families
outside

Rendering Them Visible:

A Review of Progress Towards Increasing Awareness and Support of Prisoners' Families

Candice McGillivray

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on behalf of
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INTRODUCTION

Prison populations have drastically increased in many countries over recent years, and as a consequence, so too the number of families and children affected by a relative's imprisonment (Dawson *et al*. 2013; Murray *et al*. 2009; Snyder 2009; Woodall *et al*. 2009; Light & Campbell 2006; Bernstein 2005). A literature review carried out by Nancy Loucks 12 years ago (Loucks 2004) identified a vast knowledge vacuum in relation to prisoners' families in Scotland and, in particular, children.

Since the review by Loucks, research into the distinct needs of families and children of prisoners has been increasing (Bouchet 2008), and the pressing need for action in this area has been officially recognised (for example, Scotland's Commissioner for Children and Young People (SCCYP) 2011; Ministry of Justice & Department for Children, Schools and Families 2009; Marshall 2008). Yet despite the progress made in terms of raising the profile of offenders' families in debates around criminal justice, their interests have remained largely peripheral to penal policy and practice (SCCYP 2011; Light & Campbell, 2006).

This paper reviews the more recent literature in this field, including academic research and information from government agencies and interest groups, with a view to identifying developments in knowledge, policy and practice. Literature on the families of drug users is included, given the similarity of the support needs of this group and the barriers to support these families encounter as a result of association with someone suffering from substance misuse (Scottish Families Affected by Drugs 2009).[1]

It is hoped that the resulting comprehensive data shall assist ongoing endeavours to increase recognition and participation of prisoners' families at each stage of the criminal justice process, for the benefit of prisoners, their families, and society as a whole.

WHY DO FAMILIES MATTER?

The issues of children and families of prisoners have traditionally been overlooked in favour of offender and direct victim concerns (Bouchet 2008). However, interest in the families of prisoners has been growing in recent years, and there is an expanding body of research indicating the crucial

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[1] For a shorter but excellent overview, see also Nolan and Weaver (2015).

role they play in reducing the risk of reoffending, as well as the significant and diverse support needs of their own (HMI Prisons, HMI Probation, and Ofsted 2014; Jardine 2014; Bouchet 2008; Codd 2008; Light & Campbell 2006).

The Role of Families in Reducing Reoffending

> *An offender's family are the most effective resettlement agency* **(HMI Prisons, HMI Probation, and Ofsted 2014: 5).**

There is now substantial research evidence demonstrating the vital role families can play in reducing the likelihood of reoffending by a family member (for example, HMI Prisons, HMI Probation, and Ofsted 2014; Jardine 2014; Lösel *et al.* 2012; Williams *et al.* 2012; diZerega *et al.* 2011; Mills & Codd 2008). The most recent official estimates in the UK indicate that a prisoner's family ties can reduce the likelihood of reoffending by 39% (Ministry of Justice & Department for Children, Schools and Families 2009).

Families can reduce the risk of reoffending by assisting in the resettlement of prisoners into the community, and by providing a source of motivation to ex-prisoners to refrain from reoffending (HMI Prisons, HMI Probation, and Ofsted 2014; Jardine 2014; Loucks 2012a; Savolainen 2009; Snyder 2009; Codd 2008; Mills & Codd 2008).

In terms of resettlement, families are a source of practical and financial assistance when a prisoner is released, often providing the family member with a residence, and helping them to find employment (HMI Prisons, HMI Probation, and Ofsted 2014; Jardine 2014; Loucks 2012a; diZerega *et al.* 2011). In a study carried out by the Vera Institute of Justice in New York, 92% of prisoners expected to rely on their families for housing, childcare, financial support and securing work following release from prison (diZerega *et al.* 2011). Families are also a source of crucial moral and emotional support when a prisoner re-enters the community (Jardine 2014; Loucks 2012a; Mills & Codd 2008). The practical and emotional support offered by families may enable people with convictions to overcome difficulties and achieve goals that would otherwise be overwhelming or unattainable (Jardine 2014).

Finally, families can provide motivation for prisoners to desist from reoffending (Jardine 2014; Savolainen 2009; Snyder 2009; Moloney *et al.* 2009; Mills & Codd 2008). Strong family ties are a source of "social capital", which encourages conformity to mainstream norms (Savolainen 2009; Mills & Codd 2008). Family relationships can therefore reduce the risk of recidivism by increasing an individual's store of social capital, i.e. losing those relationships may be too high a price to pay to risk reoffending (Glasgow Centre for Population Health 2013). Family ties can also persuade people with convictions to reappraise their self-identities and, in turn, encourage them to desist from crime in the quest to create a new family-focused role (Jardine 2014; Moloney *et al.* 2009; Savolainen 2009; Mills & Codd 2008). For example, a study into the effect of fatherhood on male gang members in San Francisco found that becoming a father represented a turning point toward desistance from offending and a motivator to change for many of them (Moloney *et al.* 2009). The concept of social capital and its role in assisting in the resettlement of prisoners shall be discussed further later in the paper.

Juxtaposed with the benefits of maintaining family ties are the damaging implications of a prisoner's severance of family contact, both during custody and post-release (Loucks 2012a). Prisoners who suffer family breakdown as a result of imprisonment often experience feelings of isolation,

loneliness, guilt, anger and despair, and are therefore at increased risk of suicide and self-harm (Loucks 2012a; Codd 2008). An absence of family support post-release can increase the likelihood of "homelessness, breach and relapse into substance misuse and mental health problems", and thereby increase the risk of reoffending (Loucks 2012a). Lack of family support during the period of imprisonment can also encourage adaptation to the prison sub-culture, which may, due to its incompatibility with mainstream norms, obstruct a prisoner's resettlement into the community following release (Codd 2008; Houchin 2005). For example, Moloney and colleagues' paper on the effect of fatherhood on gang-affiliated young men found that "knifing off" from the gang, a crucial step toward desistance from reoffending, was only possible where the gang member had a strong alternative relationship (Moloney *et al*. 2009). Family support during someone's time in prison may therefore be crucial to that person maintaining ties to mainstream norms, which, in turn, facilitate the transition to a non-offending lifestyle post-release.

It is clear that maintenance of family ties is fundamental to both a prisoner's wellbeing during custody and his or her resettlement following release. However, while the importance of the role performed by families in reducing recidivism should be acknowledged, it must equally be recognised that families have distinct support needs of their own (Jardine 2014; Mills & Codd 2008; Light & Campbell 2006).

<u>Vulnerable Families</u>

Families often suffer multiple hardships as a result of a family member being sent to prison (Dickie 2013; Loucks 2012a; Ministry of Justice & Department for Children, Schools and Families 2009; Light & Campbell 2006). Imprisonment fragments families. Around half of prisoners lose contact with their families upon being incarcerated (Loucks 2012a). Research by Grounds found that the majority of marriages between couples in his study failed as a result of imprisonment, despite the convictions that originally led to imprisonment later being overturned (Grounds 2009, cited in Loucks 2012a). There is therefore a direct and measurable negative impact on families resulting from the very "fact of imprisonment itself" (Loucks 2012a).

In addition to the direct fragmentary impact of imprisonment, there are numerous other dire implications for families where one of their members is sent to prison, including emotional problems; financial hardship; housing issues; harm to children; loneliness; social stigma; and practical difficulties of separation (Loucks 2012a; Codd 2008; Light & Campbell 2006). The following section discusses some of these effects in more detail.

Emotional Difficulties

Each stage of the imprisonment process may cause emotional upheaval (Light & Campbell 2006). There is the emotional turmoil arising from the arrest and trial, the pain of coming to terms with a family member's sentence of imprisonment, ongoing grief due to the separation, and potential relationship breakdown resulting from the sentence (*ibid*). Release of a prisoner involves a process of "starting-over", which often presents a further set of emotional problems (Light & Campbell 2006; Bernstein 2005).

The emotional impact of a parent's imprisonment on children can be particularly severe (Galloway *et al*. 2014; Kalkan & Smith 2014; Dawson *et al*. 2013; Robertson 2012; SCCYP 2011; Tomkin 2009;

Murray 2007). The effects of parental incarceration on children shall be explored in full later in the paper.

Financial Difficulties

Families of prisoners may face serious financial hardship as a result of family member's imprisonment (Dickie 2013; Loucks 2012a; Codd; 2008; Smith *et al*. 2007; Light & Campbell 2006). Loss of income from the main wage earner, reductions in benefits, legal costs, and financial demands from the prisoner "can all escalate a dire financial situation to the point where homelessness and deprivation result" (Light & Campbell 2006: 302).

A study by Houchin (2005) on the links between social exclusion and imprisonment in Scotland found that prisoners are drawn disproportionately from the most deprived areas of the country. Imprisonment therefore operates to compound the poverty with which families of prisoners are already struggling before and after a period of incarceration (Dickie 2013). Indeed, a comprehensive study of poverty and disadvantage among prisoners' families in the UK points out that imprisonment is officially recognised as a factor in child poverty (Smith *et al*. 2007).

A recent Scottish study on the financial impact of imprisonment on families (Dickie 2013) found that the majority of adult family members of prisoners were unemployed and receiving benefits. 70% of the families lived in rented accommodation, with low weekly household income. Following a family member's imprisonment, 70% of households experienced a decrease in weekly income. The study found various reasons for this, including the loss of the prisoner's wage; reductions and delays in benefit payments; or loss of employment of the remaining partner or carer due to an increase in family commitments.

More than half of families in the study had turned to family or friends for financial support as a result of their member's imprisonment, leading to strained family relationships (Dickie 2013). One-third of families reported that they had to take out a loan, which resulted in increased debt. Families also reported the effect of additional costs associated with the imprisonment, including travel expenses to visit their relative in prison; material support for the prisoner during custody; and expenses of communication (such as phone-calls) with the prisoner (*ibid.*).

The financial impact of imprisonment is not limited to immediate family; it may spread to relatives, particularly grandmothers, due to the frequent need for kinship care arrangements for children when a parent goes to prison (Dickie 2013). These arrangements place enormous financial strain on the individuals affected (*ibid.*).

Finally, the financial effect of imprisonment does not end with the prison sentence. Following the prisoner's release, reassessment of benefits may lead to a period of further financial disruption for the family. There may also be additional expenses involved in the ex-prisoner's travel to various appointments, and purchasing new clothes and other necessary items (Dickie 2013).

In sum, the financial impact of imprisonment is severe: it exacerbates the detrimental impact of a prison sentence on family health and relationships, and compounds the poverty that already blights the lives of so many prisoners' families (Dickie 2013).

Loss of Housing

Families may lose their housing if a tenancy is in the name of the imprisoned family member, a situation that often applies to women who offend (Dickie 2013; Loucks 2012a; Quaker United Nations Office & Penal Reform International 2011). Loss of income may result in the family being unable to afford to remain in their home (Dickie 2013), or they may be forced into moving due to victimisation by neighbours, or being targeted by individuals connected with the victim (Loucks 2012a).

The complexity of housing benefit regulations cause further problems for families of prisoners, as entitlement varies depending on the status of the prison sentence, i.e. remand or sentenced, and its length (Dickie 2013). Recent movement in the benefits system towards online and monthly payments is likely to aggravate existing difficulties (*ibid*.).

Victimisation

Families of prisoners may be targeted by neighbours or individuals connected with the victim of their family member's offence (Loucks 2012a). Children may become victims of bullying at school due to their parent's incarceration (Roberts 2012).

Shame

As a consequence of the social stigma surrounding imprisonment, families frequently experience shame as a result of their association with the prisoner (Loucks 2012a; Codd 2008). Feelings of shame can deter those families from seeking help and support, and as a result, many of them are isolated and alone (Codd 2008). Stigma surrounding prisoners' families, and its impact on their health and wellbeing, as well as their support networks, shall be explored later in the paper.

Visitation Difficulties

The cost, time and practicality of travel to visit an imprisoned family member can present major difficulties for families of prisoners (Kalkan & Smith 2014; SCCYP 2011; Light & Campbell 2006). Prisoners are often held a long distance from their home area (*ibid*.). Recent statistics show that male prisoners are held on average 50 miles from home, and female prisoners are imprisoned on average 60 miles from their home area (Prison Reform Trust 2013). Furthermore, prison visit times are often out of sync with public transport timings and school hours (Kalkan & Smith 2014; Roberts 2012; SCCYP 2011). Cost of travel can also be prohibitive (Kalkan & Smith 2014; Dickie 2013; Loucks 2012a). In the 2011 visitors' survey by the Scottish Prison Service, distance from home and cost of travel to prison were the most frequent difficulties cited by visitors (Scottish Prison Service 2011a). Scotland runs an Assisted Prison Visits Scheme to help families with travel expenses, however most families are unaware of its existence (Loucks 2012a). In the aforementioned visitors' survey, a quarter of participants expressed a desire to find out more about the scheme (Scottish Prison Service 2011a).

There are numerous other difficulties inherent in visiting a relative in prison, and these shall be discussed in more detail later in the paper.

Lack of Information and Participation in Decision Making

Families often lack vital information to help them deal practically and emotionally with the involvement of their family member in the criminal justice system (Henderson and Hurley 2008; Murray 2007). The lack of information and respect for their information needs exacerbate the stress, trauma and feelings of worthlessness often generated by a family member's imprisonment (*ibid*.). Added to the lack of information provided to families following the arrest and imprisonment of a relative, is the failure of the prison service, and other professionals, to consult with those families in dealings with the prisoner that affect them, such as the change of a prisoner's location, or release (Loucks 2012a).

Summary

In sum, it is clear from the literature that the effects of imprisonment radiate well beyond the individual prisoner (Loucks 2012a). However, research tends to focus on the benefit of maintaining family ties in a purely recidivism reduction context rather than in terms of the distinct support needs of families themselves (Bouchet 2008; Light & Campbell 2006). Families of prisoners are therefore often described as "forgotten victims" of imprisonment (Light & Campbell 2006). Yet, given the huge implications of imprisonment for those families, and the resulting wider social implications, encompassing areas such as housing, health, education, children, and social welfare (Loucks 2012a), attention must be directed to the individual support needs of those families distinct from their relevance to the imprisoned family member (Estep & Nicholles 2012; Loucks 2012a; Bouchet 2008; Light & Campbell 2006).

Financial Perspective

If humanitarian arguments for supporting prisoners' families are not enough, there is a strong economic basis for directing more resources at supporting this group. As Codd simply states, "if family ties can contribute to an increased likelihood of desistance, then supporting family ties could save the state, and therefore taxpayers, money" (2008: 30).

Imprisoning mothers for non-violent offences results in a cost to the state of more than £17 million over a 10-year period (Prison Reform Trust 2013). The main social cost incurred by the children of imprisoned mothers, and by the state in respect of these children, is attributable to the increased likelihood of the children becoming 'NEET' (Not in Education, Employment or Training; *ibid*.).

Furthermore, a report prepared on behalf of Nef Consulting Ltd (Estep & Nicholles 2012) assessing the economic impact of the work carried out by the Prison Advice and Care Trust's Integrated Family Support Programme (IFS) on behalf of prisoners and their families offers convincing evidence of the economic justification for investing in supporting this group. IFS aims to provide sustained support to families affected by imprisonment, specifically focusing on supporting family and social relations throughout the period of incarceration to encourage and sustain visits and other forms of contact. The report found that the service delivers potential benefits to the state of between £500,000 and £3.4 million over a one-year period. The economic benefits claimed in the report are derived from "reductions in reoffending due to IFS work toward the encouragement and supporting of visits, and the consequent maintenance of family ties". The report also identifies potential social and health care savings in relation to prisoners' families, and "cost avoidance based on resettlement-focused planning" (*ibid*.).

OVERVIEW

It is evident that there are compelling social, humanitarian and economic arguments for supporting the families of prisoners. Yet despite recognition by academics, practitioners and policy makers of both the injustice inflicted on such families by the justice system and the benefits of prisoners maintaining family ties, research continues to evince the absence of a consistent and decisive policy response in respect of the needs of families and children of prisoners (SCCYP 2011; Light & Campbell 2006).

This paper shall first of all consider the impact of imprisonment on individual family members, exploring the specific issues and concerns surrounding mothers, fathers and children. The needs of grandparents are also identified, however it is acknowledged that a fuller exploration of this topic is merited. The paper then looks at support and services offered to families across the prison estate and considers ways in which these could be improved. Support and provision for families and children of prisoners in the community are then discussed. Finally, the paper considers some of the main areas that must be addressed in order to improve support and services for families of prisoners, and makes recommendations for future practice and policy.

MOTHERS

Female Prisoners

Scotland's female prison population has more than doubled in the last 10 years (Commission on Women Offenders 2012). Figures show the average daily population of women prisoners numbering 468 (Scottish Government 2012b). Growth in the female prison population has continued despite recognition that imprisonment is both a "disproportionate and inappropriate" sanction for most women who offend (Corston 2007: i).

The Corston Report points out that the experience of imprisonment affects women "differently and disproportionately from men" (2007: 16). Women are located further away from their homes and families due to the small number of women's prisons, making visits from family and children extremely difficult (Corston 2007). Furthermore, female prisoners are less likely than men to have someone on the outside looking after their family and home, and are more likely to lose their housing and children as a result of their imprisonment (Quaker United Nations Office & Penal Reform International 2011; Corston 2007).

The characteristics of women who offend are also different to those of men (Commission on Women Offenders 2012; Equal Opportunities Commission 2009; Corston 2007). Women who offend often have chaotic lifestyles and backgrounds characterised by physical or sexual abuse. They suffer from significantly higher rates of mental health and/or substance misuse problems than male prisoners (*ibid*.). In terms of criminality, most women in prison have committed non-violent offences, are of lower risk to public safety than men, and are recognised as generally presenting a far greater risk to themselves than to others (Commission on Women Offenders 2012; Corston 2007). For example, women in prison exhibit vastly increased rates of self-harm and suicide than their male counterparts

(*ibid*.). Figures indicate that despite comprising only 5% of the total prison population, women account for half of all incidents of self-harm within prisons (BBC News 2013; Hawton *et al*. 2014).

Arguably most compelling of all is the fact that female prisoners are more likely than males to be the primary carers of young children (Snyder 2009; Corston 2007). This factor alone renders the experience of custody significantly different for women than men (*ibid.*).

Mothers and Children

> *Failure to consider the personal situation of the offender when punishing can have devastating consequences for the family of the offender. This devastation can be particularly severe for women offenders and their children.* (Snyder 2009: 38)

The unique emotional and practical role of a mother in the life of her child results in the experience of a mother in prison generally being qualitatively different to that of a father (Collins *et al.*, undated).

Recent figures show that two-thirds of women in prison are parents of dependent children (Scottish Prison Service 2011b and 2013a). Statistics also show that at least a fifth of mothers are single parents prior to imprisonment (compared to only 9% in the general population), and that for 85% of mothers, prison was the first time they had been apart from their children for any significant length of time (Prison Reform Trust 2013). It is not difficult to imagine the extreme anxiety and stress experienced by those women upon separation from their children (Epstein 2012), nor to understand why the pains of imprisonment may be felt more keenly by women than men (Commission on Women Offenders 2012; Codd 2008; Corston 2007).

Moreover, the impact on children is likely to be more extreme when a mother goes to prison since mothers are generally the primary carers (Snyder 2009; Corston 2007). This is of particular concern given that women are the fastest growing prison population (Arditti 2012; Snyder 2009). When fathers are sent to prison, their children generally remain in the family home in the care of their mother; however, a mother's imprisonment usually results in the relocation of her children to other family members or to social services care (*ibid*.). The growing imprisonment of women is therefore increasing the number of minor children at risk of being placed in state care and/or permanently losing their mothers as primary guardians (Snyder 2009).

Statistics for Scotland indicate that only 17% of fathers looked after their children while the mother was in custody (Scottish Consortium for Crime and Criminal justice 2010). In England and Wales, only 9% of children with an imprisoned mother are cared for by their fathers in their mothers' absence (Prison Reform Trust 2013). Furthermore, only 5% of children remain in their own homes following a mother's imprisonment (Hedderman 2012). They are often moved a number of times during the period of imprisonment, resulting in separation from friends, siblings and school (Loucks 2012a). Indeed, according to a recent report by the Prison Advice and Care Trust (pact 2011), as many as 6,000 children a year in England and Wales are forgotten by the system when their mothers are sent to prison, and many of them are left in inappropriate and hazardous conditions. The damage inflicted on children by a mother's imprisonment has therefore been described as "often nothing short of catastrophic" (Corston 2007: i).

It is however worth pointing out that a study carried out on children of incarcerated mothers in The Netherlands found, contrary to other studies, that maternal incarceration is not always the sole causal factor in the break-up of the home, as this break-up has often already taken place prior to incarceration (Hissel *et al*. 2011).

Nevertheless, maternal incarceration is generally associated with more profound child adjustment difficulties than paternal incarceration (Arditti 2012; Besemer *et al*. 2011; Loureiro 2010; Snyder 2009). Evidence from the literature shows that children of imprisoned mothers are at increased risk of psychological trauma and development of physical and mental health problems (Loucks 2012a). They are also more likely to become problem drug users (Hedderman 2012). Furthermore, statistics suggest that adult children of imprisoned mothers are more likely to be convicted of a crime than adult children with imprisoned fathers (Prison Reform Trust 2013), with around half of children of imprisoned mothers likely to end up in prison themselves (Equal Opportunities Commission 2009).

