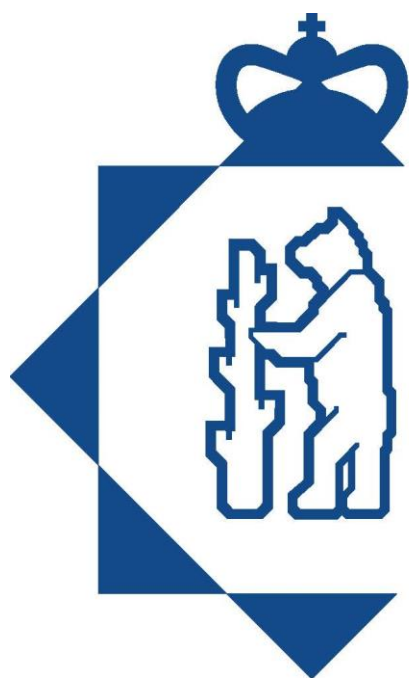


**Office of the Police and Crime
Commissioner for Warwickshire**



**Police and Crime
Commissioner
Warwickshire**

Community Trigger Appeals
January 2015

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INTRODUCTION

The Community Trigger, introduced by the Anti-Social Behaviour (ASB), Crime and Policing Act 2014, enables victims of ASB to demand that something is done; starting with a review of their case, if they feel that insufficient action has been taken to resolve the matter.

The threshold for using the trigger in Warwickshire has been agreed by the Warwickshire Safer Communities Partnership and is as follows:

An individual has reported three separate incidents relating to the same problem in the past six months to the Council, Police or their landlord, and feel that insufficient action has been taken to resolve the matter.

OR

At least five people have made reports about the same problem in the past six months to the Council, Police or their landlord and feel that insufficient action has been taken to resolve the matter.

If applicants are not satisfied with the outcome of the review into their case or the decision that they didn't meet the trigger threshold, they have a right of appeal.

This document explains the appeals process and should be provided to all Community Trigger applicants by their local Community Safety Partnership.

APPEALS PROCESS

Who is the appeals body for Community Trigger cases?

The Office of the Police and Crime Commissioner (OPCC) for Warwickshire is the appeals body for Community Trigger cases EXCEPT in the case of Rugby Borough.

If you live in the Borough of Rugby and wish to make an appeal then Rugby Community Safety Partnership are the appeal body.

Who can make an appeal?

An appeal can be made by an individual, or collectively as a group of individuals, who have previously submitted an application for an ASB (Anti-Social Behaviour) case review under the Community Trigger process.

If you are acting as an advocate on behalf of somebody else, a signed consent letter needs to be submitted to the Office of the Police and Crime Commissioner for Warwickshire along with the appeal.

When can an appeal be made?

An appeal can be made if applicants are not satisfied with the outcome of the review into their case or the decision that the case did not meet the threshold.

Appeals can be made in the following circumstances: When the applicant is not satisfied with the decision that their application didn't meet the Community Trigger threshold

1. When the applicant is not satisfied with the outcome of the review into their case under the Community Trigger process
2. A Community Trigger appeal cannot be made where an applicant 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.

Appeals need to be submitted within 28 days.

How will the appeal be dealt with?

The role of the OPCC will be to consider due process and ensure that the relevant Community Safety Partnership has properly and effectively considered the Community Trigger application and, where the application met the Community Trigger threshold, undertaken a proper and thorough review of the case.

In considering a Community Trigger appeal the Office of the Police and Crime Commissioner will either:

1. Uphold the appeal and refer the case back to the Community Safety Partnership asking them to consider a particular process, policy, protocol or piece of information/evidence not previously considered;
2. Determine that the Community Safety Partnership has satisfactorily reviewed the case, considering all relevant processes, policies, protocols and information/evidence in line with its Community Trigger process.

The appeal process will essentially be a desk top review and will not involve hearings or meetings with victims although the Office of the Police and Crime Commissioner may consider meeting with victims in exceptional circumstances.

The decision of the Police and Crime Commissioner on any grounds of appeal is final.

The Office of the Police and Crime Commissioner's appeal process will be subject to periodic review to ensure that victims' interests are adequately considered.

Please note: Dissatisfaction with the delivery of an action plan should be raised with the SPOC (Single Point Of Contact) assigned to you when your application for a case review was logged.

How can an appeal be made?

An appeal must be made in writing via e-mail or letter. The Office of the Police and Crime Commissioner can provide assistance with this if required. The contact details of where appeals need to be forwarded can be found in the contact section.

When making an appeal all correspondence should be clearly marked with the application/case reference number and dated to prevent any unnecessary confusion or delays.

Timescales

All appeals will be acknowledged within one working day of receipt by the Office of the Police and Crime Commissioner.

From the receipt of acknowledgment of appeal, the Office of the Police and Crime Commissioners Office will endeavour to assess the appeal and provide a decision within 28 working days.

In exceptional circumstances this may take longer, in which case updates will be provided every 28 working days. *(Working days are Monday to Friday, excluding bank holidays)*

The full process showing how appeals will be handled can be found at Annex A.

