

Data Access and Recording Policy

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Owner: Youth Justice Service Manager

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1. Introduction

General Data Protection Regulations (GDPR) May 2018 imposes various conditions regarding the collecting, managing and storing of personal data. This policy seeks to set out the measures that the Youth Justice Service (YJS) will take to ensure compliance with these principles and should be read in conjunction with [Nottinghamshire County Council Information Management and Data Protection, Guide to the General Data Protection Regulation \(GDPR\)](#) and NCC [Records Retention Schedule v1.4 \(nottinghamshire.gov.uk\)](#) and [Secure data transit guidance \(nottscc.gov.uk\)](#).

2. Data Access

- 2.1 The main client recording system used within Youth Justice is Coreplus; however, staff may also record information on Mosaic. Whilst both systems allow access to be read only it does not allow restrictions to be placed on inputting data; the only exception is when there is an incident, and the case record is locked down. Client records should only ever be accessed for legitimate business or operational purposes (either as an administrator, case manager, duty officer or team manager) and access should be proportionate and restricted to the needs of the role. If there is evidence that the records have been accessed inappropriately, the individual staff member concerned could face disciplinary action under Nottinghamshire County Council (NCC) procedures.
- 2.2 It is mandatory that all staff will complete the NCC GDPR e learning which outlines the appropriate accessing and handling of NCC data. All employees will also be required to accept Coreplus terms of use upon accessing the system.

3. Data Collection and Consent

- 3.1 Individuals have the right to be informed about the collection and use of their personal data. The person needs to understand why their information needs to be processed, what type of information may be shared and with whom that information will be shared. It should be seen as good practice to involve the parent(s) of the young person in the consent process, unless this is against the wishes of the young person. Consent should be determined by completion of the **Youth Justice Services Consent Form**.
- 3.2 If there is a gap in the delivery of services renewed consent should be sought from the young person/family. If a person refuses or withdraws consent, the consequences should be explained to them, but care must be exercised not to place the person under any undue pressure.
- 3.3 There may be instances where a worker believes that viewing a young person's social networking site (e.g., Facebook, Instagram, YouTube, Twitter etc) could inform an assessment/assist in addressing risk or Safety and Wellbeing (SaW) concerns. Further information regarding using social media for data collection and enquiry purposes can be found by accessing the NCC Social Media Policy, [Covert Surveillance and RIPA guidance](#) and [YJS Social Media Monitoring Procedure V2.docx \(sharepoint.com\)](#). It is essential that a discussion with a manager takes place before any such action is taken.

4. Data Recording Principles

4.1 **Recording on COREPLUS**

Nottinghamshire YJS collects a large amount of information on individuals during assessments, multi-agency meetings and ongoing work with families. It is essential that this personal data is processed lawfully, fairly and in a transparent manner ('lawfulness, fairness, transparency'). In relation to the work of the YJS data should be.

- *Relevant to the assessment or work being undertaken*
Only information that is necessary for informing assessments or work with the service user should be collated and recorded.
- *Factually accurate*
Sources of information should be clearly recorded, and the information should be verified. If the authenticity is in doubt, then either this should not be recorded or, if felt to be of importance to risk or safety and wellbeing, it should be recorded as unverified along with the efforts that will be taken to verify it. If it is not possible to verify the information within the case assessment review period, this information should be removed from the record.
- *Reviewed on a regular basis and updated accordingly*
This allows information contained within assessments to be regularly reviewed and updated to ensure that information is up to date.
- *Stored securely*
All information is recorded on Coreplus. Assessments and letters sent by YJS, and records of any contacts are retained on Coreplus. Any paper documents (such as signed copies of assessments, plans and consent forms, letters from other agencies and other agency documentation) should be scanned and attached to documents onto the child/young persons record within 48 hours of receipt. All paper copies should be shredded when this task has been completed.

All case managers are required to keep up to date records of their work. Anyone taking over a child/young persons case should find enough information for them to feel informed about what has already happened without having to 'start again', repeating the same work which could be frustrating for families. Good record keeping can help stop this from happening; good record keeping can also help in supervision to aid case discussions and check on the child/young person's progress and the quality of practice. Good record keeping can also assist case managers to reflect on their own practice and plan for future work.