A study carried out by Murray and colleagues yielded interesting results in respect of the connection between maternal incarceration and youth offending (Murray *et al*. 2012). After controlling for background risk factors, the study found a specific connection between parental incarceration and youth theft, but indicated that imprisonment of a parent did not predict marijuana use, depression or poor academic performance (*ibid*.). The authors speculate that the increase in theft specifically may point to the operation of stigmatising processes in the development of criminal behaviour among children who experience parental incarceration (*ibid*.). Although the research itself identified no difference in youth outcomes deriving from the gender of the incarcerated parent, if the results are considered alongside statistical evidence that children of imprisoned mothers are more likely to end up in prison than those of imprisoned fathers (Prison Reform Trust 2013), they suggest that the effect of stigma on children may be more profound for those who experience maternal rather than paternal incarceration.

Given the greater levels of social stigma suffered by women prisoners, particularly mothers, compared with men (Snyder 2009; Corston 2007), research pointing to a connection between associative stigma experienced by their children and the likelihood of future criminality merits thorough development. It should be noted, however, that Murray and colleagues (2012) urge caution in the interpretation of their findings in relation to parental gender and emphasise the importance of conducting rigorous controls of pre-existing childhood risk factors when measuring incarceration effects on children. Failure to do so can result in incarceration effects being overestimated and may impede the development of effective intervention programmes for children affected by maternal or paternal incarceration (*ibid*.).

Mental Health and Substance Misuse

Women in prison exhibit disproportionately high rates of mental health problems and substance misuse, both of which have strong associations with dysfunctional parent-child interaction and attachment (Galloway *et al*. 2014; Dolan *et al*. 2013).

Substance Misuse

A large number of women offend as a result of drug addiction, and substance misuse is a fundamental issue for prisoners in Scotland's main prison for women, HMP & YOI Cornton Vale (Equal Opportunities Commission 2009). Results from the 2013 Scottish prisoner survey on female

offenders (Scottish Prison Service 2013b) revealed that almost seven in ten women in prison (68%) reported using drugs in the 12 months prior to coming to prison. Furthermore, around 80% of female prisoners in Scotland are reported to require stabilisation on methadone (Commission on Women Offenders 2012). Drug use among women who offend is often a way of "self-medicating", in order to numb the pain of their life experiences, and frequently begins or increases as a result of prostitution or sexual exploitation (Equal Opportunities Commission 2009; Snyder 2009). Imprisonment, through the pain it inflicts on women by separating them from their children, may exacerbate the need to self-medicate and thereby feed substance misuse rather than alleviate it (Galloway *et al*. 2014; Snyder 2009; Shamai & Kochal 2008).

Mental Health

80% of women in Scotland's Cornton Vale prison suffer from mental health disorders, with some of the prisoners experiencing problems of such severity that they should arguably not be in prison at all (Equal Opportunities Commission 2009). Furthermore, the 2013 prisoner survey on female offenders in Scotland (Scottish Prison Service 2013b) indicates a worrying downward trend in the mental wellbeing of women prisoners, with only 63% reporting feeling optimistic about the future in the most recent report, compared with 75% in 2011. In England and Wales, a recent Ministry of Justice study indicated that 46% of women in prison reported having attempted suicide (Light *et al*. 2013). This is more than twice the rate of male prisoners (21%; *ibid.*). The same report reveals that 49% of women prisoners suffer from anxiety and depression, compared with 23% of male prisoners. In Northern Ireland, a recent study indicated that 88% of women in prison had experienced depression while in custody, and 32% had attempted to take their own lives (Prison Reform Trust 2013).

The quality of mental health services in Scottish prisons has historically been limited, and identification and treatment of mental health problems inadequate (Equal Opportunities Commission 2009). However, responsibility for delivery of primary and community healthcare to prisoners in Scotland was transferred from the Scottish Prison Service to NHS Scotland on 1 November 2011 (National Prisoner Healthcare Network 2014). The decision to transfer services was made in response to policies to reduce inequalities and re-offending in Scotland, and to bring Scottish prison policies in line with European and international standards (*ibid*.). The move is therefore intended to bridge the gap between treatment of mental health problems among the prison population and treatment in the community (*ibid*.). Services for the large number of female prisoners in Scottish prisons experiencing mental health disorders will hopefully improve as the new system of care is developed.

The poor mental health of women prisoners is of particular concern given the statistic that two-thirds of female prisoners in Scotland are mothers (Scottish Prison Service 2013a). There is a considerable amount of evidence that documents the higher rate of behavioural, developmental and emotional difficulties in children of parents suffering from a mental disorder compared to those in the general population (Galloway *et al*. 2014; Dolan *et al*. 2013). Depression has been shown to impact negatively upon mother-infant relationships, and parents suffering from schizophrenia or other chronic psychotic illnesses are known to exhibit a range of dysfunctions in parenting. If left undiagnosed and untreated, or accompanied by substance misuse or personality disorder, maternal mental disorder is particularly associated with extremely poor outcomes for a child's health and development (*ibid*.).

The literature indicates that constant anxiety about their children's whereabouts magnifies the distress of the prison experience for many women (Galloway *et al*. 2014; Snyder 2009; Corston, 2007). For women already suffering from mental health problems, separation from their children through imprisonment can exacerbate existing difficulties, which in turn can negatively impact upon the mental health of their children (Galloway *et al*. 2014).

In addition to the anxiety experienced by incarcerated mothers in respect of their children's safety and wellbeing, these women also suffer profound feelings of guilt and remorse deriving from a perception of having failed their children (Snyder 2009). A study of women prisoners in Israel documents the strong sense of maternal failure experienced by the inmates upon incarceration (Shamai & Kochal 2008). Although a sense of failure often existed in relation to other areas of their lives, the sense of maternal failure was the most difficult to cope with, and "affected their entire sense of wellbeing" (*ibid*.: 330). The authors report that, "the feelings of failure, guilt, and disappointment were in themselves so overwhelming that many of the women tried to avoid their feelings by emotional disengagement, using such means as suicide attempts, 'behaving like a robot', or the increased use of drugs" (*ibid*.). The participants in the study reported that the feelings of failure, guilt and disappointment remained with them throughout and a long time after their incarceration.

A statement by Baroness Hale, quoted in the Corston Report, points to the role of stigma in exacerbating the sense of maternal failure experienced by many women in prison:

> *Many women still define themselves and are defined by others by their role in the family. It is an important component in our sense of identity and self-esteem. To become a prisoner is almost by definition to become a bad mother.* (2007: 20)

The acute feelings of maternal failure reported by mothers in prison are therefore likely to derive not only from personal anxiety regarding their children's wellbeing, but from a sense of "violation of societal norms about what good women and mothers are supposed to be" (Snyder 2009: 38).

The role of social stigma in perpetuating the pains of women's imprisonment is discussed in a recent report by Women in Prison, a support organisation for women affected by the criminal justice system (Gullberg 2013). The report documents findings that women in prison often have core shame issues, stemming from their perception of themselves as bad mothers, and failed women in comparison to the prescribed gender norms and traditional feminine qualities set by society. This sense of social stigma makes the experience of prison doubly shaming for women than it is for men, the magnified levels of shame often manifesting themselves in mental health issues such as anxiety and depression (*ibid*.).

The above studies provide evidence of the specific detrimental impact of prison itself on the mental wellbeing on mothers. Separation from their children increases maternal anxiety as to their children's wellbeing and exacerbates a sense of maternal failure. The effect is to increase the likelihood of poor mental health and the adoption of avoidance strategies such as increased substance misuse. Both conditions impact upon a woman's ability to parent her children effectively. Prison does not, therefore, only have catastrophic consequences for children in terms of the mother-

child separation it causes, but through its demoralisation of already demoralised individuals, it diminishes the capacity of women to parent, and, in turn, the wellbeing and future prospects of their children.

Alternatives to Imprisonment for Mothers

The literature discussed in the previous section offers compelling evidence of the unsuitability of imprisonment as a punishment for mothers. Solutions to women's offending will not be found in prisons, but in treatment for addictions and mental health problems, protection from domestic violence and coercive relationships, secure housing, debt management, education, skills development and employment (Earle 2013). Alternatives must be found to deal with the deep-rooted issues that underlie women's offending in ways that do not inflict such profound harm on their children (Galloway *et al*. 2014; Howard League for Penal Reform 2012; Snyder 2009). Potential approaches shall be explored in the next section.

Mother and Baby Units

> *The early care that babies receive lays down the foundations for all future physical, social and emotional development.* **(Galloway *et al.* 2014: 8)**

It is estimated that between 3,400 and 4,600 0-2 year-olds in Scotland are affected by parental imprisonment each year. In England and Wales estimates show that around 11,800 0-2 year-olds had a parent in prison in 2009, and 3,000 0-2 year-olds have their mothers imprisoned annually (Galloway *et al*. 2014). Yet despite the numbers affected, the impact of parental criminal justice system involvement is frequently overlooked in babies and infants (*ibid*.).

The effects of parental involvement in the criminal justice system may be more readily identifiable in older children than in babies and infants, however research has established that adversity and stress experienced in infancy increase the risk of poor mental and physical health outcomes in later life (Galloway *et al*. 2014). Babies affected by parental criminal justice system involvement are frequently exposed to risks that may impact upon their care and development (*ibid*.). There are a number of reasons for this, including existing poor mental health of parents involved in the criminal justice system; disruption to parent-child attachment caused by the criminal justice system itself; and the imprisonment of pregnant women and babies in Mother and Baby Units (*ibid*.).

There are currently eight Mother and Baby Units (MBUs) across the UK prison estate: six in England and two in Scotland, and two Mother and Baby rooms in Northern Ireland (Galloway *et al*. 2014). Together these units can accommodate up to 73 mothers and their babies (*ibid.*). Babies are generally permitted to remain with their mothers in prison up until the age of 18 months, however this age limit can be increased to two years in certain circumstances (*ibid*.).

The fundamental purpose of placing a child in prison is to strengthen the emotional attachment between the mother and the child, a vital factor in the child's development (Robertson 2012). From a prisoner perspective, avoiding the inevitable mother-child separation normally necessitated by imprisonment may also alleviate much of the anxiety and distress reported by mothers in prison

(Corston 2007). A study of the mental health of a cohort of incarcerated mothers in the UK with a child under the age of 18 months found that, where women had been separated from their infant children by imprisonment, levels of mental disorder and substance misuse were higher post-release than for those who had not been separated from their children (Dolan *et al*. 2013). However, the authors of the study indicate that interpretation of the findings is limited due to the relatively high attrition rate at follow-up. It is therefore unclear whether the higher levels of substance misuse and mental disorder among mothers separated from their children were *caused* by the separation or whether the separation was a consequence of their substance misuse or mental disorder.

Although MBUs may alleviate the trauma of separation for mothers and children, there are a number of strong objections to the practice of mothers and babies residing together in prison (Galloway *et al*. 2014; Howard League for Penal Reform 2012). The main argument against MBUs is that prison is an unsuitable environment for raising a child, and detrimental to child development (*ibid*.). MBUs provide a restrictive and unnatural experience for mothers and babies (Howard League for Penal Reform 2012). The lack of autonomy in prison means the capacity of women "to create a sense of home and family for their baby is diminished" (*ibid*.: para. 7.3). Furthermore, the prison setting and its isolation can cause maternal depression, which can compromise the mother-child relationship (Galloway *et al*. 2014; Robertson 2012). Studies of the mental health of mothers resident in MBUs indicate that these mothers and their babies may experience separation and distress, and are at increased risk than those in the general population of suffering perinatal and maternal mortality and ill health (Galloway *et al*. 2014).

There is a shortage of studies specifically examining outcomes for babies and infants residing in MBUs (Galloway *et al*. 2014). However, one landmark study carried out in 1992 (Catan 1992) comparing babies raised in prison nurseries with a control group of babies raised in the community, found that those cared for in prison exhibited a decline in motor and cognitive scores. The study attributed the results to poor MBU design, restrictive protocols and inadequate staffing. There have been a number of improvements to prison MBUs since Catan's study, but unfortunately no follow-up studies have been carried out (Galloway *et al.* 2014). Further research into MBUs and baby and infant outcomes is therefore urgently needed (*ibid*.).

Prison officials, interviewed in a study on Finnish children residing with their parents in prison (Poso *et al*. 2010), indicated the practice was a waste of time, and the benefits of it were bound to time and place: the officials believed that the severity of the socio-economic and health problems of the women made it unlikely that they could continue to be mothers to their children following release, and allowing the children to live with them in prison was therefore pointless.

The study by Poso and colleagues emphasises the need to address the deep-rooted issues of women prisoners concurrently with allowing them to care for their children. In response to this issue, the Aberlour Mother and Baby Project at HMP & YOI Cornton Vale offers flexible programmes for pregnant women entering prison or women with a child under one (McMahon 2012). Central to its work is the quality of the experience for every baby and child, the aim being to ensure the best possible mother-child interaction (*ibid.*). The programme addresses issues such as "loss, low self-esteem, substance use, transitions and boundaries" (p. 132). McMahon's external evaluation of the project found that the support it offers is having considerable impact on both the women and the children taking part in it. Women reported appreciating the opportunity to maintain bonds with their children, particularly when preparing for release and, once again, becoming the primary carer. One woman pointed out that "release can be a much more frightening prospect than coming to

prison in the first place" (McMahon 2012: 133), therefore the knowledge and skills they gain from the course help the women feel less anxious about returning to the community.

However, the recent NSPCC report on babies affected by parental criminal justice system involvement indicates that residential alternatives to custody and maintenance of a network of women's centres is likely to be a more effective and less expensive alternative to custody for mothers (Galloway *et al*. 2014). The report advocates increasing funding and replication of alternatives to custody for women with babies, including residential options where they can receive treatment and support while caring for their babies. Residential facilities for drug and alcohol treatment where women may live with their children, such as Trevi House in Plymouth (Corston 2007), or the Aberlour Family Support Service in Glasgow (Families Outside 2014a), may offer a better chance of positive outcomes for mothers and babies than MBUs in prisons. These services provide a means of addressing the problems of women who offend without inflicting the concomitant trauma of separation on them or their children (*ibid*.).

Similarly, the Howard League suggests that community-based programmes are a more appropriate solution for most mothers with young children than MBUs (Howard League for Penal Reform 2012). Whereas prison removes a sense of responsibility, community programmes teach women responsibility, a vital attribute in successful child-rearing (*ibid*.). The Howard League therefore advocates an end to custodial sentences for pregnant women and mothers of young children except in exceptional cases. In the rare situations where mothers require a custodial sentence, they should be housed in local secure units with their babies (*ibid*.). An example of this practice can be found in Spain, where external mother and baby units have been built in the community (Robertson 2012).

Despite the lack of research evidence informing the practice of infants residing with their mothers in prison (Galloway *et al*. 2014), a positive result of the strengthening of the child's rights argument in penal policy is that decisions about children living in prison have changed from being a prison management issue to a child welfare issue (Robertson 2012). It was therefore recommended at the UN Committee on the Rights of the Child's Day of General Discussion 2011 that decisions about when children should live in, or leave, prison should be based on an individualised, case-by-case analysis of their best interests (*ibid*.). There is now a pressing need for further research into the issues surroundings MBUs, and the alternatives, in order to assist in making those case-by-case analyses (Galloway *et al*. 2014). Some progress on this front will hopefully be made soon by an investigation currently being conducted by researchers at the University of Stirling, in partnership with the Aberlour Childcare Trust, into criteria and processes determining occupancy of MBUs and the evidence informing these (*ibid*.).

FATHERS

Paternal Imprisonment

During their time at school, 7% of children in the UK experience a father's imprisonment (Prison Reform Trust 2013).

Although, as explored in the previous section, there is a range of factors that may render a mother's imprisonment more damaging to children than a father's, it is important not to underestimate the impact of paternal incarceration (Rosenberg 2009). Furthermore, given that the vast majority of

prisoners are male, ignoring those children affected solely by paternal incarceration would be to disregard the vast majority of children affected by parental imprisonment (*ibid*.).

Experience of Incarcerated Fathers

Helplessness

Fathers are perceived by society, and perceive themselves, as the economic providers of the family (Rosenberg 2009). Socialisation as the financial provider can result in men's self-esteem being severely damaged by the experience of incarceration, which strips them of their ability to provide for their children, and thereby removes their perceived legitimacy as a parent (Greif 2014; Rosenberg 2009). As a result, fathers often feel marginalised upon being incarcerated, and unsure of their ability to parent (Greif 2014). Studies have also suggested that, in addition to the provider role, men equate being a father with being physically present in order to protect their children, and with being in control (Rosenberg 2009). Again, prison removes the ability to protect or exercise control (*ibid*.). Rosenberg argues that the loss of control experienced by men in prison differentiates absence due to imprisonment from other types of absence. Most worryingly, through its erosion of male prisoners' sense of control and responsibility, imprisonment counteracts the behavioural traits required to be a responsible parent (*ibid*.).

Prison culture

A heightened culture of masculinity within prisons can result in the routinisation and normalisation of violence in the daily lives of many prisoners (Sim 1994). This culture may inhibit the nurturing values required to be a good parent and discourage men from voicing their need for a relationship with their children (Rosenberg 2009). Moloney and colleagues' (2009) study of the effect of fatherhood on gang-affiliated young men found that, although becoming a parent could trigger a positive family-orientated change of identity in gang-involved men, low earning capacity and an inability to maintain a job could threaten masculine identities as breadwinners associated with fatherhood. The economic factors suppressing the development of positive masculine identities, in turn, enabled "other masculine traits of the streets, such as aggression, dominance, and hustling" (*ibid*.: 15) to remain dominant. Parallels can be drawn between Moloney and colleagues' findings on gang-involved fathers and imprisoned fathers: through prison's obstruction of male prisoners' ability to provide financially for their children, it creates a barrier to the development of family-focused identities and leaves a space for the growth of alternative masculine cultures based on aggression and violence.

Given the potential of masculine prison culture to stifle good parenting qualities, it is particularly important for the child-parent relationship that prisons promote positive contact between imprisoned fathers and their children. Strong family ties can encourage prisoners to embrace a family-focused identity, and prevent a drift into prison culture (Savolainen 2009; Mills & Codd 2008).

Impact on Children

Children of incarcerated fathers suffer many of the same problems as those with incarcerated mothers, such as "coping with loss, environmental disruption, poverty, stigmatisation, health problems and all of the difficulties involved in visiting a parent in prison" (Rosenberg 2009: 1).

However, there are certain behavioural reactions that have been found to differ depending on the gender of the imprisoned parent (Rosenberg 2009). A father's imprisonment has stronger associations with "acting-out" behaviour, such as aggression; discipline problems; substance misuse; hostility; truancy; running away; and gravitation towards delinquent activity (*ibid*.). Sons of imprisoned fathers are at particular risk of developing these behavioural difficulties (Greif 2014). In contrast, a mother's incarceration tends to lead to "acting-in" behaviour, such as withdrawal, daydreaming, failure to engage in play, fear of school, experience of nightmares and becoming highly emotional (Rosenberg 2009). These gendered reactions are a result of the combination of parental absence, and awareness of the child that imprisonment is the reason for the absence, rather than simply absence of the parent alone (*ibid*.).

The separation of a father and child due to imprisonment also has implications for the quality of the attachment bond between them (Lösel *et al*. 2012). Secure attachment bonds are important for positive child development and behaviour, and the development of insecure attachment in childhood can lead to problematic social and moral functioning in later life (*ibid*.). Furthermore, a recent study by the Sutton Trust indicates that the emotional bond a child secures with its parents has far-reaching consequences for its ability to speak, learn and think (Richardson 2014). The report suggests that the attachment a child forms to its parents not only influences its emotional wellbeing, but also affects its educational chances (ibid).

Economic Impact of Paternal Imprisonment

One of the most direct and significant effects of a father's imprisonment is the financial impact (Dickie 2013; Lösel *et al.* 2012; Rosenberg 2009). The incarceration of a father generally has significant negative economic consequences for families, and children in this situation suffer increased levels of social disadvantage than their peers (Dickie 2013; Rosenberg 2009). Finances are impacted upon through loss of the father's income; benefit adjustments; and increased expenses as a result of imprisonment, such as phone calls, visits and sending money to the prisoner. The family may then have to assume debt to cover the resulting financial disruption (*ibid*.).

Impact on Mothers and Other Carers

A father's incarceration also impacts indirectly on children through its impact upon their mother or other carers (Rosenberg 2009). The imprisonment of a father can lead to "emotional stress, parenting strain, work-family conflict, financial hardship and social stigma" for mothers and carers, resulting in poverty, impaired parenting, deterioration in family health, and behavioural difficulties in children (*ibid.*: 12).

The sudden absence of paternal support in the household may result in children having to take on more responsibility for chores and care of younger siblings, instead of receiving additional care and support (Rosenberg 2009). Their isolation may be compounded by the emotional distress and resulting unavailability of their mother, the one person they would normally turn to for support (*ibid.*):

> *I'm feeling sad at the moment. My dad went to prison recently, and I'm not sure when he's coming back. My mum's really upset about it. Sometimes she's so depressed that she doesn't get out of bed, she just lays there still for the whole day. It's difficult for me when she does that, because I don't know how to cook my own dinners. I think my mum needs help, but I don't know what to do. I don't know who I should talk to.*
>
> **- young girl (NSPCC, compilation of calls to Childline 2013)**

The high levels of stress experienced by mothers as a result of a father's imprisonment will almost certainly impact negatively upon the care of children (Arditti 2012). In one study paternal incarceration was linked to the increased likelihood of a major depressive episode in mothers (Wildeman *et al*. 2012). The results indicate that a father's imprisonment may have important effects on a mother's wellbeing beyond increasing economic insecurity. Given the negative impact of depressive illnesses on a person's ability to function as a parent (Galloway *et al*. 2014, Dolan et al. 2013), children with an incarcerated parent may not only lose one parent to prison, they may also lose the other emotionally due to the concomitant deterioration of that parent's mental health.

