



**NORFOLK ASB CASE REVIEW
GUIDANCE
OCTOBER 2014**

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NORFOLK ASB CASE REVIEW GUIDANCE

BACKGROUND

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

The Act includes new measures designed to give victims a say in the way anti-social behaviour is dealt with and provides for the introduction of ASB Case Reviews (also known as the Community Trigger) from 20 October 2014.

Anti-social behaviour (ASB) is a broad term used to describe the day-to-day incidents of crime, nuisance and disorder that can make many people's lives a misery from litter and vandalism to public drunkenness or noisy and abusive neighbours. Such a wide range of behaviour means that responsibility for dealing with anti-social behaviour is shared between a number of agencies, particularly the police, councils and housing providers.

Across Norfolk a consistent approach has been developed to support all agencies involved in the use of the new legislation, aiming to provide victims of anti-social behaviour with a coherent and effective response regardless of where they live in the County.

PURPOSE

Victims of anti-social behaviour will be able to use the power in the event that they feel that agencies have not taken effective action in respect of their complaint, and where the case meets the locally defined threshold.

For the purpose of the ASB Case Review, anti-social behaviour is defined as *behaviour causing harassment, alarm or distress*¹ to a member of the public. However, agencies should consider the harm or potential harm caused to the victim, rather than rigidly deciding whether each incident reached the level of harassment, alarm or distress.

In instances where the threshold is met relevant bodies including district councils, the police, clinical commissioning groups and housing providers have a duty to undertake an Anti-Social Behaviour Case Review. The purpose of the ASB Case Review is to assess whether agencies have taken a joined up, problem solving approach aiming to tackle the ASB, and whether anything more can be done.

¹ Note that the impact of ASB is at a higher level than that which can be regarded as simply causing nuisance or annoyance. The impact of the ASB on the complainant rather than the specific behaviour(s) will need to be considered, weighing vulnerability and risk.

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The ASB Case Review can also be used by any person on behalf of a victim, for example a family member, friend, carer, Councillor, MP or other professional person. It is intended to ensure that all victims are able to use the review albeit the victim's consent should be sought by the person before requesting an ASB Case Review on their behalf.

An ASB Case Review can be requested by someone of any age, and agencies should make it as accessible as possible to all victims.

THRESHOLD

Section 104(4) of The Anti-Social Behaviour, Crime and Policing Act 2014 sets a baseline threshold and no additional factors can be added to the simple test that:

- an application has been received and the victim has reported at least 3 qualifying complaints within 6 months.

This has been adopted as Norfolk's threshold for triggering an ASB Case Review. Note that the incidents reported need not be the same type of behaviour, but must be related in some way.

However, if the criteria for a case review are not met it would be appropriate for agencies to consider whether there are other issues that should be taken into account and therefore apply existing case management protocols. Issues that should be taken into consideration are:

- (a) The persistence of the anti-social behaviour about which the original complaint was made;
- (b) The harm caused, or the potential for harm to be caused, by the behaviour;
- (c) The adequacy of the response to that behaviour.

QUALIFYING COMPLAINTS

The legislation sets out what will be considered a 'qualifying complaint' for using the ASB Case Review to prevent someone reporting historical incidents of anti-social behaviour in order to use the ASB Case Review. The legislation sets out the following standards, which have been adopted in Norfolk:

- The anti-social behaviour was reported within 1 month of the alleged behaviour taking place; and
- The application to use the ASB Case Review is made within 6 months of the report of anti-social behaviour.

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RISK ASSESSMENT

Victim vulnerabilities will be assessed through the risk assessment model already in use across Norfolk.

INFORMATION SHARING

Norfolk's County Community Safety Partnership has an Information Sharing Protocol with an annexe for Operational Partnership Team (OPT) working on ASB. This is considered sufficient to enable data sharing between partners for the purpose of ASB Case Reviews in Norfolk.

Requests for Information will be made through this OPT Information Sharing Protocol that all agencies must have signed.

