



# COMMUNITY TRIGGER POLICY AND PROCEDURES

(REVISED 2022)

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Version:	Date:	Reason For Issue:
V1	January 2022	Countywide Community Trigger policy and procedures revised and put into a separate document with support from ASB Help following agreement from the ASB CPG members to sign up to the ASB Pledge.
V2	March 2022	Series of amendments made to incorporate the comments received from ASB CPG members on V1 of the document.
V3	September 2022	Final amendments prior to the policy launch: <ul style="list-style-type: none"> <li>• To reflect updated statutory guidance (June 2022)</li> <li>• To reflect the change in name of Clinical Commissioning Groups</li> <li>• Removal of 'one hate incident' from threshold (as per guidance from ASB Help)</li> <li>• Inclusion of sentence stating that applications will be passed to relevant bodies</li> <li>• Additional section on publishing data (Section 15).</li> </ul>

## **1. Introduction**

The Community Trigger, also known as the Anti-Social Behaviour (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 persistent ASB.

The Community Trigger is the victim's right to request a review of their case to determine whether there are any further actions that can be taken to resolve it. The community trigger is not about apportioning blame. Its focus is on problem solving the case and utilising the expertise of partner agencies.

To request a 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 [ASB Crime and Policing Act 2014](#).

## **2. Anti-Social Behaviour Defined**

For the purpose of the Community Trigger, the ASB must be 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"<sup>1</sup>.

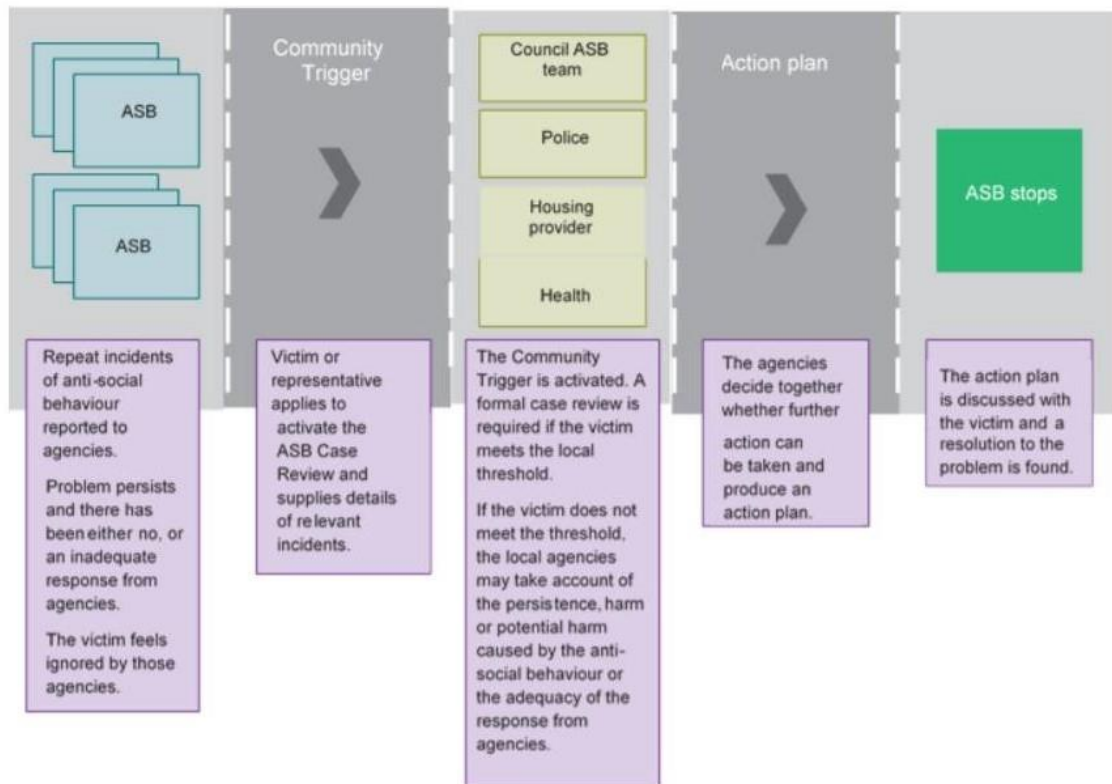
## **3. Purpose**

"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".<sup>2</sup>

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<sup>1</sup> Anti-social Behaviour, Crime and Policing Act (2014)

