

An Introduction to The Community Trigger

Presentation – Rebecca Brown, CEO, ASB Help

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We are delighted the LGA has invited ASB Help to present an introduction to the community trigger. My name is Rebecca Brown and I am the CEO of ASB Help.

I hope delegates will enjoy the presentation, leave with greater clarity about what the community trigger is, and how it can be used to maximum benefit in your day-to-day work.

ASB Help is a national charity set up in 2013 to provide signposting and on-line resources to victims of ASB. As well as lobbying for better rights for victims, we work directly with government departments and practitioners to assimilate best practice into ASB management.

If you have any questions or would like further information on what we do and how we may be able to assist you, please take a note of our contact details. Presentation slides will be made available to delegates.

SLIDE 2- CONTACT DETAILS

Before delving straight into the mechanics of the community trigger, I would like to reflect on the last 12 months, because a year ago today, I was in London attending the Home Office strategic board on ASB. This is the forum where we collectively deliberate on how we can provide real and tangible opportunities for stakeholders to manage increasing caseloads and tackle the complexities, nuances and constantly changing character of ASB.

Indeed, the fundamental question I ask myself, my colleagues in government and at ASB Help is:

How do we convert policy, with what we know about ASB on the ground, into best effect? How do we collectively change the landscape in ASB management to ensure that practitioners can work with the tools and powers available to them and have maximum reach to protect victims and enable perpetrators the opportunities to change?

That day in London was a great day, one filled with hope and optimism for the future and the opportunities afoot to realise change for the better. Opportunities such as ASB awareness week scheduled for April 2020, and many other initiatives designed to raise the profile of ASB that, were, inevitably cancelled. Indeed, I have clearly romanticised my recollection of that day in London. Because little did any of us anticipate, that within a few weeks, the world would change so monumentally that ASB would transmogrify into hitherto unseen behaviours and augment those traditional behaviours such, as neighbour disputes into, in some cases, risk to life situations.

SLIDE 3 -LOCKDOWN PIC 1 TOILET ROLL

I doubt there is anyone in this virtual room who did not witness, at first hand, the extraordinary and unparalleled escalation of ASB incident reporting. In the first lockdown, ASB Help's website traffic and enquiries increased by 51%. Practitioners, still getting to grips with working from home and struggling to even access internal systems, let alone trying to manage their pre-COVID caseloads, were seeing increases of incidents ranging between 25 and 350% .

SLIDE 4 -LOCKDOWN PIC 2 RAVE

In the panic of trying to manage a radical shift in our ways of working, and while addressing the transmogrification and proliferation of ASB, we perhaps did not anticipate that we would, inadvertently, be opening the door to re-evaluate the fundamental assumptions we make about ASB, including what it is and how we manage it.

Perhaps, being in our third lockdown, it is still too early for us to have the perspective of time to fully realise the potential insight and opportunities the pandemic provides all of us to do more for victims and manage the harm caused by ASB.

I do believe that the door for meaningful change though is now open. The pandemic has revealed the necessity to start a new, national dialogue on ASB. And this is because we have asked fundamental questions about what ASB actually is,

We have asked:

Do COVID breaches amount to ASB?

How can we best protect the most vulnerable members of our communities?

Can the tools and powers of the ASBCPA be used to manage the changing nature of ASB and its relationship with the pandemic?

It is my opinion that this is an urgent conversation that all stakeholders should participate in. But I sincerely believe that the answers to some of these questions can be addressed now.

I say, to do this we must go back to the future.

We must re-appraise the tools already available to us. And one of these tools has been manifestly misunderstood and underused.

It is the community trigger.

If you embrace the community trigger, it will be an asset to your practice, and not, as some believe, a hinderance.

SLIDE 5 -PICTURE OF FIONA PILKINGTON

It is important to be familiar with the reasons why the community trigger was introduced.

The tragic deaths of Fiona Pilkington and her daughter Francesca in October 2007 illuminated the absence of safeguards for victims of ASB. Having endured years of persistent ASB, Fiona took the life of her and her daughter. Fiona's case is testament to the significant harm that ASB causes.

I would be grateful if everyone here today could reflect on those cases they have, or have heard of, because we all know them; the cases that have rumbled on for years, where the incidents don't seem to meet the criteria of 'serious', are sporadic in nature, or where it is difficult to identify perpetrators and a clear means of resolution.

We have witnessed, especially in lockdown, how these drip effect cases can reach a nuclear outcome without notice. Where individuals have been seriously harmed, in some cases with life altering consequences. We also believe there may have been deaths that are the direct result of ASB during the pandemic.