VEXATIOUS AND COMPLAINTS PROCEDURES

The Community Trigger gives victims the right to require action is taken where an ongoing problem has not been addressed. The process is designed to make sure that agencies work together to try and resolve complaints about ASB. It does not replace the complaints procedures of individual organisations, which should be used where there is a specific complaint about the actions / inaction of a specific organisation.

Reference should be made within Complaints Procedures to show how complaints of ASB are dealt with.

A statement should be included within local authority vexatious complaints policies stating that *"vexatious complaints relating to the ASB Case Review Process will be dealt with through the local authority policy"*.

Local authorities will need to agree this approach locally with Registered Social Landlords and Housing Providers that operate in their area.

APPEAL PROCESS

The review procedures must include provision about what is to happen when an applicant is dissatisfied with the way in which the relevant bodies have:

- Dealt with an application for a review; or
- Carried out an ASB Case Review

In such cases these will be sent to the OPT Inspector / district council lead in the first instance and notified to Police & Crime Commissioner's office.

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SINGLE POINT OF CONTACT (SPOC)

A single point of contact (SPOC) is required for each of the relevant bodies (district councils, the police, clinical commissioning groups and co-opted housing providers) in order for victims to be able to request an ASB Case Review.

Appropriate arrangements are being agreed in each district council area, considering whether this requirement is best met through a single individual within the OPT who can receive requests and co-ordinate the initial stage of the review process on behalf of all partners. The SPOC will also ensure recording of data required for publication – see Process Chart.

PUBLISHING THE ASB CASE REVIEW PROCEDURE AND CONTACT DETAILS

The ASB Case Review procedure must be published, including the point of contact for making an application to use the ASB Case review.

The ASB Case Review approach is published on the Norfolk County Council's site which hosts information on Norfolk's County Community Safety Partnership (NCCSP). This now includes an online form – [click here](#) – for requesting an ASB Case Review, which is routed to the local area SPOC email address when completed.

Partner websites should include summary information on ASB Case Reviews with a link to the NCCSP site for further information. It is intended for generic materials to be produced and used County-wide.

REVIEW OF NORFOLK'S ASB CASE REVIEW APPROACH

Formal review will be undertaken by the NCCSP within 12 months of operation, ensuring that recurring issues are identified. This will ensure that we are able to share any learning identified to improve our approach.

ROLE OF THE POLICE AND CRIME COMMISSIONER

The local PCC must be consulted on the ASB Case Review procedure when it is established, and whenever the procedure is reviewed. The PCC may be involved in the auditing and monitoring of the use of the ASB Case Review, as well as providing a route for victims to appeal decisions as to whether the threshold was met or the way the ASB Case Review was conducted.

The Norfolk model has made provision for the PCC to be notified of any appeals by the OPT Inspector / district council lead, acting as an independent body if necessary.

NORFOLK ASB CASE REVIEW GUIDANCE

GUIDANCE FOR USE OF THE MODEL

Step 1: Gateway to ASB Case Review

Victims will be able to request an ASB Case Review through the SPOC to be publicised on local agency websites. Each area is to have its own dedicated email address and telephone number promoted locally. An online reporting form is available which can be accessed from the NCCSP site – [click here](#). Completed forms will be routed to the email address for the local area SPOC.

The application form template to capture victim and incident details (see Appendix B) is also provided, as hard copies of forms must be made available upon request – mechanism for doing this to be determined locally. However, wherever possible please complete the online reporting form on the victim's behalf.

Upon receipt of the reporting form there is to be an acknowledgement sent within 5 working days, realistically this can be sent automatically through email or local areas may wish to use Letter A attached to this guidance. (Record on the monitoring spreadsheet).

Step 2: Determine if Threshold has been met

The reporting form will be sent through to the relevant local SPOC for ASB Case Reviews. The police and council leads in the OPT will review to determine whether the threshold has been met. In some cases this may be obvious; in others it may be that an initial scoping exercise is undertaken with the relevant agencies to assist in the determination.

The SPOC will send a determination letter to victim within 10 working days advising of decision:

- Threshold not met, ASB Case Review will not be conducted. Details of appeal process provided (see template Letter B), or
- ASB Case Review to be conducted (see template Letter C).

In both cases, log determination on the monitoring spreadsheet.