Absence of Research

It is hardly surprising that children's behavioural responses differ according to the gender of the imprisoned parent, given the differing practical consequences of the imprisonment of a mother or a father and the individual roles each parent plays in a child's life. Yet the distinct effects of paternal absence on children are often overlooked in studies, despite the fact that those children tend to live in high-risk and emotionally turbulent environments (Rosenberg 2009).

There are large research gaps regarding the needs of children affected by paternal incarceration (Greif 2014; Rosenberg 2009). Statistics on children with incarcerated fathers are limited, as well as information on maintaining a good relationship with imprisoned fathers, positive parenting by men in prisons, and delivery and evaluation of family strengthening and child support programmes aimed at fathers in prison (Rosenberg 2009).

The paucity of statistical data on the children of imprisoned fathers reflects the particular invisibility of this group and has been attributed largely to the fact that children of imprisoned fathers are easier to overlook than those of imprisoned mothers: "It is harder to ignore the parenting responsibilities of pregnant women or a woman with visible care-giving responsibilities" (Rosenberg 2009: 1). As a result, the existing support for children affected by a parent's imprisonment is based almost exclusively on maternal incarceration (*ibid.*).

Furthermore, gender-based stereotypes regarding the role of mothers and fathers in the lives of their children result in the assumption fathers are "second-class parents" (Rosenberg 2009). Mothers are generally seen as the nurturer, while fathers are viewed as the provider (Greif 2014; Rosenberg 2009). This has resulted in failure by the criminal justice system to recognise the importance of the role of a father in the child's life, or to provide programmes aimed at supporting that role (*ibid*.).

Promoting Parenting Amongst Incarcerated Fathers

Many fathers in prison have expressed a genuine desire to improve their parenting skills (Greif 2014). The involvement of a father or father figure has been found to be a significant protective factor against psychological difficulties in adolescents, and is strongly correlated with children's later educational attainment (Rosenberg 2009). Paternal involvement has also been connected with reductions in maternal stress, better behaviour and cognitive skills in children, and more responsible sexual behaviour in teenagers (Greif 2014). Longitudinal data published by the Ormiston Children and Families Trust has shown that good communication with family and high frequency of contact

during imprisonment are among the predictors most consistently linked to positive resettlement outcomes for incarcerated fathers and their families (Lösel *et al*. 2012).

Moloney and colleagues' work on gang-involved males (2009) emphasises the potential of new fatherhood to motivate young men to turn away from criminal activity and embrace a new parent-focused identity. Their research therefore encourages those developing interventions for young men in prison to recognise that new fathers may be a group particularly willing to engage with, and in need of, support services and employment or training programmes.

Given the benefits it may bring to both the imprisoned fathers and their families, paternal involvement from prison must be supported and encouraged (Greif 2014). It must be recognised that it is possible to maintain a father-child relationship despite the physical absence of the father through imprisonment (Rosenberg 2009). For example, a programme designed for fathers in the US operates within the framework of "ambiguous loss", teaching fathers how to be psychologically present despite their physical absence (Greif 2014).

For the benefit of children and incarcerated fathers, it is important to challenge the stereotype that imprisoned fathers are bad fathers (Greif 2014; Rosenberg 2009). Contact with an imprisoned father should only be denied where such contact is in conflict with the best interests of the child (Rosenberg 2009).

However, programmes aimed at promoting parenting amongst incarcerated fathers should not be implemented at the expense of programmes for incarcerated mothers (Rosenberg 2009). Rather, "the aim must be to boost the rights for children of imprisoned parents of both sexes in an equal but gender appropriate manner" (*ibid*.: 9). It must also be acknowledged there are instances where the removal of an abusive parent through imprisonment is a benefit to a family, and further contact with that parent may not be in the best interests of the child (Rosenberg 2009).

Policy and Practice Changes

Professionals involved with prisoners and their families must be aware of the distinct issues imprisoned fathers face in relation to parenting in order to support them in improving their connections to their families, and facilitate their re-entry into the community (Greif 2014). Furthermore, in order to improve outcomes for and mitigate the impact of prison on children affected by a father's imprisonment, research, policy and practice must take into account the specific and important role of a father in a child's life, and the potentially damaging consequences of preventing a father from performing this role (Greif 2014; Rosenberg 2009).

If imprisoned fathers are given the chance to improve their relationship with their children, prison can become a positive opportunity to become a better father (Rosenberg 2009; Moloney *et al*. 2009; Savolainen 2009; Codd 2008; Collins *et al*., undated). Similar to female prisoners, many male prisoners suffer from substance misuse and mental health issues that may inhibit their ability to function as a parent (Rosenberg 2009). Many may not even know how to be good parents, and feelings of inadequacy combined with frustration at the limited opportunities to maintain contact with their children may compound a sense of paternal helplessness (Rosenberg 2009; Collins et al., undated). In addition, many fathers in prison may not be aware of, or have the ability to make the most of, the opportunities for contact that are available to them, such as writing, visits or phone-

calls (Collins *et al*., undated). For the above reasons, the provision of parenting courses to imprisoned fathers can be of great value (*ibid*.).

Parenting courses for both men and women prisoners shall be considered in more detail later in the paper.

CHILDREN

Children Affected by Parental Imprisonment

As the prison population continues to grow, so too does the number of children affected by parental incarceration (Snyder 2009). Recent figures show that around half of men and two-thirds of women in prison are parents of dependent children (Prison Reform Trust 2013; Scottish Prison Service 2011 and 2013a).

Official estimates revealed that approximately 200,000 children in England and Wales had a parent in prison in 2009 (Prison Reform Trust 2013). To put this figure in context, it is over three times the number of children in care and over five times the number of children on the Child Protection Register in that year (*ibid*.). The corresponding estimate of children affected by parental incarceration in Scotland is 27,000 children per year (Scottish Government Analytical Services 2012) - roughly double the number of children affected annually by a parent's divorce (Loucks 2012a).

Impact of Imprisonment

Growing prison populations make the effects of parental imprisonment on children an issue of increasing social concern (Murray *et al*. 2009). The overwhelming evidence of the impact of parental imprisonment on children is that it is "multifaceted but almost always negative" (Tomkin 2009: 1).

Parental imprisonment can affect children through combined traumas of witnessing a parent's arrest, parent-child separation, loss of family income, changes in childcare arrangements, distress of caregivers, and difficulties in visiting the imprisoned parent (Murray 2007). Imprisonment of a parent often results in children experiencing changes in caregivers, with some being taken into social services care, or forced to move home (SCCYP 2011; Snyder 2009). Children may also suffer economic disadvantage (caused by loss of the imprisoned parent's income, changes to benefits, or prison visiting expenses; SCCYP 2011). Furthermore, children may have to cope with the stress of difficult prison visits and be made to take on additional caring responsibilities for younger siblings or other family members (*ibid*.). Witnessing a parent's arrest is often particularly traumatic for children (Robertson 2013; Snyder 2009), and the impact of experiencing such an event will be looked at in detail later in this section.

These life changes often have a considerable negative impact on the emotional wellbeing of children (Snyder 2009). As a result they may experience "a gamut of emotions: anger, fear, depression, anxiety, and frustration" (*ibid*.: 41). Behavioural difficulties, such as truancy, poor academic performance and aggression, also frequently arise (Snyder 2009). These shall be further discussed below.

Social stigma and negative community attitudes towards prisoners and their families compound the experience of parental imprisonment for many children (Dawson *et al*. 2013; Robertson 2012; Roberts 2012; Loucks 2012a). The emotions experienced by children as a result of a parent's imprisonment are similar to those experienced by children who experience bereavement (Loucks 2012a). However, whereas children who experience bereavement receive sympathy and support, the stigma attached to imprisonment and prisoners may result in an absence of support, through both negative attitudes from others, and the family's own shame and resultant reluctance to seek help and talk to the child about what has happened (*ibid*.). Indeed the experience of children who are affected by parental incarceration has been likened to Doka's concept of "disenfranchised grief" (Doka 1989). Disenfranchised grief refers to grief that is not socially validated, and cannot therefore be openly acknowledged or discussed (*ibid*.). In this sense, Robertson (2012) reported that parental imprisonment may be more damaging to children than separation from parents as a result of divorce or death – an assertion confirmed in later research (Pittalwala 2014).

Research suggests that children of prisoners are at risk for a range of adverse health and social outcomes throughout their lives (Galloway *et al*. 2014; Dawson *et al*. 2013; Arditti 2012; Robertson 2012; Snyder 2009; Tomkin 2009; Murray 2007). They have an elevated risk of low educational attainment, poor mental and physical health, anti-social and delinquent behaviour, and future imprisonment (Galloway *et al*. 2014; Robertson 2012; Arditti 2012; Murray *et al*. 2012; Snyder 2009).

Specifically, children of prisoners are at increased risk of suffering from drug and alcohol misuse (Loucks 2012a; Robertson 2012). They are also up to three times more likely to develop mental health problems than children in the general population (*ibid*.; Jones et al. 2013). They have been found to exhibit regressive behaviour, such as reverting to using nappies despite being toilet-trained, bedwetting, and deterioration in behaviour and performance at school (Morgan *et al*. 2013; Arditti 2012; Loucks 2012a; Loureiro 2010; Snyder 2009). Children of prisoners are therefore a particularly vulnerable group of children, and require specific attention and support (Roberts 2012).

It must nevertheless be recognised that, in some cases, parental imprisonment may have a favourable impact on children (Besemer *et al*. 2011; SCCYP 2011; Rosenberg 2009). Physical removal of abusive or violent parents may have a positive effect on children's lives (Besemer *et al*. 2011; Rosenberg 2009). It may also trigger the involvement of social services with the family which, in some cases, may improve the child's social and emotional development (Besemer *et al*. 2011). However, most research demonstrates it is more likely that imprisonment of a parent will compound rather than mitigate existing family problems (*ibid*.).

Arrest

Impact of Arrest

Police arrests can be "dramatic, violent and sudden" (Christmann 2013: 6). This is the first experience of the criminal justice system for many of the children who are unfortunate enough to witness a parent's arrest (Robertson 2013).

The way in which an arrest takes place may shape a child's future relationship with the criminal justice system (Christmann 2013; Robertson 2013; Gordon and MacGibbon 2011; Bernstein 2005). While a violent arrest may result in an antipathy towards authority, conducting an arrest in a child-

friendly manner can mitigate the distress experienced by children and may have a favourable effect on a child's future relationship with police and other criminal justice agencies (*ibid*.).

Moreover there is a growing body of evidence indicating that experiencing the arrest of a family member can be predictive of symptoms of substantial trauma in a child and may cause a child to experience a variety of negative emotions such as anxiety, confusion, anger and grief (Robertson 2013; Snyder 2009; Ortega 2009). Bernstein points out that, "seeing one's parent helpless and restrained at an age when one still wants and needs to see her as omnipotent can be deeply disorientating" (2005: 13). Such a childhood experience can increase the risk of development of maladjustment in children, problem behaviours such as substance misuse, and future arrest (Arditti 2012).

As well as contributing to serious childhood developmental problems, witnessing the arrest of a parent can augment the likelihood of a child suffering post-traumatic stress disorder as a result of their parent's subsequent imprisonment (Arditti 2012, Ortega 2009). Research shows that children are particularly sensitive to the traumatic experiences of their parents, particularly if they interpret the event to be a threat or danger to their parent (Ortega 2009). Indeed, an article on survivors of secondary trauma indicated that children experience a threat to their caregiver as a direct threat to themselves (Staggs 2014). Experiencing such an event may result in the re-traumatisation of children by "situations characterised by additional threats or simple uncertainty" (Ortega 2009).

The above research not only has implications for police conduct at arrest, but for the way parents and their children are treated by prison officers and other relevant officials throughout the criminal justice process. If children experience threats to their parents as threats to themselves, aggressive behaviour by police officers towards parents may be profoundly damaging to a child's sense of security. Subsequent disregard of the welfare and interests of the child by criminal justice agents and officials during court and prison visiting procedures may then operate to inflict further trauma on that child. Evidence of the serious and long-term effects of childhood trauma (Staggs 2014; Arditti 2012; Ortega 2009) therefore points to the fundamental importance of considering the rights and interests of children not only at the point of arrest, but also at each stage of the criminal justice process.

Guidance and Training

It is recommended that clear written guidance and training is made available to police services to enable them to conduct child-sensitive arrests (Christmann 2013; Robertson 2013; Robertson 2012; Loureiro 2010). Specifically, child impact assessments should be made prior to making an arrest to enable police to formulate a child-centred arrest strategy (Christmann 2013; Robertson 2013). Child-centred arrest procedures should ensure that a parent's dignity is upheld in the presence of her children, that an appropriate adult speaks to any children present at the time of arrest, and that parents are able to make alternative care arrangements and say goodbye (*ibid*.). Furthermore, procedures must be in place to ensure follow-up by police or other relevant agencies if children are temporarily placed with other carers or neighbours (Christmann 2013).

Some police services in the US have developed arrest protocols outlining the values and principles underpinning a child-sensitive arrest system, specifying steps officers should take to minimise distress to any children present when a parent is arrested (Robertson 2013). For example, the Marion County Sheriff in Salem, Oregon has produced written guidance for police officers to help

them understand and recognise the distress experienced by children upon witnessing the arrest of a parent, and provide them with practical strategies to minimise it (Marion County Sheriff, undated). Importantly, it emphasises that the impact of arrest may vary according to the age of a child, and outlines age-specific approaches that may be adopted by officers. This is a good example of the kind of guidance that police should be given to reduce the likelihood of long-term damage to children as a result of witnessing their parent's arrest. In 2013 The White House announced the development of a model arrest protocol by the International Association of Chiefs of Police (Robertson 2013).

However, research in the UK has found that where examples of good practice by police officers during arrest have been identified, it has been due to the exercise of discretion by the particular officers in attendance, rather than deriving from clear practice guidelines (Christmann 2013). There is no national strategy for dealing with children who witness the arrest of a parent, or situations where there is evidence of the existence of a child in the home of an arrestee (SCCYP 2011). Given the mounting research evidence of the harm arrest procedures may inflict on children, this is an area of criminal justice practice in need of urgent review (*ibid*.).

Children's Rights

A report published by Scotland's Commissioner for Children and Young People (SCCYP) in 2008 into the impact of parental imprisonment on children concluded that children's "rights to nurture are affected both by the

> *Criminal justice is not dispensed in isolation from the other spheres of society. It affects not only victims, offenders, and the protagonists of the criminal justice system, but – directly or indirectly – it also affects others who do not have a strong voice in the system, including the children of offenders.* (SCCYP 2011: 15)

criminal action of their parent and by the state's response to it in the name of justice" (Marshall 2008: 8).

The report, entitled *Not Seen. Not Heard. Not Guilty,* highlights the profound and often devastating effect of the administration of justice upon the lives of children of people with convictions, and urges recognition of this fact within criminal justice policy and practice (SCCYP 2011). It refers to children of prisoners as "the invisible victims of crime and our penal system" (Marshall 2008: 8) and calls for children's rights to be made a central consideration within criminal justice debates and judicial decision-making (*ibid*.).

Not Seen. Not Heard. Not Guilty is based upon the fundamental children's rights principle embedded in international human rights legislation that, in all actions concerning the rights of children, their best interests must be of primary consideration (SCCYP 2011). Such actions include criminal justice policies and practices, and, specifically, decisions regarding the imprisonment or release of a parent (*ibid*.).

Children hold the same rights under the international human rights framework as adults (SCCYP 2011). A number of regional and global treaties are now in existence safeguarding the rights of children (Tomkin 2009). Yet many of the rights of children contained within these treaties are compromised by the incarceration of a parent (*ibid*.).

The United Nations Convention on the Rights of the Child

The United Nations Convention on the Rights of the Child 1989 (UNCRC) is an international instrument developed specifically to secure the rights of children (Epstein 2012). Although the UNCRC has not been given direct legal effect in the UK, its ratification imposed binding international obligations on governments to facilitate the realisation of the rights it sets out (SCCYP 2011).

When a parent is imprisoned, various rights of the child provided for in the UNCRC are significantly impacted upon (SCCYP 2011; Scharff-Smith & Campbell 2011; Tomkin 2009). For example, the right of a child to be cared for by his or her parents under Article 7 is patently compromised by a parent's imprisonment (SCCYP 2011).

Article 2 of the UNCRC provides that no child shall be discriminated against because of the situation or status of his or her parents, yet children of prisoners often experience shame, stigma and isolation as a result of their parent's incarceration (Sharff-Smith & Campbell 2011). Article 9 states that a child has the right to direct and frequent contact with parents from whom the child is separated (*ibid*.). This has clear implications for visiting policies and facilitation of contact between children and imprisoned parents by the prison estate (*ibid*.).

There are various other rights set out in the UNCRC, which may be directly or indirectly engaged as a result of a parent's imprisonment (Sharff-Smith & Campbell 2011). However most fundamental is the children's rights principle contained in Article 3(1), which provides that:

> *In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.* **(UNCRC, Article 3(1)).**

The effect of this article is that the rights of any child affected by a decision to imprison must be taken into account and given due weight as a primary consideration (Epstein 2012; SCCYP 2011).

The primacy that courts must afford to the best interests of the child in the context of sentencing carers was set out in a landmark South African judgment, *S v M* (2007):

> *All South African courts [must] give specific consideration of the impact on the best interests of the child when sentencing a primary caregiver. If the possible imprisonment will be detrimental to the child, then the scales must tip in favour of a non-custodial sentence, unless the case [is] so serious that that would be entirely inappropriate.* (*S v M* 2007*).*

This judgment makes it explicit that the best interests of a child must be given primary consideration in any decision to imprison a parent.

In a case involving the deportation of a mother with dependent children, a UK Supreme Court judgment echoed the sentiments of Justice Albie Sachs in *S v M* in its interpretation of the UNCRC best interests principle. In *ZH (Tanzania)* (2011), Lord Kerr stated that:

> *…In reaching decisions that will affect a child, a primacy of importance must be accorded to his or her best interests. This is not, it is agreed, a factor of limitless importance in the sense that it will prevail over all other considerations. It is a factor, however, that must rank higher than any other…Where the best interests of the child clearly favour a certain course, that course should be followed unless countervailing reasons of considerable force displace them (ZH (Tanzania), para 46).*

The *ZH (Tanzania)* judgment therefore emphasises that, when passing sentence on a parent, the best interests of any dependent children must rank higher than all other considerations, and a sentence of imprisonment should only result where there are exceptional circumstances that outweigh the importance of those interests. This interpretation of the UNCRC best interests principle comes from the UK's highest judicial authority and should therefore underpin all sentencing decisions of Scottish courts affecting children (SCCYP 2011).

However, the interpretation set out in *ZH (Tanzania)* has since been modified by a subsequent Supreme Court judgment in the case of *R (HH) v Deputy Prosecutor of the Italian Republic, Genoa, R (PH) v Deputy Prosecutor of the Italian Republic, Genoa* (2012). This case concerned an extradition request in respect of the mother and father of three children, the youngest of whom was 3 years old. The issue facing the court was whether or not extradition of both parents was compatible with the children's rights to respect for private and family life under Article 8 of the ECHR (UK Supreme Court Blog 2012). The Supreme Court ultimately rejected the appeal of the parents and ruled that the Article 8 rights of the children could not be prioritised over the seriousness of the parents' offences, and the consequent public interest served by their extradition (*ibid*.). In coming to its decision, the court recognised that *ZH (Tanzania)* was applicable to extradition cases, however it emphasised that, while the best interests of the child are *a* primary consideration under the UNCRC, it should be clear that "these interests are not the primary or the paramount consideration, and that these interests can be outweighed by the cumulative effect of other considerations, including the seriousness of the offence" (*ibid*.). The ruling in the case of *HH and PH* is likely to result in court decisions regarding the extradition of parents being made on a case-by-case basis, with the court in each case weighing up the seriousness of a parent's offence against the best interests of the child (*ibid*.). It therefore has the effect of somewhat diluting the emphasis on the primacy of children's interests expressed in the *ZH (Tanzania)* judgment.

The European Convention on Human Rights

The Human Rights Act 1998 obliges all public bodies, including courts, to uphold the rights protected by the European Convention on Human Rights 1950 (ECHR) (Epstein 2012). Article 8 of the ECHR provides that everyone has the right to respect for their private and family life. Furthermore it specifies that any interference by a public authority (which includes a court) with this right must be in accordance with the law, in pursuit of one of the legitimate aims set out in Article 8(2) (Epstein 2012). In making sentencing decisions which impact on Article 8 rights of a child (such as the decision to separate a child from his or her parent through imprisonment), courts must therefore, "conduct a balancing exercise weighing the seriousness of the offence against the Article 8 rights of the child" (*ibid*.: 5).

Sentencing and the Rights of the Child

International human rights legislation contained in The UN Convention on the Rights of the Child and the European Convention on Human Rights, as well as court judgments from the highest courts in the UK and abroad, make it clear that the rights and best interests of the child must be a primary consideration when a court of law considers the imposition of a sentence of imprisonment on a parent (Epstein 2012; SCCYP 2011). However, the more recent Supreme Court judgment given in the case of *HH and PH* pulls back somewhat from the unequivocal interpretation of the legislation given in *ZH (Tanzania)*, that children's rights must rank higher than all other considerations in a decision to imprison a parent. Again, the judgment in *HH and PH* instead refers to the interests of children as *a* primary consideration, which may be outweighed by other considerations, specifically the seriousness of the parent's offence (*R (HH) v Deputy Prosecutor of the Italian Republic, Genoa, R (PH) v Deputy Prosecutor of the Italian Republic, Genoa* (2012)). In the recent Scottish case of *Stuart Gorrie v. Procurator Fiscal, Haddington* (2014), involving an appeal against a prison sentence on the basis of its interference with the appellant's teenage son's Article 8 ECHR rights among other issues, Lord Carloway stated that, in determining whether to pass a sentence of imprisonment where Article 8 rights are engaged, "the issue will always be a balancing one of whether incarceration is 'necessary' in terms of the Article, having regard to the proportionality of such a disposal in all the circumstances" (*Stuart Gorrie v. Procurator Fiscal, Haddington* (2014), para 17).