I urge all delegates, if they only take away one piece of information from this webinar, that it is this one: the community trigger can protect victims and practitioners can also invoke it, if they know of, or have a potential Pilkington case.

SLIDE 6- THE LEGISLATION

This is a little about the legislation:

In the wake of the Pilkington case, the Anti-Social Behaviour, Crime and Policing Act 2014 introduced the community trigger, also known as the ASB case review. For simplicity, I will refer to it as the community trigger. The community trigger is administered locally by either the council or police force.

SLIDE 7- WHAT IS THE COMMUNITY TRIGGER?

The community trigger is a statutory provision which enables victims (or others with the victim's consent) to request a review of their case where no effective action has been taken to resolve it.

As best practice, we recommend that agencies add some flexibility into their community trigger policy to enable senior managers the authority to activate a community trigger on behalf of a victim, even without their consent in the most serious cases. This caters for those scenarios where a vulnerable victim will not ask for help, or, does not recognise the risk posed to them because of the anti-social behaviour.

There is a criteria to be eligible to use the community trigger.

SLIDE 8-QUALIFYING COMPLAINTS

The threshold to activate the community trigger is that a victim has suffered at least 3 incidents of ASB in the preceding 6 months and that each incident was reported to either the police, council or housing provider within 30 days.

SLIDE-9 THRESHOLD

As best practice, we recommend agencies also add that a victim is eligible to use the community trigger if they have suffered one incident of HATE.

And, one popular misconception is that the threshold should include a provision for 5 households to activate the trigger. This was a provision in the pilot for the ASPCA, but was dropped from the actual legislation. Please do check if your current threshold still uses the 5 household provision because if it does, it should be removed.

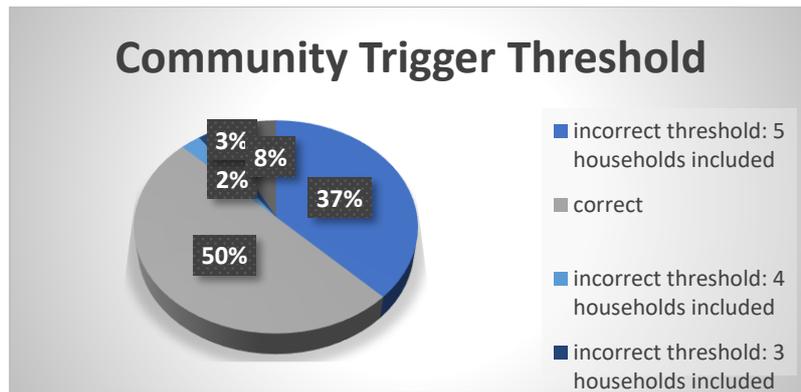
SLIDE 10- SURVEY

I must say that the overall agency compliance with the legislation is problematic.

On a survey of the 40 PCC websites, only 15 mention the community trigger. Even when it is mentioned, a substantial amount of the information is incorrect.

When reviewing a sample of 40 random local authority websites, this is what we found:

- 2 local authorities had no information on the community trigger at all
- You could only raise the community trigger using an online form in 7 local authority areas rendering it impossible for victims without access to the internet to invoke the trigger
- Only 3 local authorities published their community trigger policy and procedures. Although not legally required, this is best practice so that victims are clear about the process and to show the community trigger is transparent.



As the diagram shows: 50% of the 40 websites reviewed either had the incorrect threshold or no details provided about the threshold at all.

I hope that delegates will check their own websites to ensure they comply with the legislation. But also look at their website through the lens of a vulnerable victim to determine if it provides a clear and accessible route to activate the trigger.

Back to the community trigger process:

On receipt of a community trigger activation request, the administering agency should take several steps. I will explain what these steps are according to the legislation and what we say is best practice, based upon what we have seen to work successfully.

SLIDE 11- FLOW CHART/INITIAL PROCESS

The recipient agency should:

Confirm with the victim if the threshold is met. They should not conduct the investigation at this point. This part of the process is to determine that three incidents

have occurred in the preceding 6 months and that no EFFECTIVE action was taken to resolve the ASB.

I would like to emphasise the word EFFECTIVE.

This is subjective. And, this is where the process can fail for victims. We have seen agencies claim they have taken effective action because they have initiated an intervention such as mediation previously. Yet the ASB continues and the mediation was unsuccessful.