Step 3: Lead Agency Appointed

If the threshold has been met the relevant local SPOC will agree the lead agency to undertake the initial ASB Case Review. This will normally be the agency who has had the most contact with the victim, but the person undertaking the review should have some independence from previous operational case management of incidents reported.

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The SPOC will advise ASBAG members that an ASB Case Review is underway, and:

- send an information request to the relevant agencies asking for details of the case to be submitted to the SPOC within 5 working days
- advise ASBAG members of the date when agencies will meet as a Panel to consider the lead agency's findings of the initial ASB Case Review.

Step 4: Lead Agency Conducts Initial Case Review

Lead agency reviews previous incidents and actions, including those reported to other agencies, involving these agencies as appropriate. Consider discussion with the victim to ensure full knowledge of the issues.

Context, previous actions, findings and recommendations summarised on the ASB Case Review template (Appendix C), and provided to the relevant SPOC within 10 working days.

Step 5: Multi-agency Case Review Panel

Date for this meeting will have been set by the SPOC once there is confirmation that an ASB Case Review is to be carried out.

As a minimum, the following core agencies need to be involved in the multi-agency review:

- District council
- Police
- Housing provider(s) for victim and perpetrator, as applicable
- Health services as appropriate if there are any drug / alcohol / mental health issues
- YOT, where the perpetrator is under 18
- Children's Services / school where the victim or perpetrator is under 18.

Where possible, the scheduled ASBAG meeting should be used for this review. However, a separate meeting (or telephone conference) of the core agencies may be required to meet the timescales for reporting back to the victim.

The multi-agency case review discussion enables thorough review of the ASB incidents and responses made, ensuring effective challenge and review of recommendations for any further action, and considering whether there are other responses that other agencies could pursue to help resolve the ASB issues.

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Step 6: Decision Letter to Applicant

If the multi-agency Review Panel determines that all agencies have taken appropriate action and that no further resolutions can be offered, a letter advising of the determination and providing details for decision will be sent to victim, along with details of the appeals process if they are dissatisfied with the outcome. Decision Letter D is to be sent within 10 working days. . (Record on monitoring spreadsheet).

If the Review Panel determines that further action can be taken, a letter will sent to the victim advising of the action plan detailing next steps and advising of anticipated timescales for delivery. This decision letter will provide details of the appeals process if they remain dissatisfied with the outcome. Decision Letter E is to be sent within 10 working days. . (Record on monitoring spreadsheet).

Decision letters to be signed on behalf of the Operational Partnership Team by a different organisation to the lead agency for the ASB Case Review.

Step 7: Monitoring Actions agreed by the Case Review Panel

Action plans will be monitored by the local OPT, with review at the ASBAG meeting or similar multi-agency meeting to ensure timely delivery.

Step 8: Escalation to Appeal

If the applicant remains dissatisfied with the outcome they have a right to appeal the decision within 21 days. Any appeals will be escalated to the OPT Inspector / district council lead, who will notify the PCC.

