



BIRMINGHAM COMMUNITY  
SAFETY PARTNERSHIP

WORKING TOGETHER FOR A SAFER CITY

# THE BIRMINGHAM 'COMMUNITY TRIGGER' PROTOCOL

Equalities, Community Safety & Cohesion Service  
Birmingham City Council

June 2015

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## **BACKGROUND**

The Anti-Social Behaviour, Crime and Policing Act 2014 (the Act) came into effect on 20 October 2014. It presented a radical overhaul of the powers to tackle anti-social behaviour (ASB) and introduced new victim-focussed concepts, particularly the Community Trigger. This is a new mechanism through which victims (or their representatives) can challenge how agencies have responded to reports of ASB.

The full Birmingham response to the new powers is set out in the Birmingham Community Safety Partnership (BCSP) ASB Strategy 2014-17. The purpose of this paper is to set out the revised protocol for responding to applications for the Community Trigger (CT) in Birmingham. It replaces the first protocol which was agreed in October 2014.

### **The Birmingham Community Trigger Protocol June 2015**

Before the Act came into force it was agreed that BCSP would take responsibility for managing the CT process. The CT is, in effect, an enhanced appeals process. Its aim is to prevent some of the tragic consequences that have occurred when agencies failed to respond correctly to reports of ASB.

### **Partnership Arrangements**

The main Birmingham partners who respond to reports of ASB are West Midlands Police, Housing Landlord Services of Birmingham City Council (BCC) and Registered Providers (RPs). There are in excess of 30 RPs who own and manage around 40,000 homes across the city. The RPs have formed Birmingham Social Housing Partnership (BSHOP) to ensure a collective response where needed on issues such as ASB.

There are multi-agency meetings which 'case manage' ASB, these are called Safer Communities Groups (SCG). In June 2015 there were four SCGs in Birmingham aligned to police Local Policing Unit (LPU) and BCC quadrant boundaries. Their purpose is to consider the reports that have come into the various agencies where accusations have been made about particular individuals. SCGs consider these reports and agree actions to resolve the identified problems. Officers from the Police, BCC and RPs convene meetings, together with other partners on an 'as needs' basis (such as the Youth Offending Service with cases involving young people). As the meetings require the exchange of detailed personal information, attendance is strictly controlled to ensure compliance with the Data Protection Act.

The BCSP's role is strategic in that it is not directly represented at SCG meetings but services the ASB Steering Group (see Appendix 1 for Steering Group Terms of Reference) and manages the CT process.

The Act also refers to other agencies, particularly the three NHS Clinical Commissioning Groups that cover Birmingham. SCG working has shown that there also needs to be engagement with West Midlands Fire Service and the Youth Offending Service, on an 'as needs' basis.

## **THE COMMUNITY TRIGGER**

### **Introduction**

The Community Trigger is the right to challenge how agencies have dealt with ASB. It is open to communities and victims (including representatives of vulnerable people) and is designed to ensure that the needs of victims are met. Its intent is to bring agencies together to find a solution suitable for the victim. The CT can be activated by individuals of any age, it is the responsibility of agencies to make it as accessible as possible.

Section 104(5) of the Act states that where an application for a Community Trigger is made, considerations about a case may include:

- The persistence of the ASB 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.

### **BCSP Arrangements for Responding to Applications for a Community Trigger**

In Birmingham BCSP performs the Community Trigger gatekeeper role. As BCSP does not handle ASB cases, when an application is received it is well-placed to provide an independent oversight function, being better placed to see a case from the perspective of the victim.

BCSP has set up the mechanisms for victims (or those acting on their behalf) to activate the Trigger, via a contact telephone number and a website facility. From time to time the BCSP also undertakes various initiatives to raise awareness of the CT through established networks.

### **Qualifying Criteria**

Applications for a Trigger are assessed against the Threshold agreed by partners as shown below. Other categories which affect the suitability of applications are: -

- Anonymous referrals.
- Time Limits and
- Live Cases.

