

# File Management Policy

## Essential Summary

Youth Justice NSW (YJNSW) has a responsibility to ensure that all young people's file content is kept confidential and meet the requirements for file and document management stipulated in the:

- *Children (Detention Centres) Act 1987* and *Children (Detention Centres) Regulation 2015*
- Children and Young People (Care and protection) Act 1988
- Privacy and personal Information protection Act 1998

This policy provides YJNSW employees with the legislative and YJNSW executive operational requirements to manage and protect a young person's information in an effective and consistent manner across YJNSW.

The policy includes information regarding:

- types of files
- file storage
- digitised files
- access to files
- external and subpoena requests for information

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Please check in the [Operations Manual \(TOM\)](#) to ensure you have the latest version before using this document.

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# 1 Scope

This policy applies to all Youth Justice NSW (YJNSW) employees working with young people.

# 2 Purpose

The purpose of this policy is to provide direction and employee responsibilities for the efficient management of young people's files and their confidential content.

# 3 Definitions

- **Employee(s)** refers to people employed by YJNSW on a permanent, temporary or casual basis
- **Must** indicates a mandatory action to be complied with.
- **Should** indicates a recommended action to be complied with unless there are sound reasons for taking a different course of action
- **Young person** means all young people under the mandated supervision of YJNSW.

# 4 Types of files

Detainee (D) files contain custodial records about a young person that cannot be recorded on CIMS such as, correspondence, certificates or signed documentation.

Community (C) files contain records about a young person while under community supervision that cannot be recorded on CIMS such as referral forms or certificates.

Specialist (S) files are created when psychological or counselling assessment and/or intervention is undertaken with a young person in YJNSW. An S file must only be used and accessed by authorised employees.

Youth Justice Conferencing (YJC) files contain a record of events and related documentation during a young person's period of conference referral by YJNSW.

## 4.1 Legislative filed documentation restrictions

The following two restrictions must be adhered to by all YJNSW employees:

- original signed documents placed on a file must not be destroyed or removed unless they have been scanned and placed into EDRMS
- under no circumstances are corrections, erasures (including the use of 'white-out') to be made to original signed documents contained in a File

# 5 D File

The D File is a record of events and related documentation during a young person's period of custody. Each young person will have only one D File for the duration of their involvement with YJNSW however a young person who has an extensive history with YJNSW may have more than one 'part' to their D File.

## 5.1 Permitted file content

Information stored within the CIMS system must not be printed and placed on the young person's D file unless stated below.

The following documents must be filed under the corresponding tabs contained within a D file:

### **RISK ASSESSMENT**

- Detainee Risk Questionnaire
- Classification – Initial & Review Forms
- Room Sharing/Single Room Assessment

### **ADMISSION**

All agency documentation that relates to the admission of a detainee

- client details
- client photo
- admissions, discharge and transfer checklists
- File Cover
- Violence Risk Information

### **PROPERTY**

- signed property registers

### **LEGAL**

- any documentation from Courts or Police that relates to the young person
- legal correspondence addressed to the centre or Youth Justice

### **ABSENCE/TRANSFER/DISCHARGE**

- All agency documentation that relates to leave, escorted absence and discharge

### **CASE MANAGEMENT**

All correspondence relating to case management interventions

- case plans
- casework progress/ behaviour observations forms

### **REPORTS**

- reports not in CIMS
- completed Form 3 Notices (Registrable Offender)
- urinalysis documentation:
  - Detainee Urinalysis Information Form,
  - Detainee Breath Testing Request
- Authority to Access Medical Information Form, and/or
- any statements made by a young person in relation to drug and alcohol testing
- copies of toxicology reports

## INCENTIVE SCHEME

- Court conduct
- Progress & Points/Observation forms

## 5.2 Documents not permitted to be filed on D file

### 5.2.1 Briefs of Evidence

*Briefs of Evidence* must be treated as strictly confidential and must not be filed on a Young Person's D file. Briefs are accessible to a supervised young person upon request under specific requirements documented in the *Professional Visits Policy and Visits by Legal Representatives procedure*.