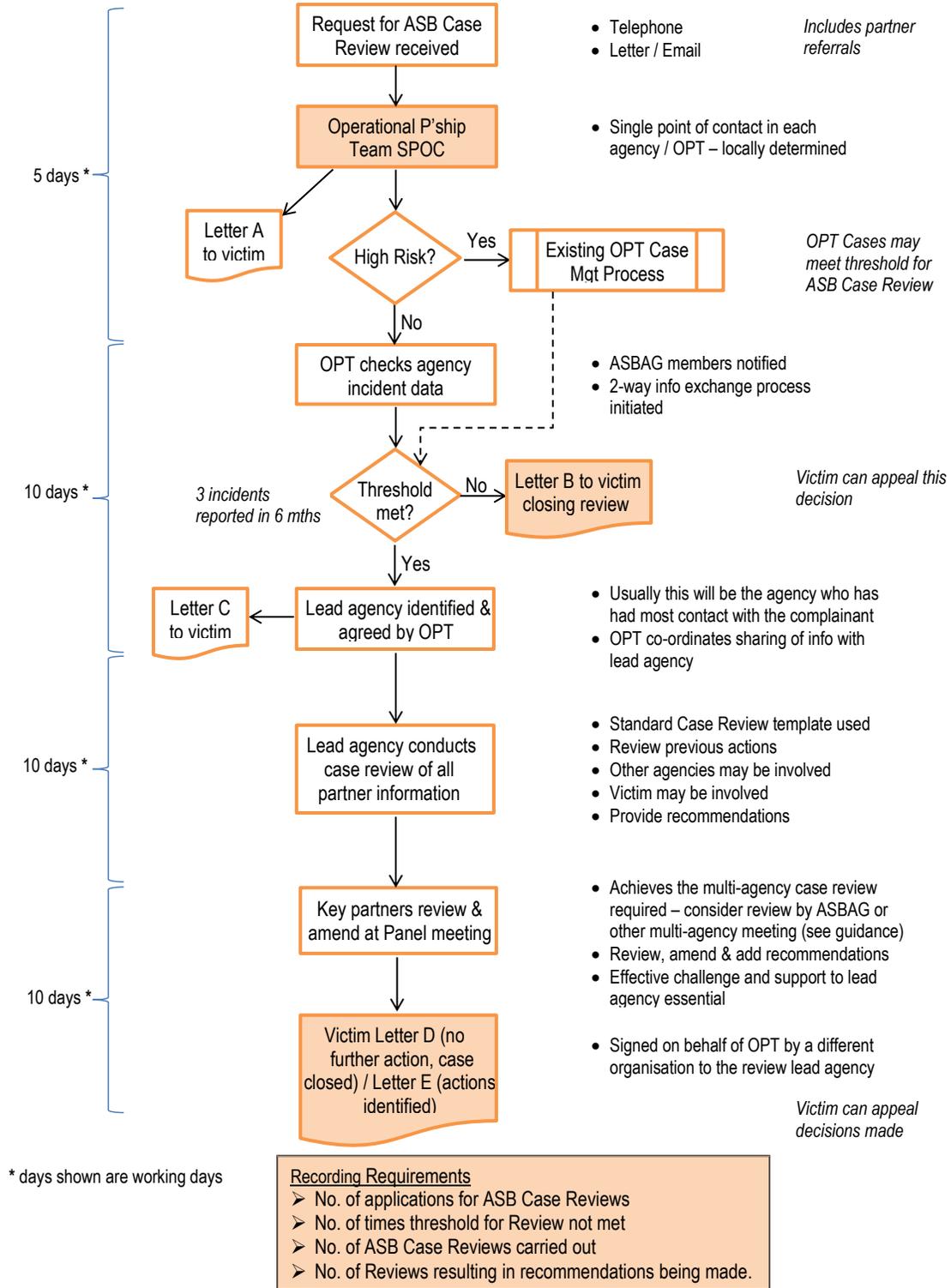
Step 9: Appeal Determination

Following discussion with the OPT Inspector / district council lead, the PCC will decide whether the appeal warrants referral to another OPT in Norfolk for independent review.

The resulting findings will be confirmed by the PCC as the outcome of the appeals process. This decision is final, no other appeals will be entertained.