Contact

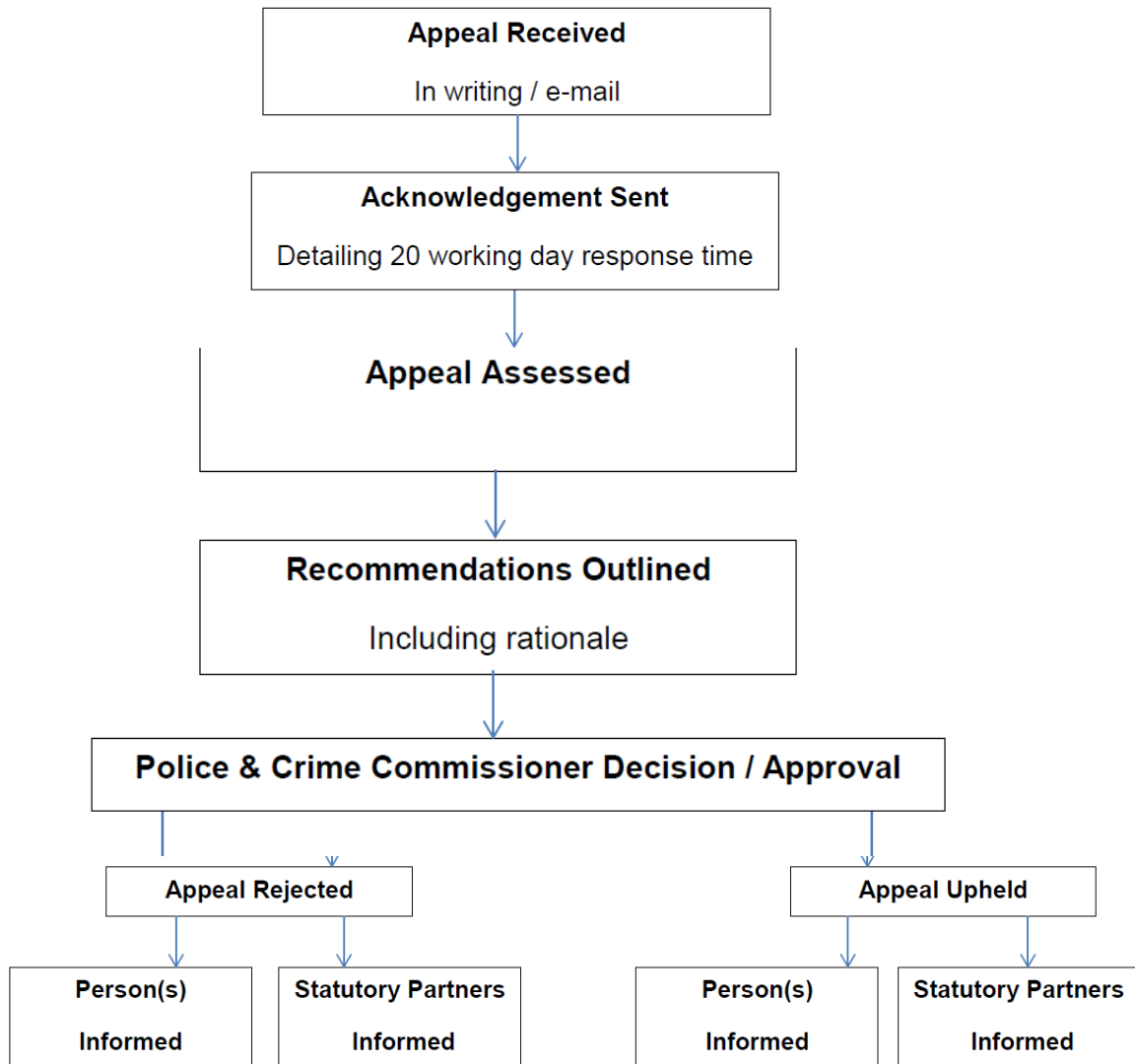
Please make appeals in writing to the Office of the Police and Crime Commissioner for Warwickshire using the below contact details. Please mark all correspondence "Community Trigger Appeal".

Address

Community Trigger Appeal
Office of the Police and Crime Commissioner for Warwickshire
3 Northgate Street
Warwick
CV34 4SP
E-mail: opcc@warwickshire.gov.uk
Fax: 01926 412322

Annex A

Community Trigger
Appeals Flowchart - Police and Crime Commissioner for Derbyshire



Confidentiality

All Community Trigger appeals are treated with confidentiality in mind. Only officers dealing with appeals in each service area will be aware that an appeal has been received and is being dealt with. The Office of the Police and Crime Commissioner assumes that you consent to your information being shared with partners for the purpose of appeal investigation, unless you tell us not to. We are unable to deal with anonymous appeals.

Aggressive or Obsessive Appeals

The OPCC aims to deal fairly and openly with appeals and ensure that other service users or OPCC staff do not suffer detriment from vexatious appeals. The OPCC will write to those whose behaviour has become aggressive or obsessive to inform them that their conduct is considered to be unacceptable. After this time we may decide that we will no longer respond to appeals from this individual/s.

Equalities Statement

The OPCC aims to handle all appeals fairly and honestly regardless of who makes an appeal. The OPCC treats all members of the community equitably and will not show bias to any particular individual or group.