When recording a contact on Coreplus staff should keep a focus on the aim of the session and keep recording relevant (nice to know vs need to know). Staff should:

1. Avoid excessive descriptions e.g. I turned up 5 minutes early, but no one was answering the door, so I had to ring Dan to let him know that I was there. Mum let me in and asked me if I wanted to see Dan in the kitchen or in the front room, I said in the front room which she was ok with...
2. Keep recording relevant to the work that is being undertaken/aim/intended outcome of the session.
3. Provide an analysis of how the child/young person participated in the session / how has the session landed with them. Including any feelings or thoughts expressed, making sure the voice of the child/young person is contained within records e.g., Dan said, "He should have known I was just messing and didn't mean it; I wouldn't really have stabbed him!"
4. Highlight any discrepancies between what the child/young person is saying and their actions/behaviour e.g., Whilst Dan tells me that he wants to get a job, he keeps putting off seeing our ETE advisor telling me that he will wait until after Christmas.
5. Provide professional judgement; however, clearly distinguishing between fact and opinion. E.g., He told me that this was not the first time he had been threatened with a knife. In my opinion, Dan does not want to go to school because he prefers to stay at home all day playing computer games and there are no consequences for him not going to school being put in place by mum or dad. Mum tells me that she doesn't know how to address the situation and Dad works away in the week so isn't around to help her put any boundaries or sanctions in place.
6. Provide an analysis of the child/young person's level of understanding of the intended session. Consider their attitudes / beliefs / thinking around the subject and what the session means in the context of their own life. Provide some reflections and develop any actions or curious questions to add to planned work. E.g., Dan appeared to think that some of the session was useful, stating "it might help when my dad gets angry with me". When I see him again, I will check to see if he has put any of the exercises into practice and explore with him how successful they have been.
7. Be reflective; linking to what we know about, risk, offending a SaW.

Please Note: Where the child/young person discloses new information, which is relevant to their offending behaviour or could impact on the health and safety of the child/young person or others it should be made clear what discussions have taken place and what action needs to be taken.

Possible actions could be: Reviewing the assessment, delivering a specific piece of intervention, passing on information to another professional, making a referral to MASH,

requesting a mentor for the child/young person (this list is not exhaustive and if in any doubt a discussion should take place with your manager).

The following should be used as a guide for structuring the recording within Coreplus:

Brief Notes Recording Box (right hand side of your new contact, record a brief description of the key areas covered.)

Main Contact Recording:

- Who was present: (e.g., *Mum and Dan*)
- Aim: (e.g., *To start looking at how Dan deals with conflict and explore alternative ways of dealing with situations*)
- Linked Target / Theme (from *intervention plan or themes within the whole plan of work such as self-esteem, developing ways of dealing with conflict without being violent etc.*)
- Outcome: (Include here an analysis of what happened during the session, what was the child/young persons understanding of the session, what did they take on board, what did the session tell you about their thinking/opinions/behaviour, how will the session help them moving forward etc.).
- Actions: (e.g., *agreed actions that need taking by the child/young person, the case manager, the parent, actions linked to the next session etc.*)

Please Note: Where the child/young person discloses new information, which is relevant to their offending behaviour or the health and safety of themselves or others it should be made clear what discussions have taken place with the child/young person and what action needs to be taken.

Possible actions could be: Reviewing the assessment, delivering a specific piece of intervention, passing on information to another professional, making a referral to MASH, requesting a mentor for the young person (this list is not exhaustive and if in any doubt please discuss the case with your manager).

4.2 Recording on Mosaic

When a child/young person is open to both the Youth Justice Service and the Family Service/Children's Social Care the following outlines the minimum expectations in relation to case recording on Mosaic for YJ staff.

All Cases

- Upload minutes from Case Management Meetings' and add a corresponding case note on Mosaic.
- Upload PSRs to Mosaic and add a corresponding case note.
- Any new safeguarding referrals/concerns/Level 4 concerns need to be recorded (attaching supplementary information where applicable); staff to consider using 'Case alert' for open cases where relevant.
- Record key case notes regarding CSC case escalations.
- Record case notes relating to the sharing of key information e.g., risk assessments / Health and Safety information / Action Plans for prevention cases.

- If the Family Service or CSC are the lead case manager; staff to record all planned sessions and the outcome of these sessions.
- Team Managers to record on Mosaic a child/young person's MAPPA status.
- Where there is no other professional involved (CSC/FS) the YJ Case Manger is also responsible for updating the child/young person's chronology on Mosaic.

Case managers/staff should use their own discretion regarding adding contacts/information which may be useful to NCC colleagues also working with the family.

Business Support (BS) Processes

- BS record YJS involvement at the beginning and end of involvement, recording the name of the lead Case Manager.
- BS record arrest details for known cases

Steps

- A1 Submission through Mosaic
- Missing children return interviews to be uploaded to Mosaic
- CSE Assessments
- Supporting Families Family Action Plans
- CCE Assessments

4.3 *Recording of co accused/others in assessments*

There may be occasions where a child/young person has either offended/is committing acts of anti-social behaviour with a known co-accused or has a friendship/relationship that is impacting negatively upon them. If the practitioner assesses that these associations are likely to result in further offences or is significant to the health and safety of themselves or others, the practitioner should record the details (name, address) of the co accused/individual within the offending behaviour and personal, family and social sections of the AssetPlus. If known to the YJS, they should also be added within the 'Gang Membership' section of Coreplus and linked to the young person's case record.