The question before the court was therefore, "does the [prison] sentence amount to a disproportionate interference [with the child's Article 8 rights]?" (*ibid*.: para 19). Although in this case, interference with the child's Article 8 rights was not ultimately deemed a compelling factor in quashing the sentence of imprisonment, the court expressed a clear view that the impact upon children must be taken into account in a court's determination of the appropriateness of a custodial disposal (*Stuart Gorrie v. Procurator Fiscal, Haddington* (2014)). Lord Carloway did not, however, suggest that the interests of children outweigh all other considerations; instead he inferred that interference with a child's rights is a circumstance of a case, which must be considered alongside all other circumstances, in determining the appropriate sentence. This recent case therefore reiterates the imperative for members of the judiciary to carry out a "balancing act", weighing the interests of children against all other relevant considerations, in decisions concerning the imprisonment of a parent.

However, the literature suggests that the absence of any clearly defined judicial process for determining the interests of children at the point of sentencing prevents this balancing act being properly conducted by members of the judiciary (Epstein 2012; SCCYP 2011). The 2011 report by Scotland's Commissioner for Children and Young People finds that, "there is no credible and consistently applied process to ensure that there is meaningful determination of the child's best interest prior to, or at the point of sentencing" (2011: 16). Research by Rona Epstein found that there was scant evidence in sentencing decisions to indicate that the recommended (or arguably requisite) balancing exercise is ever carried out in judicial proceedings (Epstein 2012).

Epstein conducted a study of the sentencing decisions of courts in England and Wales in relation to mothers of dependent children, and found that Article 8 rights of a child were not explicitly considered in any of the 75 cases studied (Epstein 2012). While some sentencers expressed concern for the welfare of dependent children, no specific mention was made of the effect of a prison sentence on a dependent child's Article 8 rights. Furthermore, a wide variation was found in respect of the extent to which care of dependent children was considered in sentencing, with some judges

failing to mention the existence of children at all in their judgments (*ibid*.). When children were considered it tended to be in the context of their welfare rather than their rights, or as a mitigating factor in sentencing, relating to the rights of the defendant rather than the child (*ibid*.).

The very fact that most women are serving short prison sentences for low-level offences (Commission on Women Offenders 2012; Corston, 2007) suggests that the balancing exercise weighing the seriousness of the offence against the rights of the child is not being carried out. If it were, no mother should receive a short prison sentence, since the low level of the offence leading to the sentence could not logically outweigh the right of a dependent child be cared for by his or her mother (Epstein 2012).

Child Impact Assessments

In order to ensure consideration of a child's best interests in judicial decisions, various reports have recommended the introduction of child impact assessments at the point of sentencing (Galloway *et al*. 2014; Robertson 2012; SCCYP 2011; Loureiro 2010; Marshall 2008). A study by Hedderman and Gunby (2013) into the reasoning behind sentencing decisions involving female offenders reported that every sentencer they interviewed agreed that they would take a person's responsibility as a carer into account when deciding whether to impose a custodial sentence. However, they found that sentencers frequently had insufficient information to determine someone's domestic situation and caring responsibilities (*ibid*.). In the case of *Stuart Gorrie v. Procurator Fiscal, Haddington* (2014), the judgment pointed out that courts have a very "limited inquisitorial role" with regard to establishing a person's domestic situation (*Stuart Gorrie v. Procurator Fiscal, Haddington* (2014), para. 18). Detailed child impact assessments would therefore assist the judiciary in making decisions in the best interests of a child.

Furthermore, a study by Tania Loureiro of the views of children and young people on sentencing found that communicating the perspective of children to a sentencing judge was considered extremely important by carers, parents, and children alike (Louriero 2010). Child impact assessments may function as an important tool to allow children's voices to be heard in relation to the sentencing of their parent (*ibid*.).

Child impact assessments may also assist in identifying vulnerable children in need of support (SCCYP 2011). There is a perception that the information about someone's children is only relevant in cases where the sentence is on the borderline of a custodial or community disposal, and information about children may sway a judge towards a community order (*ibid*.). However, even if evidence regarding a dependent child ultimately has no bearing on the sentence of the parent, it is nevertheless important information that may be used to identify children of prisoners to relevant supports (*ibid*.). Information about dependent children is therefore necessary in every criminal case involving a parent, regardless of the relevance of those children to determination of the parent's sentence.

The 2011 follow-up report to *Not Seen. Not Heard. Not Guilty* (SCCYP 2011) recommends that child impact assessments should be piloted, either as free-standing advice to the courts, or as an explicit component of Criminal Justice Social Work reports (CJSW reports). Louriero's paper argues for separate child impact assessments, rather than their incorporation into CJSW reports (Loureiro 2010). Her findings show that members of the judiciary do not always consider the part of CJSW reports that mention children (*ibid*.). One mother in Loureiro's study claimed that her CJSW report

contained detailed information about her premature baby, which was subsequently disregarded by the judge in imposing a custodial sentence (*ibid*.). Furthermore, a separate child impact assessment may be of symbolic significance in conveying both the primacy of children's rights over and above other considerations, and the imperative to consider children as individuals in their own right, rather than simply a mitigating factor in sentencing (*ibid*.).

The history of Child & Family Impact Assessments, from recommendation to implementation, is outlined in Loureiro and Loucks 2016a and 2016b.

Judicial Training

The literature is clear that the discretion afforded to judges in taking children into account leaves room for injustices to be carried out that may have devastating consequences for those children (Epstein 2012). Epstein therefore suggests that rigorous judicial training on the issues surrounding children of people with convictions is needed to ensure greater uniformity of approach towards the rights of the child in sentencing decisions. Scotland's Commissioner for Children and Young People (2011) similarly recommends judicial training and practice guidance to cover children's rights and take account of the sensitive issues which may be involved in conducting child impact assessments in relation to a parent's offending. SCCYP also recommended that, "the Scottish Judiciary engage in the debate about the rights and wellbeing of the children of offenders and their place in sentencing policy… in order to raise the profile of the issue among sheriffs and judges" (2011: 21).

However, a comment by a judge interviewed as part of the study by Hedderman and Gunby (2013) indicates that failure to consider children's rights in sentencing decisions may not be solely down to individual members of the judiciary, but part of the larger culture of sentencing within criminal courts and the position that children of people who offend traditionally occupy within it. The judge pointed out that it was very difficult to visualise the reality of the role of the offender as a carer, because childcare responsibilities are so often presented as a way to procure more lenient sentences for people who offend (*ibid*.). The judge's observation implies that raising the profile of children's rights in sentencing may require more than simply the introduction of child impact assessments, and training and raising awareness of the issues of children of offenders amongst the judiciary. While both of these measures are undoubtedly positive moves towards more child-orientated sentencing decisions, a more fundamental shift in sentencing culture may be required in order for this aspiration to be fully realised.

Jacqueline Tombs' (2004) study into the reasoning processes behind Scottish sentencing decision-making indicates that a change in sentencing culture is ultimately contingent upon a change to the political and social conditions that inform sentencing decisions. Tombs asserts that "policies aimed at reducing sentencers' use of custody depend crucially on making changes to the context in which sentencing is carried out as well as making changes to sentencing practices themselves" (2004: 75).

The need for a change in penal culture has been recognised by Scotland's Commissioner for Children and Young People (2011). However, its report acknowledges that achieving a change in culture is a "formidable task", which will "take time, and more importantly, decisive and sustained action and leadership, nationally and locally" (2011: 4).

Child's Best Interests = Society's Best Interests

> **The family is the fundamental unit of society and the starting point for the protection and education of children.** (Tomkin 2009: 49).

The concept of the child's best interests being also in the society's best interest is emphasised by a number of international, regional and national treaties and conventions. Yet, the role of the family is counteracted when a parent is imprisoned (Tomkin 2009).

In applying the 'best interests' principle, courts must carry out a balancing act, weighing the rights and interests of children against those of society at large (Tomkin 2009). However, promoting and protecting the best interests of the child also serves the best interests of society (*ibid*.). Tomkin argues that protecting the child's best interests reduces the likelihood of perpetuating the intergenerational cycle of crime and punishment, which, in turn, benefits the wider community. Furthermore the entire concept of justice is confused if the administration of punishment extends beyond its intended recipients. Children should not be caught up in the punishment of their parents (*ibid.).*

Supporting the Children of Imprisoned Parents

Despite increasing evidence of the growing numbers of children experiencing the imprisonment of a parent, and the detrimental effects of this upon the lives of those children (Galloway *et al.* 2014; Dawson *et al*. 2013; Arditti 2012; Murray *et al*. 2012; Robertson 2012; Roberts 2012; Loucks 2012a; SCCYP 2011; Loureiro 2010; Snyder 2009), the literature notes a striking lack of research and statutory provision in respect of this population (Murray 2007). In order to mitigate adverse outcomes for children affected by parental imprisonment, it is imperative that research attention and evidence-based support programmes for this group are significantly increased (*ibid*.).

> **The number of children experiencing parental imprisonment is increasing. They need political recognition, research attention and evidence-based support to prevent social exclusion in the next generation.** (Murray 2007: 73).

Further Research

Not all children are affected the same way by parental imprisonment (Besemer *et al*. 2011). Individual characteristics of children, the nature and quality of their attachment to the imprisoned parent, family characteristics, and the wider social context in which children live may all affect the way in which parental incarceration impacts upon children (SCCYP 2011; Lewis *et al* 2008). For example, children who suffer parental incarceration before birth have a reduced risk of delinquency than children who experience separation post-natally (Loureiro 2010). In particular, the impact on a child's life is significantly influenced by whether the child lived with the parent prior to the imprisonment (Arditti 2012; SCCYP 2011; Loureiro 2010).

Further research is urgently needed to determine what makes certain children more able than others to cope with parental incarceration (Arditti 2012; Lewis *et al*. 2008). Researchers need to explore the real-life consequences for children when a parent is imprisoned, including the different outcomes when a mother or father is sent to prison; the impact of imprisonment on a child's relationship with their parent; the level and quality of any support received; and the outcomes of such support (Loureiro 2010). Such research may assist in the development of interventions aimed

at building resilience in children, and thereby preventing, or at least mitigating, the harmful effects of parental imprisonment (Dawson *et al*. 2013; Loureiro 2010). Murray and colleagues (2009) suggest that interventions to reduce the effect of parental imprisonment on children could be developed using knowledge drawn from other areas of child development, for example existing research on mitigating the negative effects of divorce or parental mental illness on children.

More rigorous investigation is also required into the connection between antisocial behaviour in children and parental incarceration (Murray *et al*. 2012; Snyder 2009). Despite the literature indicating an elevated risk of antisocial behaviour and poor mental health outcomes among children of prisoners, it is not clear from existing studies whether parental imprisonment or other disadvantages in those children's lives account for this increase (Murray *et al*. 2012; Hissel *et al*. 2011; Murray *et al*. 2009). For example, a study carried out in respect of Dutch children with imprisoned mothers suggested that maternal imprisonment *compounds* rather than causes children's behavioural problems (Hissel *et al*. 2011). Murray and colleagues (2009) stated that, while parental imprisonment is a strong risk factor for antisocial behaviour and mental health problems in children, it cannot be definitively concluded from their findings that parental imprisonment *causes* these outcomes. A more recent study carried out by Murray, Loeber and Pardini (2012) on the contribution of parental criminal justice system involvement to the intergenerational transmission of crime found that, after controlling for pre-existing childhood risk factors, parental incarceration was associated with increases in youth theft, but did not predict marijuana use, depression or poor academic performance. The paper emphasises the importance of controlling for background risk factors and prior child behaviour when measuring the effects of parental incarceration on youth outcomes (*ibid*.). Failure to do so may result in the overestimation of incarceration effects, and thereby impede the development of effective intervention programmes (*ibid*.).

The above discussion highlights the complexity of the relationship between parental imprisonment and children's behaviour. In order to improve outcomes for children of imprisoned parents, we must endeavour to develop a fuller understanding of the nature of this relationship (Murray *et al*. 2012; Loureiro 2010; Murray 2007). Further research in this area is therefore urgently needed (*ibid*.).

In the meantime, parental imprisonment should be treated as an indicator of children requiring extra support (Murray *et al*. 2009). The imprisonment of a parent is an important gauge of the likely wellbeing of children and must be recognised as such (*ibid*.). It is therefore imperative that professionals working with children are aware of the risks associated with parental imprisonment and are able to identify and respond to the support needs of children affected by it (*ibid*.).

Developments in Policy and Practice

The Children and Young People (Scotland) Act 2014

The Children and Young People (Scotland) Act 2014 is a significant step towards addressing the absence of coherent support systems identified for children of prisoners. A key section of the Act provides for a Named Person to be appointed for all children and young people from birth to 18 years old (and for some 'Looked After' children, up to age 26). The Named Person is the first point of contact for parents or anyone with a concern related to the child's wellbeing and, in the event it is required, all concerned agencies are required to cooperate, and share information regarding the child, with this individual. In the event a child is deemed in need of additional support or

intervention, the Act put in place a planning process involving input from representatives of all relevant services and public bodies.

The Criminal Justice (Scotland) Act 2016

An amendment lodged at Stage 3 of the Criminal Justice (Scotland) Bill established a duty on Scottish Ministers that all prisoners be asked for details of any dependent children they have. The information will then be passed to the Named Person, who will assess and address any impact and subsequent need. The mechanism for this has yet to be established but will be researched and implemented in the near future. Similarly in Wales, Part 11 of the Social Services and Well-being (Wales) Act 2016 requires children of prisoners to be identified and reported to the local authority.

In Scotland, both the Children and Young People Act and the Criminal Justice Act represent a significant step forward for identification of, and provision of appropriate support to, children of prisoners. The logistics of carrying out these duties have yet to be determined and must be conducted sensitively if people in prison are to be willing to divulge such information, particularly if they have not had positive experiences with statutory authorities in the past (Loureiro & Loucks 2016b).

Reducing the Use of Imprisonment

An obvious method of mitigating the impact of parental imprisonment is to reduce the use of imprisonment in the first place (Loureiro 2010; Murray *et al*. 2009). Many of the carers of prisoners' children interviewed in Loureiro's research believed prison was not the right place for the imprisoned parent, and what the parent really needed was a health intervention (Loureiro 2010). As discussed earlier in the paper, prison is particularly unsuitable for many women who offend, given the disproportionate levels of substance misuse and mental health problems suffered by this group, and the low public safety risk they present (Earle 2013; Commission on Women Offenders 2012; Corston 2007).

Intervention Programmes

Another way of supporting children is to provide them with support and intervention (Loureiro 2010). Interventions could be delivered through schools, clinics or even prisons (*ibid*.). Such programmes could allow children to express their feelings about having an imprisoned parent, and meet with others experiencing the same thing (*ibid*.). Circle, a Scottish charity working within deprived communities across central Scotland, offers an example of good practice in this area. The charity supports children of prisoners in a variety of ways, including addressing attachment issues between those children and the adults in their lives, offering direct support in school, and tackling issues at home (Robertson Trust 2013).

Professionals

Children of prisoners are a highly vulnerable population (Galloway *et al*. 2014; Morgan *et al*. 2013). They are also a group least likely to have strong support networks, due to the social stigma attached to prisoners and their families, and the strain placed on remaining carers by the imprisonment of a family member (Morgan *et al*. 2013). Unfortunately, no government department or agency in the UK has overall responsibility for this group, and only a small minority of local authorities has policies or

procedures in place aimed at addressing their needs (Galloway *et al*. 2014; Morgan *et al*. 2013). In light of this, it is vital that professionals who come into contact with children of prisoners are able to identify these children and provide connections to support services for them (Galloway *et al*. 2014; Morgan *et al.* 2013; Loureiro 2010).

Health professionals are among those who can be the link to a successful early intervention for a child who has experienced parental imprisonment (Louriero 2010). These professionals would benefit from guidelines and training to assist them in this role (*ibid*.). In Scotland, Families Outside has published a booklet containing information and guidance for health professionals to enable them to better support prisoners' families and children (Families Outside, undated1). The charity also offers CPD training for staff teams in this respect (*ibid*.).

Teachers and social workers are also uniquely positioned to identify and support children of incarcerated parents (Loureiro 2010). Schools can play a particularly important part in this regard (Roberts 2012 and 2015; Morgan *et al.* 2013; Robertson 2012; Lewis *et al.* 2008; Light & Campbell 2006). The specific relevance of schools shall be explored in the following section.

Schools

Schools have been identified as having a crucial role in supporting the children of prisoners (Roberts 2012 and 2015; Morgan *et al.* 2013; Robertson 2012; Gordon & MacGibbon 2011; Light & Campbell 2006). Children are tracked and monitored through the school system, therefore school can be viewed as an opportunity to reach out to children struggling to cope with a parent's imprisonment, and perhaps lacking adequate supports at home (Morgan *et al.* 2013; Robertson 2012; Gordon & MacGibbon 2011; Lewis *et al*. 2008). Schools are also the likely locus of manifestation of stigma, in the form of bullying and ostracism (Roberts 2012; Gordon & MacGibbon 2011).

Furthermore, children are more likely to struggle at school following a parent's imprisonment, and it is important that these educational difficulties are identified and addressed in an appropriate way in order to prevent them escalating into truancy and exclusion (Morgan *et al*. 2013). The literature shows that school exclusion and truancy are linked to the onset of offending behaviour, therefore intervention prior to this point may reduce the likelihood of intergenerational transmission of offending (Williams *et al.* 2012; Gordon & MacGibbon 2011). Acting up or changes in educational attainment in school can also be "red flags" that a child is struggling at home, and school staff may be in a unique position to observe and respond to these signals (Bernstein 2005).

Schools can also assist in supporting a child's relationship with his or her imprisoned parent by involving the parent in their child's schooling, for example, by sending the parent reports on the child's progress at school (Roberts 2012; Lewis *et al.* 2008,). Research demonstrates that a child's interest in, and achievements at school are increased when parents take an interest in their education (Blumberg & Griffin 2013).

However, despite its importance, the role of schools in supporting children of imprisoned parents has received little attention, and is drastically under-researched (Marshall 2008). In a study by Morgan and colleagues (2013) on support for children of prisoners in schools in England and Wales, a few local authorities had published guidelines for schools on how to support children of imprisoned parents, however such guidelines were not available across the board (*ibid*.). The study also found that many schools were unaware of the issue of children of prisoners, since there is no

statutory requirement for them to keep a register of those children, and the criminal justice system does not routinely inform schools when parents of their pupils are imprisoned (*ibid*.). To compound the situation, families are unlikely to approach the schools for help due to the shame and stigma of having a family member imprisoned (Morgan *et al.* 2013; Roberts 2012). As a result, access to, and quality of support in schools, was found to be piecemeal, dependent on the commitment, interest and experiences of the school and staff (Morgan *et al*. 2013).

It is worth noting here that the passing of the Children and Young People (Scotland) Act 2014 (the Act) (Scottish Government 2014) may go some way towards improving the identification and provision of support for children of prisoners in Scottish schools. The Act provides for all children under the age of 18 to have a "Named Person" available for them; this will generally be a health visitor during the early years, and a senior teacher from school age onwards (Scottish Government 2012a and 2014). Having a specific individual at school responsible for a child's welfare is designed to make it easier for parents and children to approach the school in respect of their concerns, and to enable better coordination between agencies should a child have additional support requirements (Scottish Government 2012a). The provisions of the Act are discussed further later in the paper.

A further important issue highlighted by the literature is the need for more understanding by schools of prison visiting times, and children requiring time off to visit a family member (Morgan *et al.* 2013; Roberts 2012). Given the importance of maintaining parent-child contact while a parent is in prison, it is vital that schools show awareness of this issue (*ibid*.). A lack of understanding by the school of this aspect of a parent's imprisonment places barriers between the school and the family at a time when they should be working together for the child's benefit (*ibid*.).

Also worth mentioning is a finding by Morgan and colleagues' (2013), that primary schools tend to provide better support to children of prisoners than secondary schools. The larger size and greater focus on academic success within secondary schools can result in a lack of support, and the child of a prisoner being overlooked or labeled (*ibid*.). This is worrying in light of the results of Besemer and colleagues' (2011) research, which suggests that older children are more susceptible than younger children to the effects of stigma deriving from a parent's imprisonment. Withdrawal of support in the period between primary and secondary school could therefore be a particularly difficult time for children of prisoners, and should be taken into account in the development of support strategies (Morgan *et al*. 2013).

To summarise, the literature demonstrates that schools can play a vital role in supporting children of prisoners, and recommends that appropriate training on the support needs of this group is given to all staff in all schools (Roberts 2012 and 2015; Morgan *et al*. 2013; Robertson 2012; Light & Campbell 2006).

To this end, Families Outside has published a booklet for schools containing information and guidance on better supporting prisoners' families and children (Families Outside, undated2). Since 2013, the charity has also been developing in-prison training programmes for teachers in Scotland (Roberts 2015). A report on one of the first sessions in Edinburgh indicates that, following the programme, participants acknowledged feeling more confident in their ability to recognise, engage with, and support children and families affected by imprisonment (Edinburgh Bright Futures 2013). One teacher commented, "I'm quite changed by what I saw and heard." (*ibid*.). This statement demonstrates the powerful impact such initiatives can have on professionals.