### **Community Trigger Threshold**

While the Trigger is intended to ensure that victims needs are met, the process is also open to vexatious, inappropriate or groundless applications. To prevent this the following Threshold has been devised and agreed between partners:

- I. **If you (as an individual) have reported ASB to the Council, Police and/or a Registered Provider (social landlord) three times about separate incidents in the last six months, or:**
- II. **If five individuals in the local community have reported similar incidents of ASB separately to the Council, Police and/or Registered Provider (social**

landlord) in the last six months, and they consider no action has been taken, or:

- III. If you (as an individual) have reported one incident or a crime motivated by hate in the last 3 months to the Council / Police and /or Registered Provider (social landlord) and no action has been taken.

*(Hate Crime is defined as any criminal offence committed against a person or property that is motivated by hostility towards someone based on their actual or perceived disability, race, religion, gender identity or sexual orientation, which is a factor in determining who is victimised. A victim does not have to be a member of a group and in fact, anyone could be a victim of a hate crime.)*

The flowchart on page 10 shows how applications are assessed and sets out the timetable by which responses have to be delivered.

### Anonymous Referrals

Applications for a Trigger from anonymous parties will not be accepted. In order for the case to be investigated properly the full details of each ASB report are required, i.e. name of person making the report, date of report, organisation receiving report, name of Officer handling the report, any case reference number(s) and the nature of the ASB. Assessing an application is impossible in the absence of these details.

### Time Limits

Section 104(11) of the Act indicates that for a case to be accepted as a Trigger:

- The most recent report of ASB must have taken place within one month of the alleged behaviour occurring, and
- Any application for a Community Trigger must take place within six months of the last report of ASB.

Given these terms, a situation could arise where an application could still be made up to six months after the third incident, potentially up to 13 months from the date of the first incident, as set out below

	<b>Date of ASB Incident:</b>	<b>Can be reported by:</b>	<b>Trigger Application valid to:</b>
<b>Incident 1</b>	1 Jan year <u>a</u>	1 Feb year <u>a</u>	-
<b>Incident 2</b>	1 Mar year <u>a</u>	1 Apr year <u>a</u>	-
<b>Incident 3</b>	30 June year <u>a</u>	31 July year <u>a</u>	31 January year <u>b</u>

### Live Cases

An application for a Trigger by a victim or their representative will be assessed solely using the CT Threshold, this can include cases which agencies may consider to be still 'live'.

## THE COMMUNITY TRIGGER PROCESS

### Applications for a Community Trigger

When an application for a CT is received, BCSP carries out the following:

Lead	Action	Timeframe
BCSP	Acknowledge receipt of the activation by the most appropriate means (usually a formal letter).	1-5 working days
BCSP	Forward details of the case to the Chair or Vice-Chair of the Safer Communities Group (SCG) responsible for the relevant part of the city.	1-5 working days

#### *Vulnerable People*

Given that ASB is often directed at vulnerable people, BCC Housing and West Midlands Police utilise a Risk Assessment Matrix to identify vulnerable victims. Each RP also conducts such risk assessments using their own processes.

Though BCSP performs the gatekeeper role, officers are not trained in handling ASB cases and have no access to ASB case management systems. Therefore it is not in a position to conduct vulnerability risk assessments. If a case appears to concern a vulnerable person, it will be referred on for assessment by experienced staff within 24 hours.

For applications concerning vulnerable people the application process will be prioritised as follows: -

Lead	Action	Timeframe
BCSP	Acknowledge receipt of the activation by the most appropriate means	1 working day
BCSP	Forward details of the case to the Chair or Vice-Chair of the Safer Communities Group (SCG) responsible for the relevant part of the city.	1 working day

#### *Applications from Victims not Considered Vulnerable*

Up to 5 working days are allowed when an application for a CT is made from a case where the victim is not thought to be vulnerable.