<sup>2</sup> The Anti-Social Behaviour, Crime and Policing Act 2014 Home Office Statutory Guidance



#### 4. Principles

The Community Trigger is available to victims of ASB who believe they have not had a satisfactory response to their case and the ASB persists. It is not an alternative complaints procedure and will not review concerns about service provision. Service complaints should be directed to the relevant district council, housing provider or police force complaints procedure.

The district council administers the Community Trigger for their area. Relevant bodies and responsible authorities are also required to take responsibility for the Community Trigger process (for a full list of relevant bodies and responsible authorities please refer to section 6 of this document).

This Community Trigger Policy is conversant 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)"**.

**The Charter for Social Housing Residents: Social Housing White Paper** also supports the Community Trigger process and encourages social landlords to inform residents of their right to make a community trigger application, and where appropriate, that they act as an advocate in supporting tenants to take an application forward with the relevant authority.

## 5. Thresholds & Qualifying Complaints

To activate the Community Trigger a victim must meet the following threshold test: -

- The victim has reported three separate, but related incidents<sup>3</sup> (Qualifying Complaints, as detailed below) to either the council, police, or registered housing provider within the preceding 6-months to the application, and the anti-social behaviour persists.

OR

- A senior manager (district council Community Safety Manager/Police Inspector) within the authority decides that a Community Trigger is necessary to safeguard a vulnerable victim of anti-social behaviour<sup>4</sup>.

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.

When considering a Community Trigger request, agencies should consider the cumulative impact of the ASB rather than each individual incident causing harassment, alarm and distress. Due regard should also be given to:

- 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

Furthermore, all trigger applications will be passed onto the relevant bodies (detailed in section 6). When there is uncertainty or debate as to whether the threshold is met, if one or more of the relevant bodies considers that it is met, then the Community Trigger should be accepted.

Regardless of the previous actions taken in the case, if the ASB persists, a Community Trigger request (that meets the threshold) should be accepted. The Community Trigger review panel will then determine whether any new or alternative actions are more likely to be effective to resolve it.

## 6. Relevant Bodies and Responsible Authorities

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<sup>3</sup> The three incidents do not have to be of the same ASB category (noise, threats, foul and abusive language etc) but they need to relate to the same case and not three completely unrelated incidents.

<sup>4</sup> Appropriate seniority may include a district council Community Safety Manager (or above), a police officer of the rank of Inspector (or above) or a similar senior officer within another responsible authority. Consent from the victim is not required in this circumstance.

The Relevant Bodies and Responsible Authorities are outlined in the statutory guidance as:

- Local Authorities (District Councils)
- Police
- Integrated Care Systems (ICSs)<sup>5</sup> in England, and Local Health Boards in Wales.
- Registered providers of social housing

The Community Trigger case review must include a representative(s) from at least 3 of the agencies listed above and should also include representatives from other agencies relevant to the case. This could include the fire and rescue service, Probation, mental health, and drug and alcohol support agencies.

In Lincolnshire, the ICS has appointed Lincolnshire Partnership NHS Foundation Trust (LPFT) to support the Community Trigger process where an individual is open and known to their services.

## **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

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<sup>5</sup> Formerly Clinical Commissioning Groups (CCGs).

## 8. Who can raise a Community Trigger?

A victim can be an individual person, business, or 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 senior manager (Community Safety Manager or Police Inspector) within the authority who decides that a Community Trigger Review is necessary to safeguard a vulnerable victim of ASB (please refer to section 5).

