

## Section 25 – Social Care (Youth Court)

### Important Notes:

**CODES:** P = Prime Document, M = Management documentation, SHC = Review samples for Surrey History Centre.

*Some LA's use Vital and Management.* Prime documents must always be backed up and retained for statutory/ Internal Audit/District Audit reasons. A prime document is one, which if lost would cause considerable embarrassment to the Authority. Duplicates are not prime documents. Management documents should, in general, be kept for a current year plus two.

| Ref No        | Title of Document<br>[Local Name]   | Retention Period  | Current Format | Authority | Notes/Access  | P/M |
|---------------|---|---|----------------|-----------|---|-----|
| <b>25.2.5</b> | <b>-Youth Court</b>   |   |                |           |   |     |
| 25.2.5.1      | End of rehabilitation period for offenders under 18 at date of conviction <ul style="list-style-type: none"> <li>A custodial sentence of more than 30 months and up to , or consisting of, 48 months</li> </ul> | The end of the period of 42 months beginning with the day on which the sentence (including any licence period) is completed | None stated    | Statutory | Rehabilitation of Offenders Act 1974 as amended by Legal Aid, Sentencing and Punishment of Offenders Act 2012. Part 3 Chapter 8 | M   |
| 25.2.5.1.1    | End of rehabilitation period for offenders under 18 at date of conviction. <ul style="list-style-type: none"> <li>A custodial sentence of more than 6 months and up to , or consisting of 30 months</li> </ul>  | The end of the period of 24 months beginning with the day on which sentencing (including any licensing period) is completed | None stated    | Statutory | Rehabilitation of Offenders Act 1974 as amended by Legal Aid, Sentencing and Punishment of Offenders Act 2012. Part 3 Chapter 8 | M   |

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| 25.2.5.1<br>.2 | <p>End of rehabilitation period for offenders under 18 at date of conviction.</p> <ul style="list-style-type: none"> <li>• A custodial sentence of 6 months or less</li> </ul>  | The end of the period of 18 months beginning with the day on which the sentence (including any licence period) is completed.                     | None stated | Statutory | Rehabilitation of Offenders Act 1974 as amended by Legal Aid, Sentencing and Punishment of Offenders Act 2012. Part 3 Chapter 8 | M |
| 25.2.5.1<br>.3 | <p>End of rehabilitation period for offenders under 18 at date of conviction.</p> <ul style="list-style-type: none"> <li>• A fine</li> </ul>                                    | The end of the period of 6 months beginning with the date of the conviction in respect of which the sentence is imposed                          | None stated | Statutory | Rehabilitation of Offenders Act 1974 as amended by Legal Aid, Sentencing and Punishment of Offenders Act 2012. Part 3 Chapter 8 | M |
| 25.2.5.1<br>.4 | <p>End of rehabilitation period for offenders under 18 at date of conviction.</p> <ul style="list-style-type: none"> <li>• A compensation order</li> </ul>                      | The date on which the payment is made in full  | None stated | Statutory | Rehabilitation of Offenders Act 1974 as amended by Legal Aid, Sentencing and Punishment of Offenders Act 2012. Part 3 Chapter 8 | M |
| 25.2.5.1<br>.5 | <p>End of rehabilitation period for offenders under 18 at date of conviction.</p> <ul style="list-style-type: none"> <li>• A community or youth rehabilitation order</li> </ul> | The end of the period of 6 months beginning with the day provided for by or under the order as the last day on which the order is to have effect | None stated | Statutory | Rehabilitation of Offenders Act 1974 as amended by Legal Aid, Sentencing and Punishment of Offenders Act 2012. Part 3 Chapter 8 | M |

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| 25.2.5.1<br>.6 | End of rehabilitation period for offenders under 18 at date of conviction.<br><ul style="list-style-type: none"> <li>• A relevant order</li> </ul> | The day provided for under the last order on which the order is to have effect  | None stated | Statutory | Rehabilitation of Offenders Act 1974 as amended by Legal Aid, Sentencing and Punishment of Offenders Act 2012. Part 3 Chapter 8 | M |
| 25.2.5.2       | Youth Offender team records<br>Offender Records -Prevention programmes<br>Stage 1  | On completion of the prevention programme reduce non-YOT information to basic information holding.<br><br>Save YOT specific information for 12 months | None stated | Corporate | Advice on Information Management in Youth Offending Teams.<br>Youth Justice Board   | M |
| 25.2.5.2<br>.1 | Youth Offender team records<br>Offender Records – Prevention programmes<br>Stage 2 and 3   | On completion of the 12 month period delete and dispose   | None stated | Corporate | Advice on Information Management in Youth Offending Teams.<br>Youth Justice Board   | M |