Lead	Action	Timeframe
SCG	Determine whether the application meets the CT Threshold and notifies BCSP of this decision	Up to 5 working days
	<b><i>Where a case does not meet the Threshold-</i></b>	
BCSP	Notifies caller	1-5 working days

	<b><i>Where a case meets the Threshold</i></b>	
SCG	Notifies BCSP of next steps	1-5 working days
	Arranges panel review	1-5 working days
BCSP	Notifies caller	1-5 working days

## **Progressing A Community Trigger Case**

*The Act states that the Chair or Deputy Chair under Section 104 may make recommendations to a person who exercises a public function (including the relevant body they are working for) in respect of any matter arising from the review.*

### *Vulnerable People*

The priority with vulnerable people is to ensure their safety in line with existing procedures and practices. The SCG Chair / Vice-Chair must determine the most appropriate way forward.

### *BCSP Actions*

BCSP will:

- Take responsibility for updating the victim at key stages and seeking to ensure that the SCG processes run in line with the deadlines set out in this protocol.
- Maintain an auditable record of all referrals (including those that are not appropriate or do not meet the Threshold).
- Facilitate the appeal process if a victim is dissatisfied with the outcome of the Trigger case.

### *SCG Actions*

Once an application is accepted, SCG will:

- Respond to BCSP enquiries on receiving an application.
- Where needed, convene a panel of whom the Chair should be at least Inspector rank or a designated deputy provided by BCC. If the case relates to an RP, a senior member of staff from a BSHOP partner will be involved. It is expected that all partners involved in the case will attend the review. In cases which involve multiple partners, an independent party may be asked to either chair the meeting or act as an observer to bring an independent view and transparency to the process.
- meet within the timescales set out in this protocol.

### *Expectations on Partners*

- Partners should provide all the necessary information prior to attending the meeting.
- Partners need to ensure that their representative has the necessary seniority and authority to make commitments and give undertakings. This is to ensure that recommendations by the group can be agreed and delivered on a timely basis.
- Each representative will be responsible for completing the agreed actions and providing progress updates.
- The aim is to review the measures previously taken and solve any problems collectively. The recommendations will be jointly agreed and binding on all partners represented at the meeting.

### Community Trigger Case Handling Schedule

Once a CT application has been accepted: -

Lead	Action	Timeframe
SCG	Determines whether the CT case can be heard at a scheduled SCG, or a special panel has to be convened.	1-5 working days
SCG	Notifies BCSP of decision	1-5 working days
BCSP	Notifies caller	1-5 working days
SCG	Convenes panel and considers case	Within 28 working days
SCG	Findings are relayed to BCSP	1-5 working days
BCSP	Informs caller of findings and advises of right to appeal including date by which appeal must be received	1-5 working days
Caller	Determines whether to lodge an appeal and notifies BCSP	Within 28 working days
	<b><i>Where no appeal lodged by set date</i></b>	
BCSP	Notifies caller that the case is now closed	Up to 5 working days
	<b><i>Where an appeal is lodged</i></b>	
BCSP	Invokes appeal process with senior managers and informs SCG	1-5 working days
SCG	Forwards papers to BCSP to prepare appeal papers	1-5 working days
Appeal	Senior managers examine case papers and reach decision	Within 28 working days
BCSP	Informs caller of final outcome	1-5 working days

### Appeals Process



Schedule 4, Part 1 of the Act states that the review procedures must include provision about what is to happen where an applicant is dissatisfied with the outcome of the CT case review.