It is the responsibility of the Centre Manager to manage access to, and storing of, briefs of evidence in a secure area of a centre (*Visits by Legal Representatives procedure*).

### 5.2.2 Registrable Offenders

All correspondence with police in relation to a young person's registrable offender status is to be managed under the *Registrable Offenders Tab* in *CIMS* and in *CIMS Case Notes*, as outlined in the *Child Safety and Mandatory Reporting Policy*. An exception is the Form 3 which once signed by the Young Person is filed in the D file.

### 5.2.3 Alcohol and drug testing toxicology report

All original toxicology reports must be securely filed in the Centre Manager's office (*Breath Testing Young People and Urinalysis Program (Young People) Procedures*).

### 5.2.4 Victim's Register records

All records relating to the Victims Register, including communication with a registered victim, copies of advice from the Centre Manager and notices to the victims(s) must be filed in a confidential file in EDRMS. The file must be marked highly protected, with access only to the named personnel in the *Victims Register Policy*.

All communication received by the Centre Manger from the Victims Register Office is highly confidential and must be deleted once diary notifications are made.

Registered victim(s) information must not be placed on a young person's D File.

A list of young people with registered victims must be contained in a confidential administrative file created at the centre and securely stored in the Centre Manager's office.

## 5.3 Young person's access to their D File

A young person has a right to view specific information held on their D file. However there are limitations on the way the file can be viewed, what documents can be accessed and what happens after a young person has accessed their D file.

### 5.3.1 How to access

A young person is permitted to access and review specific personal D File information under the supervision of a delegated employee or Centre Manager. A written request must made to the

Centre Manager, identifying what information and the specific reason why they want to access this information.

If access is permitted, under no circumstances must a D file be physically given to a young person.

### **5.3.2 Documentation permitted for viewing**

Documentation that a young person can view includes:

- letters addressed to the young person from external agencies
- documents that required the young person's signature
- signed case plans or behaviour management plans

### **5.3.3 Documentation not permitted for viewing**

Documentation that a young person must not view includes documents that identify:

- their victims
- their victim's families and/or addresses
- employee personal information
- or any other party's details

### **5.3.4 After a young person views their file**

The delegated employee must ensure a young person does not destroy any papers from the D File. A case note must be documented in CIMS stating the date and time.

### **5.3.5 Content dispute**

If, as part of this process, the young person refutes or raises doubts on the accuracy of the information contained within any document, the delegated employee is to take note of these details and forward them to the Centre Manager.

The Centre Manager must investigate the allegation of inaccurate information with the document creator.

## **5.4 Access to D files by other sources**

### **5.4.1 YJNSW employee access**

YJNSW is responsible for monitoring YJNSW employee access to a young person's D File.

Access to the D File is restricted to:

- senior employees (i.e. Centre Manager, Assistant Manager, Unit Managers)
- admissions employees
- classification officers
- custodial caseworkers
- ESU specialist employees
- Other employees approved by the Centre Manager

If any other employee wishes to access information on a young person's D File, they must seek approval from the Centre Manager, clearly stating the information he or she is requesting to see and

the reason for the request. If the employee's reasoning for accessing the information does not serve the interests of the centre or the young person, they must not be permitted to access the file.

### 5.4.2 Digitised D file access

Digitised files contain past custodial detention records only.

Access to view the D file electronically is restricted to authorised employees only and accessed via the EDRMS web [REDACTED]

### 5.4.3 Legal representatives

Legal Representatives must not have unsupervised direct access to any young person's file.

The legal representative must provide written consent from the young person and written confirmation that they act for the young person.