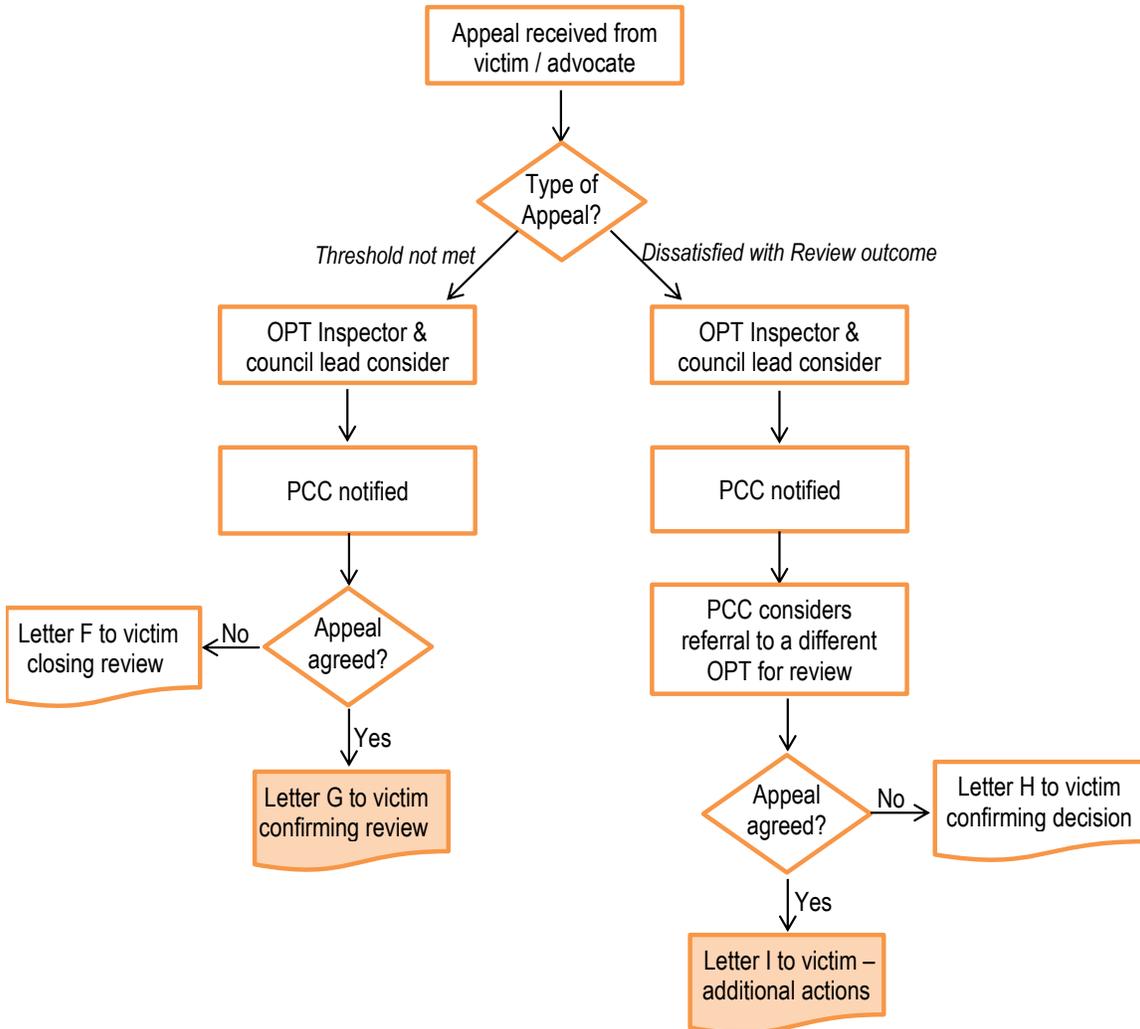
NORFOLK ASB CASE REVIEW GUIDANCE

PROCESS CHART FOR ASB CASE REVIEWS IN NORFOLK



NORFOLK ASB CASE REVIEW GUIDANCE

Appeals Process



APPENDIX A – TEMPLATE LETTERS

LETTER A – ACKNOWLEDGEMENT

Dear

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014 ANTI-SOCIAL BEHAVIOUR (ASB) CASE REVIEW

I write to confirm receipt of your application for an Anti-Social Behaviour Case Review to be conducted in respect of the anti-social behaviour you are experiencing as you are concerned that effective action has not been taken.

XXXXX will be contacting you within 10 working days to confirm whether your request has met the threshold.

If you wish to report any further incidents of Anti-Social Behaviour these can be reported by either phoning Norfolk Police on 101 or the (insert name of Council) ASB Team on XXXXXXXXXXXXX, but in an emergency always dial 999.

Yours sincerely

Insert name of SPOC and title

APPENDIX A – TEMPLATE LETTERS

LETTER B – THRESHOLD NOT MET

Dear

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014 ANTI-SOCIAL BEHAVIOUR (ASB) CASE REVIEW

Thank you for your recent application dated (insert DATE) for an ASB Case Review to be conducted in respect of the anti-social behaviour you are experiencing.

