

**Office of the Police and Crime Commissioner for Gwent**

**ASB Case Review – OPCC Review Process**

The Anti-social Behaviour, Crime and Policing Act 2014 places additional responsibilities on agencies and introduces measures which are designed to give victims and communities a say in the way anti-social behaviour (ASB) is dealt with.

The Antisocial Behaviour Case Review, previously known as the Community Trigger, gives victims of antisocial behaviour the right to request action starting with a review of their case, where a defined threshold is reached. The aim of Antisocial Behaviour Case Review is to try to find a resolution for victims and communities.

Full details of the Antisocial Behaviour Case Review are available in the **national guidance**. Anti-social behaviour case review - GOV.UK (www.gov.uk).

The local Community Safety Partnership sets the threshold and process for the Antisocial Behaviour Case Review to be used locally, in line with the above national guidance. Details of these are available on each local authority website:

[**Blaenau Gwent**](https://www.blaenau-gwent.gov.uk/resident/emergencies-crime-prevention/community-safety/anti-social-behaviour/)

**[Caerphilly](https://www.caerphilly.gov.uk/services/emergencies-and-crime-prevention/community-safety/community-trigger" \t "_blank)**

[**Monmouthshire**](https://www.monmouthshire.gov.uk/community-safety/community-trigger/)

[**Newport**](http://www.newport.gov.uk/documents/Transport-and-Streets/Anti-social-Behaviour-Community-Trigger.pdf)

[**Torfaen**](https://www.torfaen.gov.uk/en/CrimeEmergencies/CrimePrevention/Antisocialbehaviourandnuisance/Community-Trigger.aspx)

The Antisocial Behaviour Case Review national guidance provides a route for victims to query the decision on whether the requirements of the Review threshold were met, or the way a Review was carried out. In Gwent, that route is through to the Police and Crime Commissioner, who will direct their office (OPCC) to carry out a review of the process.

A case review may only be referred to the OPCC where the applicant is dissatisfied with the way the relevant bodies have dealt with the Antisocial Behaviour Case Review. The OPCC will **not** to carry out the ASB Case Review itself.

The role of the OPCC is to consider due process and ensure that the partners involved have properly and effectively undertaken a case review by considering whether:

1. The Review has failed to consider a relevant process, policy or protocol;
2. The Review has failed to consider relevant factual information.

Following a review, the OPCC can only:

1. Refer the case back to the Local Review Panel asking them to consider a particular process, policy or protocol not previously considered (the OPCC cannot mandate a Case Review is undertaken, but can recommend it); **or**
2. Determine that the Local Review Panel have reviewed the case appropriately, considering all relevant policies, processes and protocols.

In either scenario, the OPCC will share observations with the relevant agencies and applicant/s.

The OPCC will conduct this process by reviewing the case file for the ASB Case Review, prepared by the single point of contact from the community safety partnership. A best practice case file should include:

* An incident log
* A chronology of action taken by agencies
* A write up of the rationale behind the Case Review decision
* A copy of the minutes from the Case Review Panel
* Any outcome letter to the applicant.

The OPCC may need to speak to individuals involved, including those on the panel and the applicant/s, for more information.

A Review cannot be escalated to the OPCC where an applicant is dissatisfied that a particular agency has not utilised a certain enforcement tool for any of the incidents involved.

The OPCC will not re-investigate the incidents discussed in the ASB Case Review and can only determine if the Case Review process itself and the outcome was reasonable and in line with relevant policies and procedures.

Moreover, the OPCC cannot consider separate or new incidents not reported to relevant agencies or shared with the panel (these will need to be shared with the agencies for consideration of a new ASB Case Review).

Finally, the OPCC cannot consider complaints about individual members of staff from any agency.  Concerns about the conduct of staff should be directed to their respective organisations’ complaints departments.

Antisocial Behaviour Case Review **– OPCC Review Procedure**

The procedure for reviewing how the Case Review Panel (CRP) was carried out and/or failure to make suitable recommendations, is as follows:

* Within 30 days of the Panel report being made, the OPCC is notified via the local authority/community safety partnership single point of contact (SPOC) that the applicant wishes to invoke the right of review against the way the CRP was carried out. **The SPOC will request that the applicant email the OPCC requesting a review of their Case Review to the Commissioner’s inbox (**[**commissioner@gwent.police.uk**](mailto:commissioner@gwent.police.uk)**).**
* At the same time, the SPOC will provide the OPCC with the relevant case file.
* The OPCC acknowledges receipt of the request for review to the applicant and SPOC, providing an indicative timescale for response to the application. The OPCC will aim to complete the review within 30 days of receipt of the request and will advise of any exceptions to this.
* When acknowledging receipt of the request, the OPCC will ask the applicant to detail why they would like to raise an appeal and a copy of any documents relevant to their case.
* Within the identified timescale, the OPCC will review the outcome of the CRP against the agreed process and criteria in place for that local authority area. This includes referencing this to the national guidance and conversations with those involved, as appropriate.
* Whilst carrying out the review, progress updates will be provided to the applicant every 14 days, unless stated otherwise or different timings are agreed with the applicant.
* The OPCC will inform the applicant, in writing, of the review findings and/or recommendations, advising that these will also be provided to the SPOC for the relevant CRP.
* Review process **ends. There is no further right to appeal to the OPCC.**

**Last Updated 07 May 2024.**