

Criminal Justice (Scotland) Bill – Stage 3 debate – 8th December

Group 14: Children affected by parental imprisonment

Barnardo's Scotland, Families Outside and NSPCC Scotland are calling on all members to support amendments 87, 88 and 89 tabled by Mary Fee MSP covering 'Notification if parent of under-18 imprisoned'

Key statistics

- Up to **27,000** children experience parental imprisonment in Scotland each year; however this is an estimate as there is no systematic way of identifying and counting these childrenⁱ. This means more children each year in Scotland will experience parental imprisonment **than divorce**ⁱⁱ.
- Young children can experience parental imprisonment in a similar way to **bereavement**. Their reactions to grief such as anger, acting out, self-medication, isolation etc. parallel the two experiencesⁱⁱⁱ
- Children affected by parental imprisonment are **3 times as likely** to develop mental health issues when compared with the rest of the population^{iv}
- It has been estimated that **65%** of boys with a convicted father go on to offend themselves^v

Background

We supported Mary Fee's amendment at Stage 2 to introduce Child and Family Impact Assessments when a parent is sent to prison. Following what we understand to be very positive discussions with the Scottish Government, Mary Fee has tabled a new set of amendments which we believe represent a huge step forwards in securing an effective identification process for a very vulnerable group of children and ensuring the correct support and interventions are provided at the right time, in line with the principles of Getting It Right For Every Child (GIRFEC).

We would like to thank Mary Fee and the other members of the Cross Party Group on Families Affected by Imprisonment for their commitment and dedication to this issue. We would also like to welcome the commitment made by the First Minister on the 10th October, after the Justice Committee had backed Mary Fee's amendment, that the Scottish Government would "reflect on its position in light of that vote" and to work to ensure that "collectively, we can come to the right decision, as a Parliament, about how we can best support children and young people whose parents serve prison sentences". We would also like to thank Aileen Campbell, the Minister for Children and Young People,

for her work over the years to secure the common policy objective of better support and recognition for these vulnerable and often hidden children.

Amendment 88

Amendment 88 in the name of Mary Fee would put in place a new system for identifying when prisoners have dependent children. A duty would be placed on Scottish Ministers to ensure that all individuals who receive a custodial sentence or a spell on remand are asked to provide information about any dependent children they have. Children flagged up during this process would have this information passed to the Named Person under GIRFEC provisions, with the presumption that having a parent in prison is a wellbeing concern. The Named Person would then ensure that these children have a wellbeing assessment and if necessary, support is provided as appropriate under provisions in the Children and Young People (Scotland) Act 2014.

The amendment ensures there are strong links between the child wellbeing provisions in the Children and Young People (Scotland) Act 2014 and the needs of children affected by parental imprisonment. Identification of need through a Universal Service such as the Named Person will hopefully go some way to addressing the issue of stigma, so often associated with criminality and imprisonment of a family member.

We hope that this amendment will also ensure that Scottish Ministers are able to collect comprehensive data on the number of children affected by imprisonment which would mean that support services could be tailored for this particularly vulnerable group.

Amendments 87 & 89

Amendment 89 sets out the definitions that underpin Amendment 88, including clarifying that penal institution means any prison (other than a military prison or police cell), remand centre or young offender's institution. Amendment 87 removes the previous clause.

We urge all members to support this group of amendments and make Scotland a world leader in recognising and supporting children affected by parental imprisonment.

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ⁱ Scottish Government Justice Analytical Services (2012) 'Freedom of information request' from Dr Chris Holligan, 26 January

ⁱⁱ Families Outside (2009) 'Support and Information for Children Affected by Imprisonment. In Brief 4' Edinburgh

ⁱⁱⁱ Loucks, N. (2012) 'Prisons: Where DOESN'T the community come in?' Prison Service Journal 204, 42-50

^{iv} Loucks, N. (2004) 'Prison without bars; the experience of families affected by imprisonment' Edinburgh and Dundee: Families Outside and Tayside Criminal Justice Partnership

^v Social Exclusion Unit (2002) 'Reducing the risk of reoffending by ex-prisoners' Cabinet Office, London