## 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.

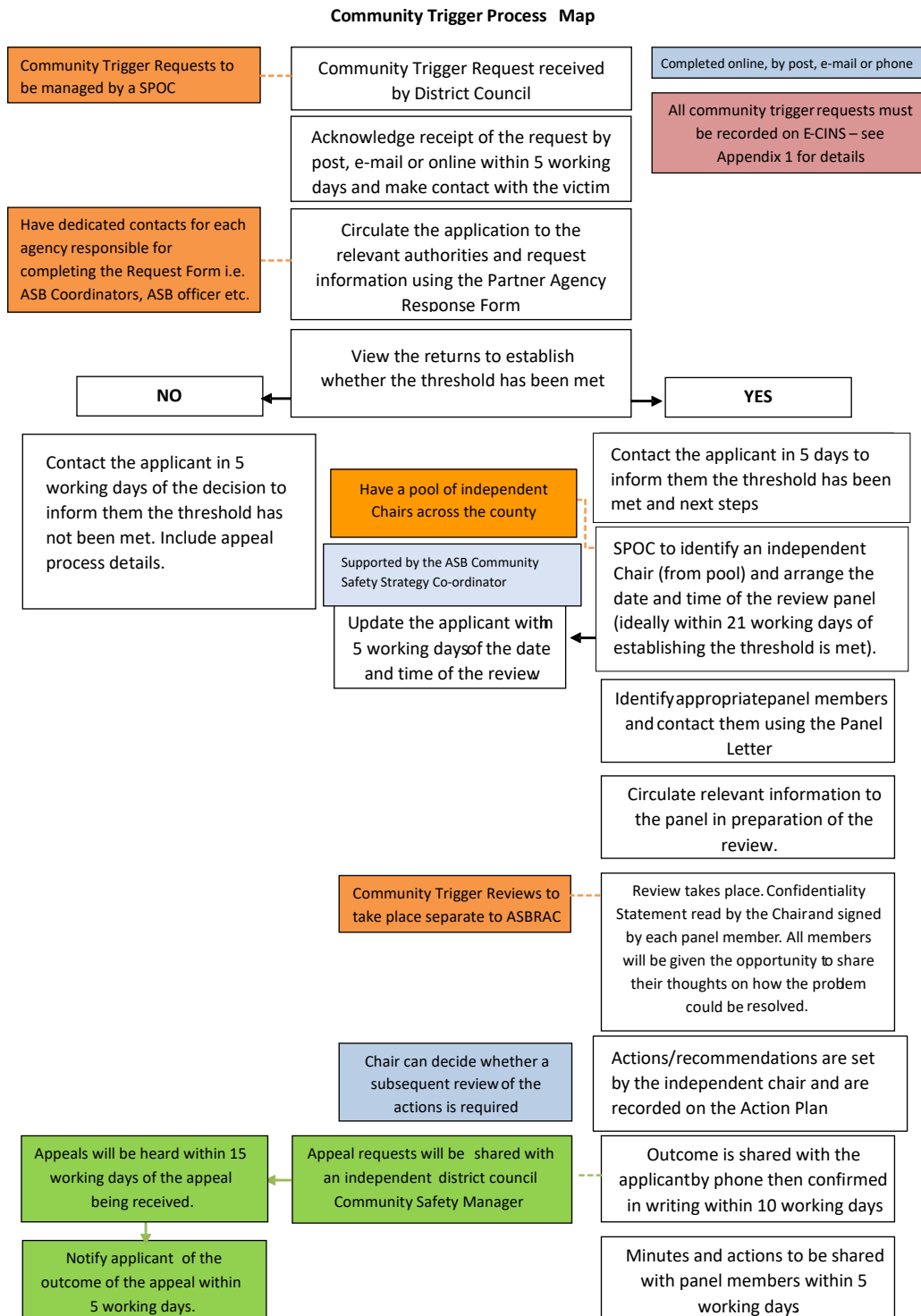
## 10. How to raise a Community Trigger in Lincolnshire

The district council administers and coordinates the Community Trigger in their area. It does not matter which agency a victim has reported incidents to (i.e., police or housing provider), the district council will obtain the details of incidents relevant to the Community Trigger request.

A victim can request a Community Trigger by completing a **Community Trigger Request Form**, which can be found on their district council website. This can be completed using any of the following methods:

- Online (via online portal)
- Downloadable form (returnable via post or e-mail)
- By telephone to the relevant district council
- In writing to the relevant district council

## 11. The Community Trigger Application Procedure





All Community Trigger Requests will be managed on E-CINS, Lincolnshire's ASB Case Management System (see Appendix 1 for details on this process).

