



SCOTTISH

**CHILDREN'S REPORTER**

ADMINISTRATION

## Scottish Children's Reporter Administration Minute of Information Governance Leads held on Tuesday 25 May 2021 via Microsoft Teams

**Present:** Alistair Hogg, Gillian Brown, Brian Kennedy-McCrea, Angela Mitchell, Pamela Armstrong, Janet Robertson, Kelly Campbell, Paul Harkness, Ellen Young, Nicola Baird, Gwen McNiven, Paul Mulvanny, Stephen Eodanable, Vicki Ritchie, Gill Short, Kerry-Ann Kean

		<b>Timescale</b>	<b>Action</b>
<b>1.</b>	<b>Apologies</b> Gillian Henderson, Bruce Knight, Ed Morrison, Helena Watson		
<b>2.</b>	<b>Any other Business</b>  At the beginning of the meeting, AH welcomed Brian Kennedy-McCrea and Kerry-Ann Kean as new members to the IG Leads group.  Unfortunately Douglas Cameron is not able to join us for point 4 on the agenda, however, AH felt it was still worth having the discussion around the retention, even though we wouldn't have DC expertise available.  PH – raised issue of pastoral care notes for proof proceedings. Glasgow have on a couple of occasions been asked by the local authority to complete a form when requesting the notes, and asked if anyone else had come across this issue. No other locality has come across this. A discussion was held around this and it was felt to be disproportionate. SE is happy to be involved to see if we can come to an agreement with the local authority.		<b>PH &amp; SE</b>
<b>3.</b>	<b>Minutes of last Meeting (15 May 2018)</b> Minutes agreed as being accurate. Matters arising: <ul style="list-style-type: none"> <li>• <b>Blue books</b> – approved</li> <li>• <b>Envelopes</b> – EM sent apologies, carried over to next meeting.</li> <li>• <b>Offence referrals missing charges on CSAS.</b> DL did send out some data to VR and KC. DL didn't have much capacity to look further into it. In terms of volumes though, it's now only a couple of referrals per week that are missing charges, so it's getting more manageable. The plan is to run a data list of those cases missing charges at some point and see what we need to do to fix.</li> <li>• <b>Returning of Panel Members papers.</b> Freepost service is being used, although not as much as CHS had indicated it would be required.</li> <li>• <b>Providing papers to Solicitors.</b> A more flexible approach, SE still to update process on Connect.</li> </ul>		<b>ALL</b>          <b>SE</b>
<b>4.</b>	<ul style="list-style-type: none"> <li>• <b>Retention of over 18 files on CSAS.</b></li> </ul>		

		Timescale	Action
	<p>The intention with CSAS was to have an automated system to delete files at end of the retention period. The functionality has been built in but not applied to the system yet. It will allow us to apply an automatic deletion, but we can prevent this if we need a file to be retained. With the potential incorporation of UNCRC into Scots law, there is an expectation that we might need to retain records until a child is 19. This gives us some flexibility as we currently have some children's records on CSAS who are over 18 (those who were not quite 18 when migrated but have now reached the age of 18) AH requested feedback on the easiest way of working this. .It was agreed that it is best to set automatic deletion with the exception to retain files, rather than having to proactively indicate which records can be deleted. GS noted that we should also look at the system in terms of <u>what</u> information is retained, as we do not necessarily need to hold everything on child's file. SE stated that ideally it's not just a tick box, we need to state our purpose for retaining the files; thought process and justification for our retention. Reason needs to be recorded and if retaining records, this needs to be reviewed. BKM suggested that the warning box could be used for explanation to keep things simple and prevent people accessing information if not required. GB stated CSAS would be able to produce reminders for cases that are kept, numbers will be small so should be straight forward.</p> <p>AH - it would still be helpful for DC to come to the next meeting to give us a detailed rundown. CC to invite DC to next meeting.</p>		<p><b>ALL</b></p> <p><b>CC</b></p>
<p><b>5.</b></p>	<ul style="list-style-type: none"> <li>• <b>Availability Breaches.</b> SE - there have been a few cases where some information has not been migrated over, for example a Safeguarder report was not retained. SE has asked that if anyone comes across information they expect to be on CSAS that is not to let him know so he can monitor it. PM advised on case retention, some information was not taken over, SW reports that were 3+ years old were not migrated as the retention policy is 3 years, and 2 years for notification letters. KC asked if all Stat Docs have been transferred over. PM assured all that were on CMS have been transferred and if any are missing it may be that they are older and were not scanned into CMS in the first place.</li> </ul>		<p><b>ALL</b></p>
<p><b>6.</b></p>	<ul style="list-style-type: none"> <li>• <b>Non-Disclosure cases recorded on CSAS.</b> AH talked about our vulnerabilities around staffing capacity in some offices around the physical checks on papers at enveloping stage. There have been some ND breaches, so is there a need to assess our ability to perform more thorough checks. BK indicated that LDG are struggling, as still don't have updated Practice Direction and S.O.M for ND. There is a need for a work</li> </ul>		

