

DECISION NO: PCCG-2014-083

OFFICE OF POLICE AND CRIME COMMISSIONER

TITLE: The Anti-social Behaviour Crime and Policing Act Community Trigger Review

DATE: 17th November 2014

TIMING: Normal

PURPOSE: For decision

<p>1.</p>	<p><u>RECOMMENDATION</u></p> <p>The Commissioner is asked to consider the contents of this report and decide whether the Office of the Police and Crime Commissioner should undertake a role in providing a review of the Community Trigger process when the victim is dissatisfied with the outcome.</p>
<p>2.</p>	<p><u>INTRODUCTION & BACKGROUND</u></p> <p>The Anti-social Behaviour, Crime and Policing Act 2014 places additional responsibilities on agencies including new measures which are designed to give victims and communities a say in the way anti-social behaviour (ASB) is dealt with.</p> <p>The Community Trigger process provides a route for victims to query the decision on whether the requirements of the Trigger threshold were met, or the way a Community Trigger review was carried out, and an approach has been made by local authority partners in Gwent that the Office of the Police and Crime Commissioner (OPCC) has a role in providing this route for victims.</p> <p>There is no legal requirement for the OPCC to undertake the final review but it is a suggestion within the supporting guidance for the Act.</p>
<p>3.</p>	<p><u>ISSUES FOR CONSIDERATION</u></p> <p>A model process has already been identified and adapted for use in Gwent which is provided at Annex A of the report.</p> <p>A number of risk considerations have been identified which could impact on the OPCC's capability to deliver:</p> <ol style="list-style-type: none">1. Capacity of the OPCC to undertake the review process within required timescales – whilst the volume of reviews is currently an unknown quantity, there is a possibility that the administrative task could expand and may need to be provided with additional resources2. Cost – there is no additional funding to undertake the requirements of the review process. This could be a resource intensive area of work which would need to be carefully managed against other priorities3. Reputation – there is always the possibility of dissatisfaction with the final review outcome which could be attributed to the Police and Crime Commissioner (PCC). This could be offset by a careful explanation on the

	<p>OPCC website relating to the Office's role in the process</p> <p>4. Sanction – there is no escalation process beyond the PCC, or indeed any sanctions for organisations that do not wish to follow any recommendations provided by the OPCC as part of the review. This could therefore be perceived as a 'toothless' process with little benefit for the victim</p> <p>5. Training – as this is new legislation there is currently no training available for people involved in conducting the review process</p>
<p>4.</p>	<p><u>NEXT STEPS</u></p> <p>Should the PCC decide to become involved in the process as indicated in section 2, the OPCC would need to put in place a process to support such requests which would be applicable across the whole Gwent area.</p> <p>As such, a Community Trigger may only be referred to the OPCC where the applicant is dissatisfied with the way the relevant bodies have dealt with the application or carried out the review.</p> <p>The role of the OPCC will be to consider due process and ensure that the partners involved have properly and effectively undertaken a review by considering whether:</p> <ul style="list-style-type: none"> (1) The Community Trigger review has failed to consider a relevant process, policy or protocol; (2) The Community Trigger review has failed to consider relevant factual information. <p>In either case, the OPCC can either:</p> <ul style="list-style-type: none"> (1) Refer the case back to the Local Review Panel asking them to consider a particular process, policy or protocol not previously considered; (2) Determine that the Local Review Panel have reviewed the case, considering all relevant policies, processes and protocols. <p>The proposed review process at Annex A sets out the requirements for the OPCC when undertaking the case review.</p> <p>It should be noted that a Community Trigger review cannot be escalated where an applicant is dissatisfied that a particular agency has not utilised a certain 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 employ that enforcement tool.</p> <p>The Commissioner is therefore asked to consider the contents of this report and decide whether the OPCC should undertake the indicated review role for the Community Trigger process.</p>
<p>5.</p>	<p><u>FINANCIAL CONSIDERATIONS</u></p> <p>There is no additional funding available to undertake the review process.</p>
<p>6.</p>	<p><u>PERSONNEL CONSIDERATIONS</u></p> <p>The review process would need to be carried out in addition to existing staff</p>

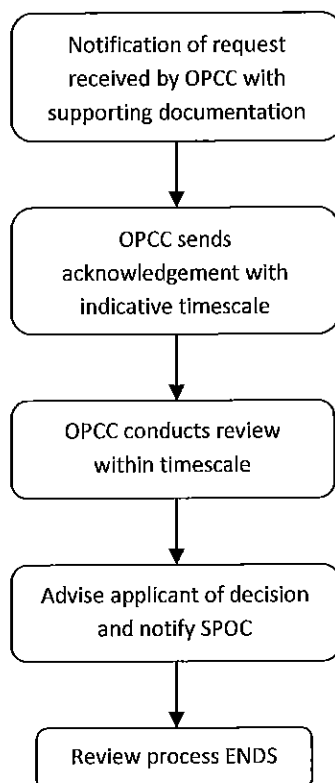
	responsibilities. Whilst current demands are unknown, there is the potential that this process could become resource intensive and would need to be carefully managed.
7.	<u>LEGAL IMPLICATIONS</u> Whilst there is no legal requirement for the OPCC to undertake the final review it is a suggestion within the supporting guidance for the Act.
8.	<u>EQUALITIES AND HUMAN RIGHTS CONSIDERATIONS</u> This project/proposal has been considered against the general duty to promote equality, as stipulated under the Strategic Equality Plan and has been assessed not to discriminate against any particular group. Consideration has been given to requirements of the Articles contained in the European Convention on Human Rights and the Human Rights Act 1998 in preparing this report.
9.	<u>RISK</u> Risks have been identified within the report and would need to be fully considered prior to making a decision to adopt the process for the OPCC.
10.	<u>PUBLIC INTEREST</u> This document is available to the public.
11.	<u>CONTACT OFFICER</u> Neil Taylor – Head of Performance, Planning and Partnerships.
12.	<u>ANNEXES</u> Annex A: OPCC Community Trigger Review Process

Annex A: Office of the Police and Crime Commissioner (OPCC) for Gwent Community Trigger Review Process

Process for reviewing how the Case Review Panel (CRP) was carried out and/or failure to make suitable recommendations

- Within 30 days of the Panel report being made, the OPCC is notified via the local authority single point of contact (SPOC) of the application to invoke the right of review against the way the CRP was carried out. 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
- 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
- The OPCC will inform the applicant of the review findings and/or recommendations, advising that these will also be provided to the SPOC for the relevant CRP
- Review process **ends**

OPCC for Gwent Community Trigger Appeal Process Map



For OPCC use only

Consultation:	Tick to confirm (if applicable)
Financial The Chief Finance Officer has been consulted on this proposal.	✓
OPCC (insert name) Neil Taylor - HPPPO has reviewed the request and is satisfied that it is correct and consistent with the PCC's plans and priorities.	✓
Legal The legal team have been consulted on this proposal.	N/A
Equalities The Equalities Officer has been consulted on this proposal.	✓
Chief Executive/ Deputy Chief Executive: I have been consulted about the proposal and can confirm that financial, legal, equalities etc... advice has been taken into account in the preparation of this report. I am satisfied that this is an appropriate report to be submitted to the Police and Crime Commissioner for Gwent.	
Signature: S A Bussell	
Date: 17/11/14	
Police and Crime Commissioner for Gwent I confirm that I have considered whether or not I have any personal or prejudicial interest in this matter and take the proposed decision in compliance with the Code of Conduct. I have considered the proposal to undertake the review process and the request has my approval. However the process will be reconsidered in	
Signature: <i>10a JOL</i> 6 months.	
Date: 19.11.14.	