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| 25.2.5.2<br>.2 | Youth Offender team records<br>Offender Records – Pre-Court<br>Decisions – Reprimands, Final<br>Warnings<br>Stage 1 | On the giving of<br>the reprimand /<br>final warning or<br>completion of the<br>final warning<br>intervention reduce<br>non YOT<br>information to<br>basic information<br>holding.<br>Retain YOT<br>specific<br>information for 12<br>months  | None stated | Corporate | Advice on Information<br>Management in Youth Offending<br>Teams.<br>Youth Justice Board | M |
| 25.2.5.2<br>.3 | Youth Offender team records<br>Offender Records – Pre-Court<br>Decisions – Reprimands, Final<br>Warnings<br>Stage 2 | On completion of<br>the 2 months delete<br>and dispose of<br>YOT specific<br>information (while<br>recording last<br>caseworker and<br>outcome of last<br>contact with YOT<br>and last risk status)<br>Retain basic<br>information<br>holding | None stated | Corporate | Advice on Information<br>Management in Youth Offending<br>Teams.<br>Youth Justice Board | M |

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| 25.2.5.2<br>.4 | Youth Offender team records<br>Offender Records – Pre-Court<br>Decisions – Reprimands, Final<br>Warnings<br>Stage 3 | At the end of 3<br>years or where the<br>young person<br>reaches the age of<br>18 years<br>(whichever occurs<br>first) delete and<br>dispose of all     | None stated | Corporate | Advice on Information<br>Management in Youth Offending<br>Teams.<br>Youth Justice Board | M |
| 25.2.5.2<br>.5 | Youth Offender team records<br>Offender records – Referral orders<br>and sentences of Courts<br>Stage 1             | On completion of<br>the order reduce<br>YOT information<br>to basic<br>information<br>holding.<br>Retain YOT<br>specific<br>information for 3<br>years. | None stated | Corporate | Advice on Information<br>Management in Youth Offending<br>Teams.<br>Youth Justice Board | M |

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| 25.2.5.2<br>.6 | Youth Offender team records<br>Offender records – Referral orders<br>and sentences of Courts<br>Stage 2                  | On the expiry of 3<br>years delete and<br>dispose of YOT<br>specific<br>information (while<br>recording last<br>caseworker and<br>outcome of last<br>contact with YOT<br>and last risk status).<br>Retain basic<br>information<br>holding. | None stated | Corporate | Advice on Information<br>Management in Youth Offending<br>Teams.<br>Youth Justice Board | M |
| 25.2.5.2<br>.7 | Youth Offender team records<br>Offender records – Referral orders<br>and sentences of Courts<br>Stage 3                  | At the end of 5<br>years or when the<br>young person<br>reaches the age of<br>18 years (Whatever<br>occurs first) delete<br>and dispose of all.  | None stated | Corporate | Advice on Information<br>Management in Youth Offending<br>Teams.<br>Youth Justice Board | M |
| 25.2.5.6       | Parent Case records<br>(To be held in a separate file from<br>that of the young person for whom<br>they are responsible) | On programmes<br>completion.   | None stated | Corporate | Advice on Information<br>Management in Youth Offending<br>Teams.<br>Youth Justice Board | M |
| 25.2.5.7       | Victim case records  | On programme<br>completion   | None stated | Corporate | Advice on Information<br>Management in Youth Offending<br>Teams.<br>Youth Justice Board | M |

