

**North East Lincolnshire Council
Anti-Social Behaviour Team**

A Charter for Victims of Anti-Social Behaviour

A commitment to victim care and an explanation of the service that victims of anti-social behaviour may expect to receive

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Anti-Social Behaviour Team

North East Lincolnshire Council

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Summary of a Victims' rights when reporting incidents of anti-social behaviour to the North East Lincolnshire Council Anti-Social Behaviour Team

(This team is referred to below as the ASB Team)

This Charter is a commitment by North East Lincolnshire Council to the minimum level of service that you, as a victim of anti-social behaviour should expect to receive when making reports to the ASB Team.

This Charter explains your rights, what level of service you have a right to expect and how you can help the ASB Team, by providing information and evidence to support the enforcement process and where necessary to take action against those committing the anti-social behaviour. This is described further below in the section which is headed "How can I ensure that I receive the best service?"

1. The right to be able to understand and to be understood

You have the Right to be given information in a way that is easy to understand and to be provided with help to be understood.

2. The right to have the details of the incident recorded without justifiable delay

You have the Right to have details of the incident recorded by North East Lincolnshire Council as soon as possible after the incident. If you are required to provide a witness statement or be interviewed, you have the right to be provided with additional support to assist you through this process.

3. The right to be provided with information when reporting the incident

You have the right to receive written confirmation when reporting an incident if you wish this, to be provided with information about the recording and investigation process and to be told about support services for victims through partner agencies.

4. The right to be referred to services that support victims and have services and support tailored to your needs

You have the right to be referred to services that support victims, which includes the right to contact them directly, and to have your needs assessed so services and support can be tailored to meet your needs.

5. The right to be provided with information about the investigation and prosecution

The commitment from the North East Lincolnshire Council ASB Team is that:

- You will receive an initial response to your report within 24 hours excluding weekends and bank holidays, from the officer allocated to deal with your report.
- If the case is protracted you will receive regular updates, this will be at least monthly but may be more frequent.
- When the case is concluded or cannot be progressed further you will receive a final update from the officer dealing with your case by your preferred method of contact.

You have the right to be provided with updates on your case and to be told when important decisions are taken. You also have the right, at certain stages of the justice process, to ask for decisions to be looked at again by the relevant service provider.

If the Council decides not to investigate your case, you will be given an explanation of this decision within 5 working days. You will also be offered a referral to a support service if you wish.

Where the Council ASB Team do investigate your case, they will discuss with you how often you would like to receive updates and your preferred method of contact. You can update your preferences at any time.

The investigation and decision on whether the case should go to court or other actions are taken can take a long time and there may be long periods between key decisions. The ASB Team will discuss with you if you would like contact during this time and provide you with contact details if you have any questions during the investigation.

There may be times when the ASB Team is unable to provide you with updates and/or use your preferred method of contact, but in these instances, they will tell you why.

In some cases, the ASB Team may decide to deal with the case without taking it to court. This does not mean that no action is being taken but it may be that this enables the incident to be dealt with relatively quickly and may prove more effective in preventing further offences.

The ASB Team will take the final decision after considering the full circumstances, where appropriate after seeking legal advice regarding the offence and will also consider your views. You have the right to be told the reasons for their decision within 5 working days of such a decision being made

In many cases the ASB Team works in conjunction with Humberside Police or Registered Social Landlords, these agencies may have primacy in the investigation and therefore they are the decision makers. When the police or Social Landlords have finished their investigation, they may decide what should happen next or, for more serious crimes, pass the information to the Crown Prosecution Service, who will then decide if there is enough evidence to take the case to court.

6. The right to make a Victim Personal Statement

If your case proceeds to formal legal action at court you have the right to make a Victim Personal Statement to explain in your own words how the incidents of anti-social behaviour have affected you, whether physically, emotionally, financially or in any other way. This is different from a witness statement. The Victim Personal Statement is considered by the judge or magistrates when determining what sentence the defendant should receive and can also help service providers to consider what additional support you and/or your family may require.

To help you decide whether you wish to make one, you have the right to be provided with information about the Victim Personal Statement. If you decide to make a personal statement, you will be asked for your preference about whether you would like to read your statement aloud in court or to have it read on your behalf. You can also request a copy from the ASB Team and will be given an opportunity to make an additional personal statement to reflect the changing impact of the anti-social behaviour.

7. The right to be given information about the outcome of the case and any appeals

You have the right to be told the outcome of the case, whether this is by informal action, sanctions or prosecution. If formal legal action is taken and if the defendant is convicted, you have the right to be given an explanation of

the sentence. If the offender appeals against their conviction or sentence, you have the Right to be told about the appeal and its outcome.

At the end of the case, you have the right to be told the outcome, including where available, a brief summary of reasons for the decision, as soon as possible on conclusion of any proceedings

8. The right to make a complaint about your Rights not being met

If you believe that you have not received your rights, you have the right to make a complaint to North East Lincolnshire Council. If you remain unhappy, you can contact the Local Government Ombudsman

Who is this Charter for?

This Charter acknowledges that the term ‘complainant’ is often used in the criminal justice system to describe a person who has made a criminal allegation to the Police or other agency such as North East Lincolnshire Council. However, for the purpose of this Charter, the definition of a ‘victim’ is:

- A person who has suffered harm, including physical, mental or emotional harm which was directly caused by incidents of anti-social behaviour
- A close relative or a nominated family spokesperson of a person who has suffered incidents of anti-social behaviour and is unable to represent themselves

You can also receive Rights under this Charter if you are:

- A parent or guardian of the victim if the victim is under 18 years of age or
- A nominated family spokesperson if the victim and is unable to represent themselves
- All service providers must have the victim’s best interests as their primary consideration and take the victim’s age, maturity, views, needs and concerns fully into account.

How can I expect to be treated?

You have the right to:

- Be treated with respect, dignity, sensitivity, compassion and courtesy.
- Make informed choices that are fully respected.

- Have your privacy respected by service providers in accordance with their obligations under the relevant privacy and data protection laws; and
- Have services provided to assist you and your family to understand and engage with the criminal justice process and that are offered in a professional manner, without discrimination of any kind.

• **How can I ensure that I receive the best service?**

North East Lincolnshire Council will try to minimise the number of different people you have contact with during your case, and wherever possible, offer you a single point of contact for information. To assist them in delivering your rights under this Charter, you should:

- Let them know if your contact details or preferences change
- Ask them questions if you are unsure about anything related to your case or the criminal justice process, and
- Give service providers your views on the services they are providing to help them deliver and tailor a high-quality service.
- The ASB Team will aim to work in partnership with you to resolve the problems you are experiencing. In order to assess the level of the problems you are experiencing, to identify who is involved and to gather evidence you will be asked to help us to help you. This will help the ASB Team to reach a decision on the most appropriate course of action, any solutions and to support a potential prosecution at court.
- The type of help you will be asked to provide is to make timely reports to agencies at the time the incidents are occurring and if asked to complete simple diary records and where available to preserve evidence such as CCTV.