Families Outside now offers in-prison Continuing Professional Development (CPD) opportunities to teachers across Scotland (Roberts 2015; Families Outside 2014b). The interactive programme, run in partnership between the Scottish Prison Service and Families Outside staff, "allows teachers and support staff to experience each stage of a prison visit; to enter into the stories of the children affected; and ultimately learn how they can make a difference" (Roberts 2015: 1). In 2014, there were 498 participants over the year, with 100% of those indicating that the programme was helpful to them (Roberts 2015).

Barnardo's provides information and training for professionals working with children of prisoners in England and Wales. The charity runs an online information hub for professionals, in partnership with Partners of Prisoners and Families Support Group (Kalkan & Smith 2014). Barnardo's also offers training for frontline professionals in respect of the impact of the criminal justice system on children, and has published resource packs containing best practice guidance for those individuals in schools and children's centres (*ibid.*).

Supporting Children by Supporting their Families

> *Children do better when their families do better.* **(Bernstein 2005: 257)**

The importance of positive family relationships to the wellbeing of children is emphasised by research carried out by the Glasgow Centre for Population Health (2013). The study provides robust evidence of the link between family and community social capital, and the health and wellbeing of children and adolescents. "Social capital" is a term used in the report to describe social relationships and networks within families, and between individuals/families and the wider community (*ibid.*).

The study demonstrates that children and adolescents who have a positive relationship with their parents and other family members have better health and wellbeing outcomes. Families that are nurturing and cohesive provide an environment in which children and adolescents are able to thrive (Glasgow Centre for Population Health 2013). Parenting and family support are therefore crucial to strengthen family relationships, and thereby improve outcomes for children (Glasgow Centre for Population Health 2013; Bouchet 2008).

Both the prison estate and the wider community have a responsibility to provide support to prisoners' families. The following section considers the role of prisons.

SUPPORT FOR FAMILIES AND CHILDREN WITHIN PRISONS

Visiting and Contact with Imprisoned Parents

Article 9 of the UNCRC provides that children have the right to maintain a relationship and frequent contact with a parent from whom they have been separated (SCCYP 2011).

However, for children of prisoners, maintaining contact with an incarcerated parent through face-to-face visits is often rendered difficult by the long distances many prisoners are held from their home area (Kalkan & Smith 2014). In 2009, statistics for England and Wales indicated that the average distance male prisoners were held from home was 50 miles (Prison Reform Trust 2013). The

situation is even more extreme for incarcerated mothers, with 753 women held over 100 miles from their home area in the same year (*ibid.).*

To ensure frequent contact between incarcerated parents and children, it is therefore important that alternative methods of communication are made accessible (Robertson 2012).

Forms of Contact

Recent research indicates that telephone calls are the most frequently used method of contact between prisoners and their families (Jones *et al*. 2013, Lösel *et al*. 2012). Phone calls enable regularity of contact unachievable through visits alone (Lösel *et al*. 2012). It is therefore incumbent upon prisons to facilitate telephone communication by ensuring calls are free or, at least, very cheap (Robertson 2012). The Scottish Prison Service has taken measures to address this issue: since April 2010, costs of calls to UK landlines from Scottish prisons have fallen by 23%, and calls to mobiles by 63% (Prison Reform Trust 2013).

Given that letter writing is no longer a means of communication commonly used by children and adolescents, it is recommended that modern and electronic means of communication (for example email) should be piloted and adopted more widely in prisons (Robertson 2012). In the UK, significant progress has been made in this regard, with the Email-a-Prisoner scheme now available in prisons throughout the country (www.emailaprisoner.com). The scheme enables individuals to send messages to a prisoner via a secure website. The message is printed inside the relevant prison and is delivered to the prisoner with the daily mail distribution. The service is free for prisoners and prisons, and costs users only 35 pence per email.

The literature also recommends making video calls available to families of prisoners, for example Skype (Robertson 2012). In Scotland, there are indications of movement in this direction, with a recent report outlining plans by the Scottish Prison Service to allow prisoners to Skype their families (Deadline News 2013). Although the plans are couched solely in terms of reduction of recidivism, their implementation would also be a positive development in terms of in-prison support for children and families of prisoners.

Visits

Research shows that children cope better with a parent's incarceration when they have the opportunity to visit (Kalkan & Smith 2014; Jones *et al*. 2013; Robertson 2012; Loucks 2012b; Snyder 2009). Contact visits

The reality of incarceration is clear and perhaps less frightening when children can visually confirm that their mothers are okay. **(Snyder 2009: 50)**

can be a comfort for both the imprisoned parent and child, by enabling each to visually confirm the other's wellbeing (Snyder 2009). Moreover, a comprehensive study on children of prisoners across four European countries found that frequent contact with an incarcerated parent was vital for the wellbeing and resilience of children of prisoners (Jones *et al*. 2013). In contrast, little or no contact through visits increases the emotional distance between a parent and a child, and amplifies difficulties in their relationship (Loucks 2012b). More recent research suggests that the attachment children form with their parents not only influences the child's emotional wellbeing, but it also affects his or her educational chances (Richardson 2014). Through its role in supporting parent-child

attachment, visitation may therefore play a crucial role in improving the life chances of children of prisoners.

Prison visits are also linked to reductions in recidivism (Robertson 2012). Statistics show that the chances of reoffending were 39% higher among prisoners who had not received visits while in prison compared to those who had (Prison Reform Trust 2013). Data generated from a recent study of resettlement outcomes for imprisoned fathers indicated that high frequency of contact with children and family was one of the predictors of positive resettlement outcomes for the fathers and families in the study (Lösel *et al*. 2012).

However, caution must be exercised in framing the benefits of prison visits purely in terms of reoffending reduction, since to do so risks compromising the overarching child's rights perspective to contact with an incarcerated parent (Scharff-Smith & Campbell 2011). For the same reason, prison visits should not be dependent on or restricted by an imprisoned parent's behaviour (Robertson 2012). Although some would argue that prisoners have to some extent forfeited their rights to be parents, their children have not forfeited their rights to have parents (McMahon 2012; Light & Campbell 2006). Visiting an imprisoned parent must therefore be recognised and treated as a child's right, not a prisoner privilege (Loucks 2012a; Robertson 2012; SCCYP 2011). This principle is enshrined in Rule 23 of the Bangkok Rules, which provides that, "disciplinary sanctions for women prisoners shall not include a prohibition of family contact, especially with children" (UN Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (Bangkok Rules), Rule 23).

However, decisions across Scotland's prison estate regarding children's visits and other child-parent provision were, up until relatively recently, influenced by considerations other than the rights of the child, mainly related to prison discipline (SCCYP 2011). For example, withdrawal of children's visits was reportedly used as a punishment for drug taking in Cornton Vale prison (Equal Opportunities Commission 2009).

This situation has now fortunately changed as a result of recommendations made in the report by Together, in consultation with children's organisations across Scotland, on the state of children's rights in the country (Together 2012). The report considered the extent to which the UNCRC is being implemented in Scotland, and made recommendations aimed at ensuring children throughout the country are able to access their rights (*ibid*.). One recommendation was that children's prison visits must be regarded as the right of the child, and should not be treated as a tool for prison discipline. This was subsequently accepted by the UK Government in the UK's Universal Periodic Review of Human Rights (2012). Following the UK's acceptance of the recommendation, the Scottish Prison Service issued an order in July 2013 to prison Governors and Managers stating that Children's Visits should be available to all prisoners, subject only to Child Protection issues (Scottish Prison Service 2013c). The order reinforced the fact that these visits operate on the basis of the right of the child and should not be linked to disciplinary issues in prisons (*ibid*.).

The clear stance adopted by the Scottish Prison Service on the issue of Children's Visits will hopefully bring about the "culture change" needed across the prison estate to ensure the rights of the child are consistently given their rightful place within prison visiting procedures (SCCYP 2011).

Barriers to Prison Visits

It is plainly in the interests of the prisoner's family, the prison system and society at large to support contact between prisoners and their children (Kalkan & Smith 2014; Snyder 2009; Tomkin 2009; Light & Campbell 2006). Yet the predominant focus on security within prisons adversely impacts upon relationships between prisoners and their families, even in countries where maintenance of family ties is formally recognised as a means of reducing recidivism (Jones *et al*. 2013; Sharff-Smith & Campbell 2011).

Factors such as the expense and logistical difficulties involved in travel to prisons, restrictive prison rules and procedures, institutional visiting settings, negative attitudes of some prison staff, and fear of other prisoners, may all operate to discourage families from visiting a family member in prison (Kalkan & Smith 2014; Jones *et al*. 2013; Robertson 2012; Families Outside 2010; Light & Campbell 2006).

Logistics and costs of travel are particularly troublesome issues (Kalkan & Smith, 2014). Prison regimes tend to organise visits around their staffing needs, rather than to accommodate visiting families and children. They may therefore fail to consider journey times or public transport timetables when setting visiting hours (Robertson 2012). This can have a particularly detrimental impact on families on low incomes (*ibid*.). Long distances of prisons from the family home, visiting times that clash with school hours, a lack of public transport, and high travel costs make visiting a relative in prison highly problematic for many (Kalkan & Smith 2014; Jones *et al*. 2013; SCCYP 2011). For children of imprisoned mothers, the impact of travel difficulties is often even more severe, given the longer distances women prisoners tend to be held from home than men (Kalkan & Smith 2014; Prison Reform Trust 2013).

Furthermore, time restrictions and an unfriendly, artificial visiting environment can result in visits being unsatisfying and emotionally painful (Kalkan & Smith 2014; Jones *et al*. 2013; Light & Campbell 2006) Prison regimes can be intimidating for young children, and prohibitions on physical contact with an incarcerated parent confusing (Kalkan & Smith 2014; Jones *et al*. 2013; Hissel *et al*. 2011). In particular, when visits are in public areas and physical contact is restricted, it is extremely difficult to create a normal family environment (Jones *et al*. 2013; Robertson,2012).

Visiting a relative in prison therefore places enormous strain on families (Kalkan & Smith 2014; Families Outside 2010). This may ultimately lead to visits ceasing altogether, with potentially serious consequences for children (Kalkan & Smith 2014; Light & Campbell 2006). Almost half of all prisoners lose contact with their families as a result of their incarceration (Families Outside 2010).

<u>Visitors' Centres</u>

Prison visitors' centres can significantly ameliorate the negative impact of prison regimes on the experience of visiting a relative in prison (SCCYP 2011; Families Outside 2010). A visitors' centre is a facility situated outside the main prison where visitors can wait before entering the main prison for their visit (Families Outside 2010). Visitors' centres "range from unstaffed rooms with a vending machine to fully staffed purpose-built resource centres serving hot and cold food and linking visitors to support and information on site as well as within the prison and wider community" (*ibid*.).

Research demonstrates that prison visitors' centres can play a crucial role in maintaining ties between prisoners and their families (Families Outside 2010; Woodall *et al*. 2009; Keen-Downs *et al*. 2007; Light & Campbell 2006). In a survey carried out by PACT in 2007 of children and family-related prison services in the South West of England, appropriately managed visitors' centres were highly valued by families (Keen-Downs *et al*. 2007). Research based on the Jigsaw Visitors' Centre in Leeds found that visitors' centres can provide a source of support for prisoners' families, and assist in maintaining relationships through making visiting easier and more "user-friendly" (Woodall *et al*. 2009). By reducing the anxiety, stress, and frustration often caused by the visiting process, the quality of visits was significantly improved (i*bid*.). Furthermore, visitors' centres may specifically help children of prisoners cope with a parent's incarceration by enabling them to see other children experiencing what they are experiencing, and thereby reducing feelings of shame (Robertson 2012).

Information and Support Centre

Visitors' centres should not be seen as waiting rooms, but as facilities for families that are vulnerable (SCCYP 2011). A visitors' centre should be an information and support centre for families and should be made known to them in advance of their first visit (Ellis *et al.* 2011). The centre should provide support to families in respect of all relevant concerns, for example booking visits; support for travel costs; search procedures; effects of imprisonment on families; drug-related issues; resettlement; and drug and alcohol harm reduction (*ibid*.). Staff should also provide support focused on listening to visitors and identifying individual circumstances and needs (*ibid*.).

Visitors' centres can also provide an important link for "hard to reach" families to support in the community (Robertson Trust 2013; Families Outside 2010; Woodall *et al*. 2009). Prisoners' families often suffer from stigma and "guilt by association", and are therefore reluctant to seek outside help (Families Outside 2010). A visitors' centre can provide a means to link such families up with external support agencies (*ibid*.).

Staffing

Families need support both before and after prison visits, and services in visitors' centres must take this into account in their staffing allocation (Robertson Trust 2013; Families Outside 2010). The research demonstrates that visitors' centres run by a dedicated team operate a lot better than centres that are unmanned (Keen-Downs *et al*. 2007). The attitude of staff and atmosphere of the centre are crucial aspects of a successful visitors' centre (*ibid*.). The quality of a visitors' centre depends more on the provision of advocacy, support and information, than on the fabric of the building or its location (Families Outside 2010). Furthermore, when a visitors' centre is working well and families are engaging with family support workers and volunteers, other agencies become keen to get involved and offer services, and the enthusiasm of prison staff for the project increases (Keen-Downs *et al*. 2007).

Employment of independent staff in visitors' centres has been found to be more effective than using prison staff (Woodall *et al*. 2009). In Woodall and colleagues' evaluation of the Jigsaw Visitors' Centre, prison staff were criticised for being unsympathetic and intrusive, potentially undermining the centre's work (*ibid*.). Furthermore, for families who lack trust in authority and fear prejudicial attitudes from officials, uniformed officers may be a counterproductive presence (*ibid*.). The study found that independent community workers staffing the centre provided a softer, more 'human' face to the prison (*ibid*.). Their presence helped break down barriers and reduce suspicion among

visiting families. The priorities of prison officers are security and control, whereas independent staff can afford to focus on extending compassion and empathy to visitors (*ibid*.).

Positive Impact on Prison Regimes

Visitors' centres have also been found to reduce confrontation between prisoners and staff due to the reductions in prisoner anxiety they achieve (Woodall *et al*. 2009). Reductions in confrontation between prisoners and staff may make prisons easier to run, and thereby allow institutions to operate more positive regimes (*ibid*.).

Essential Part of a Modern Prison Service

The continuing growth in the prison population means that reintegration and resettlement have never been so important (Woodall *et al*. 2009). The role of prison visitors' centres in "…reducing reoffending, helping to maintain family relationships and focusing on the health of prisoners and their families suggest that they are an essential part of a modern prison service" (*ibid*.: 9).

Most prisons in England and Wales have a visitors' centre, and its Prison Service requires that all new prisons include one (Families Outside 2010). Existing visitors' centres continue to improve and extend their services (Ellis *et al*. 2011). Action for Prisoners Families, PACT, and Charities Evaluation Services published an updated edition of *Recognising Quality* (2011, first published in 2003), a tool designed to develop good practice across the prison estate, and to offer guidance to providers and prison staff in relation to the running of a successful visitors' centre.

In Scotland, opinion has historically been divided as to the role and necessity of visitors' centres, and establishment of these facilities has not been part of common practice across the country's prison estate (Loucks 2012a; SCCYP 2011; Families Outside 2010). Indeed, the Scottish Prison Service expressed a view at one stage that visiting facilities are better situated in the main prison wherever possible (Families Outside 2010). Thankfully, this view has now changed, and the growing number of visitors' centres across the country indicates that their value is being increasingly recognised. There are now seven prison visitors' centres in Scotland, at Addiewell, Barlinnie[2], Cornton Vale, Edinburgh, Grampian, Perth, and Polmont. Further, in 2015 the Scottish Government announced £1.8 million in core funding for prison visitors' centres over three years, combining funding from Community Justice, Early Years, and Public Health (*The Scotsman* 2015).

Family Contact Officers/Family Support Workers

Any prisoner in Scotland can receive support from a Family Contact Officer (FCO), who can provide a valuable link to the family and help plan for release (Lewis *et al*., 2008). FCOs are recognised by the Scottish Prison Service as providers of information, support and advice to prisoners and their families (SCCYP 2011). Research demonstrates that FCOs "fulfil a crucial function and are highly valued by prisoners and their families" (*ibid*.). In some institutions they have forged strong links with community services, including children and families social work. Links to these support networks are considered essential in supporting the children of prisoners (*ibid*.).

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[2] The Croft offers a service at Barlinnie but does not have a building on the prison site.

There is no such compulsory provision in English and Welsh prisons, however evaluation of pilot Family Support Worker (FSW) posts at four English prisons over a 12-month period indicated an important need for this service (Boswell *et al*. 2010). FSWs provided crucial information to people unfamiliar with, and often fearful of, the prison setting, as well as an ongoing service to those with more deep-rooted problems (*ibid*.). Visitors perceived them as a friendly and welcoming presence, in contrast to the often indifferent and dismissive attitude they encountered when dealing with prison officers (*ibid*.).

The research by Boswell and colleagues found that the FSW role, through assisting in the resolution of prisoner and family problems, proved extremely effective in contributing to the maintenance of family ties (Boswell *et al*., 2010). FSW services were very highly rated and appreciated by service users and prison staff alike (*ibid*.). There is now a strong evidence-based argument for implementation of the FSW role across the prison estate in England and Wales (*ibid*.).

Family-friendly Prison Practices

Addressing Practical Obstacles to Visits

An obvious way for prisons to encourage contact between prisoners and their families is to reduce practical obstacles to prison visits, such as the costs and logistical difficulties of travel (SCCYP 2011). To this end, the Scottish Prison Service produced its "Good Practice Guidelines for Working with Children and Families of Prisoners" in 2009 (The *Guidelines*, unpublished), an revised version of which (*Standards for Encouraging Family Contact*) was produced in 2013. The *Guidelines* (of 2009) emphasise the requirement for prisons to be flexible with regard to visiting timings, taking into account visitors' needs in relation to school hours and travel times (SCCYP 2011). Visiting times have since been amended across the prison estate to make provision for Children's Visits and other specific child-parent visits outwith school hours (*ibid*.).

The *Guidelines* (of 2009) also provide that prisons should work with local transport operators to ensure that there are transport links to prisons that are compatible with visiting hours (SCCYP 2011). Although progress in this respect is uneven across the prison estate, the Scottish Prison Service has advised that visiting times and transport provision are now better coordinated at a number of institutions (*ibid*.). It is important that the Scottish Prison Service continues to drive progress in this area.

To alleviate the financial burden of prison visits, advertising efforts should be increased to ensure families of prisoners are informed of the Assisted Prison Visits Scheme (SCCYP 2011). Research found that only one-third of prisoners' families in Scotland were aware of this source of financial support (Loucks 2012a). A survey carried out by Action for Prisoners' Families (2010) on the views of visitor centre staff and prisoners' families on the Assisted Prison Visits Scheme in England and Wales found that, even when families were aware of the existence of the scheme, barriers to claiming often delayed or prevented them from using it. Barriers identified by families included lack of information, confusing and complicated claim processes, and a lack of assistance with completion of the forms (*ibid*.). Key areas for improvement identified by the report were therefore delivery of information to families about the scheme, and provision of assistance with completion of forms and claim procedures (*ibid*.).

Induction Days

The 2011 visitors' survey by the Scottish Prison Service found that 59% of participants believed they would benefit from an induction day at prison when a relative begins his or her sentence (Scottish Prison Service 2011a). Induction days give families the opportunity to learn about prison procedures, and explain how prisoners will be managed throughout the period of custody. They also provide a means for visitors to access information and support for themselves (*ibid*.). The areas survey participants expressed most interest in learning more about were prisoner progression (61%), family support (48%), and prison regime (45%). The findings of the visitors' survey support wider use of induction days across the prison estate.

Guidance and Training

Often simple and inexpensive changes can improve the visiting experience for children and their families (Robertson 2012). For example, the atmosphere and level of respect with which they are treated has been found to matter more to families than physical visiting conditions (*ibid*.). Small behavioural changes by staff to show awareness of children, such as kneeling down to speak to them at their level can make a huge difference (*ibid*.). Increased amenities such as staffed play areas, refreshments and baby-changing facilities, can remove some of the practical difficulties and enhance the enjoyment of visits for families and children (Kalkan & Smith 2014; Light & Campbell 2006). It is therefore recommended that guidance and training are provided to prisons and their staff to ensure that the physical prison environment, and staff attitudes towards children, are child-friendly and supportive (Robertson 2012; Light & Campbell 2006).

Quality Family Time

The circumstances of a prison visit are not conducive to "normal" parent-child interaction (SCCYP 2011). Visiting conditions can be "crowded, intrusive and noisy" (Light & Campbell 2006: 300). Limitations on time and prohibitions on physical contact compound the artificiality of the experience (Kalkan & Smith 2014; Jones *et al*. 2013; Robertson 2012; Hissel *et al*. 2011; Light & Campbell 2006).

Research carried out in relation to visiting procedures in an Ecuadorian prison (Fleetwood 2007) contains some useful lessons for improving the quality of family visits. A lot of importance is placed on family in the culture of Ecuador, and the organisation of the prison reflects that (*ibid*.). Family time is not obstructed and regimented the way it is in the UK. For example, the prison under investigation allowed all-day visits three days a week. There was no formal visit room, and no limit on the frequency of visits, or the number of visitors, inmates could receive. The range of ways that families spent time together during visits was enormously varied. For example, activities might include cooking, having picnics, or watching DVDs. The author commented on the visible enjoyment families and children appeared to experience through simply being allowed to "be together" (*ibid*.).