The consent must specify the type of information that may be disclosed and the purpose for which the information may be disclosed. Consent does not extend to all information about the client. (Section 10)

Information that can be disclosed to a legal representative with the written consent of their client includes personal information such as a young person's:

- Client Information Management System (CIMS) number
- custodial status, periods of detention
- identification including aliases, photo ID
- court appearance details, outstanding proceedings, conviction, sentence and appeal history last known address or detention centre address
- date of release, earliest possible release date

The type of information about a client for which a GIPA application is required includes:

- case notes
- case plans, intervention plans
- reports
- misbehaviour and incident records

If there is something specific in the D file that the legal representative wants to view, and it does not contain third party information, they can only view that part of the D file under the supervision of a YJNSW employee.

Only information about the legal representative's client can be disclosed with the consent of that client. Under no circumstance may YJNSW employees provide any information about any third parties, including family, co-offenders or victims.

Centre managers must ensure all employees understand and apply these directions before providing any information to a young person's legal representative.

## 5.5 Hard copy content management

D files must be no thicker than 30mm / 3 cm wide at the spine of the folder. Once a D file reaches this thickness, a request must be made through DTS general for a "Request for File".

When this new part arrives a copy of the following must be added:



- client details/photo
- Detainee Risk Questionnaire
- current legal orders

Only YJNSW approved current information documents are to be filed in the D file. Local centre developed documentation is not to be filed on the file.

Documents from digitised files must not be printed and filed again in the current D file. This action will cause numerous unnecessary copies of documents to be re-digitised.

D files content must be thoroughly checked for unauthorised filing and correct location of documents filed prior to return to Corporate Records.

## 5.6 Storage

### 5.6.1 Hard copy storage (Current D file part)

The Centre Manager is responsible for ensuring D Files are accurate, (contain only authorised documentation), up to date and are maintained in a secure location.

D Files must be kept in a secure, lockable storage area (e.g. fireproof filing cabinet, compactus) that can only be accessed by approved employees.

D Files must not be permitted or stored in units or any other area that is accessible by young people.

The hard copy D file must be returned to Corporate Records following a young person's discharge.

### 5.6.2 Digitised Storage (Previous D file part/s)

When a young person is not in custody, previous D file content information is maintained electronically by Corporate Records. Corporate Records scans all D file part contents into EDRMS.

Existing D files are digitised on an initial new admission and are managed and stored in EDRMS.

Current hard copy D files are digitised upon a young person's discharge and return of the D files to Corporate Records.

## 5.7 Discharge

When a young person is discharged from custody the current D file must be sent to Corporate Records within 21 days for the records to be scanned, stored and managed.

The D file must have all required documents placed on the file prior to sending to Corporate Records. (Section 5.2 & 5.3)

The D file must be secured and sealed in a blue satchel. The satchel must be sent via a DX bag or toll mail to Corporate Records.

## 5.8 Transfers

When a young person is being transferred to another YJNSW centre, the current D file must be sent to the receiving YJNSW centre during the transfer.

The D file must have all required documents placed on the file prior to sending to the new YJNSW centre. (Section 5.2 & 5.3)

The D file must be secured and sealed in a blue satchel. The satchel must be sent with court logistics or centre transport officers upon transfer.

## 6 S File

An S file is created when there is a psychological or counselling intervention while the young person is either detained in a Youth Justice Centre or being supervised by a Youth Justice Community office.

Each young person will have only one S File for the duration of their involvement with YJNSW. However, a young person who has an extensive history with YJNSW may have more than one 'part' to their S File

The S File is maintained by psychologists and specialist community and centre employees.

### 6.1 Access

Access to S files is restricted to:

- principle psychologists
- professional development psychologists
- youth justice psychologists
- employees associated with client information access requests, for example, Corporate Records employees and the Community and Justice Legal Unit

#### 6.1.1 Digitised S file access

Digitised S files contain past intervention records only.

Access to view the S file electronically is restricted to authorised employees only and accessed via the EDRMS web [REDACTED]

As S files cannot be accessed by frontline YJNSW employees, information about a young person's specialist assessments, programs and interventions must be summarised and communicated to YJNSW employees in the CIMS general case notes section.