I am writing to inform you that having considered your application we do not feel that it meets the threshold for the ASB Case Review to be conducted for the following reasons:

- Outline reasons here –

However, if the criteria for a case review are not met agencies will consider whether there are other issues that should be taken into account and will apply existing case management protocols:

- (a) The persistence of the anti-social behaviour about which the original complaint was made;
- (b) The harm caused, or the potential for harm to be caused, by the behaviour;
- (c) The adequacy of the response to that behaviour.

If you are dissatisfied with this outcome you have the right to appeal in writing to (insert name of OPT Inspector / district council lead) within 21 days of the date of this letter. Appeals will be notified to the Police & Crime Commissioner who will review findings.

If you wish to report any further incidents of Anti-Social Behaviour these can be reported by either contacting Norfolk Police on 101 or the (insert name of Council) ASB Team on XXXXXXXXXXXX, but in an emergency always dial 999.

Yours sincerely

Insert name of SPOC and title

APPENDIX A – TEMPLATE LETTERS

LETTER C – THRESHOLD MET

Dear

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014 ANTI-SOCIAL BEHAVIOUR (ASB) CASE REVIEW

Thank you for your recent request dated (insert DATE) to have your anti-social behaviour case considered for an ASB Case Review.

I can confirm that having considered the details of your case it does meet with the previously determined threshold, and as such the ASB Case Review process has commenced.

Further information will now be sought from relevant partners and other agencies in regard to their involvement in your case to enable us to undertake a full review. It may be necessary for us to contact you again in order to clarify information or obtain further details.

An ASB Case Review Panel Meeting will be scheduled to review the information where representatives from agencies or partners that have been involved in your case will be present, in order to discuss the case fully. The purpose of this meeting is to also identify any further actions that can be taken, if deemed necessary, to ensure that a resolution is reached for you.

Once this has been completed you will receive a letter advising you of the outcome of the review along with details of any recommendations that have been made. It is anticipated that the review process will take 30 working days in total, although in more complex cases this may be longer, in which circumstances you will be notified.

In the meantime if you have any further queries please do not hesitate to contact XXXX (insert NAME and TELEPHONE NO.) direct on XXXXXX.

If you wish to report any further incidents of Anti-Social Behaviour these can be reported by either contacting Norfolk Police on 101 or the (insert name of Council) ASB Team on XXXXXXXXXXXX, but in an emergency always dial 999.

Yours sincerely

Insert name of SPOC and title

APPENDIX A – TEMPLATE LETTERS

LETTER D: REVIEW PANEL OUTCOME – NO FURTHER ACTION

Dear

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014 ANTI-SOCIAL BEHAVIOUR (ASB) CASE REVIEW

I refer to my previous correspondence confirming to you that your ASB case had met the threshold to activate the ASB Case Review Process.

I write to advise you that details of your case were reviewed by the ASB Case Review Panel at their meeting held on (insert DATE) XXX. Having reviewed all of the information available to the Panel it was felt that relevant agencies had taken appropriate action to resolve the ant-social behaviour you were experiencing as follows:

- provide a brief overview of action taken –

The Review Panel have therefore concluded that no further action would be taken in relation to this case.

I trust this clarifies the situation, however, should you have any further queries please do not hesitate to contact me directly on (insert TELEPHONE NO.) XXXXX.

If you are dissatisfied with this outcome you have the right to appeal in writing to (insert NAME OF OPT INSP / DISTRICT COUNCIL LEAD) within 21 days of the date of this letter. Appeals will be notified to the Police & Crime Commissioner who will review findings.

If you wish to report any further incidents of Anti-Social Behaviour these can be reported by either contacting Norfolk Police on 101 or the (insert name of Council) Anti-Social Behaviour team on XXXXXXXXXXXX, in an emergency always dial 999.

Yours sincerely

Insert name of SPOC and title

APPENDIX A – TEMPLATE LETTERS

LETTER E: REVIEW PANEL OUTCOME– FURTHER ACTION

Dear

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014 ANTI-SOCIAL BEHAVIOUR (ASB) CASE REVIEW

I refer to my previous correspondence confirming to you that your ASB case had met the threshold to activate the ASB Case Review Process.