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| 25.2.5.8 | <p>Young people convicted of sexual offences or assessed as presenting a risk (Actual or Potential) to children Sexual offenders sentenced under the Sexual Offences Act 2003.</p> <p>NOTE 1: Finite notification periods are halved if the person is under 18 when convicted or cautioned.</p> <p>NOTE 2: YOTS should not keep electronic or written registers of previously identified Schedule 1 offenders.</p> <p>NOTE 3: In keeping with the principle that YOTs should not retain information which is under the primary control of others, there seems no necessity for YOTs to retain data on the registration / risk status of a young person for sexual or violent offending beyond the periods of time identified in the recommended timescales for regular data archiving. (As shown below). Should a young person re-present to a YOT after the retention applicable to their previous case status as known to a YOT, the YOT should inquire of ViSOR (via the police or probation link), MAPPA and / or Children’s Social Services of their current risk status</p> |  |  |  | <p>Advice on Information Management in Youth Offending Teams.<br/>Youth Justice Board</p> <p>Also see Guidance on the Rehabilitation of Offenders Act 1974 which applies from 10 March 2014</p> | M |
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| 25.2.5.8<br>.1 | <p>Young people convicted of sexual offences or assessed as presenting a risk (Actual or Potential) to children Sexual offenders sentenced under the Sexual Offences Act 2003 the following notification periods to ViSOR apply.</p> <p>Imprisonment for life or for more 30 months or more, imprisonment for public protection, or admission to hospital under restriction order for life long restriction.</p> | <p>Indefinitely</p> <p>Editorial note<br/>This means never to be destroyed – should it be death plus 6 years?</p> | None stated | Corporate | <p>Advice on Information Management in Youth Offending Teams.<br/>Youth Justice Board</p> | M |
| 25.2.5.8<br>.2 | <p>Young people convicted of sexual offences or assessed as presenting a risk (Actual or Potential) to children Sexual offenders sentenced under the Sexual Offences Act 2003 the following notification periods to ViSOR apply.</p> <p>Imprisonment for more than 6 but less than 30 months</p>   | 10 years  | None stated | Corporate | <p>Advice on Information Management in Youth Offending Teams.<br/>Youth Justice Board</p> | M |



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| 25.2.5.8<br>.3 | Young people convicted of sexual offences or assessed as presenting a risk (Actual or Potential) to children Sexual offenders sentenced under the Sexual Offences Act 2003 the following notification periods to ViSOR apply.<br>Caution               | 2 years                           | None stated     | Corporate | Advice on Information Management in Youth Offending Teams.<br>Youth Justice Board | M |
| 25.2.5.8<br>.4 | Young people convicted of sexual offences or assessed as presenting a risk (Actual or Potential) to children Sexual offenders sentenced under the Sexual Offences Act 2003 the following notification periods to ViSOR apply.<br>Conditional discharge | Period of the discharge           | None stated     | Corporate | Advice on Information Management in Youth Offending Teams.<br>Youth Justice Board | M |
| 25.2.5.8<br>.5 | Young people convicted of sexual offences or assessed as presenting a risk (Actual or Potential) to children Sexual offenders sentenced under the Sexual Offences Act 2003 the following notification periods to ViSOR apply.<br>Any other             | 5 years                           | None stated     | Corporate | Advice on Information Management in Youth Offending Teams.<br>Youth Justice Board | M |
| 25.2.5.9       | Matrimonial orders   | 25 years after cessation of order | Paper/microfilm | Corporate |   | M |
| 25.2.5.1<br>0  | Maintenance orders   | 3 years after cessation of order  | Paper/microfilm | Corporate |   | M |

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| 25.2.5.1<br>1 | Wardship   | 6 years after 18th birthday but see notes            | Paper/microfiche | Corporate | There may be a preference to keep these files for 75 years after 18th birthday and match them to adoption papers where relevant  | M |
| 25.2.5.1<br>2 | Children and young persons supervised by the local authority | Retain the files for 21 years from the date of birth | None specified   | Corporate | Advice on Information Management in Youth Offending Teams.<br>Youth Justice Board  | M |
| 25.2.5.1<br>3 | Reports of visit   | Recommend add to case file                           | To be in writing | Statutory | Visits to Former Looked After Children in Detention (England) Regulation 2010.<br>SI 2010 No 2797<br>Regulation 6<br><br>(See also SI 2010 No 2571 – Care Leavers (England) Regulations) | P |
| 25.2.5.1<br>4 | Care Plan<br>Detention placement plan                        | Recommend add to case file                           | None specified   | Statutory | Care Planning, Placement and Case Review (England) (Miscellaneous Amendments) regulations 2013<br>SI 2013 No 706<br>Amends SI 2010 No 959 to add Regulation 47B and 47C                  | M |