Upon receipt of a community trigger request, the district council will return a **Community Trigger Acknowledgement Letter** to the applicant within 5 working days. Each district council will appoint a community trigger specific point of contact (SPOC) who has had no direct involvement in the case to coordinate the request. The district council is responsible for collating the necessary information to establish whether the threshold is met. The SPOC will disseminate the Community Trigger application to the relevant bodies (listed in section 6). The SPOC will also circulate a **Community Trigger Partner Agency Response Form** to the relevant agencies. 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 endeavour to return the information within 5 working days of receipt.

Prior to deciding whether the threshold is met, the SPOC will contact the victim within 5 working days (preferably by telephone) and complete a Community Trigger Contact Form to gather information about the incidents of ASB and agency involvement in the case. It is recommended that a harm centred ASB risk assessment is also completed and a discussion/referral to support services will be made if appropriate.

Where the victim cannot be reached, the 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. A letter confirming this action will be sent by letter to the victim within 5 working days from when the decision to withdraw the application has been made.

The district council will review the partner agency response forms and decide whether the threshold has been met, liaising with the relevant agencies accordingly. In doing so they will complete the **Community Trigger Review Investigation Plan**.

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 and/or a hate incident has occurred.

When there is uncertainty or debate as to whether the threshold is met, if one or more of the relevant bodies considers that it is met, then the Community Trigger should be accepted.

Where the threshold is not met, the applicant will be clearly informed of the reasons why within 5 working days from the date of that decision (using the **Community Trigger Threshold Not Met Letter**). The letter should include details of the appeal process.

If the threshold is met the SPOC will inform the applicant (using the **Community Trigger Threshold Met Letter**) within 5 working days from the date the community trigger request is accepted and will provide an outline of the next steps of the community trigger process, their contact details, and associated timescales.

Ideally, the review must take place within 21 working days of establishing that the threshold has been met. The letter should advise the victim of any support and advocacy agencies available to them and how they can be referred. The letter should also offer opportunities on how the victim's voice can be heard at the community trigger review i.e., either by their (or an advocates) attendance at the start of the community trigger or through a written victim impact statement.

The SPOC will also contact agency representatives (via e-mail) to arrange the date and time of the community trigger review (using the **Community Trigger Panel Agency Invite Letter**). The review panel will include an independent chair (from the pool of trained chairs), and a minute taker. The independent chair will be from another organisation that has no connection to the case. As a minimum, the panel must include representatives from at least 3 of the responsible bodies:

- District Council (Manager/equivalent Manager)
- Lincolnshire Police (Sector Inspector/Partnerships Inspector)
- Social Housing Provider (relevant management level)
- Integrated Care Systems (ICSs - relevant management level)
- Community Trigger SPOC

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.

Any recommendations or appropriate actions identified during the initial review process (i.e., when gathering information in preparation for panel), where an immediate risk of physical or mental harm is present, should be actioned and not be unduly delayed until the meeting of the panel. Any interim actions taken should be communicated during the review.

When a suitable date and time has been identified for the review, the SPOC will also send the applicant a **Community Trigger Review Notification Letter**.

The Community Trigger review must be convened with consideration of the information in the **Chair's Pack** and **Terms of Reference**. Before the review commences the **Community Trigger Confidentiality Statement and Signing in Sheet** must be completed. All agreed actions will be recorded on the **Community Trigger Notes & Action Plan** document, along with utilising the **Informal and formal Interventions Checklist**. For a full list of all supporting documentation please see Appendix 2.

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 of the review (using the **Community Trigger Review Outcome Letter**). The victim should be informed about the actions agreed, except those actions which identify the perpetrators protected personal and sensitive data. They should also be notified on what grounds they are able to lodge an appeal and how they are able to do so (please see section 12).

Minutes of the community trigger review and the action plan must be circulated to all panel members by the SPOC within 5 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.