I write to advise you that details of your case were reviewed by the ASB Case Review Panel at the meeting held on (insert DATE XXX), resulting in the following actions being agreed by the agencies involved:

- insert DETAILS here -

(AGENCY XXX) will contact you to provide an update on progress and reassurance that activity is taking place with a view to bringing this matter to a close as swiftly as possible. You will continue to be asked to submit information to (AGENCY XXX) as part of this work as your reports and the impact that the ASB is having on you or your family is an important part of the evidence required should enforcement action be required.

This review will be concluded once the action plan has been fully implemented and in doing so it is hoped that this will bring a positive resolution to the anti-social behaviour you have been experiencing.

I trust this clarifies the situation, however, should you have any further queries please do not hesitate to contact me directly on (insert TELEPHONE NO. XXX).

If you wish to report any further incidents of Anti-Social Behaviour these can be reported by either contacting Norfolk Police on 101 or the (insert NAME OF COUNCIL) Anti-Social Behaviour team on XXXXXXXXXXXXX, in an emergency always dial 999.

Yours sincerely

Insert name of SPOC and title

APPENDIX B

Community Trigger – ASB, Crime & Policing Act 2014

ASB Case Review – Application Form

If you have made **three reports about three separate incidents** of Anti-social Behaviour (ASB) to any agency and you feel the response was inadequate, you may be able to apply for a formal multi-agency review to assess whether further action is possible. The type of ASB incidents you have reported need not be the same type of behaviour, but they must be related in some way. Please complete this application form and we will contact you within 5 working days.

The Crime & Disorder Act 1998 and the Data Protection Act 1998 allows agencies to share relevant personal and sensitive details appropriately with other partners in Norfolk. Information may be stored on an electronic or web based database and destroyed within a specified period. By completing this form you agree to these conditions.

Complainant/Victim Details			
Complainant's Name			
Address			
Date of Birth			
Phone No.		Email	
Preferred means of contact:			
Describe any relevant vulnerabilities			

Advocate Details (acting on behalf of another with their permission)			
Name			
Organisation (if applicable)			
Position			
Phone No.		Email	

Declaration	
I agree that information about me and my family relevant to my complaint of anti-social behaviour can be shared between organisations for the purpose of investigating my complaints.	
Signature	
Date	

APPENDIX B**Community Trigger – ASB, Crime & Policing Act 2014**

In this section please complete the details of the three reports you have made about anti-social behaviour which you want local agencies to review. These incidents must have been reported in the last six months.

Reported Incidents				
Incident One				
Date and Time of Incident				
Brief Details and Location				
Reported to	Name			
	Organisation			
Incident/Crime or Reference No.				
Method of Reporting (tick applicable)	Phone	Email/On-line	Written	Person
Action Taken and by Whom?				
Incident Two				
Date and Time of Incident				
Brief Details and Location				
Reported to	Name			
	Organisation			
Incident/Crime or Reference No.				
Method of Reporting (tick applicable)	Phone	Email/On-line	Written	In Person
Action Taken and by Whom?				

APPENDIX B**Community Trigger – ASB, Crime & Policing Act 2014**

Incident Three				
Date and Time of Incident				
Brief Details and Location				
Reported to	Name			
	Organisation			
Incident/Crime or Reference No.				
Method of Reporting (tick applicable)	Phone	Email/On-line	Written	In Person
Action Taken and by Whom?				

In this section please explain why you think your case should be reviewed and describe the current situation and how you want it resolved.

Reason for Requesting a Case Review
What is the current situation?
How are the incidents affecting you?

APPENDIX B

Community Trigger – ASB, Crime & Policing Act 2014

Do you think the incidents/concerns are because of (please tick if appropriate)	
<input type="checkbox"/> Ethnicity <input type="checkbox"/> Religion or Faith <input type="checkbox"/> Disability <input type="checkbox"/> Age <input type="checkbox"/> Sexual orientation <input type="checkbox"/> Being transgender <input type="checkbox"/> None of the above	
Why are you unhappy with the action taken so far?	
What else would you like to see done to resolve the issue?	
Are you currently receiving support regarding these incidents? Please describe.	