### 6.2 Permitted file content

Documents that must be kept on the S file include:

- Consent forms
- counselling materials – specific intervention materials or sensitive materials developed or completed by the young person as part of the counselling process i.e. drawings, letters, worksheets, homework
- clinical observation sheets that have been completed by employees
- completed Psychometric test protocols and psychological rating scales (with a summary of interpreted results entered into CIMS as a Psychological Case Note)
- correspondence- hard copies of referrals, or correspondence such as other psychological reports from external psychologists

## **6.3 Documents not permitted to be filed on S file**

- printed emails
- information obtained from the Justice Health & Forensic Mental Health Network File
- information that relates to another young person or a third party (i.e. parent, siblings)

## **6.4 Storage**

### **6.4.1 Hard copy storage (current S file part)**

S files must not be permitted or stored in units or any other area that is accessible by young people.

All S files must be maintained by the Psychologists in each centre.

S files must be stored in a physically secure filing cabinet with restricted access in order to maintain confidentiality.

### **6.4.2 Digitised Storage (previous parts S files)**

When a young person is not in custody, previous S file content information is maintained electronically by Corporate Records. Corporate Records scans all S file part contents into EDRMS.

Existing S files are digitised on an initial new admission and are stored in EDRMS by Corporate Records.

## **6.5 Discharge**

When a young person is discharged from custody, the current S file must be sent to Corporate Records within 21 days for the records to be scanned, stored and managed. The S file must have all required documents placed on the file prior to sending to Corporate Records. (Section 6.2 and 6.3)

The S file must be secured and sealed in a white satchel. The satchel must be sent to Corporate Records via a DX bag or by Toll mail so that the file is tracked.

## **6.6 Transfer of Files**

### **6.6.1 Transfers to another YJNSW Centre**

When a young person is being transferred to another YJNSW Centre the current S file part must be sent to the receiving YJNSW centre during the transfer. The S file must have all required documents placed on the file prior to being transferred to the new YJNSW centre.

The S file must be secured and sealed in a white satchel. The satchel must be sent with the court logistics or centre transport officers upon transfer of the young person to the receiving Youth Justice Centre.

### **6.6.2 Transfers between YJNSW Centres and Community Office's**

When transferring the current part of an S File to another community office location, the S file must be secured and sealed in a white sachet and sent using Toll mail so that the file can be tracked.

The S file must have all required documents (section 6.2 and 6.3) placed on the file prior to being transferred.

## 7 C file

The C file contains a record of events and related documentation during a young person's period of supervision within the community by YJNSW.

Each young person will have only one C file for the duration of their involvement with YJNSW.

However, a young person who has an extensive history with YJNSW may have more than one 'part' to their C File.

### 7.1 Access

Access to C files is restricted to:

- area managers
- assistant managers (Community)
- caseworkers (Community)
- administrative officers (community)
- Other YJNSW community employees approved by the Area Manager.

### 7.2 Content

Documented information that is found in CIMS must not be filed in a C file unless stated below. The following documents must be filed in the C file:

#### ASSESSMENTS

- Assessment Guide
- AOD assessment
- Psychological reports
- WH& S documents
- Field work risk assessments

#### LEGAL PAPERS

- All legal documents and court orders – including:
- All bail matters, including remand warrants
- Police FACTS Sheet
- CSO Orders
- Breach reports and related application forms
- Court Intake Form
- Remand warrants
- Background Report requests

## **WDO/CSO – attach to file documents that cannot be added to CIMS:**

- all WDO paperwork, related information and actions
- all CSO paperwork, including:
  - CSO medical form
  - CSO attendance sheets
  - CSO placements
- signed agreements with other agencies
- Work Sheets

## **CASE MANAGEMENT**

- Case plans – signed by clients
- Termination Form – Completed at the end of client supervision period
- Medical certificates explaining absence from supervision
- Warning letters
- Address checks
- Referrals to whomever required
- Checklists – documents utilising tick boxes for case management reminders
- File Transfer and Representative Supervision
- All Youth Justice endorsed program content, including:
  - CHART
  - AOD Education
- JSP Paperwork including referrals, reviews and exits
- PCYC (Police Citizens Youth Clubs NSW)
- NGO agencies
- All documents from External agencies including Health Services, Education Services, FACS

## **GENERAL**

- Personal information, including Birth Certificate or Centrelink papers
- All documents/information that do not fall into other tab categories
- Medical information

## **7.3 Content management**

C files must be no thicker than 30mm / 3 cm wide at the spine of the folder. Once a C file reaches this thickness, a new file 'part' must be commenced.

