



Submission to the Committee on the Rights of the Child Day of General Discussion

Action for Prisoners' Families (APF) is a charity that works for the welfare of prisoners' and offenders' families across England and Wales. It represents family members, front line service providers, policy makers and others from the voluntary, statutory and private sectors. It brings together experience and expertise from all specialisms so that lessons can be learned, gaps in services identified and good practice shared. It facilitates partnership working, provides access to its network of members, disseminates information, publishes resources, pilots innovative services and offers training and quality assurance tools so that all sectors are supported to recognise and meet the needs of offenders' families. It acts as an important agent for cross departmental understanding around the issues affecting these families at local and national levels and is a formally recognised strategic partner of the Department for Education, Department of Health and Ministry of Justice.

APF would like to highlight to the Committee the restrictive nature of contact between imprisoned parents and their children in England and Wales. This limits these children's right to a family life and parental involvement in their upbringing which may result in long term disadvantage. APF would particularly like to draw attention to the situation of older children and adolescents.

Due to the lack of robust transparent data, it is unknown how many children are affected by imprisonment in England and Wales each year but an accepted estimate is 160,000, with 17,700 of these being children separated from their mothers. In 2007, the Department of Children, Schools and Families (now the Department for Education) and the Ministry of Justice carried out a joint review on the children of offenders. The key findings were that the children of prisoners are at risk of poorer outcomes than their peers, they are a large vulnerable group two and a half times the number of children in care and six times the number on the Child Protection Register, but they are invisible. Most services who would be in contact with these children are unaware of their family circumstances unless directly informed by the family. Local authorities have no idea of the numbers of children affected in their area and support nationally is patchy and fragmented, particularly for children who have no one willing to take them on a visit.

The adverse and diverse consequences of imprisoning the main or sole carer of children have been considered in a number of research reports and UK policy documents. They have an increased risk of mental health problems compared to their peers, and of anti-social and delinquent behaviour compared to other children¹. One Home Office research study found that for 85% of mothers, prison was the first time they had been separated from their children for any significant period.² Murray evidences bias toward children of imprisoned mothers by a recent experiment in which teachers were randomly assigned to fictitious scenarios about children with absent mothers. Although children were described equally in all other respects, children with incarcerated mothers tended to be rated as less competent by teachers than children with mothers absent for

¹ Murray, J and Farrington D Effects of Parental Imprisonment on Children.

² Home Office Research Study 162 (1997), Imprisoned Women and Mothers, Home Office :London

other reasons. This stigma in turn often leads to teasing and bullying. The loss of a parent or carer to prison can result in unstable childcare arrangements and less supervision of the children. When children lack regular and sustained contact with a parent their attachment to that parent can be prevented. These families are also liable to financial difficulties, poverty and debt.

The Avon and Somerset Longitudinal Study of Parents and Children (ALSPAC³) data set indicates a clear association between an offending mother and poorer outcomes for her children including a higher likelihood of poor parental interactions, anti-social behaviours and emotional problems. The new economic foundation⁴ investigated the benefits of non-custodial sentencing and analysed the adverse consequences of a mothers' imprisonment on children. The report states the main social cost incurred by the children of imprisoned mothers comes from an increased likelihood of their becoming NEET (Not in Education, Employment or Training) and therefore having poorer long term prospects. Golden writing in 2005 referred to mothers as often being the only "anchor" which children have, and when the mother is imprisoned the children are "cast adrift". The impact of imprisonment obviously varies for each individual child but it must be remembered that for some children the removal of the parent is undoubtedly a relief.

Prison visits can be extremely stressful for children and families. Anxiety arises due to the often lengthy journey to the prison, the fear of being late, the prison environment and the searching and other security procedures. A normal family environment is very difficult to achieve on prison visits and there is no opportunity for privacy or intimacy. However visits do play a very important role in reassuring children that their parents are safe and showing them where their parents are living,. Many UK prisons run extended family visits, but not all prisoners are eligible, and although they are often excellent there is little provision for older children as activities are often focused on younger primary school aged children. Eligibility for these visits is often dependent on the prisoner's status on the incentives and earned privileges scheme, which is not linked to their parenting status or the needs of their children. These special visits are limited to a small number of prisoners and are currently at risk across the country due to the financial constraints being imposed on prisons. Examples of good practice for adolescents visiting prison are NEPACS⁵ who provide special 'youth room' facilities for young people aged 8 - 18 at HMP Durham, Frankland and Low Newton. Young people can play pool or computer games whilst they are waiting for their visit and there is also one to one support available for young people. *Send Family Link*⁶ organise specific activities for older children, such as dance mats, on family visits.