Householder Information		
Which of the following describes you best?		
<input type="checkbox"/> Council Tenant	Landlord's Name (if appropriate)	
<input type="checkbox"/> Leaseholder	Landlord's Address	
<input type="checkbox"/> Private Tenant		
<input type="checkbox"/> Owner Occupier		
<input type="checkbox"/> Housing Association	Landlord's Contact No.	
<input type="checkbox"/> Other	Contact Officer	

APPENDIX B

Community Trigger – ASB, Crime & Policing Act 2014

Keeping You Informed

We will keep you informed about the progress of your referral.

Our promise is to acknowledge receipt of your referral within 5 working days.

An initial assessment of your referral will be carried out within a further 10 working days and you will be contacted to advise you on how your case will be handled

If your referral meets the criteria for an ASB Case Review the Operational Partnership Team will review your situation and agree the appropriate actions within a further 20 working days.

Now you have completed the form please send to:

**** INSERT Local contact details - SPOC email & postal address****



For initial completion by the lead agency appointed by the OPT,
prior to challenge & review by core ASBAG partners.

Agency Completing the ASB Case Review			
Agency Name			
Name of Reviewer			
Position			
Phone No.		Email	

ASB Victim Details			
Name			
Address			
Date of Birth			
Phone No.		Email	
Preferred means of contact:			
Describe any relevant vulnerabilities			

Advocate Details (person referring, if relevant)			
Name			
Organisation (if applicable)			
Position			
Phone No.		Email	

APPENDIX C ASB Case Review Summary Template

Summary of ASB	
To include days, times etc. when most prevalent, witnesses and other evidence gathered	
Impact of ASB on Victim	

Alleged Perpetrators		
1.	Name	
	Address	
2.	Name	
	Address	
3.	Name	
	Address	

APPENDIX C ASB Case Review Summary Template

Which Agencies have been involved?	
Summarise the response of each to date:	
Police	
District Council	
Registered Social Landlord(s) – victim & perpetrator	
YOT	
Children’s Services / School	
Health (for drug / alcohol / mental health issues)	
3rd Sector providers including mediation	
Other	

Identified Support Needs (and whether in place at time of the review)	
e.g. Social Care Services, Mental Health, Victim Support, Tenancy Support	
Victim	
Perpetrator	

APPENDIX C ASB Case Review Summary Template

What enforcement action/diversionary activity has taken place so far?
e.g. ASBI, tenancy breach warnings / NoSP, Noise abatement notice, arrest of suspects, Dispersal, CPNs, CBOs, PSPOs, Closure Orders, Mandatory Grounds for Possession, RJ etc.

Are there further evidence gathering opportunities?
Consider door knocks for witnesses, installation of recording/monitoring equipment, use of professional witnesses, use of hearsay evidence in civil proceedings etc.

Lead agency to complete the following section initially. For review and consideration by the multi-agency Case Review Panel:

Have all reasonable measures been taken to address the problem?															
<input type="checkbox"/> Yes															
<input type="checkbox"/> No															
If No, suggested Action Plan to address the ASB problem:															
<table border="1"> <thead> <tr> <th>Action Required</th> <th>By Whom</th> <th>By When</th> </tr> </thead> <tbody> <tr> <td>1.</td> <td> </td> <td> </td> </tr> <tr> <td>2.</td> <td> </td> <td> </td> </tr> <tr> <td>3.</td> <td> </td> <td> </td> </tr> <tr> <td>4.</td> <td> </td> <td> </td> </tr> </tbody> </table>	Action Required	By Whom	By When	1.			2.			3.			4.		
Action Required	By Whom	By When													
1.															
2.															
3.															
4.															

APPENDIX C ASB Case Review Summary Template

Challenge & Review by core ASBAG Partners	
Chair of Review Panel	
Attendees	
Date Review Panel held	
Further Action Required?	
Action Plan Reviewed, amended & agreed?	
Interested parties informed of action plan and provided copy:	