Research involving observation of children in the visitors' hall of an English prison (Ronay 2011) illuminates the stark contrast between prison visiting practices in the UK and those described in Fleetwood's study. Ronay described a visiting hall with a gated play area separated off from it (*ibid*.). The prisoners (the children's fathers) were unable to join their children in the play area, so the children often ended up playing under the supervision of volunteers while their parents talked at a table in the main area. Ronay observed manifestations of significant anxiety in most of the children's behaviour. One little girl, who she described as displaying acute "fear and disorientation", was visibly

shaking after being left by her mother in the play area (*ibid*.: 194). The strict time constraints also contributed to the tense atmosphere of the occasion, resulting in visits ending abruptly with "a lot of unfinished business on all sides" (*ibid*.: 201).

The contrasting practices described in the Ecuadorian and UK prisons highlight the differing emphases each places upon security and family, and the impact of the resulting visiting practices on the children of prisoners. Although the UK may be unable to replicate the situation in Ecuador, lessons can be learned from it in terms of the value Ecuadorian prison culture places on family. Restrictions on time and physical contact/activities create a tense, uneasy atmosphere and a setting that is not conducive to a fulfilling visit for children or parents (Kalkan & Smith 2014; Light & Campbell 2006). UK prisons could usefully do more to allow the time children and parents spend together to be more akin to the natural time parents and children spend together on the outside (Kalkan & Smith 2014). By increasing efforts to "normalise" parent-child visits, prisons could significantly help to improve parent-child interaction. To this end, the UN Committee on the Rights of the Child has recommended that contact visits are standard practice for children visiting parents, and that longer, child-friendly visits are available wherever possible (Robertson 2012).

In Scotland, progress has been made across the prison estate in this regard. The *Guidelines* (of 2009) provide that Scottish prisons should offer a range of visiting opportunities based upon the needs of the child and the family (SCCYP 2011). There are now a number of different daily visiting options offered throughout the year across the prison estate, including 'bonding visits' (now referred to as 'Children's Visits'), which allow prisoners to move freely around the visiting room with their child; homework clubs; and seasonal family events on special occasions such as Christmas, Halloween and Easter (*ibid*.).

In Cornton Vale prison, 'Cherubs' Visits' allow female prisoners to play with their children in a designated family visiting space (McMahon 2012). The women participating in the scheme have commented on the importance of being able to interact with their children in a separate space from the visiting area, since being restricted to seeing your children in a designated area where only limited interaction is permitted "takes away your role as a parent" (*ibid*.: 133).

In England and Wales, charities such as Barnardo's and PACT run family days and child-centred extended visits in various prisons (Kalkan & Smith 2014; Keen-Downs *et al*. 2007). For example, in Askham Grange, a woman's prison in England, a programme run by Barnardo's affords prisoners the opportunity to have extended overnight visits with their children in a separate unit (Kalkan & Smith 2014).   Longer child-centred visits and family days "provide a vital opportunity for children to spend time with their family in a more normalised environment" (*ibid*.: 10). Family days also give the prisoner the opportunity to re-establish his or her role as a parent (Loucks 2012b; Woodall *et al*. 2009). This is important to help prepare both the prisoner and his or her children for resettlement, when the prisoner will be expected to return to the parental role (Woodall *et al.* 2009). Interacting with their children in a natural parental capacity can raise prisoners' self-esteem and confidence in their ability to parent. Without these visits, prisoners may struggle with their role as a parent on release, and children may begin to experience their parent as a stranger. Such situations can result in permanent severance of family bonds (*ibid*.).

Further documents outlining good practice for families include the *Good Practice Guidance for the Support of Families Affected by Imprisonment* (Criminal Justice Family Support Network 2015); *Children of Imprisoned Parents: European Perspectives on Good Practice* (Children of Prisoners

Europe 2014); and the *Framework for the Support of Families Affected by the Criminal Justice System* (Community Justice Authorities 2015).

<u>Prison-based Family Support Programmes</u>

Parenting Programmes

The sustained period of non-participation in their children's lives can result in parents in prison finding it difficult to feel 'legitimate' in their role as parents (Loucks 2012b). As a result, they may have trouble reconnecting with their children on release, and suffer from low self-esteem in terms of their perceived parenting ability (Loucks 2012b; Snyder 2009). Furthermore, parents in prison do not have access to the normal support networks and information parents normally draw upon when struggling with parenthood (Loucks 2012b). Support from family and friends is ordinarily the first port of call for parents in need of help or guidance (Mountney 2012), however parents in prison are cut of from these sources. The absence of support networks and advice means many parents in prison are unaware of their parental rights and responsibilities (Loucks 2012b).

All parents need help in the parental role at times, however the "physical and emotional distance" that imprisonment creates between parents and children increases the support needs of parents who are prisoners (Loucks 2012b). Given the abundant research evidence of the benefits of maintaining family ties, "the parental role is worth supporting, unless individual circumstances suggest otherwise" (*ibid*.: 89).

One way to support prisoners in their role as parents is through the implementation of parenting programmes in prisons (Loucks 2012b; Snyder 2009; Codd 2008). The benefits of participation in parenting classes are multi-faceted and include increased intimacy between children and parents; improved literacy of both prisoners and their children; and better interpersonal skills (Codd 2008). In particular, participation in parenting classes may help imprisoned parents to better understand and interact with their children (Snyder 2009). More generally, parenting courses can assist in creating positive family relationships, which provide the fundamental basis for children's health and wellbeing (Glasgow Centre for Population Health 2013; Bouchet 2008; Bernstein 2005).

The Family Man and Fathers Inside programmes run by Safe Ground are among the most well known initiatives for fathers in prison in the UK (Codd 2008). The courses utilise drama, video, role-play and storytelling to help prisoners achieve a better understanding of relationships and parenting. Participants have reported various positive results, such as increased commitment to, and understanding of, their families; better communication skills; better understanding of the needs and views of others; and a more positive attitude towards education (*ibid*.).

The Family Man programme was established by Safe Ground and the Prison Service in 2002 (Boswell *et al*. 2011). The aim of the course is to contribute to prevention of reoffending by "providing basic, social and life skills to help prisoners understand the benefits of being part of a family and a community, and of the importance of maintaining family relationships from prison" (p. 5). The programme was revised in 2007 to involve an adult supporter, normally a family member, in the progression of the prisoner throughout and beyond the course (Boswell *et al*. 2011). Boswell and colleagues' evaluation of the longer-term impact of the revised programme on prisoner graduates and their families found that 84% of graduates reported improved relationships with their children and family. Of supporters of graduates, 92% felt that the programme had helped the prisoner

understand his family responsibilities, and 98% believed it had helped both of them think about resettlement. Overall, the evaluation found that the Family Man programme had an enduring impact on prisoners and their families, and, through its role in strengthening family bonds, the potential to contribute to desistance from further offending.

In Northern Ireland, the Parenting Matters project has been working with fathers in prison in the country since 1996 and presently delivers parenting courses in all three prisons in Northern Ireland (Collins *et al*. undated). The programmes focus on the key stages of childhood and adolescence, helping parents to listen and respond to their children, and preparing them to cope with parenting upon release. Collins and colleagues' evaluation of the courses identified a number of benefits of participation, including development of better relationships between parents and children inside and outside the prison; increased prisoner awareness of the impact of their imprisonment on their children and family; gaining of positive parenting skills; and improved understanding by prisoners of child development, and the needs of children at different stages of this process (*ibid*.).

A number of prisons in Scotland offer parenting programmes, often delivered by external professional agencies (Families Outside 2014a). For example, the Triple P parenting programme is available in HMP Barlinnie for prisoners and their partners as part of a city-wide rollout of the programme in Glasgow (*ibid*.). Barnardo's Scotland ran a parenting programme for the prisoners in Polmont YOI, based on its Parenting Matters project in Northern Ireland (Barnardo's Scotland, undated). The programme was delivered in partnership with the Scottish Prison Service and works with prisoners, their partners, and their babies, to promote parenting skills and positive parent-child attachment. The course helps the young fathers in Polmont bond with their infants during family visits, and encourages and supports them to become better parents. It also focuses on building prisoners' self-esteem, and helping them better understand their role as a parent during the period of separation from their family (*ibid*.).

The Aberlour Mother and Baby Project at Cornton Vale, discussed earlier in the paper, offers parenting programmes to pregnant women, or women residing in prison with their babies (McMahon 2012). The programmes are flexible and centred around the best interests of the child. They aim to achieve the best possible mother-child interaction, while concurrently addressing specific problems of the mother, such as low self-esteem, substance misuse and loss. McMahon's evaluation of the project indicated that the opportunity to share experiences of child behaviour, including those of the project worker and others involved in the project, raised the confidence of the women and helped them feel more positive about their role as a mother. This is extremely important since, as discussed earlier in the paper, a perception of being a bad mother often accompanies the prison experience, and strips away women's confidence in themselves as parents. Sharing experiences may help women prisoners understand that women who are not in prison also struggle with motherhood, and that struggling with motherhood is not a sign of inadequacy or bad character, nor is it necessarily related to the factors that led them to prison.

A report highlighting a connection between insecure attachment during childhood and low educational attainment (Richardson 2014) underscores the importance of programmes that address low self-esteem experienced by mothers and fathers in prison. The report emphasises that secure parent-child attachment can only be achieved when parents are secure. This suggests that the demoralisation and diminished self-esteem suffered by parents in prison may have significant implications for the educational achievement of their children. In-prison parenting programmes that

work against these effects may therefore play an important role in improving the life chances of children of prisoners.

Prison Reading Programmes

Prison reading programmes throughout the UK such as Storybook Dads and Storybook Mums offer the linked benefits to prisoners of improving their parenting and literacy skills (Codd 2008). Benefits include increased prisoner self-confidence; recognition of the value of reading and storytelling for children; improved self-esteem as a parent; and happiness at the maintenance of links to their family. Children benefit through receiving confirmation of their importance to the absent parent, and stimulation and development of their own reading skills and imagination (*ibid*.).

Participation and showing interest in a child's educational activities (such as reading) helps the child to feel accepted and loved (Blumberg & Griffin 2013). This is particularly important for the children of incarcerated parents, who can often feel abandoned. Research has also demonstrated that a child's educational achievement correlates with the degree and quality of involvement of the parents in the child's life (*ibid*.). Accordingly, it is argued that, rather than focusing on the quantity of time incarcerated parents are able to spend with their children, efforts should be directed at improving the quality of these interactions. Centering parent-child interactions on reading may, therefore, not only help children of prisoners to feel more secure in the love of their parents, but may also, through enhancing the quality of parent-child interaction, contribute to improving their educational achievement.

Whole Family Approach

Prison-based programmes that engage the whole family have been found to be of particular value (Robertson Trust 2013). Lösel and colleagues' (2012) study of resettlement outcomes for imprisoned fathers found that participation of prisoners' families in prison-based programmes was associated with positive resettlement outcomes. Good examples of these include the Homework Club at HMP Low Moss, and Crossreach, which facilitates Handling Children's Behaviour courses in partnership with Perth and Kinross Council Child Care Team (Robertson Trust 2013). The Scottish Pre-School Play Association (now Early Years Scotland), meanwhile, works with parents at HMP Dumfries, HMP Grampian, and HMP Low Moss as part of a family-learning programme. The purpose of this work is to engage with families, and thereby encourage responsibility, and reinforce the message that positive role modelling, bonding and play can change their own lives, as well as the lives of their children, for the better (Families Outside 2014a). Given the reported success of family-focused prison programmes, these should now be subjected to methodological evaluation (Lösel *et al*. 2012).

<u>Release and Resettlement</u>

An offender's family are the most effective resettlement agency. **(HM Inspectorate of Prisons, HM Inspectorate of Probation and Ofsted 2014: 5)**

Measures to improve resettlement and adjustment should not be applied in isolation, but should address the whole pattern of individual needs of the prisoner and his family (Lösel *et al*. 2012). A prisoner's family is of central importance to his or her successful rehabilitation (HM Inspectorate of Prisons, HM Inspectorate of Probation and Ofsted 2014). Families can aid resettlement through the provision of practical, financial and emotional support, and by providing a source of motivation to

people with convictions to desist from reoffending (Mills & Codd 2008). Efforts to improve resettlement outcomes must therefore pay more attention to the ways in which families can participate in this process (HM Inspectorate of Prisons, HM Inspectorate of Probation and Ofsted 2014; Lösel *et al*. 2012; Mills & Codd 2008; Keen-Downs *et al*. 2007).

Social Capital

Utilising families to improve resettlement outcomes involves mobilisation of 'social capital' (Mills & Codd 2008). The concept of social capital is defined as "the everyday fabric of social connections between individuals and the tacit cooperation that such connections entail" (*ibid*.: 11). Family relationships can encourage desistance from reoffending by increasing an individual's social capital, thereby rendering the price of losing family relationships too high to risk reoffending (Mills & Codd 2008).

Mills and Codd suggest that family social capital could be mobilised to promote better resettlement outcomes by:

1. Encouraging families to become part of the offender management/sentencing process; and

2. Engaging with prisoners' self-narratives as a good parent/husband etc. to provide motivation to desist.

Since family members know the prisoner better than anyone, they can provide valuable input regarding the kind of treatments that may work for him or her (Mills & Codd 2008). It therefore seems logical to include them in the offender management/sentencing process. This approach is supported by Lösel and colleagues' (2012) study of resettlement outcomes of imprisoned fathers, which found that involving partners in pre-release planning provides a more accurate picture of anticipated resettlement difficulties and outcomes.

In terms of providing motivation to desist, families can encourage individuals to undergo a re-appraisal of identity to become conforming members of society (Mills & Codd 2008). Their support may therefore be of significant assistance to intervention strategies formulated on an asset-based model. This model focuses on reparation and the contributions a person can make, rather than their deficits (Mills & Codd 2008; Murray 2007; Houchin 2005) and seeks to "develop those aspects of the prisoner's identity that affiliate him with dominant norms and with contributing and valued membership of our communities" (Houchin 2005: 71). Support from family members, who represent dominant norms, can be a valuable source of encouragement in this identity transformation (Mills & Codd 2008).

However, given the hardships they face in their own right as a result of their relative's imprisonment, caution must be exercised in employing desistance strategies involving prisoners' families (Mills & Codd 2008). Increased involvement of families in resettlement strategies must therefore be informed by an understanding of the challenges faced by families themselves (*ibid*.).

Existing Family Related Resettlement Provision

Janet Wallsgrove, then director of Parc Prison, asserts that, "Everyone in prison should have a strategy for children and families. Family is the glue that holds all our efforts at rehabilitation around jobs and resettlement and training together" (Walsh 2013).

However, PACT's 2007 survey of children and family related services at prisons in the South West of England (Keen-Downs *et al*. 2007) found a lack of responsibility within prisons for coordinating and developing services for prisoners' children and families. There were often different people dealing with services for families, and no one department or person was wholly accountable (note that this problem is likely to be somewhat alleviated in Scottish prisons by the role of the Family Contact Officer). The survey also found that investment in children and families remained a low priority despite official government recognition of the importance of maintaining family ties. As a result prisons lacked funding to help them develop family services, and frequently relied on charities to help.

Recommendations arising out of PACT's survey for improving family-focused provision at prisons included the following:

- Accountability for family-related services within prisons must be improved: one person should take responsibility for coordination and development of prison family services (as mentioned above, the Family Contact Officer position in Scottish prisons deals with this issue to an extent);

- Every prison should have a child protection lead responsible for making sure all required steps are being taken to comply with prisons' legal responsibilities for the protection of children's welfare (the Scottish Prison Service reports that every establishment in Scotland now has a designated Child Protection Co-ordinator in accordance with its Child Protection Policy (Scottish Prison Service, undated);

- Someone within the prison should be tasked with the responsibility of providing up-to-date information for children and families;

- Prisons should be provided with a ring-fenced budget for work with children and families;

- Since many prisons are in hard-to-reach rural areas, priority should be given to developing regular day-long family visits; and

- Families should be involved in pre-release sentence planning where appropriate.

Disappointingly, a review of resettlement provision for adult offenders in England and Wales indicates that there has been limited progress since the above recommendations were made (HM Inspectorate of Prisons, HM Inspectorate of Probation and Ofsted 2014). The report suggests that the role of families in the resettlement process remains peripheral. It claims that offenders' relationships with their families were frequently viewed simply in terms of visits, and found no evidence that families were involved in sentence planning, even when prisoners confirmed their reliance on family for support following release. Furthermore, sustainability of initial arrangements and ongoing support needs were not adequately considered in release planning.

The report recommended that, where possible, resettlement work should focus on assisting the people with convictions and his or her family to maintain or restore relationships. Offers of support from family members should be assessed, and, wherever appropriate, a prisoner's family should be involved in release planning (HM Inspectorate of Prisons, HM Inspectorate of Probation and Ofsted 2014).

Examples of Promising Practice

Staff of the Vera Institute of Justice in New York have developed a Relational Inquiry Tool (RIT) to help correctional case managers encourage people to better draw on the social supports of family in the re-entry process (diZerega *et al*. 2011). The RIT is a series of questions designed to prompt conversations with imprisoned individuals about their relationships with family members, in order to help prisoners identify positive support that can be integrated into their plans for the future after release (ibid).

The tool was used in a project carried out between 2008 and 2010 in selected prisons in Oklahoma and New Mexico**.** Responses from the prisoners interviewed after completing the RIT suggested that it can lead imprisoned individuals to think more about their re-entry plans, contact positive sources of support, and discuss the positive and negative influences in their lives. The RIT is now implemented in Oklahoma and News Mexico three to six months before a prisoner's anticipated release date (diZerega *et al*. 2011).

The importance of including families in pre-release planning has been recognised by the Parenting Matters course in Northern Ireland (Collins *et al*., undated). In response it has developed Partners Together, a programme that assists prisoners and their partners work on family issues together to compliment the Preparing for Release programme (*ibid*.).

As discussed earlier in this paper, the Family Man programme, run by Safe Ground in England and Wales, was revised in 2007 to include a family member of the prisoner in the course (Boswell *et al*. 2011). The involvement of the family member is based upon the social bonds theory, i.e. that strong family relationships can help a prisoner develop a new, pro-social identity, which, in turn, can encourage desistance from offending (*ibid*.). By encouraging meaningful communication between the prisoner and the family member throughout, and following completion, of the course, the programme aims to strengthen the family relationship, and thereby decrease the likelihood of reoffending by the prisoner. Given Boswell and colleagues' positive longer-term evaluation of the programme, this is a promising approach for prison-based parenting courses.

In Scotland, the Integrated Case Management (ICM) Case Conference offers an opportunity to involve a prisoner's family in release planning (Loucks 2008). An ICM Case Conference is a meeting held at set intervals during a prisoner's sentence between the ICM case coordinator, prison-based social work, community based social work, and the prisoner. The prisoner may invite his family to these meetings if he wishes. The ICM Case Conference provides an important opportunity to prepare and advise families in respect of the issues arising on a prisoner's release, thereby supporting them in their own right as well as preventing offending (*ibid*.).

However, there have been various barriers to families' attending, including a lack of information and notice about the meetings, practical difficulties in attending, and a lack of understanding by

prisoners, prison staff and families themselves of the role families play in helping the resettlement of a prisoner (Loucks 2008). Loucks found that both families and prisoners therefore need to be better informed about family participation in the ICM process. Moreover, the role families play in prisoners' resettlement needs to be recognised and acknowledged in practice as well as in policy if their participation in case conferences is to achieve its full potential (*ibid*.).

Lessons can be learned from the Danish approach to resettlement of prisoners. The Danish model is based on a half-way house concept (Watson 2012). In the period leading up to release, prisoners can opt to live in a halfway house with their families. The house is primarily staffed by workers from a social work background, and is managed according to the needs of the child, not the adult (*ibid*.).

Watson (2012) claims that the Invisible Walls Wales (IWW) project at HMP Parc is the nearest thing the UK has to a half-way house. IWW is a project in Parc prison, Brigend, that helps to rebuild family ties while fathers serve a custodial sentence (Walsh 2013). It involves the same team of staff, in partnership with the local authority, social services and schools, working with prisoners and their families for one year before release, and six months thereafter. Although families do not live under one roof, there are specialists working with the person in prison, the partner in the community, and the children (Watson 2012). The family is viewed as a whole unit, rather than the person in prison and their family members being treated as separate entities (*ibid*.).

Circle Scotland's Families Affected by Imprisonment project (FABI) adopts a similar approach to its services for prisoners and their families (Robertson Trust 2013). The organisation provides pre-release support to mothers and fathers in prison and "assertive outreach to whole families in the home and community which continues post release" (*ibid*.: 1). Family support offered by the service extends to all family members requiring it, and covers a range of issues, from development of routines in the home to facilitation of contact with children following a period of separation (Hutton & Nugent 2011). An evaluation of the service for female prisoners found that it attained high levels of voluntary engagement, with 85% of women who used the service in prison continuing to do so following their release (*ibid*.). The findings of the evaluation also indicate that the project may help to reduce the likelihood of reoffending amongst participants.

Culture Shift

While projects such as IWW and FABI provide promising examples of family-orientated practice within prisons, the UK arguably has a long way to go before a model such as the Danish half-way house concept can be incorporated into its criminal justice system (Watson 2012). Corin Morgan-Armstrong, Head of Family Interventions at HMP Parc, believes that a fundamental culture shift is needed within prisons so that a family approach is entrenched within offender management, security and learning, rather than based upon occasional family days in visits halls (Walsh 2013). Similarly, Mills and Codd (2008) suggest that recognition of the central importance of prisoners' family ties, and the social capital they represent, should be embedded into the practice of offender management within prisons, and family relations considered at every stage of the process.