Prison visits are conducted in a manner to comply with a prison's staffing profile and regime and not on the needs of the visiting children and families i.e. they do not accommodate families travelling time by starting mid morning or by being always available at weekends rather than in school time.

Telephones provide another vital means of communication between parent and child but the cost of calls from prison are much higher than in the community, and take up a significant proportion of a prison wage. Thus keeping in touch by phone is limited to a few minutes at a time due to the cost and access to the telephone. Again a prisoner's

³ This study is hosted by the University of Bristol see www.bristol.ac.uk/alspac

⁴ New economics foundation (2008)Unlocking value: How we all benefit from investing in alternatives to prison, London: new economics foundation

⁵ NEPACS is a charity and has been working in the north east of England to 'Build bridges for prisoners, their families and the community' for 130 years.

⁶ Send Family Link is a registered charity providing support services for families visiting women in custody at HMP Send, a prison in the south of England

access to the telephone is timed to co-ordinate with the prison regime and not with the availability of the prisoner's children. Telephones are situated on a prison landing and again there is very little privacy for prisoners to talk to their children or their carers on the outside. An example of excellent practice is *HMP Lowdham Grange*⁷, where prisoners have telephones in their cell, giving them the freedom to make private calls when their children are available. The most common means of communication between older children and young people such as texting, instant messaging, Facebook, Skype, Face time and tweeting are not available if your parent is in prison. Thus the usual relationship between adolescents and their imprisoned parent or sibling is disrupted and restricted as letter writing is not a feature of teenage life in the twenty-first century.

There are a number of studies examining the effects of parent-child contact on child adjustment. Sack and Seidler⁸ found that children were less disruptive after visiting their fathers in jail, and Stanton⁹ records that satisfactory visits by children and their imprisoned mothers appeared to reduce the child's anxiety about their mother's absence. Fritsch and Burkhead¹⁰ discuss how inmates who had more contact with children actually reported their children had more problems. However this is likely to be ambiguous as prisoners with more contact might just have been more aware of their children's difficulties.

Dallaire¹¹ outlines Bowlby's theory of attachment in regard to how it affects children with a mother in prison. Separation from mothers is traumatic for children of any age, but in the early years it can be a serious risk factor for poor future outcomes. Continuity of care is a preventative risk factor for children with imprisoned mothers and allows them to make secure attachments. Dallaire describes how visiting their mother is a protective factor for these children but children can be frightened on prison visits because of the environment, and this fear can cause problems for the children's attachment. Therefore if the contact can be in an environment where children felt happy this may improve their attachment to their mother. When the teenage children of imprisoned mothers receive stable and supportive care which promotes their family, school and peer relationships, they are less likely to engage in delinquent and risky behaviours. Relationships between children and their imprisoned parents need to be maintained where it is appropriate to do so rather than rebuilt on release.

APF's report "No-Ones ever asked me"¹², is one of the few studies to investigate the impact of a relative being in custody on teenagers. 89% of respondents said they had no say in what happened throughout the imprisonment process. Those who described a more positive experience mentioned teachers and social workers as listening to their opinions. 71% of the young people said they should be consulted, with visiting and support being specifically mentioned - "We would like to have a say about where she is in prison, somewhere nearer so we can visit." Brown writes "Unacceptably, visiting in prison is largely uncomfortable and unpleasant but it is one of the only ways permitted by the prison regime of maintaining a relationship with the prisoner. Seemingly, there is little a young person can do to enhance the quality of their contact with the prisoner because

⁷ HMP Lowdham Grange is a long term category B prison and is operated by Serco, a private company.

⁸ Sack, W H and Seidler J (1978) Should Children visit their parents in prison? *Law and Behaviour*, 2, 261-266

⁹ Stanton, A (1980) *When Mothers go to Jail*. Lexington Books

¹⁰ Fritsch, TA and Burkhead, JD (1981) Behavioural reactions of children to parental absence due to imprisonment, *Family Relations*, 30, 83-88

¹¹ Dallaire, D (2007) Children with incarcerated mothers: Developmental outcomes, special challenges and recommendations *Journal of Applied Developmental Psychology* 28 (2007) 15-24

¹² Brown, K, Dibb E et al (2001) *No-one's ever asked me* Young People with a prisoner in the family, Federation of Prisoners' Families Support Groups.

they are powerless within the prison estate.....Young people want to be kept informed, to be involved in decision making and to have their opinions sought especially with regard to their visiting rights....Within the prison estate they (young people) are powerless and reduced to a security risk assessment, within the broader community they are silent and silenced. “

