

**Submission to the  
UN Committee on the Rights of the Child  
General Day of Discussion:  
Children with Imprisoned Parents**

**Geneva, 30 September 2011**

Families Outside  
Edinburgh, Scotland (UK)

***Who we are***

Families Outside is a national Scottish charity that works on behalf of children and families affected by imprisonment and the only Scottish charity with this as its sole remit. Imprisonment is a traumatic experience for families, and its impact is often significant and enduring. Families Outside works to mitigate the effects of imprisonment on children and families - and consequently to reduce the likelihood of reoffending - through support and information for families and for the people who work with them.

***Common experiences for children of imprisoned parents***

For children and families of prisoners, imprisonment is only part of the experience. They may have been living for years with substance misuse, mental ill health of a family member, or with abuse and victimisation from a family member. The process of arrest and trial has its own stresses, particularly for children who have witness the arrest.<sup>1</sup> Decisions are made that will have a dramatic impact on children's lives, but without their input and, in Scotland, without taking their best interest into account as a primary consideration.

Imprisonment in turn poses difficulties for maintenance of family contact, particularly when the carer outside and parent in prison are estranged. Support from social workers can facilitate family contact in some cases, but not all children otherwise require intervention from a social worker. Again, decisions about home leave, electronic tagging and early release have a material impact on children's lives, but without their input or consideration of their best interest. Commonly the fact of imprisonment will attempt to be

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<sup>1</sup> An audio clip of one family's experience is available on our website at [http://www.familiesoutside.org.uk/content/uploads/2011/02/Arrest\\_1-2.mp3](http://www.familiesoutside.org.uk/content/uploads/2011/02/Arrest_1-2.mp3).

concealed from the child completely, often without success as they realise the truth themselves or learn it from peers or neighbours.

The experience of prison visits themselves is distressing for children. A carer for a four-year old child in recent Scottish research<sup>2</sup> described the visits as “horrendous”. The four-year old was “**quiet**” during travel to the prison, but on the way home “**she can’t speak, she is crying, screaming and really upset**”.

Research locally and nationally supports the reality that, for children and young people, imprisonment of a family member has the effect of a bereavement. Children may withdraw or regress, or conversely may act out, behave badly in school, and self-medicate with drugs and alcohol. A crucial difference between parental imprisonment and bereavement is that children will receive support in the event of a death in the family; with imprisonment, the family will often try to hide it, even from the child, restricting the child’s access to support or even the opportunity to talk about their feelings.

Release from custody brings its own concerns about whether the parent will offend again and how to prevent this. Longer-term repercussions for the children are a real worry, with one carer expressing concern that her son was “**following his dad’s steps. Thinking that it is normal and it is okay to be [in prison]**”.

In sum, imprisonment of a family member has an impact well beyond the period of custody and beyond the criminal justice process itself. It can affect housing and care arrangements, particularly when a mother goes to prison. It tells on the physical and mental health of the rest of the family; indeed, children of prisoners suffer from serious mental health problems at three times the rate of their peers. It affects children’s progress in school. It increases the likelihood of their own victimisation as they are targeted and socially isolated by neighbours, victims, or victims’ families. It has a detrimental impact on finances, as a source of income may be lost or the cost of travel and transport to prison – assuming transport is even available – adds to the family’s expenses. Finally it increases the risk of a child’s own prospects, as they fear or distrust authority, fail to receive the help they need, live in impoverished and unstable circumstances, and begin to accept prison as ‘normal’ – or as the only place they can be with their mum or dad.

### **Case study 1: Taking the child’s best interest into account?<sup>3</sup>**

Article 3.1 of the UNCRC states that the best interest of the child should be a primary consideration for decisions that affect them. Information about the potential impact of the court’s decisions on a child is rarely presented in court.

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<sup>2</sup> Loureiro, T. (2010) *Perspectives of Children and Young People with a Parent in Prison*. Edinburgh: Scotland’s Commissioner for Children and Young People and Families Outside.

<sup>3</sup> An audio clip from the children’s aunt is available on our website at [http://www.familiesoutside.org.uk/content/uploads/2011/02/Court\\_1-2.mp3](http://www.familiesoutside.org.uk/content/uploads/2011/02/Court_1-2.mp3).

Defence solicitors are best placed to provide such information but do not conduct any structured assessment or present such information in practice. Criminal Justice Social Work reports provide another opportunity for such information to be presented to the courts but in practice include little information regarding the needs of or potential impact of decision upon children – assuming the courts request such reports at all, which is in the minority of cases.

About ten years ago, a single mother of three children under age 10 was sentenced to life in prison. This was her first offence, so a Social Enquiry Report (now a Criminal Justice Social Work report) was required. According to the mother and the extended family, at no point were the needs of the children raised in court, nor was any provision for their care discussed or arranged. The extended family made arrangements to care for the children, but they said this seemed to be assumed rather than discussed with them. To date the family (whom we support) says this remains the case, despite the family's requests for help in their own right and the mental health problems and difficulties at school the children have shown since.