Only YJNSW approved current information documents are to be filed on the C file. Local office developed documentation is not to be filed on the file.

## **7.4 Storage**

C files parts that are closed (inactive) must be kept in a secure, lockable storage area (e.g. filing cabinets, compactus) that can only be accessed by approved YJNSW employees.

C files parts that are current (active) may be stored in lockable filing cabinets, within offices when not being used; they must not be left on desk tops or similar where non- authorised people may have access.

## 7.5 File Closure

C files content must be thoroughly checked for unauthorised filing and correct location of documents prior file closure.

## 8 YJC File

Each young person will have only one YJC file for the duration of their involvement with YJNSW. However, a young person who has an extensive history with YJNSW may have more than one 'part' to their YJC File.

The requirements for content management, storage and file management are the same as for C files; refer to sections 7.3, 7.4 and 7.5 in this document.

### 8.1 Contents

The following documents must be filed in the YJC file (note that if a document is on CIMS and the date of sending is recorded on CIMS, it does not need to be printed and filed):

#### FILE COVERSHEET

- Criminal Records Section notification – (CIMS letter)
- data summary (report from CIMS)

#### POST CONFERENCE

- outcome plan completion/non-completion letters (CIMS letters)
- failed to reach agreement letters (CIMS letters)
- court approvals of outcome plan (CIMS letters)
- other court correspondence (CIMS letters)
- post conference letters to participants (CIMS letters)
- any other letters relating to outcome plan task completion (CIMS letters)
- if relevant, copies of any completed outcome plan tasks (eg apology letter)

#### CONFERENCE

- outcome plan
- recommendation sheet
- conference attendance form
- risk assessments
- convenor correspondence
- if applicable referrals to other agencies

#### PREPARATION

- referral information for convenor letter (CIMS letter)
- notice of referral to young person, parents and victims (CIMS letters)
- Conference Details for Approval to Proceed form
- Young Person Preparation Resource
- convenor field visit tracking form
- field work risk assessment

## REFERRAL

- YJC referral, which includes:
  - summary of criminal history
  - details of warnings and cautions
  - fact sheet
  - charge sheet and charge cover sheet
  - and any other related documentation accompanying the referral
- request additional referral information (CIMS Letter)
- if applicable, Office of Director of Public Prosecution (DPP) correspondence

## 8.2 Access

Access to YJC files is restricted to:

- area managers
- assistant managers (Community)
- caseworkers (Community)
- administrative officers (community)

# 9 Justice Health & Forensic Mental Health Network (Health) Files

A Health file is a record of all medical information and documentation regarding the care of a young person during their time in custody.

## 9.1 Access

Access to a Health file is strictly limited to the Registered Nurse and other Justice Health employees.

If any other YJNSW employee requires access to information on the Health file, they must seek that information from the Registered Nurse. The Registered Nurse will determine the necessity for the information and will provide it if appropriate and if nursing services guidelines and procedures permit.

## 9.2 Storage

The Health file is maintained by the Registered Nurse in the nurse's office or clinic area.

The Registered Nurse must ensure there is a secure cabinet for all Health files and that the cabinet is locked at all times when they are not in the office or clinic area.

Allied Health Files for young people born 1988, or earlier remain the property of YJNSW and are held at the Government Records Repository.

# 10 Oversight Bodies Access

## 10.1 Inspector of Custodial Services

The Inspector of Custodial Services is entitled to full access to the centre records (including health records) and may make and retain copies or extracts of these records. Centre management teams may also be required to coordinate the provision of documents to the Inspector of Custodial Services concerning the centre's operations

## 10.2 Official Visitor

An Official Visitor must be given access to any of the centre's records that are relevant to any issue they are attempting to resolve in their formal capacity.