In England and Wales, the National Offender Management Service (NOMS) and Ministry of Justice policies’ do reflect their recognition that stable family relationships are a factor in reducing reoffending. Family ties are positively linked to successful resettlement but all the policies have been developed from the offender’s viewpoint and there is no consideration of the best interests of the child, the child’s right to a family life or parental involvement in their upbringing. The 2010 thematic review by HM Chief Inspector of Prisons on women in prison states “The majority of women’s prisons had a resettlement strategy, but several were not based on a needs analysis and strategies did not always cover the distinct needs of particular groups.” In the same year the Inspectorate reported on HMP Holloway, “Some good family support services were provided, but there was little evidence in wing files that officers were aware of the needs and experiences of women prisoners as mothers separated from children¹³.”

The government framework¹⁴ for improving support for the families of offenders, outlines how statutory services should assist prisoners to maintain their family ties, in the context of reducing re-offending rather than because prisoners, their families and children have a right to maintain family life. It lists various tasks including “the needs of offenders’ children and families are taken into account in a temporary release licence or Home Detention curfew”, which is the responsibility of prison governors and offender managers. There should be a more creative approach to maintaining family ties than currently exists within the prison system. A greater use of release on temporary licence, for those who do not represent a risk to the public, earlier in the sentence would allow prisoners to parent more effectively throughout their sentence. It would also allow prisoners to see their children who sometimes as they get older decide they no longer want to visit the prison. This may be due to the stigma, because they find visits boring or simply because they would rather be with their friends.

There are currently two cases going through the English courts which seek to judicially review the decision not to grant two mothers Child Resettlement Leave (CRL). This leave allows parents temporary release from prison to periodically spend several days and nights in the community living with their children, thus nurturing the parent child relationship. Both women have children who are suffering from ill health due to their mother’s imprisonment. These cases rely on the failure of NOMS, a statutory body, to consider the best interests of the child; the unlawful interference with the children’s article 16 rights; the failure to consult the children when making decisions about their mother being granted CRL, and that the Prison Service’s actions are in breach of the UN Convention on Children’s Rights. APF awaits the outcome of these two cases and hopes that they will force NOMS to take into consideration the views of a prisoner’s children when considering a prisoner’s progression and resettlement.

¹³ Report on a full unannounced inspection of HMP Holloway 15-23 April by HM Chief Inspector of Prisons, HMCIP 2011

¹⁴ Ministry of Justice and Department for Children, Schools and Families (2009) Reducing re-offending: supporting families, creating better futures A Framework for improving the local delivery of support for the families of offenders, Ministry of Justice

The primary concern of prisons facilitating visits, release on temporary licence (ROTL) and other family contact is that the public must be protected, there is no consideration of the rights and needs of the family and children in the community who's lives are affected by these decisions. The prison regime takes no account of journey times or public transport timetables, when setting visits times despite the remoteness of many prisons. The number of those allowed to visit is not reflective of the amount of children a prisoner has but more linked to the physical environment of the visits hall and how many chairs there are. There is no consideration of the privacy of sixteen and seventeen year olds who would like to visit their parent, sibling or partner unaccompanied by an adult, even if they are the mother of a prisoner's child, and no provision for children who have no adult willing to bring them. Security is always the primary concern for prisons. The only likely consideration of families' views is if an evaluation form is distributed after family visits. This is by no means common practice and is really feedback to the prison or organisation which arranged the children's visit rather than eliciting a child's wishes about future visits. There is no routine mechanism to consult any members of the prisoners' families about the regime. Sentence planning would be one way of doing this but families are rarely invited to these meetings and the views of children under 18 are never elicited. Children should be enabled to make age appropriate contributions to decisions about the prisoner which affect them. Consistently the main complaint by families is the lack of communication from the prison about the prisoner, their welfare and progression.

Recommendations to the Committee

1. Prisons should routinely consider the Article 16 and 18 rights of the children of prisoners when making decisions about sentence progression, resettlement and release.
2. Visits and contact procedures should take into account the needs of children of all ages, including adolescents, to maintain relationships with their imprisoned relatives.
3. Children who can travel independently to a prison to visit their relative should be able to do so without requiring an accompanying adult.
4. The children of prisoners should have their views considered when prisons make decisions about sentence progression, resettlement and release in accordance with Article 16 and 18.
5. Statutory authorities need to make provision for children who wish to visit their imprisoned parent but have no adult who is willing to bring them.