

Windsor and Maidenhead Youth Offending Service Privacy Notice

Introduction

This privacy notice explains what types of personal data we may hold about you, how we collect it, how we use and who we may share information with. We are required to give you this information under data protection law. This privacy notice should be read in conjunction with the corporate privacy notice.

Achieving for Children is registered as a controller with the Information Commissioner's Office (ICO). [Registration number ZA045069](#)

The Youth Offending Service at Achieving for Children has a statutory duty under the Crime and Disorder Act 1998 to prevent offending. We work with children and young people who have committed offences and help prevent them getting into further trouble. This Service is made up of representatives from Windsor and Maidenhead local authority, Thames Valley Police, National Probation Service, Berkshire Healthcare NHS Foundation Trust and other local organisations. Our multi-agency approach is designed to address the risk factors associated with offending and to meet the individual needs of young people.

Personal data we collect

As part of the process of supporting children, young people and their families, the Youth Offending Service will collect your personal information during face to face meetings and telephone discussions with you or by letter or email. We may also collect your information from other partner agencies as appropriate, such as the police, probation, schools and colleges, social care services and GPs. The personal information we collect is mainly:

- Personal identifiers such as your name, date of birth, gender and language
- Contact details such as your address, email address, telephone numbers
- country of birth
- NHS number and GP details
- education details including school attendance, exclusions and behavioural information
- special educational needs (education, health and care plan (EHCP))
- employment history and current employment:
- youth offending information (offending including alleged offences, criminal proceedings, convictions and sentences)

- social care status including information about personal relationships and social history, housing situation as well as information about family members

In order to provide you with the best support for your particular needs, we also need to collect some information about you which is more sensitive. This is known as special category data and may include:

- ethnicity
- religion
- physical and mental health information

How we use your personal information

We use your personal information for the following reasons:

- to support young people and their families to prevent them from becoming further involved in crime and antisocial behaviour
- to support young people who are bailed from courts, supervised on formal court orders, pre court orders or out of court disposals, remanded to youth detention accommodation and given custodial sentences.
- to provide an Appropriate Adult for you at the Police station if a family member is not able to attend;
- work with and support victims of youth crime;
- to help young people and their families take responsibility for their actions, help young people get back into education, training or employment so that they can refrain from offending, achieve their potential and become valued members of society.
- to work in partnership with local agencies to address youth offending effectively in our local area.
- to evaluate current services, develop policies and strategies to meet the local need
- to comply with the requirements to provide statistics regarding levels of activity and effectiveness in addressing and reducing youth offending for government departments such as the Home Office, Youth Justice Board and NHS.
- to enable us to make referrals to other services to support you to stay out of trouble (we will normally ask for your consent for this);
- account for our decisions and investigate complaints

Lawful basis for processing your information

We use your personal data where it is necessary and we are under a legal obligation to do so (Art 6(1)(c) of the GDPR, or where it is necessary in order to perform our public tasks (Art 6(1)(e) of the GDPR).

In some cases, we may be required to share your information where it is necessary to protect someone in an emergency (Art 6(1)(d) GDPR).

We will only use any special category personal data we hold where it is necessary and because there is a substantial public interest (such as to carry out a legal duty, for the

prevention of crime) (Art 9(2)(g) GDPR), and where it is necessary to deliver social care services (Art 9(2)(h) GDPR).

The Youth Offending Service is listed in Schedule 7 of the Data Protection Act 2018 as a “Competent Authority”. This means we have a duty of collecting data relating to criminal offences or charges for the purposes of law enforcement. This is in order for us to fulfil our statutory obligations under various UK laws, including but not limited to the following legislation:

Children Act 1989, 2004

Health & Social Care Act 2012

Health and Social Care (Safety and Quality) Act 2015

Education Regulations 2013

Children and Social Work Act 2017

Care Act 2014

Mental Capacity Act 2005

Mental Health Act 1983

Local Safeguarding Children & Adults Boards Regulations 2006 (SI 2006/90)

Crime and Disorder act 1998

Equality Act 2010

Police and Criminal Evidence Act 1984 (PACE)

Legal Aid Sentencing & Punishment of Offenders Act 2012 (LASPO)

Keeping your information secure

We have appropriate security measures in place to prevent personal information from being accidentally lost or used or accessed in an unauthorised way. We limit access to your personal information to those who have a genuine business need to know it. Those processing your information will do so only in an authorised manner and are subject to a duty of confidentiality.

We also have procedures in place to deal with any suspected data security breach. We will notify you and any applicable regulator of a suspected data security breach where we are legally required to do so.

Who we share your information with

We will only share information with these organisations where it is appropriate and legal to do so. Where this is necessary, we are required to comply with all aspects of the Data Protection Act 2018. We share your personal data between Achieving for Children departments and services so that we can keep our information up to date, provide cross departmental support and improve our services to you and your child.

We share information to tell other professionals that we are working with you, so that we can coordinate the work we do for you and fulfil our purposes above. Any further

information they request about you will only be shared if you give your consent or if we are required to share it by law.

Some of the external organisations that we may share your personal information with include:

- Health – for example GP, school nurse, CAMHS or Substance Misuse providers;
- Schools and colleges;
- Police;
- Probation;
- Judicial agencies – Courts, Crown Prosecution Service, solicitors;
- Appropriate Adult Service;
- YOS volunteers and sessional staff;
- Victims;
- Voluntary organisations and charities including Reparation Providers;
- Youth Offending Teams in other areas (e.g. if you have moved address);
- Home Office (for example if we have to make a referral under the National Referral Mechanism because we are concerned that you are being exploited);
- The secure estate (Young Offender Institutions, Secure Training Centres, Secure Children’s Homes);
- The Youth Custody Service (YCS) and secure estate institutions;

How long your personal data will be kept

We only keep your personal data for as long as is required by law and in accordance with our retention schedule.

<https://www.achievingforchildren.org.uk/wp-content/uploads/2016/11/doc-retention-schedule.pdf>

Your rights and access to information

Under data protection legislation you have the right to request access to the information that we hold about you. To request a copy of your data, please read the [Subject Access Requests](#) page on this website and then submit your request using your preferred method of contact.

You also have the right to:

- object to processing of personal data that is likely to cause, or is causing, damage or distress
- have inaccurate personal data rectified, blocked, erased or destroyed
- prevent processing for the purpose of direct marketing object to decisions being taken by automated means
- In certain circumstances have inaccurate personal data rectified, blocked, erased or destroyed; and
- A right to seek redress, either through the ICO, or through the courts

If you have any questions or concerns about the way we process personal data, or would like to discuss anything in this privacy notice, please contact our Data Protection Officer : dpo@achievingforchildren.org.uk

If you want to make a complaint about how we handle your personal data, we ask that you give our Data Protection Officer the opportunity to respond in the first instance but you are not obliged to do this. You can make a complaint directly to the Information Commissioner's Office at <https://ico.org.uk/concerns/>