

Support for Children (Impact of Parental Imprisonment) (Scotland) Bill

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INTRODUCTION

At HMP Edinburgh, The Salvation Army manages Scotland's only purpose-built visitors' centre on behalf of The Onward Trust. The centre receives roughly 41,000 adult visitors and 7,700 child visitors each year. All the visiting family and friends of the prisoners are booked in by the visitors' centre, which has a café and children's area. The staff members (who include a part-time children's worker) provide information and a supportive, friendly and non-judgmental environment.

We recently produced a set of three booklets covering themes highlighted by children visiting the prison and including illustrations by them: *Visiting Dad*, *Visiting Mum* and *A Parents Guide*.

Our responses to this consultation are based on our work with families at HMP Edinburgh.

RESPONSES

Q1. Do you support the general aims of the proposed Bill? Please indicate yes/no/undecided and explain the reasons for your response.

- We acknowledge the need to recognise, protect and support vulnerable children who are affected by the imprisonment of their parents. Therefore, we agree with the general aims of the Bill, especially as it reflects Articles 2 and 3 United Nations Convention on the Rights of the Child (1989).
- It is vital that children are given support as soon as possible and that it is tailored to their particular needs. An immediate Child and Family Impact Assessment would help achieve this, as would the requirement for schools to recognise the children of prisoners as an at risk group with presumed additional support needs, unless otherwise assessed.
- The requirement for Scottish Ministers to report to the Scottish Parliament annually adds a necessary level of accountability and transparency to the proposed measures.

Q.2 Would you make any changes to the proposed Support for Children (Impact of Parental Imprisonment) Bill and if so, why?

- The Bill seems to take adequate steps to address the specific issues as they present themselves. We recognise also, however, that there are wider social issues related to imprisonment and criminality that are outside the scope of the proposed legislation, e.g. poor housing, poor parenting, relationships and family breakdown, money management,

nutrition, discrimination and poverty. The holistic support for children of prisoners ideally requires a far more comprehensive response in terms of prevention as well as support when the need arises.

- The Child and Family Impact Assessments aim to provide 'individually tailored support' for the children. No mention is made of support for the parent or carer not in prison who is responsible for the care of the child. This may be implied, but perhaps should be made more explicit. There are immediate issues that they could be helped with, such as guidance about the prison system and what their relative may be experiencing in prison. There are also longer-term issues, such as the holistic support mentioned above.
- We would also recommend that parents, other family members (e.g. grandparents) and other adults in the child's life be given as much information as possible about how the imprisonment of a relative could affect their children. They are the key people in the child's life.
- What family members and other adults tell children will be different depending on a child's age and ability to manage the information. Parents and others need to be aware of this. The booklets referred to in our introduction above are designed to enable significant adults to be aware of the issues and to help them talk to their children about them. Something similar could perhaps be made more widely available.
- We wonder what place the Named Person will have in the process. Has this been adequately considered? If in a particular area there is a concentration of children with family members in prison, would this present a Named Person with an unmanageable workload?

Q3. Do you see any potential problems (including implementation) with the proposed Child and Family Impact Assessments? And who do you think is best placed to deliver them?

- One potential problem might be that it is not always known at the time of sentencing whether or not children are involved. If there is no legal connection between parent and child, and if the adult being sentenced does not reveal that a child is involved, the child may not be identified. Our staff at the Edinburgh Prison Visitors' Centre find that often it is only when children come to the centre that a relationship is recognised. The intention is that the impact assessments will 'help to gather an in-depth portfolio of information regarding the home environment and background of the family' (page 20). How will the proposals ensure that this is done?
- We have a concern about parents' rights. Will these be adequately safeguarded once statutory agencies are involved?
- Parents are often fearful of statutory agencies such as social services. The assessments will need to be explained carefully, sensitively and not too formally so that parents (and other family members) do not see them as a threat.
- We have a concern that adequate financial resources may not be available to make the process work well and effectively.
- We believe that Children & Family Social Workers are currently better placed than Criminal Justice Social Workers to conduct Child and Family Impact Assessments because of their experience and training. C&F Social Workers may not have the same understanding of the criminal justice system as CJ Social Workers, but this can be learned. If CJ Social Workers are involved we recommend that they first spend some time shadowing C&F Social Workers in order to better understand the issues. An alternative to the either/or approach would be for CJ and a C&F Social Worker to take part together in the assessments.
- Third sector involvement may be possible and desirable, but whoever is involved needs to be specially trained and guided by social workers. They also need an understanding of matters such as mental health issues, and be able to recognise both spoken and unspoken issues.

Q5. Do you think there are any alternatives to Child and Family Impact Assessments?

- We think that the assessments are a positive step forward if handled well. No alternatives come to mind.

Q6. Do you think the proposed amendment to the Education (Additional Support for Learning) (Scotland) Act 2004 is sufficient to provide the necessary support for children experiencing parental imprisonment? If not, please explain why.

- The current legislation does not necessarily help children affected by parental imprisonment because they are not always recognised as being in the category of children who are unlikely to benefit from education without additional support. We therefore agree that there should be a presumption of the need for additional support unless assessed otherwise and that parental imprisonment should be a specific trigger for an assessment. This mechanism will, we believe, enable the necessary level of support to be given.

Q7. What are the likely financial implications of the proposed Bill? If possible please provide evidence to support your view. What (if any) other significant financial implications are likely to arise?

- If the work is beyond the capacity of existing social workers then extra staff may need to be employed.
- The training of existing and new staff will be an expense.
- There will also be the cost of producing documents/forms that are part of the process, training materials, and information resources for families.
- If the Impact Assessment identifies the need for extra support (not necessarily ASL) there may be a cost implication to this.

Q8. Is the proposed Bill likely to have any substantial implications for equality? If it is likely to have a substantial negative implication, how might this be minimised or avoided?

- People in poverty often feel that they are marginalised and have fewer rights than others. It is possible that the assessments may deepen this perception if they are presented in such a way that the rights, responsibilities and privacy of parents/carers appear to be threatened.