		Timescale	Action
	<p>around when it comes to child ND. Often support staff are in the office on their own as the Reporters that are in are doing hearings. EY stated that often the printing is being carried out by 2 members of staff, so there is not the availability to carry out checks. AH recognised the vulnerable period we are in. AH asked when PD would be completed (GS updated the IG Leads after the meeting to inform them that the updated PD is now available on Connect) The S.O.M. will hopefully be produced next month, they are just ensuring that it is aligned with PD. PM pointed out that there was an opportunity to carry out training with all staff, so everyone is familiar with S.O.M &amp; updated PD. It was their intention to develop training around the S.O.M. once finished. GS – when the PD gets published, will there be a lead in time and how long should it be? BK felt there was no need for a lead in time, as soon as PD is available ND training will be given. KC noted that ND has an impact on staff confidence. PH spoke of staff making mistakes because it is difficult, and that we will never get to a position whereby they'll be no mistakes. AH recognised that there will always be mistakes, and this is also recognised by the ICO (in their responses) and by the Audit Committee.</p>		
7.	<ul style="list-style-type: none"> <li>• <b>End of Year comparison Report</b> Available to read, difficult to do a straight comparison due to the circumstances of 2020/21, however, the report attempts to put breaches into context by making comparisons to the number of hearings and amount of mail leaving offices.</li> </ul>		
8.	<ul style="list-style-type: none"> <li>• <b>Transitional Breaches.</b> The monthly report gives details of breaches that have occurred and as time progresses it is evident that the breaches are similar to breaches that occurred whilst using CMS.</li> </ul>		
9.	<ul style="list-style-type: none"> <li>• <b>Training</b> For localities that have not opted to carry out the GDPR training as a team, there are dates on Connect that can be booked. The response to the training has been positive with many teams/individuals already having completed or booked a place on a training session. Once the June dates are completed, an evaluation of how many staff are still to complete the training will be made, and further dates will be made available to catch staff who still haven't completed it. Please remind staff to book a date and time if they have not already done so.</li> </ul>		ALL
10.	<ul style="list-style-type: none"> <li>• <b>Requests to share files for L.A pre inspection audits.</b> Whilst there is a clear lawful purpose for sharing information for an inspection, there is no requirement for us to share files for a pre inspection multi-agency audit. SE has been in direct conversation with the ICO regarding this, the ICO understands our current position in not sharing information and why we decided this, and if we move away from this we would need to document our</li> </ul>		

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	<p>reasons for this. There is room to change our position and justify it, but at the moment there is no necessity to do this.</p> <p>Regarding inspections, the IG team can assist localities if they need help in preparing files for an inspection.</p>		<b>ALL</b>
<b>11.</b>	<ul style="list-style-type: none"> <li>• <b>Examples of good locality practice or issues arising.</b> VR has been asked by solicitors to send information to colleagues, as they do not have a cjsm, address of their own. This is fine if it is in the same office, as once they receive the information they then become the data controller for that information and should follow the same data principles with regard to sharing it as we do. AH &amp; SE to discuss this issue more and will report back to the IG Leads if there is any change to that position. JR – advised that they send solicitors links to set up their own cjsm accounts, as this is free and easy to do.</li> </ul>		<b>AH/SE</b>
<b>12</b>	<ul style="list-style-type: none"> <li>• <b>New Risks</b> None identified</li> </ul>		
	<ul style="list-style-type: none"> <li>• <b>AH thanked everyone for their attendance today noting that the attendance rate for the IG Leads meetings is impressive.</b></li> </ul>		
<b>13</b>	<ul style="list-style-type: none"> <li>• <b>Next meeting: Tuesday 24 August 2012</b></li> </ul>		