Access to records must be provided to the extent necessary to allow the Official Visitor to carry out functions and duties of the office effectively.

For an Official Visitor to access records of a young person 12 years of age and above, permission must be given by the young person. If the young person refuses to allow access to their records, centre management must engage the young person's key worker or psychologist to discuss the benefits of giving permission. However, if the young person still refuses to allow access, the Centre Manager can override the refusal if they believe it is in best interests of the young person to do so.

## 10.3 Ombudsman

The Ombudsman must be given access to any centre records relevant to the issue(s) they are attempting to resolve as per Section 37D of the *Children (Detention Centres) Act 1987*.

The Ombudsman must be given access to any information or documents held by Youth Justice, including any community office records, as per Section 18 of the Ombudsman Act 1974 No 68.

# 11 External access to files

File content is confidential, and all requirements stipulated in the *Children (Detention Centres) Act 1987*, *Children (Detention Centres) Regulation 2015*, the *Children and Young People (Care and Protection) Act 1998*, and the YJNSW Code of Ethics and Conduct, apply to file access and use of file information within YJNSW.

The request type required will depend on who the requester is and the information being requested access to.

## 11.1 Government Information Public Access (GIPA)

In accordance with the stipulations outlined in the *Government Information (Public Access) Act 2009 NSW* (The GIPA Act), the public have the right to access government information unless there is an overriding public interest against disclosure.

All requests via GIPA to obtain information must be forwarded to enquiries-  
[REDACTED] for consideration on an individual basis.

## 11.2 Non-Divisional access

In accordance with *Chapter 16A of the Children and Young People (Care and Protection) Act 1998*, all prescribed bodies are permitted to exchange information that relates to a child or young person's safety, welfare or wellbeing.



### **11.2.1 D, C or S File access**

If a person from a non-departmental agency (e.g. legal representative, community-based counsellor) requests access to information on a young person's D, C or S file, they must use either a:

- client consent – exchange of information form (CIMS), signed by the young person
- subpoena
- written consent from the young person


### **11.2.2 YJC**

All other access requests for Youth Justice Conferencing (YJC) must be done as directed in *sections 11.1, 11.3, or 10*

## **11.3 Subpoenas**

The Department of Communities and Justice Legal Unit will coordinate requests for documents under a subpoena, summons or statutory notice/order on behalf of YJNSW.

While reports from external providers are part of an S File, these reports must not be released for the purpose of subpoenas or GIPAA requests given that these are not written by YJNSW psychologists

Employees must immediately forward any written subpoenas, summons or statutory notices/orders through the Centre Manager to the Department of Communities and Justice Legal Unit by email to 

## **12 References**

### **12.1 Legislation**

- Children (Detention Centres) Act 1987
- Children (Detention Centres) Regulation 2015
- Children and Young People (Care and Protection) Act 1988
- Privacy and Personal Information Protection Act 1998
- Ombudsman Act 1974

### **12.2 Policies**

- Code of Ethics and Conduct
- Child Safety and Mandatory Reporting
- Professional Visits
- Registrable offenders

## 12.3 Procedures

- Breath Testing Young People
- Urinalysis Program (Young People)
- Visits by Legal Representatives
- Visits by Oversight Bodies

## 12.4 Forms

- Consent – Exchange of Information Form (CIMS)

## 12.5 Resources

- Information Exchange (Chapter 16a and s248)
- JJ Psychologist Manual

# 13 Document information

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<b>Title:</b>	File Management Policy
<b>Business Centre:</b>	Operations Unit
<b>Author:</b>	Project Officer (Custody)
<b>Approver:</b>	Director, Policy and Practice
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# 14 Document history

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Version	Date	Reason for Amendment
0.1	2 March 2020	New Policy. Digitisation of D and S files.
0.2	26 May 2021	Updated to include new YJC content to align with the new YJC Manual and related resources and forms

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