If the ASB continues, despite a previous intervention, then effective action HAS NOT been taken. This does not mean that the decision to deploy that intervention was incorrect at the time. It means that a reconsideration of the case is required to look at an alternative intervention.

Unfortunately, some agencies feel any intervention is a justification for no further action in a case.

I urge all agencies to keep in mind the mantra 'is it fair, reasonable and proportionate to all parties' to take NO further action at this point.

The next stage of the process is to:

Liaise with the victim and allocate them a single point of contact for all communications. One of the consistent concerns we receive from victims is that they have activated the community trigger but have heard nothing and don't know who to contact or who they should report new incidents to. When a victim is living through serious and persistent ASB, their whole life is consumed by it. They are often anxious, frustrated and are living on the edge. They need to know what is going to happen with their case, because after all, it is THEIR case and they are living it.

Having that dialogue also provides a valuable opportunity for an agency to get to know the victim, to manage risk and get a comprehensive understanding of the case and its nuances.

Sometimes, victims provide information which may seem relatively insignificant to them but to a practitioner may be of crucial importance to ultimately resolve the case.

An example of this is could be where a victim has activated the trigger because next door's teenagers are smoking cannabis in the garden, kicking a football on their fence for hours on end and throwing rubbish into the victim's garden. But during your discussion with the victim, they also mention other issues not written in the activation request such as the arguing, screaming, and banging that they can hear in next door's house every night while the teenagers are in the garden. This information should inform the practitioner of the possibility of domestic abuse or other issues in the neighbouring property that require further investigation.

We cannot always find the root cause of anti-social behaviour, but in some cases we can. What if, in this scenario, there was in fact serious domestic abuse in that property and the reason the teenagers were in the garden behaving anti-socially was because they had to leave their property while the domestic abuse was being perpetrated?

A fundamental requirement for any practitioner is to manage all cases using a harm centred approach for victims and perpetrators. In the scenario I have just described, a practitioner should consider whether the perpetrators are also victims in their own right, but without minimising the harm suffered by the trigger applicant.

An as well as engaging in dialogue with the victim, we say it is best practice to offer a referral to support services as standard.

An important feature of the community trigger is that the victim is given the opportunity to have their voice heard. It is their chance to explain the harm and impact the ASB has caused them.

How and in what means this is done is often a source of contention for practitioners who feel that if a victim attends the community trigger review, that data protection will be compromised.

We say this is a legitimate concern that can be easily managed.

A victim could provide their victim testimony and the beginning of the community trigger review before any sensitive information is discussed. Alternatively, they could be asked to provide a written impact statement or statement that could be read by their advocate, again, before the disclosure of sensitive information.

If the victim's voice is not heard, it is impossible to truly understand the impact of the ASB and which tools and powers are best deployed in their case.

The next stage of the community trigger process is to:

appoint an independent chair. This is best practice and we say the chair should be from a different area but someone with experience of managing ASB and who has a good working knowledge of the ASBCPA. In our experience, this works most effectively when agencies proactively invite reciprocal arrangements with their counterparts in other areas of England and Wales. The pandemic has meant we are

all using online platforms to conduct our business. There is no longer a physical barrier preventing a senior practitioner in Devon for example, chairing a community trigger in Durham. It is also a fantastic opportunity for benchmarking and learning from other areas, especially to identify new and emerging trends in ASB.

After appointing the chair, the next stage is to Identify and contact the agencies involved in the case and those agencies that should be involved in the case. For example, if MH, drugs/alcohol are a factor.

The administering agency should obtain from each agency any case notes or records relevant to the case. This is also a good opportunity to identify dates to run the trigger meeting and ask for each agency representative to sign and return a confidentiality agreement.

SLIDE 12- AT THE REVIEW

Prior to the trigger meeting, all panel members should be provided with the evidence in the case to enable them to conduct their own review of the evidence and identify questions they may need to ask at the meeting.

At the outset of review meeting, which should be minuted, housekeeping matters should be managed by the chair, including conflicts of interest.

Based on the evidence, the chair will identify the lead agency or agencies. This should be determined on the basis of which agency has a particular responsibility, such as a tenancy agreement, or, an agency who has recourse to use a particular power most suitable in that case which another agency does not have the authority

to use. For example, a registered provider of housing cannot issue CPW's unless that power has been delegated to them from the LA.

If, for example, the case involves a crack house which is owned by a registered provider of housing, there should be two lead agencies; the landlord who has the power to enforce the tenancy and then either the police or council because they have the powers to apply for a closure order.