### ***Case study 2: Immediate impact and long-term repercussions<sup>4</sup>***

A mother we supported had been sentenced to four months in prison for breach of a community penalty for a driving offence. (She said she breached the community order due to health complications following the breach birth of twins.) She spent one month of this sentence in custody and one month in the community on an electronic tag.

This short period of custody was enough for her to lose her house and custody of four of her children. Because she was in prison, she was classified as 'single homeless' and was therefore only entitled to single person's accommodation on release. This in turn was not suitable for her to house her children, so she was unable to regain custody of them. Families Outside helped her regain stable accommodation, but after two years she still did not have custody of her children and only had three hours of supervised contact with them per week. In sum, even short periods of custody can have dramatic effects on the family and on the contact children have with their imprisoned (or previously imprisoned) parents.

### ***Voices of children***

Families Outside maintains a database of call to our national Helpline as well as for our direct family support work. Our own database and (particularly) that of Childline (run by the National Society for the Prevention of Cruelty to Children, or NSPCC) keeps us informed of the needs of children and young

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<sup>4</sup> An audio clip of this lady talking about her experience is available from our website on [http://www.familiesoutside.org.uk/content/uploads/2011/02/PrisonandRelease\\_1-2.mp3](http://www.familiesoutside.org.uk/content/uploads/2011/02/PrisonandRelease_1-2.mp3).

people with a family member in prison. The following quotes come from these databases.

Many children had little information about their family member in prison:

***No-one explained anything. I knew he was getting kept in, but I didn't know where.***  
Daughter (age 12)

They found they were being blamed for a crime that was not their own:

***Folk shouted 'murderer' at me in the street.***  
Daughter (age 15)

Despite this trauma in their lives, they received little support and did not readily ask for it:

***Someone should have just asked me what was wrong (at school)***  
Son (age 19)

Calls to Childline revealed a number of patterns, namely:

- Children who offend 'because' someone else in their family has offended;
- Children being afraid of a family member about to leave prison;
- Children being bullied as a result of family member being in prison;
- Change in child's living arrangements as a result of the imprisonment; and
- Children stressed and unable to cope without the family member.

Calls revealed pressures on children both in and out of prison, sometimes with little support from within the family as well:

***I want to kill myself. Dad's been making me take drugs into the prison for my mum. I don't want to do it any more. I know if I say I'm not doing it he'll kill me. Mum's been in prison for six months. I've got no friends because my dad's a junkie, and there's only me and my dad at home. My gran won't speak to me anymore because dad's a junkie.***

(15-year old boy)

***I hate school. They call me names and hit me really hard. It all started because my dad went to prison. Everyone knows what he did to mum and everything, it was on the newspaper and things.***

***I've not been allowed any contact – it's OK but he is my dad, I feel really low and sad.***

**(9-year old girl)**

***When we got her she was in a terrible state, but we took care of her, got her cleaned up and took her to visit her mummy in the prison. We thought she would also be clean ... but it was horrible, she told us she was on a methadone programme but couldn't tell us anything about it and was unable to sit still. She kept looking about the room and wouldn't talk to the baby, and now we don't know what to do.***

**(Grandmother looking after a 2-year old girl)**

***Both parents are facing custodial sentences, and she doesn't want to live with her stepmother, who is abusing drugs – there's no one else who will take her in. She's slowly withdrawing, beginning to play up and has no one to turn to.***

**(Head Teacher concerned about a 12-year old girl)**

### ***Proposals for the Committee***

In view of these numerous concerns, the UN Committee on the Rights of the Child may wish to consider the following five proposals:

1. *General*

- Encourage Member States to identify children of prisoners as a vulnerable group within their domestic legislation, following the example of the UN Committee in 2008;
- Promote the use of non-custodial sentences wherever possible, particularly when the offender is a primary carer: the needs of the child must be paramount.

2. *Criminal Justice*

- Require protocols for police and prisons to identify whether children or other dependents are affected by an arrest or imprisonment and to ensure provision is made for their care;
- Conduct Child & Family Impact Assessments for decisions that affect children and families such as decisions in court, risk assessment and

risk management, Home Detention Curfew, Extended Home Leave and parole;

3. *Education and public health*

- Integrate rather than alienate developing children by ensuring that broader Government initiatives on education and parenting extend into the prison environment;
- Promote the use of prison visitors' centres as a valuable means of accessing this otherwise hidden population.

4. *Equal Opportunities*

- Engage in full and independent assessment of the best interest of children and other dependents rather than assuming that imprisonment renders contact with a family member unsuitable;
- Ensure that prison visits and 'bonding' visits are a child's right rather than a tool for prison discipline;

5. *Travel and transport*

- Coordinate plans for travel and transport links to prisons with local authorities, transport providers and prisons;
- Support children to maintain contact with family members in prison where this is in their best interest, especially where lack of social or financial resources would otherwise prevent this contact.

Families Outside is hosting an event on this issue at the Scottish Parliament in September, prior to our attendance at the Day of Discussion in Geneva. The event will include support workers, prison staff and governors, Members of the Scottish Parliament, the Children's Commissioner's office, and of course families of prisoners themselves. We hope the event will provide additional information of use to the Committee and look forward to sharing it with you then.

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