**This term relates to asb groups and urban street gangs.

4.4 *Recording of victims*

Nottinghamshire YJS commissions Remedi UK to undertake their work in relation to victims. Remedi record and maintain victim details and information on NCC Sharepoint site, cross referencing the information with the client number recorded on Coreplus. YJS staff are unable to access this information routinely and should a young person put in a data subject access request, he/she will be unable to obtain details of their victim.

The only exceptions to the above are where victim details are recorded in CPS documentation and scanned onto Coreplus, or where the victim is believed to be at an ongoing risk from the young person. CPS documentation is kept for the life of the order and deleted from the system once the order has ended; a young person would already have had sight of these papers. Where the victim is felt to be at an ongoing risk of harm from the young person, the details of the victim should be clearly

recorded within the Offending and ASB, Explanation and Conclusion and Pathways and Planning sections of AssetPlus, along with details as to why it is felt that this victim is at an ongoing risk of harm. Whilst this is a deviation from the Victim's Code of Practice, the need to protect the victim is felt to justify the deviation. Should the case manager be on leave other YJS workers will need to access information regarding ongoing risk. Where victim's details are recorded on the child/young person's record, this information will be treated as third party information.

4.5 Recording of third party / sensitive information

As indicated above, there may be occasions where information recorded on case records is not appropriate to be shared with the child/young person or their family (such as ongoing investigations, information which would increase concerns in relation to risk, victim details). In such cases, the information should be recorded in contacts and, if felt to be of importance to the assessment, in the AssetPlus assessment. The information should be marked:

‘** CONFIDENTIAL THIRD-PARTY INFORMATION – NOT TO BE DISCLOSED**’

If a child/young person makes a subject access request, this information will be redacted.

5. Disclosure

5.1 Careful consideration should be given to the grounds on which information is shared with other agencies. As per the requirements of GDPR, information should only be shared on a "need to know" basis in accordance with NCC protocols. All information disclosed should be accurate and factual and where opinion is given, this should be made clear to the recipient.

5.2 If information is shared without legal/statutory grounds it is essential that, where possible, explicit informed consent (in writing) is obtained, regardless of the person's age. If in doubt case managers can seek the advice and guidance from legal services.

5.3 Disclosure without consent

Disclosure of personal information without consent (including to parents) or when a child/young person has asked for it not to be shared must be justifiable on legal/statutory grounds (for example, when there are safeguarding or public protection concerns), or meet the criterion for claiming an exemption under GDPR.

If disclosure is made without consent, the person making the disclosure must:

- Advise the recipient accordingly
- Highlight any restrictions placed on the information that has been given e.g., "not to be disclosed to the service user"
- Record the full details of the disclosure that has been made, including the reason why the decision to disclose was taken (statute or exemption); who made the disclosure, to whom and when, including any stated restrictions.

6. Transferring Personnel Data

When transferring personal data (via post, email, in person etc.) staff should ensure that it is transmitted safely and securely in accordance with the legislative

environment it is subject to. Please see: [Secure data transit guidance \(nottscc.gov.uk\)](https://nottscc.gov.uk) for more detailed guidance in relation to transferring data.

7. Record Management and Retention

Records management is vital to being able to deliver efficient and effective value for money services. It ensures we have the right information, at the right time to make informed decisions and that we can meet our business, regulatory, legal and accountability obligations.

‘Records’ are defined as **‘information created, received and maintained as evidence and information by an organisation or person, in pursuance of legal obligations or in the transaction of business’** [British Standard ISO 15489].

Records can be in any format - paper, electronic or analogue (such as VHS and audiocassette tapes and microfilm /microfiche tapes). They can include case notes; CCTV recordings; photographs; meeting minutes; personnel files; a recorded telephone conversation; text messages etc. The defining factor is that they provide evidence of an activity or transaction.

Records must be managed throughout their lifecycle: from their creation, through use and storage, to disposal. Records pertaining to Children and Young People open to YJS Services will be retained 25 years from date of birth or last contact + 5 years. (Looked after Children - 75 years from date of birth or if dies before age18 for 15 years following the date of death. DCC Children and Young Peoples Service Youth Offending Service V3 Mar 2021 • Subject to Child Protection - 75 years from date of birth (If child dies before 18th birthday, date of death + 6 years).

In July 2015, the chair of the Independent Inquiry into Child Sexual Abuse (IICSA) IICSA issued a notice of retention and non-destruction of documents relating to the Inquiry. Until further notice records which may be of use to the Inquiry must not be destroyed.