In an essay on improving parenting in Scotland, Alan Sinclair quoted a colleague who observed that, "In Scotland you tolerate children. In Holland we love them" (Sinclair 2012). Health services for children in Holland reflect its cultural attitude towards children, with prevention and early intervention measures at the heart of its system (*ibid*.). If prison practices are to change to reflect the importance of quality family time, the profile of children and families must continue to be raised

within debates on criminal justice policy and practice (SCCYP 2011). Although some progress has been made on this front since *Not Seen, Not Heard, Not Guilty*, new policy and practice initiatives continue to fail to reflect issues affecting children and families (*ibid*.). It is therefore recommended that, "the Scottish Government should carry out Children's Rights Impact Assessments on all initiatives, policies and guidance publications that affect the rights of children of offenders" (*ibid*.: 13). Only through adoption of a systemic children's rights approach to criminal justice policy and practice can the culture shift needed across the prison estate, to give children and families their rightful place within prison policy, be achieved.

SUPPORT FOR FAMILIES IN THE COMMUNITY

The literature highlights a range of initiatives and developments across the prison estate to support the maintenance of family ties, including better resources and support in visitors' centres; enhanced family visits; and provision of parenting programmes. However, there is little in the way of community initiatives, other than practice driven by the UK's voluntary sector (Lewis *et al*. 2008). The majority of provision and support available in the community is dependent upon geography. There are many areas without any provision at all, and, as a result, vulnerable children are falling through the net (*ibid*.).

Third Sector Family Support Work

Families of prisoners seek support for a number of reasons, the most common of which is experience of emotional difficulties (Families Outside 2011). Concerns relating to children and families are also prominent, as well as questions about prison issues, visits, finances, housing, and substance misuse (*ibid*.).

Community-based support for families by third sector organisations has grown considerably in recent years (Families Outside 2011). The support offered is wide-ranging and includes provision of information and advice on issues such as finance, housing and employment; support with childcare issues; delivering skills based training; and acting as an advocate for families (Robertson Trust 2013). Circle Scotland has been particularly successful in its 'whole family' approach to support for prisoners and their families (Families Outside 2011).

Families of prisoners struggle to engage with community-based supports, whether due to lack of awareness of these supports, difficulty identifying their own needs, or fear of asking for help deriving from the stigma of having a family member in prison. Projects that are able to provide a joined-up package of support by connecting families with other appropriate services are therefore extremely valuable (Robertson Trust 2013). Families Outside, which co-delivers support with a range of specialist agencies, offers an example of good practice in this area (*ibid*.). The charity's family support staff work with families in various ways, including face-to-face and telephone contact, liaison with other agencies on their behalf, or signposting families to appropriate services (Families Outside 2011). However, for the reasons outlined above, accessing families to provide them with the support they need is an ongoing challenge. Identifying and sustaining regular sources of referral is needed to increase the effectiveness of the service (*ibid*.).

A key challenge identified for third sector community projects is the difficult funding environment in which they operate (Robertson Trust 2013). This can lead to competition in the sector and obstruct

partnership working, which, in turn, prevent sharing of information, and negatively impact on the quality of service provision to families (*ibid*.).

A further difficulty encountered by projects is engagement with public sector services (Robertson Trust 2013). Ensuring families engage with those services can be problematic, given that agencies are often unaware of the difficulties facing prisoners' families, and are therefore poorly positioned to support them (*ibid*.). The need for improvements to public sector service provision for prisoners' families shall be discussed in the next section.

THE WAY FORWARD

This paper shall now consider key areas that need to be addressed in order to improve support and services for families and children of prisoners, and make recommendations for future policy and practice.

Training for Professionals

Chaotic families may find it difficult to engage with universal services such as healthcare and education and, as a result, do not benefit from the support they offer. Many public sector services can only offer support to families who live in specific areas or have specific needs, and complicated registration processes may deter families from using them (Robertson Trust 2013). Children of prisoners are particularly vulnerable and in need of

> *All agencies should raise the awareness of frontline professionals to ensure they understand the impact of the criminal justice system on families.* **(Galloway *et al*. 2014: 41)**

statutory support, due to both the strain experienced by remaining carers as a result of imprisonment of a family member, and the isolating effect of stigma attached to prisoners and their families (Dawson *et al*. 2013; Morgan *et al*. 2013).

There is therefore a need to raise awareness and train practitioners in education, health, and other mainstream services to understand the needs and issues facing prisoners' children and families (Galloway *et al*. 2014; Robertson Trust 2013; Keen-Downs *et al*. 2007). Public sector staff who come into contact with families of prisoners should be required to undertake specific training on the issues facing these families, and ways in which they may better engage with them (Galloway *et al*. 2014; Morgan *et al*. 2013; Robertson 2012; Roberts 2012; Keen-Downs *et al*. 2007).

Barnardo's provides information and training for professionals working with children of prisoners in England and Wales (Kalkan & Smith 2014). The charity runs courses for frontline professionals to raise their awareness of the impact of the criminal justice system on children. It has also published best practice guidance for these individuals in schools and children's centres (*ibid*.). In Scotland, Families Outside develops and delivers training packages for a range of professionals and interest groups on the impact of imprisonment on a family member, with participants reaching 5,000 in the financial year 2013-14 (Families Outside 2012 and 2014b). In the same year, work with schools received particular focus, through development and delivery of a programme of training for teachers and teachers-in-training (Families Outside 2014b). This training generally takes place in prisons, with almost all Scottish prisons participating (*ibid*.).

Integrated Agency Response

Literature on families of substance misusers emphasises the importance of considering the whole picture when formulating policies to help support this group (Copello & Templeton 2012). As one relative of a drug user pointed out in the 2009 annual conference held by the Scottish Network for Families Affected by Drugs, "our lives and the lives of our relatives are not just about one thing" (SFAD 2009: 16). In order to improve pathways to services there needs to be a 'joined up' approach to care, and cross-referencing between overlapping policies (Copello & Templeton 2012; Scottish Network for Families Affected by Drugs 2009).

Prisoners' families similarly experience multiple hardships and are likely to come into contact with a number of different professionals (Loucks 2012a). However, there is no one agency with overall responsibility for supporting families and children of prisoners (Galloway *et al*. 2014; Kalkan & Smith 2014; Loucks 2012a). In order to increase provision for this group, there is a need for improved contact and data sharing between the relevant government departments and local agencies (Galloway *et al*. 2014; Kalkan & Smith 2014; Light & Campbell 2006).

To this end, a recent report by Barnardo's has called on the Government to appoint a lead Minister with responsibility for the children of prisoners in England and Wales (Kalkan & Smith 2014). The charity has proposed that the Minister works with the Ministry of Justice and the Department of Education to develop a National Action Plan for England (*ibid*.). This plan should encompass a strategy to bring together government departments and local agencies to support children of prisoners, with a view to improving the experience of prison visits for those children, and developing better systems of support for them in the community (*ibid*.).

Family-focused Policy Frameworks

The proposals of Barnardo's may be some way off being implemented, however the Government has shown awareness of the need for integrated public sector service provision for the families of people with convictions. In 2009, the Ministry of Justice and Department for Schools and Families published a report outlining a framework for addressing the support needs of this group in England and Wales (Ministry of Justice & Department for Schools and Families 2009). The report takes on board many of the lessons gleaned from research on prisoners' families and the role those families can play in reducing recidivism. The suggested framework, entitled "Think Family", involves building the family dimension into every stage of the criminal justice process. Agencies must be able to think beyond the individual they are treating and identify wider family needs. For example, parental imprisonment should be a trigger for the identification of children in need of wide-ranging support.

The "Think Family" approach envisions a system within which families are supported in local communities at each stage of the criminal justice process, and linked up with universal services (Ministry of Justice & Department for Schools and Families 2009). In order to achieve this, the Ministry of Justice paper promotes joining up services, and bringing together in one place the tasks that should be followed in relation to the families and children of people with convictions. It emphasises the importance of a "coherent system" providing consistent and targeted support for this group, and providing them with clear routes to relevant services.

Subsequent Scottish Governments have similarly recognised the need for joined-up working between children's services, and, in response, have developed the Getting it Right for Every Child

(GIRFEC) approach to inform policy and practice in this area (SCCYP 2011). GIRFEC promotes joined up working and information sharing between agencies for the benefit of children and young people (Scottish Government 2012a). For practitioners, it means "working across organisational boundaries and putting children and their families at the heart of decision making" (*ibid*.: 4).

GIRFEC has now been given statutory effect through the Children and Young People (Scotland) Act 2014 (the Act) (Scottish Government 2014). Key provisions of the Act:

- Place obligations on public bodies to work together to create a plan for service provision and delivery to children and young people with a focus on improving wellbeing outcomes, and report collectively on progress regarding achievement of intended outcomes;

- Provide for a Named Person to be appointed for all children and young people from birth to 18 years old;

- Create a definition of the concept of 'wellbeing'; and

- Put in place a planning process involving input from representatives of all relevant agencies to support those children who require it (Scottish Government, undated).

One of the main objectives of the Act is to encourage progress and achieve more consistency in the implementation of GIRFEC by placing certain elements of it on a statutory footing (Aberdeen City Child Protection Committee 2014). The passing of the Act should therefore go some way towards addressing concerns previously raised regarding divisions between children's services, specifically Children and Families Social Work and Criminal Justice Social Work, and the consequent feasibility of GIRFEC's implementation among agencies (SCCYP 2011). For example, the creation of a statutory definition of the term 'wellbeing', the underpinning concept of GIRFEC, is designed to reduce opportunity for inconsistent interpretation of the term by agencies (Aberdeen City Child Protection Committee 2014). In particular, sections 25 and 26 of the Act place obligations on children's service providers and other public bodies specified within the Act to comply with requests for help from a child's Named Person[3], and to share relevant information regarding a child when this is appropriate (Scottish Government 2014).

It is intended that the new statutory requirements will contribute to the development of a more cooperative working culture among organisations whose work impacts upon the lives of children (Scottish Government, undated). Furthermore, promotion of an organisational culture within which children are routinely taken appropriate account of may benefit not only individual children, but contribute more generally to better outcomes for public sector work with vulnerable families. For example, it is observed that a tendency by adult addiction services to ignore the perspective of children often gets in the way of finding effective solutions (Liddell 2012). If those services were to routinely take into account the views of children affected by their clients' substance misuse they may, in addition to helping the children, achieve better treatment outcomes for the substance misuser (*ibid*.). Increased awareness across the public sector of the rights and interests of children may therefore improve service provision for both vulnerable children and their families.

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[3] The Named Person is usually the health visitor for pre-school children, and the Head Teacher for school-aged children.

Nonetheless, the Act has its critics. It is claimed by some that the Named Person provisions are an undue encroachment on family life by the state (McKenna 2014; Waiton 2014). Concerns have been raised regarding what is viewed as "unnecessary" interference with private family life, and the detrimental consequences of this for relations between parents and the state (Waiton 2014). It is also argued that including every child under the age of 18 within the protection framework of the Act may have the counterproductive effect of obscuring the needs of the minority of children genuinely in need of State intervention (*ibid*.). Finally, unease has been expressed with regard to the potentially stigmatising effect of the Named Person provisions of the Act: it is suggested that the provisions will ultimately penalise poor families for the stressful life circumstances in which they often find themselves, and their resulting failure to adhere to middle-class standards of child-rearing (McKenna 2014).

The risk of exacerbating stigma in relation to prisoners' families is also inherent in the strategy of 'targeted' interventions promoted by the Ministry of Justice report discussed above (Ministry of Justice & Department for Schools and Families 2009). Although on the face of it, targeting families is a logical approach given their reluctance to seek out support, targeting also risks singling out, and therefore reinforcing the stigma that prevents families asking for help in the first place (McAra & McVie 2010). Furthermore, the strategy of identifying children considered to be 'at risk' for pre-emptive intervention, through stigmatising or magnifying stigma already experienced by prisoners' families, has been shown to increase the likelihood of children beginning on a trajectory of criminality (*ibid*.). Policies of targeting prisoners' families must therefore be carefully weighed up against the danger of compounding the sense of social stigma these families often experience. Vulnerable children must be identified and supported, but support must be provided "in a manner that does not expose the child to the adverse effects of the stigma of criminality by association" (SCCYP 2011: 21).

Stephanie Covington's work on the treatment of substance-addicted women (for example, Bloom & Covington 2008; Covington 2002 and 2007) emphasises the importance of non-stigmatising treatment models for individuals already suffering the effects of social stigma. Covington contends that 'stigma' is the main psychosocial difference between substance misusing men and women, and that treatment models for women must take account of this: "We must understand that a woman who enters treatment may come with a heavy burden of shame. She does not need to be shamed further; rather, she needs to be offered the hope that she can heal" (2002: 3). The stigma experienced by substance misusing women renders traditional treatment models, in which a *problem* of the client is the focus, inappropriate and potentially counterproductive: "Many women already are struggling with a poor sense of self because of the stigma attached to their addictions, their parenting histories, their trauma, or their prison records, for example. It is difficult and often anti-therapeutic to add another problem to the woman's list of perceived failures" (2002: 10). Covington therefore advocates an asset-based model of treatment, which shifts the focus from targeting problems to identifying strengths and coping mechanisms the client has developed to deal with her difficulties (Bloom & Covington 2008; Covington 2007 and 2002). Women's groups are more helpful than mixed-gender groups to women who feel stigmatised, since the presence of other women in similar circumstances provides an empathic, non-judgmental environment within which to discuss their feelings (Bloom & Covington 2008). Covington's work also highlights the importance of holistic treatment programmes, which respond to the whole range of individual needs of a woman rather than adopting a 'one size fits all' approach (Bloom & Covington 2008; Covington 2007 and 2002).

Stephanie Covington's research demonstrates that shame and stigma must be fundamental considerations when developing programmes for stigmatised individuals. The treatment models developed through her work may therefore yield valuable insights into appropriate methods of intervention for prisoners' families.

In summary, the literature indicates that policy-makers in Scotland, England, and Wales have recognised and responded to the need to support children and families of prisoners and have acknowledged many of the current shortfalls in service provision. Nonetheless, it is observed that significant challenges persist in respect of changing agency practice and culture in relation to the rights and needs of this group (SCCYP 2011). It remains to be seen if the Children and Young People (Scotland) Act 2014 can bring about this change across the public sector.

Whole Family Services

Research by Scottish Families Affected by Drugs (2009) found that families believe the support needs of the family and the drug user are closely linked. These families advocated the development of treatment centres for 'addicted families', where needs of the drug user and the whole family can be addressed, rather than treating family members in isolation from the addicted member.

There is a growing robust evidence base demonstrating the benefits of family-focused interventions in substance misuse (Copello & Templeton 2012; Copello *et al*. 2009). Research confirms that families can play a central role in the treatment of addiction issues, and the findings have shown that family approaches either match or improve outcomes when compared to individual-focused methods (Copello & Templeton 2012; Copello *et al*. 2009). There are now a growing number of 'whole family' services for drug users and their families in the UK which evaluate positively (*ibid*.). Family-focused services include the Family Alcohol Service in London, Corekids in London, and the Moving Parents and Children Together (M-PACT) model developed by Action on Addiction (Copello & Templeton 2012).

Given the growing body of evidence pointing to positive outcomes of these programmes for drug users and their families, family-focused services for the specific needs of prisoners and their families should be explored and evaluated. For example, residential family treatment centres could offer a humane alternative to imprisonment for people with non-violent convictions and their families (Corston 2007). Substance misuse and addiction are major roots of offending behaviour among female prisoners, and prison is generally ill-equipped to help women overcome these issues (Commisson on Women Offenders 2012; Corston Report 2007). A residential facility for people with convictions and their families could offer effective treatment to the person who has committed the offence, while avoiding the maternal distress caused to women, and the harm caused to children, through break-up of the family. Trevi House in Plymouth, a residential facility for drug and alcohol treatment where women may live with their children, provides a good example of such a service (Corston 2007). It adopts a "whole family approach" to treatment, and works on parenting skills to improve relationships between women and their children (*ibid*.).

In Scotland, the Aberlour Family Support Service in Glasgow was a residential service that supports women with children in their recovery from addiction to drugs or alcohol (Families Outside 2014a). In contrast to other intensive residential treatment centres, women do not have to choose between their children and receiving treatment, and the likelihood of sustainable recovery is thereby increased (*ibid*.). Services such as Aberlour and Trevi House should be expanded for people with

convictions and their families, particularly for women who tend to the primary carers of dependent children and present a low public safety risk. Unfortunately the Aberlour Family Support Service shut in 2015 due to lack of funding.

Support for Families in their Own Right

There is growing recognition of the value of supporting families for the purpose of improving outcomes for people with convictions. However there has traditionally been less awareness of the value of supporting families in their own right (Robertson Trust 2013). As a result, existing provision to help prisoners' families is piecemeal and largely dependent on the voluntary sector (Mills & Codd 2008).

Policy and practice must acknowledge that families have two distinct, yet related support needs: they need support for the role they play in reducing the likelihood of a prisoner reoffending and helping that individual's resettlement into the community, and support to cope with the innumerable hardships that the imprisonment of a family member so often results in (Scottish Families Affected by Drugs 2009; Mills & Codd 2008; Light & Campbell 2006).

Literature on families of drug users highlights the imperative to ensure that families are not simply treated as a "support vehicle" for the drug user (Copello & Templeton 2012; Scottish Families Affected by Drugs 2009). One family member commented at the annual conference held by the Scottish Families Affected by Drugs, "You need help and support regardless of whether the user engages with services" (2009: 8). Similarly, although supporting families of prisoners benefits the prisoner's rehabilitation, this should not be the primary goal of family support (Light & Campbell 2006). To view families as a tool for reducing reoffending risks overburdening them at an already stressful time (Mills & Codd 2008). From a humanitarian perspective, families must be supported as victims in their own right, and any benefits in terms of the prisoner's rehabilitation viewed as a 'bonus' (Light & Campbell 2006).

Circle Scotland's Families Affected by Imprisonment project (FABI) offers a good example of a programme that not only provides support to the prisoner, but offers its services to the prisoner's whole family (Hutton & Nugent 2011). Hutton and Nugent's evaluation carried out on behalf of The Robertson Trust found that family work was considered a great strength of the project. Workers supported families in both practical and emotional ways, including assisting with the establishment of daily household routines, taking children on occasional outings, and helping family members improve their relationship with the prisoner.

Information

Provision of information is a crucial element of support for families (Scottish Families Affected by Drugs 2009; Henderson & Hurley 2008; Loucks 2008). Good information can help people feel less anxious and more in control, and can lead them to support services (Henderson & Hurley 2008).

Information shortage is one of the most common difficulties cited by prisoners' families (Loucks 2008; Murray 2007). A study commissioned by the Glasgow Community Justice Authority found the information provided to families of those involved in the criminal justice system at that time was insufficient and inconsistent (Henderson & Hurley 2008). The report emphasised that families of people with convictions are not a homogenous group; individual families have different information

requirements, which they want to be delivered in different ways. For example, many prisoners have literacy issues, and the same is likely to apply to their families. Effective provision of information therefore goes beyond written communication (*ibid*.).

Families often feel stigmatised and unwilling to approach individuals and services to obtain information out of a sense of shame at the incarceration of their family member (Loucks 2012b). Furthermore, low literacy, and the lack of a consistent and clear approach to information delivery, means the information that is available is not being accessed (Henderson & Hurley 2008).

Lack of information magnifies the anxiety and stress families experience when a family member is convicted (Henderson & Hurley 2008; Murray 2007). Failure to ensure the consistent delivery of high-quality, clear and concise information is therefore failure to support vulnerable families at a time of high stress, and is indicative of a lack of understanding of, and sympathy for, the trauma imprisonment of a family member can engender. Once again the dulling effect of stigma upon public sector impetus to support families of prisoners is evident.

Notwithstanding many of the shortcomings in provision of information to prisoners' families, there are also some examples of good practice. For example, literature produced by Families Outside is of consistent high quality and based directly on what families want to know, rather than what the organisation believes they want to know (Henderson & Hurley 2008).

As discussed above in relation to support needs of families of prisoners, the fact that many different agencies come into contact with this group suggests the need for a multi-agency response to providing information (Henderson & Hurley 2008). This response must focus on improving both content and distribution of information, and should include voluntary sector organisations already in contact with prisoners' families (*ibid*.).

Improved Data Collection

In relation to the families of drug users, a paucity of routine data sources providing information on the number of families affected continues to impede service development for this group (Copello & Templeton 2012). Similar data shortcomings have been identified in respect of prisoners' families, resulting in a lack of knowledge regarding the extent and nature of the problems of this population (Galloway *et al*. 2014; Kalkan & Smith 2014; SCCYP 2011; Murray 2007; Light & Campbell 2006). There is no certainty about the numbers of children affected by a parent's imprisonment, nor is it clear who those children are, and what (if any) support they receive (Galloway *et al*. 2014; SCCYP 2011). In order to support children and families affected by imprisonment effectively, it is essential that data collection is significantly improved in respect of this group (Galloway *et al*. 2014; Kalkan & Smith 2014; SCCYP 2011; Murray 2007; Light & Campbell 2006).

Identification of children of prisoners as a specific group in national and local policies would be a significant step toward improving the situation (Galloway *et al*. 2014; Kalkan & Smith 2014; Copello & Templeton 2012). An encouraging example of progress in this area is NHS Lothian's strategy (2013) for improving the health and wellbeing of children and young people in the region. The document identifies "children whose parent is in prison" as a distinct group with specific needs, and undertakes to ensure their needs are met as part of the organisation's plan to lessen the impact of social circumstances on health (2013: 32).

Community Jails

Articles 9(3) and 18(1) of the UNCRC strongly suggest that prisons for men and women need to be planned and designed in accordance with family contact needs (SCCYP 2011). In this context, replacing existing prisons with smaller community-based prisons would be a significant step towards addressing the difficulties faced by prisoners' families (Commission on Women Offenders 2012; SCCYP 2011; Light & Campbell 2006).