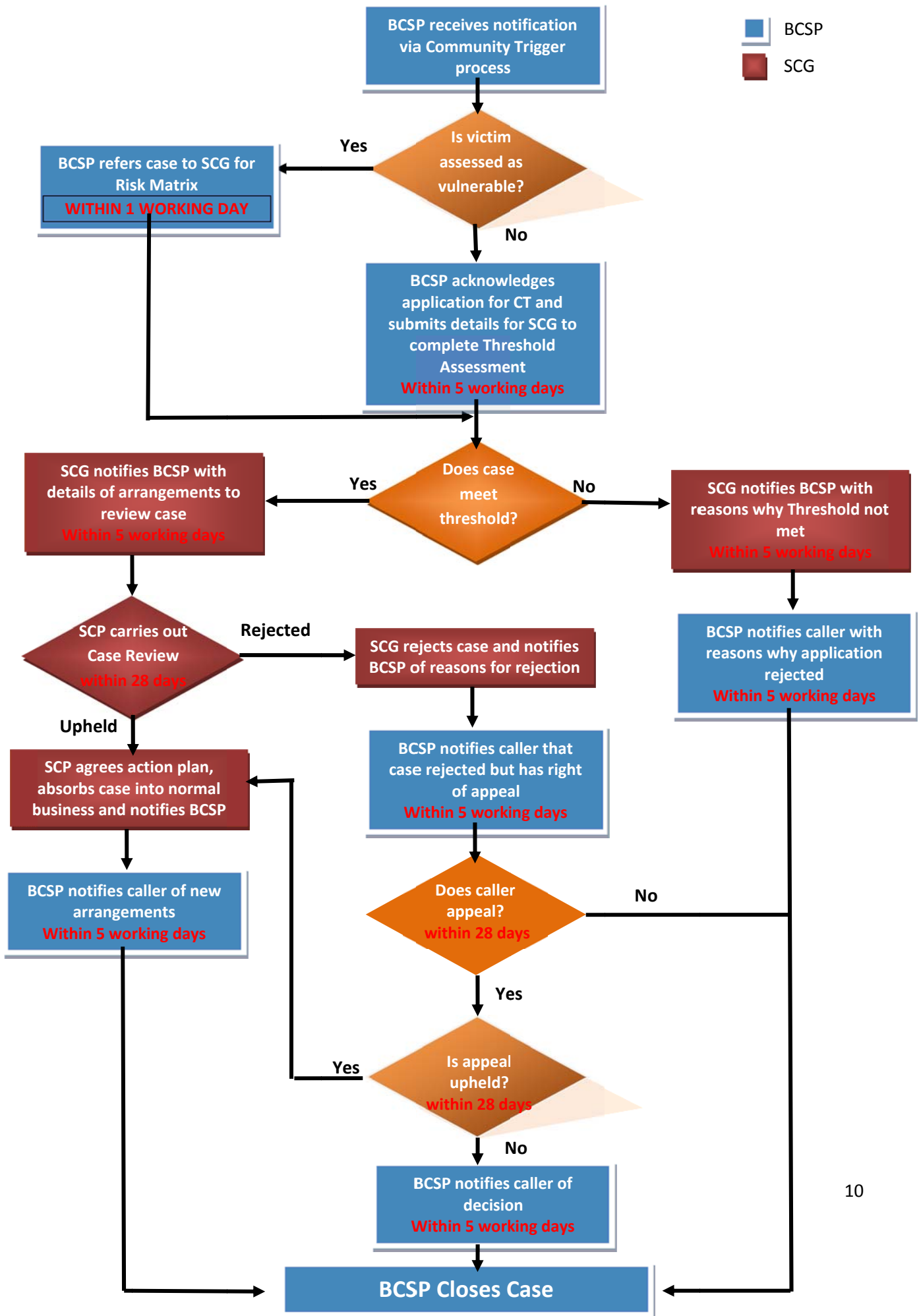
Any appeal will be reviewed by;

- the Assistant Director of Equalities, Community Safety and Social Cohesion, and / or
- the Service Director of BCC Housing Landlord Services.

If the case involves an RP, this responsibility will fall to a senior representative of a BSHOP partner. They will provide a further level of scrutiny to assess the group's response, including any activity proposed and will then liaise with relevant partners and applicants. The BCSP will inform the victim of the final decision.

*Dip samples and case reviews may undertaken in the early stages after the Community Trigger comes into force to gather any learning and assess the process.*

## COMMUNITY TRIGGER PROCESS MAP



## CASE STUDY

The first Community Trigger activation in Birmingham took place in November 2014. It contained an allegation of racism and therefore passed the Threshold and was accepted as a full case. The following is a summary of the report prepared by the SCG Vice-Chair, Jonathan Antill (Housing Landlord Services, Birmingham City Council) after the review panel with some recommendations for future activations.

