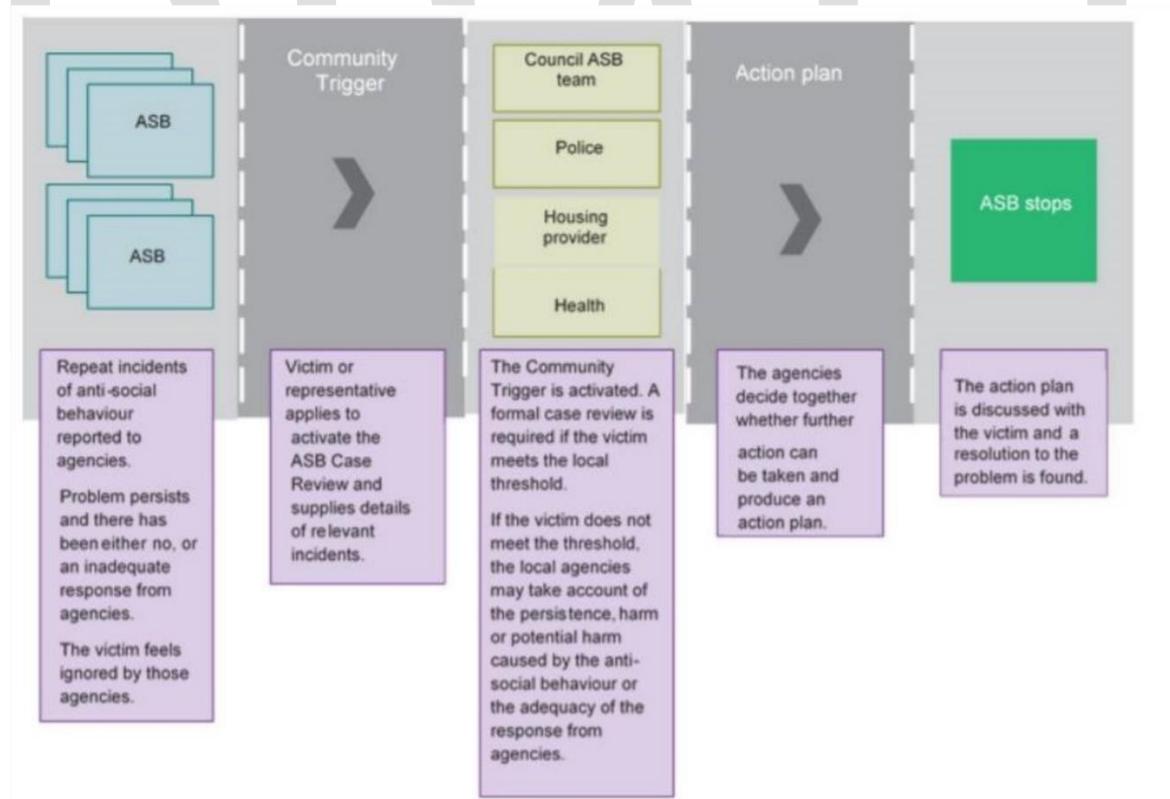
2. Anti-Social Behaviour Defined

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 premises.

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



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

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complaints should be directed to the relevant bodies complaints procedure.

South Cambridgeshire 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).

This Community Trigger Guidance is compliant 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. A hate crime/incident is an incident that is perceived by the victim, or any other person, to be motivated by a hostility or prejudice based on one of the characteristics listed above; OR
- A service manager within the authority decides that a Community Trigger Review is necessary to safeguard a vulnerable victim of anti-social behaviour. A review could also be triggered by any of the partners, see section 6 for a list of partner agencies.

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.

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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:

- South Cambridgeshire District Council (SCDC)
- Cambridgeshire Police
- Cambridgeshire and Peterborough Clinical Commissioning Group
- Registered providers of social housing who provide accommodation in the South Cambridgeshire District Council area.

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,
- a business, or
- a 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.

A Service Manager within the authority decides that a Community Trigger Review is necessary to safeguard a vulnerable victim of anti-social behaviour (please refer to section 5)

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9. Who is not suitable for the Community Trigger?

- A person who wishes to remain anonymous in the Community Trigger application.
- 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 South Cambridgeshire District

South Cambridgeshire District Council administers and coordinates the Community Trigger in South Cambridgeshire. It does not matter which agency a victim has reported incidents to, the council 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:

- Online Portal
- Email: env.health@scambs.gov.uk
- By phone: 01954 713000
- In writing to:

Service Manager (People, Protection and Planning),
Climate, Waste and Environment,
South Cambridgeshire Hall,
Cambourne Business Park,
Cambourne,
Cambridge,
CB23 6EA

11. The Community Trigger Activation Request Procedure

Upon receipt of an activation request, the People and Protection Team will acknowledge receipt of the activation request within **5** working days from the date of the trigger application.

The Service Manager (People, Protection and Planning) will confirm if the threshold is met, if this person has had involvement with the case

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then a member of the Leadership Team will determine if the threshold has been 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 the appeal process.

Where the Community Trigger activation is accepted, the Service Manager (People, Protection and Planning) will identify an appropriate SPOC (specific point of contact) to manage the Community Trigger process. This SPOC will normally be a South Cambridgeshire District Council officer, who has had no direct involvement in the case.

The Service Manager (People, Protection and Planning) will provide an outline of the next steps of the community trigger process, contact details for the SPOC and associated timescales within **10** 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 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 10 days.

Where contact with the victim is made, ideally by phone, the SPOC will complete a Community Trigger contact form 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.

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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 SPOC will contact agency representatives to arrange the date and time of the community trigger review. This will include an independent chair and minute taker; the independent chair will be someone who has had no prior involvement with the case and will be a senior officer from one of the stakeholders who has not been involved in the case, a senior officer from another local authority, or by employing a professional chair. As a minimum, the panel must include representatives from:

- South Cambridgeshire District Council Service Manager.
- Police Sector Inspector/Partnerships Inspector.
- Social Housing Provider (relevant management level)
- CCG (relevant management level).
- Community Trigger SPOC (to present).

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.

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 **10 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 **10 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.

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

12. Appeals

Appeals will be heard by the T&CG and details of how to appeal will be provided with the findings of the review process.

13. Monitoring of Action Plan

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. is informed when these actions have been 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. If actions remain incomplete for more than 3 months this will be escalated to the Chief Executive. If the action is one for an external partner, other than SCDC, and it hasn't been completed then this will be escalated through T&CG.

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, the council may refer to 'The Policy on Unreasonably Persistent Complainants' or that of the relevant organisation.

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This document will be reviewed on an annual basis or if significant changes are made to legislation or change in body's name e.g the CCG.

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