A follow-up panel hearing may be required before closing the Community Trigger, especially in relation to cases where there is a high risk and vulnerability. This will ensure the recommendations made on the initial action plan have been completed and further actions can be proposed if necessary.

## 12 Appeals

Each victim has the right to appeal if they are dissatisfied with the way in which a Community Trigger case review has been carried out, or with the decision on whether the threshold has been met; in line with the procedures covered in this policy. In Lincolnshire, appeals will be undertaken by the Community Safety Manager of another district council to allow for an independent view.

Appeals must be made using the **Community Trigger Appeal Form** and must be submitted to the SPOC within 28 days. The 28 days will start from the date of either:

- the letter informing the applicant their application has not met the threshold for a case review.
- OR
- the letter informing them of the outcome of a case review.

On receipt of the appeal the applicant will be sent a **Community Trigger Appeal Acknowledgement Letter**. Appeals will be heard within 15 working days of the appeal being received. The victim will be notified of the outcome of the appeal within 5 working days.

The Community Safety Manager's role will be to consider due process and ensure that the panel has properly and effectively undertaken the review. In considering a community trigger appeal the Community Safety Manager can either:

- Uphold the appeal and refer the case back to the local authority to review their decision that the threshold has not been met OR if in relation to a Community Trigger Review, to the panel asking them to consider a particular policy or process, not previously considered (this could include the ASB Strategy, Countywide Procedures for Tackling ASB in Lincolnshire or ASB Case Management Minimum Standard Operating Procedures).

OR

- Determine that the panel has reviewed the case, considering all relevant policies, processes, and protocols to a satisfactory level, in line with the Community Trigger Procedures.

A Community Trigger Review cannot be appealed where a complainant is dissatisfied that a particular agency has not utilised a particular enforcement tool and where it has been established through the 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 appeal process will essentially be a desktop review and will not involve hearings or meetings with victims, although the Community Safety Manager may consider meeting with victims in exceptional circumstances. The appeal process will be subject to periodic review to ensure that victim's interests are adequately considered.

An appeals checklist has been created to support Community Safety Managers through the process and to ensure a consistent approach. This can be found within the supporting documentation outlined in Appendix 2.

## **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. Actions will be assigned to agency representatives (by the SPOC) by means of a Task from E-CINS. It is the responsibility of the agency's representative to complete their required actions and update the Task on E-CINS.

Where an action is not completed within the agreed timeframe the SPOC will contact the person assigned the action (via a Task). 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 up, as appropriate within the relevant agency's senior management structure.

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 Future Applications**

Where further community trigger requests 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 community trigger requests are received without good cause, the district council may refer to the '**Guidance on dealing with vexatious complainants**' or similar policy of the relevant organisation.