The Community Trigger panel convened at the end of the Safer Communities Group meeting in the South on 24 November 2014 (11:30-13:00 hours). Present were:

1	SI	West Midlands Police	Partnerships Inspector	Panel Chair
2	GC	Birmingham City Council	Senior Service Manager	Panel
3	SC	Midland Heart Housing Association	Operations Manager	Panel (Independent)
4	JA	Birmingham City Council	Safer Communities Team Leader	Panel
5	KF	Birmingham and Solihull Women's Aid	Think Family Worker	Presenting Officer
6	CP	Bromford Housing Association	Think Family Manager	Support to Presenting Officer
7	NP	Birmingham City Council	Local Housing Manager	Presenting Officer
8	PC JK	West Midlands Police	Police Constable	Presenting Officer
9	AT	Birmingham City Council	Safer Communities Officer	Technical support
10	AN	Birmingham City Council	Safer Communities Officer	Minute-taker

The Panel agreed that the issue met the requirements for activation of the Community Trigger. The complaint focused on two areas:

- 1) A feeling of not being supported;
- 2) No wish to move home but instead wanted the ASB to be addressed and be able to settle down.

Reports were received from: Birmingham City Council's Local Housing Team responsible for addressing anti-social behaviour; the Brandwood Neighbourhood Policing Team representing West Midlands Police and; Birmingham & Solihull Women's Aid acting in their capacity as an Intensive Family Support provider for the Think Family programme. The reports contained details of: all complaints made by the victim; complaints made about their behaviour; the support offered; investigation process; and the interventions taken.

## **Decision:**

- 1) The Panel unanimously agreed that adequate support had been offered to the victim and her family throughout the duration of the investigations. A vast majority of the support mechanisms suggested to the victim are voluntary and therefore require her consent and active engagement. Most importantly, there is current Think Family Intensive Family worker who is leading an fCAF (Family Common Assessment Framework) with the family to identify their needs and identify appropriate intervention.
- 2) The Panel also considered that appropriate investigations into all incidents have been correctly conducted by Birmingham City Council and West Midlands Police in order to address the anti-social behaviour. This has included the use of CCTV evidence, door-knocking, statement taking and evidence from partner agencies such as Schools. There are clear recorded outcomes for all incidents and feedback provided to the victim and her family.

There was a concern from the Panel that all agencies working with the victim stated that she was motivated by a desire to move home, yet the Community Trigger complaint clearly stated that this was not her intention.

## **Actions:**

It was highlighted that none of these actions related to a lack of intervention previously by any of the involved agencies, however they are ongoing actions to support the family and to prevent further ASB.

1. Birmingham City Council to review the live Homeless Application made by the victim in October 2014 and to clarify whether there really is a wish to move or not.
2. Birmingham City Council to conduct an investigation into the new allegations of antisocial behaviour made by the victim on 20 November 2014 at 16:11 hours. This has been allocated to LH (a Housing Officer) to investigate and contact has already been attempted with the victim.
3. All agencies to adopt a multi-agency approach to the fCAF and support the officer to fully implement.
4. West Midlands Police to continue investigating the live criminal report.
5. The victim and her family to continue engaging with the Think Family process and attend all arranged appointments.

## **General Community Trigger recommendations by Panel members:**

Due to this being the first Community Trigger panel convened in Birmingham, there were a number of recommendations made to help shape future Community Trigger activations:

1. There needs to be a clear Community Trigger form for the complainant to complete, in their own words, regardless of whether they telephone or use the website to active the Trigger via BCSP.