This non-destruction notice will remain in place until further notice. If you have records (computerised, paper, videos, etc) that are due for destruction please refer to [IICSA and the Retention and Disposal of Records](#).

We have legal grounds to process (including share) special category data and criminal convictions data where it is in the exercise of a statutory function, and it is in the necessary for reasons in the substantial public interest. We have legal grounds to process this information because it is necessary for the performance of a task carried out in the public interest.

The tasks we carry out in the public interest are under the:

- Children Act 1989
- Crime (Sentences) Act 1997
- Crime and Disorder Act 1998

- Criminal Justice Act 2003

Appendix 1 outlines how specific documentation recorded within children and young people's electronic records will be managed.

Appendix 1

File/Record Type	Example of documents held within file	Rationale	Retention Action	Advice
Victim records	<p>Records relating to support and intervention and their potential engagement in restorative justice.</p> <p>Remedi record and maintain victim details and information on NCC Sharepoint site, cross referencing the information with the client number recorded on COREPLUS. YJ staff are unable to access this information routinely and should a young person put in a data subject request, he/she will be unable to obtain details of their victim.</p>	<p>Good practice based on Youth Justice Board Advice on Information Management in Youth Offending Teams (England) Jan 2011.</p>	<p>Destroy on completion of intervention/support.</p>	<p>Records held electronically.</p> <p>Information should be anonymised on completion of intervention/support with the victim for statistical/research purposes</p>
Police Intelligence Request form	<p>Police Intelligence request for information form which is submitted to the police and returned with relevant information.</p> <p>Document is then attached to Coreplus and</p>	<p>Agencies have the right to retain this kind of personal data where its retention can be justified on the grounds of reducing risk.</p>	<p>Retain within the record as per NCC data retention guidelines.</p> <p>This will be retained within the record as per NCC Records pertaining to Children and Young</p>	<p>This is third party sensitive information. Any intelligence that names victims or other people should be redacted upon a subject access request being made.</p>

	used to inform assessments and risk planning.		People open to YJS Services will be retained 25 years from date of birth or last contact + 5 years.	As the YJS is not the owner of this information should a subject access request be submitted this data would not be shared.
ADIs/Images/ Witness /Victim statements	CPS documentation is kept for the life of the order and deleted from the system once the order has ended.	Processing for law enforcement purposes is carried out by the YJS in their capacity as a competent authority and falls under Part 3 of the DPA 2018 and is the subject of a separate document. To be retained for purposes of assessment and intervention during the relevant order.	Retained until the end of the Order.	Records
Witness Statement by Case Manager	This information relates to the child/young person and their compliance history.	Agencies have the right to retain this kind of personal data where its retention can be justified on the grounds of reducing risk.	Retained with the record.	This will be retained within the record as per NCC Records pertaining to Children and Young People open to YJS Services will be retained 25 years from date of birth or last contact + 5 years.

<p>Summary/Rationale: OOCD Rationale/ OCD Referral</p>	<p>This is information supplied by the police in relation an offence that has been committed and a referral for an OCD suitability assessment.</p>	<p>Processing for law enforcement purposes is carried out by the YJS in their capacity as a competent authority and falls under Part 3 of the DPA 2018 and is the subject of a separate document.</p> <p>As processors of this information the YJS implement appropriate technical and organisational measures to ensure the security of this data.</p>	<p>This will be retained within the record as per NCC Records pertaining to Children and Young People open to YJS Services will be retained 25 years from date of birth or last contact + 5 years.</p>	<p>As the YJS is not the owner of this information should a subject access request be submitted this data would not be shared.</p>
<p>OOCD MG11 Witness Statement</p>	<p>This is information supplied by the police in relation to a referral for an OCD suitability assessment.</p>	<p>Processing for law enforcement purposes is carried out by the YJS in their capacity as a competent authority and falls under Part 3 of the DPA 2018 and is the subject of a separate document.</p> <p>To be retained for purposes of assessment and intervention during the relevant order.</p>	<p>Retained until the end of the relevant programme/ assessment.</p>	<p>To be treated the same as CPS documentation.</p>

PPNs and PPN data collation document.	PPNs stored on SharePoint, and information used for data collection purposes.	Collation of PPN data to be retained on Sharepoint for a year.	Collated data to be retained for 12 months on Sharepoint. PPN document to be deleted 6 months from being received.	The PPN is retained on Mosaic. If a young person has a Coreplus record Relevant details within PPNs are copied into contacts on Coreplus.
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** If uploading witness statements to Coreplus case managers to be mindful of what they are naming documents and if in doubt ask Business Support.