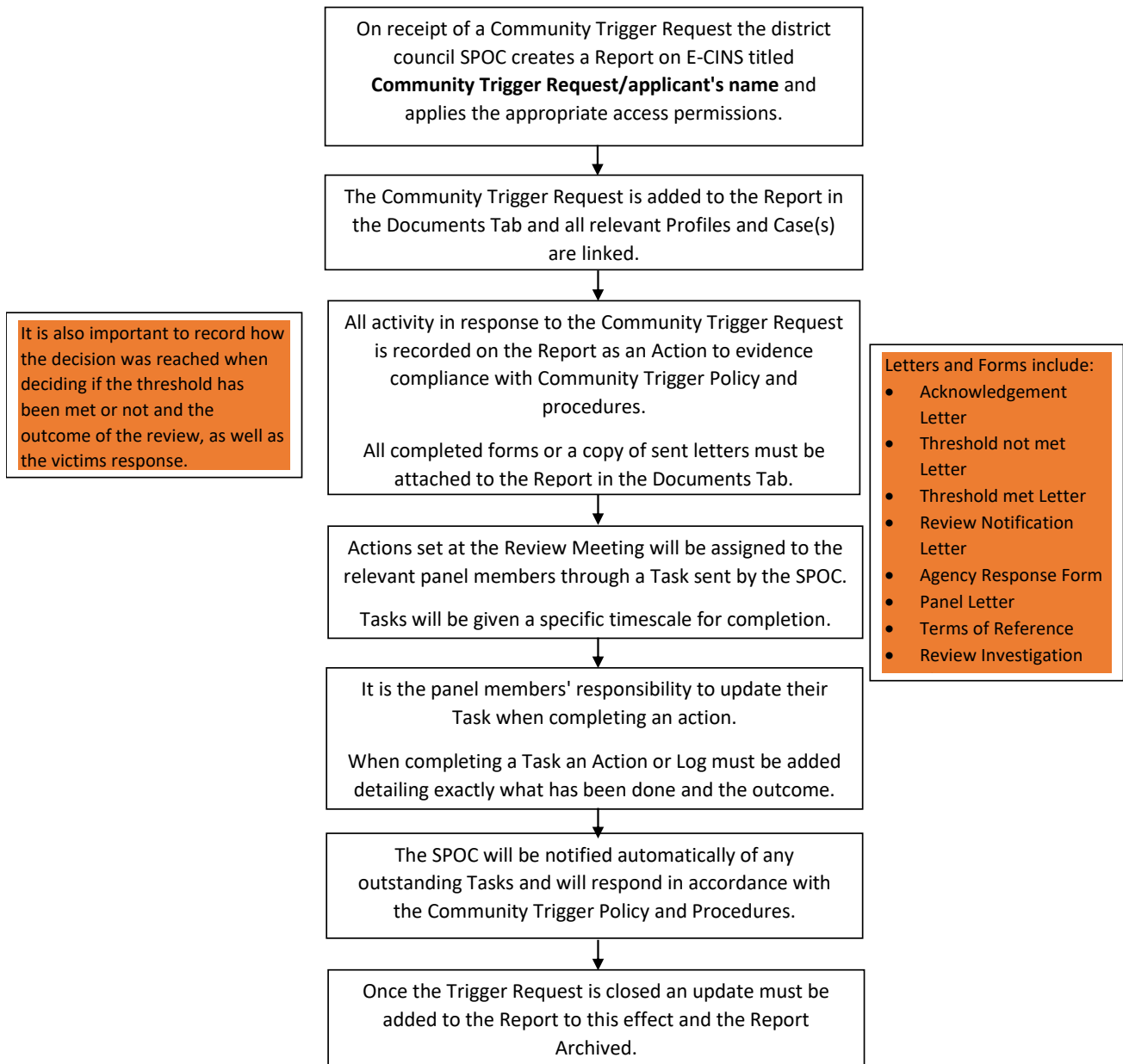
## **15 Publishing Data**

Legislation states that relevant bodies must publish information covering:

- the number of applications for the Community Trigger received
- the number of times the threshold for review was not met
- the number of Community Trigger case reviews carried out
- the number of Community Trigger case reviews that resulted in recommendation being made

In Lincolnshire this information will be published on the websites of Lincolnshire Police and each District Council, on an annual basis.

## Appendix 1: Recording Community Triggers on E-CINS



## Appendix 2: Supporting Documents

All the following documents (including this one) are available on E-CINS Case **593958** which has been created to share the documents with the relevant agencies in Lincolnshire.

- Community Trigger Briefing Word Document
- Community Trigger Terms of Reference
- Community Trigger Chair's Pack
- Community Trigger Acknowledgment Letter
- Community Trigger Acknowledgement Letter (Third Party)
- Community Trigger Review Investigation Plan
- Community Trigger Threshold Not Met Letter
- Community Trigger Threshold Met Letter
- Community Trigger Review Notification Letter
- Community Trigger Partner Agency Response Form
- Community Trigger Panel Agency Invite Letter
- Community Trigger Confidentiality Statement and Signing in Sheet
- Community Trigger Notes & Action Plan (Blank)
- Community Trigger Notes & Action Plan (Example)
- Community Trigger Informal & Formal Interventions Checklist
- Community Trigger Review Outcome Letter
- Community Trigger Appeal Form
- Community Trigger Appeal Acknowledgement Letter
- Community Trigger Appeals Process Checklist
- Community Trigger Appeal Outcome Letter

The following is available on the Download Tab on the E-CINS Dashboard:

- Guidance on dealing with vexatious complainants