- BCSP did not agree, seeing a form as a potential barrier to a vulnerable victim.
2. 1-2 days for the Chair of the Safer Communities Group meeting (often a Police Inspector) to confirm whether a complaint meets the Trigger threshold is not sustainable, especially if the nominated person is on leave, off shift, or tied up in commitments for that period. This part of the process needs to be reviewed.
    - The timeline was changed.
  3. The reports from each agency involved in the case need to be prescriptive to avoid information overload, personal opinions, and aspects not relevant to the original Trigger complaint. All reports from Officers need to be consistent across the City.
  4. The Panel need clear questions to answer when considering their decision to ensure that all Trigger complaints are dealt with consistently and that BCSP receive standardised feedback for the complainant.
  5. The Panel took one and a half hours in total to hear all summaries of the reports, ask relevant questions of the reporting officers, and for the Panel to review and agree the outcomes. This approach would not be viable should there be more than one Trigger in an area.
  6. The complainant in this case was a persistent / malicious complainer – we must have safeguards in place to review these sort of issues outside of a full panel hearing approach.
  7. Should the matter now refer down to the Safer Communities Group meeting to track the above actions accordingly as standard practice, or is there another procedure in place for this?
  8. How do we inform the Presenting Officers of the decision and actions – is this done through the Panel or by BCSP?

Points 3-8 were discussed with BCSP and agreements made. However, it was noted that this was the first CT case and lessons would be learned with later activations.

## **ASB Steering Group Terms Of Reference**

### **Aim**

The aim of the ASB Steering Group is to oversee the development and implementation of the ASB strategy, provide senior management oversight of policy and direction, and provide a forum for partnership working on complex matters.

### **Objectives**

The objectives of the Birmingham ASB Steering Group are to:

- monitor the implementation of the 2014 Anti-Social Behaviour Policing & Crime Act, including the new duties, particularly the Community Trigger
- maintain an overview of the implementation of the Birmingham ASB Strategy
- ensure the effective working arrangements for tackling ASB and for supporting victims and witnesses
- provide support to local partnership arrangements as set out in the ASB strategy in addressing complex or difficult cases and issues
- ensure the proper use of any funding or grants allocated to initiatives which further the aims of the group
- facilitate reports to stakeholders on ASB in Birmingham as and when required
- ensure all statutory duties relevant to tackling ASB are fulfilled, including information-sharing, equalities and human rights obligations.

### **Membership**

The membership of the ASB Steering Group is attached at Annex A.

### **Meetings**

Meetings will usually be held bi-monthly, though the Chair can commission ad hoc working groups to consider particular areas of business.

### **Review**

The Terms of Reference will be reviewed at the first meeting in the September / October period of each year.

## MEMBERSHIP

<b>Name</b>	<b>Agency</b>
Baz Javid (Chair)	WM Police
Claire Berry (Vice-chair)	Housing Landlord Services, Birmingham City Council
Alan Brown	Victim Support
Alan Moorhouse	Birmingham Social Housing Partnership
Claire Veitch	CRI, Team 6 ROR Manager - Criminal Justice, Womens Service, Open Access
Geoff Taylor	Equalities, Community Safety & Cohesion
Gurdeep Hanspaul	Victim Support
Harry Stanton	WM Police, Partnerships Team, Data Analyst
Hilary MacPherson	Legal, Birmingham City Council
Lee Gordon	British Transport Police
Mark Croxford	Regulatory Services, Birmingham City Council
Mashuq Ally	Assistant Director, Equalities, Community Safety & Cohesion
Rahila Mann	Equalities, Community Safety & Cohesion
Reg New	CENTRO ASB Team Manager
Sue Brookin	WM Fire Service
Tom Dobrovic	WM Police, Partnerships Team
Trevor A Brown	Head of Youth Offending Service, Birmingham City Council
<b>Interim Members</b>	
Karen Greasley	WM Police, Partnerships Team
Pete Henrick	WM Police
Phil Cape	WM Police

## USEFUL LINKS

Birmingham City Council  
<http://birmingham.gov.uk/>

Birmingham Community Safety Partnership  
<http://birminghamcsp.org.uk/>

Bromford Housing Association (RP)  
<http://www.bromford.co.uk/>

Castle Vale Community Housing Association (RP)  
<http://www.cvcha.org.uk/main.cfm>

Midland Heart Housing Association (RP)  
<http://www.midlandheart.org.uk/>

West Midlands Police  
<http://www.west-midlands.police.uk/>

West Midlands Police and Crime Commissioner  
<http://www.westmidlands-pcc.gov.uk/>