During the trigger meeting, each panel member will be given the opportunity to provide information about their knowledge and involvement in the case.

The chair will ask each panel member for their opinion on what actions should be deployed to facilitate a resolution, based on their evaluation of the case and expertise.

The chair will decide on the action plan, allocate tasks to agencies with timescales.

The chair, or community trigger co-ordinator will decide if and when a review of actions is required.

The single point of contact will inform the victim of the next steps.

We know the community trigger does work. It makes a real difference to the lives of victims and it provides perpetrators with access and support to enable them to abstain from ASB. But it also provides practitioners with a means to facilitate a resolution with all community stakeholders who can share their expertise and actively be a part of the resolution.

The only part of the community trigger process that will be resource intensive is setting the foundations for it. For example, establishing MOU's with partners,

identifying support providers, and formalising the process. Once this is done, the community trigger process can run effectively.

However, coming into its seventh year, the CT is frequently misunderstood and plagued by myths.

SLIDE 13 – MYTHS

Here are some of the myths:

The CT is not used because practitioners see it as:

It is an added layer of bureaucracy with no tangible benefits

It is a waste of scarce resources

It is a blaming exercise

It is another route for vexatious complainants and is not used by genuine victims

If we publicise the community trigger, it will increase demand that we do not have the capacity to meet

I would like to set the record straight:

Yes, we know the CT process has been used by vexatious complainants and attempts have been made to misuse it. This can be managed through a robust community trigger policy with a built-in vexatious complainant section.

Yes, like any new way of working, it takes time and commitment to set the process up, engage agency partners and entrench the use of the community trigger as standard practice.

Yes, there may be an initial increase in applications for the community trigger but in our experience, this dissipates. Indeed, what we have seen in areas who have worked with us on their trigger policy is that it is the practitioners who then invoke the community trigger to manage complex and entrenched cases.

Yes, initially setting up a community trigger process that meets best practice will take time. However, once in place, it will function on a cost/benefit basis. Those entrenched cases that have drained agency resources for sometimes years, can be brought to a resolution once and for all.

SLIDE 14 - PIC OF PEOPLE JUST DO NOTHING

We are going to play you a clip from the BBC series 'people just do nothing'. This is a documentary you may have already seen. We are playing it to show you one of the many faces of anti-social behaviour and to demonstrate how the community trigger could be used to tackle this case example.

As you are probably working from home and may have little ears around, I must warn you that some of the content of the clip contains foul and abusive language and behaviour and scenes of nudity and drug use. We must thank Freemantle media for allowing us to use this clip.

PLAY THE CLIP

Based on that clip, we know the neighbour, who we will call the victim, has:

Attempted to resolve the anti-social behaviour himself. He has followed the best practice that we as practitioners would tell him to follow. He has sent a letter and spoken with the residents/visitors at the flat.

We know his attempts have failed.

These are the assumptions we are making, having watched the entire series.

SLIDE 15- PIC OF STEVES AND NAN

The flat is a social housing property belonging to the character Steve's nan who now resides in a care home. Steve's nan provides Steve with some of her prescription medication for recreational use.

We will also add some other facts to this scenario:

The victim has invoked the community trigger as a last resort. He has contacted his landlord who has told him to contact environmental protection because it is a noise nuisance issue. EP have sent out diary sheets but have informed the victim that it is his landlord's responsibility to take action and there is a long waiting list for NME.

SLIDE-16 -REVOLVING DOOR

The victim is trapped in the revolving door of anti-social behaviour, he cannot sleep, it is affecting his work which involves operating heavy machinery, his children are also affected and this is reflected in their poor performance at school. The victim's partner is now suffering from anxiety and there is a strain on their relationship.

The victim has invoked the community trigger and the authority accepts the application meets the threshold.

Who should attend the community trigger in this scenario:

SLIDE- 17- WHO SHOULD ATTEND THE CT?

Independent chair

Landlord

Police

Council

Environmental Health

Mental Health

Drug and Alcohol Services

Fire

Who should be the lead agencies:

Landlord and Council

NEXT SLIDE-18- ISSUES FOR CONSIDERATION

What issues should be considered:

The needs and vulnerabilities of the victim, including the identification of other potential victims in the neighbouring properties

Identification of perpetrators and their risks and vulnerabilities, although we accept that perpetrators cannot always be identified but this should not preclude enforcement action.

Tenancy: type of tenancy, the 'tenant', succession and sub-letting, fraud

Tenancy breaches, including ASB, condition, use of property, door number, illicit drug use

Fire risk as a direct result of overloaded sockets.