The particular difficulties faced by women prisoners in maintaining contact with their children, due to the existence of only one dedicated facility for female prisoners in Scotland, were emphasised in Dame Elish Angiolini's Commission on Women Offenders report (2012). The report recommended the replacement of Cornton Vale with smaller regional prisons for the majority of female prisoners, and a new national prison for those serving longer sentences, or considered to be a significant public safety risk.

A new prison for women was due to open at HMP Inverclyde in 2016 (Herald News 2014), however concerns were raised that the development of the 350-bed facility was designed to cope with growth of the prison population, rather than a fall in female prisoner numbers (Herald News 2014; Howard League Scotland 2014). As the literature almost unanimously points out, most of the female prison population should not be in jail at all (Earle 2013). The damage a prison sentence inflicts on the women themselves, their families, and above all, their children, is simply too high a price to be paid for the low level offending behaviour that leads to the custodial sentence (Howard League Scotland 2014; Earle 2013; Corston 2007). The strategy of replacing Cornton Vale with a large new national prison therefore appeared to run contrary to the objective of Dame Elish Angiolini's report (Commission on Women Offenders 2012), namely improving the situation of female prisoners and their children (Howard League Scotland 2014).

As a result of fierce criticism surrounding the proposed development of HMP Inverclyde, the Scottish Government halted plans for its construction (Holyrood 2015). Cabinet Secretary for Justice Michael Matheson confirmed that the Government is now planning for "smaller regional and community-based custodial facilities across the country, rather than a large new prison for women" (*ibid*.). This is an encouraging step in terms of Scottish policy direction for women who offend and their children.

Financial Support

Imprisonment often levies severe financial punishment on the families of prisoners (Dickie 2013; Loucks 2012a; Codd 2008; Smith *et al*. 2007; Light & Campbell 2006). A small-scale study carried out by Families Outside in 2012 into the financial impact of imprisonment on Scottish families of prisoners (Dickie 2013) demonstrates that the financial difficulties arising as a direct result of imprisonment compound the detrimental impact of the sentence on a family's physical health and emotional wellbeing. Moreover, given that the majority of families are already living in poverty, the additional financial burden generated by a prison sentence exacerbates existing difficult living conditions (ibid). In order to alleviate the financial pressure on families created by the imprisonment of a relative, Dickie's study made the following recommendations:

- "Families should receive information and advice on financial implications before the admission to prison (e.g. regarding travel and insurance).

- On admission, prisoners should be asked how their sentence is likely to impact financially on their families. This should be followed by arrangements being put in place to ensure appropriate information, advice, and support is provided to both prisoner and family.

- Additional support is necessary when custody is likely to lead to a need for Kinship Care.

- Specific advice should be offered about insurance and access to it. The charity UNLOCK, for example, is well placed to provide this to prisoners, families, and support workers.

- Travel costs can be prohibitive for many families. The Scottish Prison Service (SPS) and other agencies should make sure families know about the Assisted Prisons Visit Scheme and offer help to make applications to it.

- Travel services for family visiting, such as those operated by Sacro from Edinburgh and Glasgow, should be made available across Scotland and be well publicised.

- The establishment of Visitors' Centres at every prison would enable, among numerous other services and support, the provision of low cost snacks and drinks for visitors.

- SPS should enable electronic payments into a prisoner's personal cash account (PPC).

- Pre-release planning should take full account of the financial problems likely to be encountered, especially relating to changes in benefits and housing.

- SPS and social workers should make sure that families are fully aware of the financial assistance that is available to support home leaves.

- All relevant agencies should consider the impact of the current welfare reforms on prisoners' families and what steps could be taken to minimise their negative effects, especially on children.

- Training on financial issues should be given to the staff of SPS, Social Work, Education, Housing, Health and voluntary sector agencies who work with prisoners and their families" (2013: 20).

Support for Grandparents and Other Carers

Parenting can be extremely difficult for the carers left outside. Grandparents frequently end up caring for their grandchildren (Loucks 2012b). They may have to give up work in order to care for children or may have to return to work from retirement to manage the extra cost (Loucks 2012b; Bernstein 2005). Although some manage to obtain Kinship Care Allowance, it can be difficult since the benefits system does not always treat grandparents in the same way as foster carers (Loucks 2012b). Furthermore, grandmothers are often the individuals who tell the children about a parent's imprisonment, and who provide the support needed to help them recover from the trauma of the experience (Loureiro 2010). Grandparents therefore need more recognition and support in their role

as carers (Prison Advice and Care Trust 2011; Scottish Families Affected by Drugs 2009; Bernstein 2005).

The PACT Kinship Care project, supported by the City of London Corporation's City Bridge Trust, has responded to this issue (Prison Advice and Care Trust 2011). Since 2008 the project, based at HMP Holloway women's prison, provided support to children and family members, grandparents and other carers, who find themselves taking on the role of the main carer (*ibid*.).

In Scotland, the Triple P parenting programme, an established international parenting intervention founded in Australia, has now developed Triple P for Grandparents. Such programmes could usefully be more widely available to support this group of carers for their own benefit as well as the benefit of the children in their care (Glasgow Centre for Population Health 2013; Prison Advice and Care Trust 2011).

<u>Challenging Stigma</u>

Impact of Stigma

Families of prisoners suffer the social stigma of "guilt by association" (Light & Campbell 2006). The stigma of having an incarcerated family member acts as a barrier to support for prisoners' families at every level (Bouchet 2008)*.* It influences both political action (or inaction) in respect of supporting those families (Codd 2008; Mills & Codd 2008; Light & Campbell 2006), as well families' own perception of themselves and, therefore, their willingness to seek help (Loucks 2012b).

The media portrayal of prisoners' families as being somehow guilty themselves results in political reluctance to address the problems of this group openly (Codd 2008). To help prisoners' families is interpreted as being "soft on crime" (SCCYP 2011), and therefore generates scarce political and social support (Roberts 2012; Bouchet 2008, Light & Campbell 2006).

Prejudicial attitudes towards prisoners and their families are also the likely source of resistance within prison culture to family-focused policies. Houchin points out that the development of a family-centred approach to prison policy and practice is "obfuscated by an unstated adherence to a punitive assumption of lesser entitlement of prisoners and their families to rewarding family life – often disguised behind an presenting concern for security or the maintenance of internal order" (2005: 70).

Compounding the effects of political and social ambivalence towards the support of prisoners' families, is the reluctance of those families themselves to seek support (Arditti 2012; Loucks 2012b; Pugh & Lanskey 2011; Henderson & Hurley 2008). Despite the numerous difficulties confronting families when a relative is imprisoned, they are frequently discouraged from approaching services or individuals for help or information due to the social stigma that accompanies imprisonment (Loucks 2012b). Indeed, Pugh and Lanskey (2011) reported that 72% of families visiting prisons were not receiving any formal support. As a result, many of these families are invisible and alone (Codd 2008).

Children and Stigma

The literature shows that children can experience associative stigma following the imprisonment of a parent (Dawson *et al*. 2013). Social stigma attached to imprisonment may take the form of

"normative exclusion" - treatment as though individuals do not share a community's values (Murray 2007). Stigma has been linked to poor mental health, physical illness, academic underachievement, low social status, poverty, and reduced access to housing, education and jobs (*ibid*.). Children of prisoners may specifically suffer stereotyping and discrimination, which results in stress, low self-esteem, and deterioration in mental and physical health (Dawson *et al*. 2013). For example, bullying from other children at school may occur as a result of a child having an incarcerated parent (Roberts 2012; Gordon & MacGibbon 2011).

A study by Besemer and colleagues (2011) on the correlation between parental imprisonment and their children's offending in England and The Netherlands during the 1970s indicates that stigma experienced by children of prisoners may be a significant contributory factor to intergenerational offending. The study found no relationship between children's offending and parental imprisonment in The Netherlands, but a significant correlation between parental imprisonment and children's offending in England. Furthermore, despite indications within research that younger children suffer most acutely when a parent is imprisoned, the results of Besemer and colleagues' investigation signified that parental imprisonment was more strongly related to children's offending when it occurred between the ages of seven and eighteen. This finding runs counter to attachment theory, which claims that separation from parents early in life causes attachment problems (Bowlby 1969), with implications for offending later in life (Besemer *et al.* 2011). The authors suggest that differences in penal climates, and resulting variations in levels of social stigma surrounding parental imprisonment, may explain the results. The more punitive culture of England at the time of the investigation would have resulted in higher stigmatisation of children of prisoners than the more rehabilitative climate of The Netherlands. Given that older children generally experience stigma more acutely than younger children, it seems logical that this age group would be more profoundly affected by the imprisonment of a parent (*ibid*.).

Similar results to those of Besemer and colleagues were reached by Murray, Janson, and Farrington (2007) in a cross-national comparison between the Cambridge study in England and Project Metropolitan in Sweden. Their results showed that parental imprisonment was significantly correlated with children's offending in England, but not in Sweden. Sweden, like The Netherlands during the period studied, had more sympathetic public attitudes in respect of crime and imprisonment and a more socially inclusive justice system (*ibid*.). Stigma would therefore have had less of an impact on the children affected by a parent's incarceration.

The conclusions of the above studies are supported by a more recent investigation by Murray and colleagues (2012) into the connection between parental criminal justice involvement and antisocial youth behaviour. The authors found a specific connection between childhood experience of parental incarceration and increases in youth theft, indicating that stigma and labelling processes may have significant involvement in intergenerational patterns of offending.

Finally, the lack of information regarding a parent's imprisonment flowing from the stigma surrounding imprisonment may exacerbate children's difficulties when a parent is incarcerated (Dawson *et al*. 2013; Loureiro 2010; Murray 2007). Research shows that children who have been told the truth about their parent's incarceration fare better than those who have been 'protected' from that truth (Dawson *et al.* 2013). Honesty about a parent's imprisonment allows children to discuss their feelings and deal with feelings of shame they may be experiencing (Dawson *et al*. 2013; Roberts 2012). Paradoxically, the social stigma, and concomitant secrecy, surrounding the

imprisonment of a parent may be the most significant barrier to children engaging in such discussions, and thereby addressing it.

Addressing Stigma

The findings above demonstrate that challenging stigma surrounding the families of prisoners is crucial to removing barriers to support for this group, and, moreover, mitigating the impact of parental imprisonment on children. Governments must raise public awareness of the difficulties faced by prisoners' families and their children (Bouchet 2008). Public information policies and education programmes should be developed so that children of prisoners are not subjected to stigma or discrimination (Robertson, 2012). Social policies must be developed to reduce stigma surrounding criminal conviction and imprisonment (Besemer *et al*. 2011; Murray 2007). Finally, formation of networks between organisations could combat stigma by generating a louder voice to highlight the issues facing families of prisoners (Copello & Templeton 2012).

Peer Support

Literature on families of drug users indicates that parents with drug problems are often afraid of social workers, particularly if they have already witnessed people they know losing their children (Liddel 2012). As a result these families are unable to avail themselves of the support they are entitled to (*ibid*.). For this reason, support of peers, i.e. other families of drug users in the same situation as themselves, has been identified as invaluable (Scottish Families Affected by Drugs 2009).

Peer support may be equally valuable to prisoners' families unwilling to engage with services due to feelings of shame, and fear of identifying themselves to organisations able to remove their children (Mountney 2012; Light & Campbell 2006). Prisoners' families' support groups offer a non-threatening source of support, and may be the only source of support some families would feel comfortable engaging with (*ibid*.). Stephanie Covington's research on treatment models for substance-misusing women (discussed earlier in the paper) advocates this approach for vulnerable individuals suffering the effects of social stigma (Bloom & Covington 2008). Locally available support groups for families of prisoners could therefore usefully be encouraged and advertised.

Mentors

Stigma may evoke a sense of powerlessness (Liddel 2012). Drug- or alcohol-addicted parents have therefore expressed the need for an independent supporter/advocate/mentor to help them deal with agencies and authorities (*ibid*.). This may also be a useful approach of assisting the families of people with convictions to navigate the criminal justice system and access public sector services.

Tackling Social Exclusion

Prisoners and their families experience social exclusion in many different ways. The relative absence of research on the effects of parental imprisonment and the number of children who experience this constitutes further social exclusion of the population, and "reflects criminology's own role in reproducing the crisis" (Murray 2007: 66).

Social Exclusion and Imprisonment

A study by Houchin (2005) finds a strong correlation between social exclusion and imprisonment. Houchin claims that those excluded from mainstream society may form subcultures that have different norms and values to dominant ones. Through adoption of these alternative norms, they may breach the norms of mainstream society in the form of engaging in deviant behaviour (*ibid*.).

Given the potentially criminogenic impact of exclusion from mainstream society, the exclusionary ethos underpinning our criminal justice policies seems counterintuitive:

> *The policy focus on offending behaviour, criminogenic defects, corrections and offender management may well be counter-productive in that it emphasises the non-affiliation of the client group to the norms to which it is hoped they will come to subscribe.* (Houchin 2005: 75)

On a practical level, a sentence of imprisonment may weaken or sever a person's connections to family and friends, the only sources of mainstream norms available to many of them:

> *Involvement in the criminal justice process has an unavoidable and unhelpful impact on the range of social networks of which people are or may become a members. That deleterious effect is at its most damaging where prosecution leads to a custodial sentence* (Houchin 2005: 68).

Houchin's paper therefore demonstrates the paradox of penal policies under which the primary response to deviant behaviour is imprisonment. Through its emphasis of the exclusion of individuals from society, and the physical and emotional separation it generates between people in prison and their families, imprisonment operates in both a symbolic and pragmatic sense to compound the social exclusion that leads many people to offend in the first place. Most concerning of all is, arguably, the relationship between the imprisonment of parents and the social exclusion of their children, the result of which may be the perpetuation of intergenerational cycles of offending (Murray 2007).

Reducing Social Exclusion

Houchin (2005) suggests that, if the justice system responded by emphasising the *inclusion* of people with convictions into society rather than their *exclusion*, it may succeed in addressing offending behaviour more effectively. Promoting family relationships is one way it can achieve this, since family values are consistent with the norms of dominant society and protect against offending (*ibid*.).

A more recent study examining the validity of Sampson and Laub's (1993) theory of age-graded informal social control in respect of a sample of Finnish recidivists offers support for this theory (Savolainen 2009). The study finds that adult social bonds are influential in encouraging desistance from reoffending irrespective of time or place. In order to reduce recidivism, it therefore suggests that governments direct policy focus towards providing opportunities for people with convictions "to establish salient bonds to conventional institutions" (p. 301). The paper also indicates that a more

inclusive criminal justice system may counteract the damaging impact of arrest and conviction on an individual's social ties.

However, Houchin (2005) contends that helping the socially excluded feel like valued members of society has to start in the community, not the prison. It is the community that excluded them, and it is the community that must counter this exclusion by affirming its respect and acceptance of them. The prison, the institution emphasising their exclusion, cannot simultaneously affirm their inclusion (*ibid*.). This points to the importance of developing inclusionary programmes and initiatives in the community, as opposed to focusing efforts on prison-based programmes.

A study by the Glasgow Centre for Population Health (2013) on the correlation between social capital and the wellbeing of children and young people supports this contention. Its findings demonstrate that good social support networks are linked to better mental health outcomes, fewer problem behaviours, and more health-promoting behaviour. The report indicates that a range of professional groups and agencies can support children and adolescents in accessing and using social capital in ways that promote and support positive health and wellbeing outcomes (*ibid*.). These groups should be advertised and made accessible to prisoners' children.

Gordon and MacGibbon's (2011) study of Maori children of prisoners demonstrates the importance of schools in tackling social exclusion. Their report claims there is a strong inverse relationship between education and the chance of ending up in prison. Education protects against imprisonment in numerous ways, including through increasing self-esteem, and improving life chances (ibid). Simply remaining in school for a bit longer, even if higher levels of achievement are not reached, can make a difference (*ibid*.). Conversely, school exclusion is strongly correlated with a range of poor outcomes, including the beginning of offending trajectories (Williams *et al*. 2012).

Gordon and MacGibbon's (2011) report suggests that implementation of restorative practices in schools for children of prisoners may be a way of tackling social exclusion. A restorative approach can counter exclusion through:

- Focusing on fixing the problem and enhancing relationships, rather than punishing the individual. The implication is that the community continues to include and care for the children, encouraging participation and learning;

- Teaching anger management skills and helping to heal emotional harm; and

- Enabling children to remain engaged in schooling, the main protective factor against early criminal involvement.

CONCLUSION

> *The dissolution of families, the harm to children – and the resultant perpetuation of the cycle of crime and incarceration from one generation to the next – may be the most profound and damaging effect of our current penal structure.* (Bernstein 2005: 4).

Despite the colossal damage that mass incarceration has inflicted, and continues to inflict, on families and children of people with convictions, the punitive and exclusionary ethos

underlying the operation of our justice system (Houchin 2005), and the resulting stigmatisation of people with convictions and their families (Murray 2007), has resulted in this damage going largely unnoticed (Bernstein 2005). Yet, as Bernstein points out, "an elephant can only grow so large before people start remarking on its presence in the living room" (2005: 4).

The literature demonstrates that the presence of "the elephant" has indeed gained a degree of recognition in recent years, both within research, and by criminal justice practitioners and government departments (for example, HM Inspectorate of Prisons, HM Inspectorate of Probation and Ofsted 2014; SCCYP 2011; Ministry of Justice & Department for Schools and Families 2009; Marshall 2008; Light & Campbell 2006). The passing of the Children and Young People (Scotland) Act 2014, as well as the Criminal Justice (Scotland) Act 2016 and the Social Services and Well-being (Wales) Act 2016, which provide for the identification of children affected by parental imprisonment, represent significant steps towards addressing the incoherent and inconsistent systems of support for children and families of prisoners. Furthermore, the recent announcement by the Scottish Government of a halt to plans for the construction of HMP Inverclyde offers evidence of increasing recognition by policy-makers of the unsuitability of imprisonment as a sanction for most women who offend.

Various other positive policy and practice developments are documented, including provision of training opportunities for professionals on the impact of imprisonment on children by charities such as Families Outside and Barnardo's (Families Outside 2014b; Kalkan & Smith 2014); development of 'whole family' services in the community by projects such as FABI run by Circle Scotland (Hutton & Nugent 2011), and until recently the Aberlour Family Support Service in Glasgow (Families Outside 2014a); an increase in family-focused prison practices, including an improved range of visiting opportunities, such as Children's Visits, Cherub's Visits, and homework clubs (McMahon 2012; SCCYP 2011), and a growing number of visitors' centres across the Scottish prison estate; and, perhaps most significantly, increasing recognition of the rights of the child within prison practice (Scottish Prison Service 2013c).

While the progress described above is encouraging, the literature also evinces an ongoing lack of accountability and adequate provision for families and children of prisoners (Galloway *et al*. 2014; Kalkan 2014; SCCYP 2011; Light & Campbell 2006). Crucially, there is a continuing shortage of official data on the number of children and families affected by a relative's imprisonment, impeding the development of interventions and support services for this population (*ibid*.). Furthermore, there is no agency or government department with overall responsibility for the children or families of prisoners (Galloway *et al.* 2014), and, although there has been considerable growth in third sector community support for this group in recent years, there remains a striking lack of public sector provision (Robertson Trust 2013; Lewis *et al*. 2008). Finally, despite the increased profile of the rights of the child within international legislation and case law, the literature indicates that these rights are not consistently taken into account by the judiciary in respect of the sentencing of people who are parents (Epstein 2012; SCCYP 2011).

The continuing political and social ambivalence overall in respect of the entitlement of families of prisoners to support reflects the persistence of social stigma in relation to this population (Mills & Codd 2008; Murray 2007). As the literature shows, the stigma attached to this group has devastating consequences, not only in terms of its negative impact on provision of support (Loucks 2012b; SCCYP 2011; Bouchet 2008; Codd 2008), but also in terms of its direct detrimental effect on their health and wellbeing (Dawson *et al*. 2013; Besemer *et al.* 2011; Codd 2008; Murray 2007). Perhaps most

concerning of all, is evidence of the connection between stigma experienced by children of prisoners and intergenerational offending (Murray *et al*. 2012; Besemer *et al*. 2011; Murray *et al.* 2007; Murray 2007; Houchin 2005).

In order to bring about a significant shift in momentum in terms of social and political support for this group, and, in particular, to mitigate the impact of imprisonment on children, the social stigma surrounding both prisoners and their families must be addressed. A significant part of this involves challenging the exclusionary ethos underlying the operation of our criminal justice system (Houchin 2005). The emphasis of penal policy on exclusion of people with convictions not only has the effect of compounding the existing marginalisation of this group (*ibid.*), but it also contributes to the social exclusion and stigmatisation of their families and children (Murray 2007). Reducing the stigma attached to prisoners' families is therefore ultimately contingent upon a change in focus within criminal justice policy, from *exclusion* to *inclusion* of people with convictions.

The purpose of imprisonment, and the issues of families and children affected by it, must therefore be brought to the foreground, and made the subject of a large-scale public debate (Tombs 2004). In short, this population must be rendered visible. Diminishing the stigma attached to people with convictions and their families will create a political and social context within which family-orientated policies and practices across the prison estate, amongst agencies, and within judicial decision-making, can be developed and sustained. Perhaps most significantly for children and families of people with convictions, the logical outcome of this shift in political and social ethos must ultimately be a significant reduction in the use of prison for individuals who present a low risk to public safety. Recent moves within the Scottish Government to signify progress in this direction are not yet reflected in the wider literature but offer hope of a more positive future in years to come.

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