The next part of the process is to evaluate the evidence.

SLIDE-19 -INFORMAL AND FORMAL INTERVENTIONS

Here, enforcement options are considered and each panel member provides their opinion on what enforcement options they believe are the most appropriate.

Enforcement options can be formal or informal and usually include those contained in the ASBCPA. Where noise meets a statutory level, the Environmental Protection Act 1990 can be applied and for tenancy enforcement, interventions using the Housing Act legislation. Of course, criminal prosecutions can also be considered.

For the purposes of this scenario, we will assume that evidence of the ASB is available and credible, so the next task is to establish the action plan.

SLIDE- 20- ACTION PLAN

Here is an example of an action plan we have created for this scenario

The independent chair has decided that it is fair, reasonable, and proportionate to use two legal routes in the interests of mitigating the risks to the victim and other

residents living in the block. This opinion is based on the potential risk of harm because of the fire risk and use of the property.

As you will see, in this mock action plan, specific tasks are allocated to agency representatives with timescales.

As we will all be aware, ASB cases can change rapidly and therefore it is crucial that the ASB co-ordinator continues to disseminate case updates and liaise with agencies to manage action plan timescales. The ASB co-ordinator can, at any time, decide that a further review of the case is necessary and organise another meeting.

Following the completion of the CT Review, the specific point of contact should contact the victim immediately to provide information on the next steps in the case as well as to advise on any harm reduction strategies deemed necessary.

I hope that the 'people just do nothing' scenario has provided delegates with an appraisal of the mechanics of the community trigger process in practice.

Additionally, I hope this scenario has demonstrated that using the process is an effective use of your resources to manage cases to a successful conclusion. And this is just one example of when the community trigger can be used.

SLIDE-21- DIVERSITY OF CASES FOR CT

The community trigger is a versatile tool that can be used to deal with a multitude of cases. Remember any behaviour can amount to anti-social behaviour if it causes the victim harassment, alarm, distress, nuisance or annoyance: These are some examples of the types of cases where a CT can be used:

Gangs

Organised crime groups

Domestic abuse (where residents in the neighbourhood state they are suffering harassment, alarm, distress, nuisance, or annoyance)

Neighbour disputes

Noise nuisance

Terrorism

Condition of a property

Harassment

Hate offences

Drugs and drug dealing

NEXT SLIDE-22-EMBRACING THE CT

In addition to this, embracing the CT will:

Validate your commitment to tackling ASB in your community

Foster a culture of learning instead of reprisals

Cultivate good working relationships with partners

Be ahead of the curve in identifying new and emerging trends and societal changes.

NEXT SLIDE-23 -MONKEYS

But the message I want to convey to you all is this: Use the CT to best effect and minimise the likelihood of another Fiona Pilkington.

This process enables you to work effectively and not fall into the trap of not seeing a vulnerable victim, not hearing them ask for help and not having the opportunity to speak out and demand action on their behalf.

So, the final part of my talk today is to inform you about how ASB Help can assist you to implement an effective CT process which embodies the spirit of the legislation and is also compatible with the recommendations made in the social housing white paper.

NEXT SLIDE-24-THE ASB HELP PLEDGE

We are running a campaign called the ASB Help PLEDGE.

We will, review your current CT policy and procedures, and make recommendations (if required) to enable you to make amendments to ensure compliance with the legislation and to meet best practice.

NEXT SLIDE-25- HOW WE HELP

We will provide you with documents including:

Example policies and procedures

Website information

Terms of reference to help govern review meeting

Confidentiality agreements

Chairs pack

Checklist of interventions

Vexatious complainant guidance

Standard letter templates.

We will also, work with you to manage any local problems you may have or help you to deal with specific issues in your policies and procedures such as how to manage cases where a vulnerable person is being cuckooed.

Additionally, we will help you to run a mock CT, and assist you in providing training to your staff.

NEXT SLIDE-26- THE PLEDGE IS FREE

Perhaps the most attractive aspect of the ASB Help PLEDGE is that it is free, and once you have taken the PLEDGE, you can use our logo on your website and literature to demonstrate to stakeholders in your community that you are working to best practice and putting victim's at the heart of your work.

NEXT SLIDE-27 -CUTTING EDGE AND CONTACT

To initiate the process of taking the ASB Help PLEDGE, please send us an email to express your interest and we will be in touch with you to discuss the next steps.

Thank you all for your time today. I hope you have found this presentation informative. And I hope you all stay safe and well during this difficult time.