

**Cross-Party Group on  
Children and Families Affected by Imprisonment**

**Wednesday 5 December 2018**

**6pm – 7.30pm**

**Attendees:** Mary Fee MSP, Richard Lyle MSP, Nancy Loucks, Chris McCully, Michelle Lloyd, Gavin Phillips, Tracey Burns, Elaine Stalker, Alec Spencer, Graham Robertson, Dinah Aitken, Dawn Henderson, Helen Tripp, Janice Wilson, Jackie Walker, Sheila Gordon, Laura Van der Hoeven

**Apologies:** Jane Brumpton, Stuart Callison, Cara Jardine, Sam Jelf, George Lyttle, Lorraine McGoldrick, Janice McGowan, Paula Mitchell, Justina Murray, Kate Philbrick, Margaret Slater, Pete White

<b>Annual General Meeting</b>	
Mary Fee was nominated as Convenor by Richard Lyle, seconded by Michelle Lloyd. Richard Lyle was nominated as Vice-Convenor by Mary Fee, seconded by Helen Tripp. Richard Lyle nominated Nancy Loucks as Secretariat, seconded by Mary Fee.	
<b>Meeting of the Cross-Party Group:</b>	
<b>Welcome and apologies</b>	<b>Action</b>
Mary Fee MSP welcomed those in attendance.	
<b>Minutes of Last Meeting and Matters Arising</b>	<b>Action</b>
The minutes of the last meeting were agreed as accurate.	
<b>Update on Parliamentary Business</b>	<b>Action</b>
There has been an increase in the age of criminal responsibility to 12 years of age, but as the UN is discussing increasing this to 14, Scotland would still be non-compliant. Mary asked anyone interested in discussing this to contact her.	<b>All</b>
<b>Presentation and discussion: Management of Offenders Bill – Family Involvement in release and throughcare</b>	<b>Action</b>
Laura Van der Hoeven spoke about the impact of imprisonment on families in relation to the Management of Offenders Bill, specifically in relation to release and parole.	

Key points:

- License conditions – the expectations of not being allowed to return to home address due to proximity to victim
- Protection of family /risk particularly when domestic abuse is not an index offence or otherwise on record – example of serious history of domestic violence but no children therefore not statutory support
- Call to MSPs for support, acknowledgment, and consideration of family in relation to Management of Offenders Bill (CPG has already discussed electronic monitoring in relation to Bill)

Mary and Richard proposed submitting an amendment to the Bill to this purpose..

Nancy mentioned previously raising this in relation to Parole Reform but that it was clear the Parole Board had not yet grasped their role in relation to families.

Mary said that impact assessments for families were not included in discussion in Domestic Violence legislation although it probably should have been. She also queried whether the family Law Reform Bill gave the opportunity for discussion of family impact assessments.

Mary asked if there were support from communities on release? Laura noted that increased support leads to better outcomes. Good support in prisons improves relations with children, but there was less (if any) support given to support relationship with partners. This would be beneficial to introduce as a service community.

Sheila Gordon noted the pressure on families regarding electronic monitoring and also the challenge to get feedback about the quality of the support they receive.

Chris McCully stated that the proposed amendment was good, but the challenge remains regarding judicial behaviour (example of presumption against short sentences); are impact assessments effective on their own, or do they need something to tie into?

### **Electronic monitoring**

Mary noted that conditions and decisions regarding electronic monitoring don't make reference to families

Sheila said that the lack of flexibility for changes in circumstance (e.g. the need for occasional changes) means that people will breach instead.

Tracey said they can ring G4S for example to arrange a visit to hospital, which G4S can cross-check, otherwise changes take 5 working days

The group had a more extended discussion of electronic monitoring and flexibility/restrictions e.g. employment/job search

- Families are only asked about electronic monitoring at stage 5 (of 8) of the risk assessment when families are being asked if they are happy to take the person with the tag.

- There is a need for proper risk assessment (face to face and not by telephone) and a proper impact assessment at an early stage (when assessed as eligible – stage 4?)
- The process starts 6-8 weeks prior to eligibility date for release
- There was agreement from the group that going down the route of an amendment requiring an impact assessment is the right one

### **Impact Assessment**

Richard asked why judges don't talk to children and get children's views.

Mary noted the long term impact and the need for long term support, e.g. children might struggle later, possibly several months after release. Dawn gave an example of this, noting initial excitement about release and then children gradually becoming terrified of their father.

Michelle asked if an assessment could be used as a trigger for support both for offenders and families, i.e. conflict resolution.

Mary asked the group if GIRFEC does what it is meant to do?

- Sheila – both good and bad examples of this, but there is a huge variation regarding communication and resources.
- Who would carry out impact assessments and who would resource this? Not about will so much as systems and processing working together. Mary asked if there were a tendency for assessments to become a tick box? Again the group agreed this was a resourcing issue, and that even basic communications between Criminal Justice and Children & Families Social Work were problematic, let alone further afield.
- Possible opportunity for the Guidance in the Bill to include information regarding impact assessments?
- Graham said this was possible and was currently in development to see what should be included regarding risk assessment – could give an opportunity for CPG to feed into this.
- Gavin noted a need to link the enforcement side with a caring side – Electronic Monitoring cannot just be about enforcement (experience of this with police background)
- Alec asked about the possibility through Social Work to ask some of these questions – for example aren't home background reports done for Parole Board decisions?
- HDC has been used to decrease the prison population more than for reintegration and rehabilitation. It could be worthwhile checking legislation on this.
- A home background report is done, but its focus is on the person in prison and physical accommodation rather than on what the family needs and is therefore not the same as an impact assessment.
- The group queried whether a 'belt and braces' approach of assessment was needed (home background as well as an impact assessment).
- Chris stated the importance of specifying this in legislation / guidance or it will not happen
- Tracey noted a definite need for more robust assessment as vulnerable families are being missed

<ul style="list-style-type: none"> <li>• Alec asked what Electronic Monitoring is for and whether this is specified in the Bill. The wording of Bill focuses on surveillance and control without mention of support.</li> <li>• Graham stated that 3 pilot projects are ongoing regarding what support might look like</li> <li>• Helen said this was a good opportunity for organisations working with people pre-release and including families in that discussion (e.g. Apex and Sacro), especially as this support can continue post-release</li> </ul> <p>Nancy agreed to circulate the Families Outside briefing paper on families' experience of electronic tagging.</p> <p>Mary invited members of the group to submit suggestions for Parliamentary Questions.</p>	<p><b>Nancy</b></p> <p><b>All</b></p>
<p><b>AOB</b></p>	<p><b>Action</b></p>
<p>Mary and Nancy fed back from the Send Your MSP to Prison Parliamentary event, noting excellent attendance from MSPs and powerful presentations, especially from a family member. Nancy has sent a list of 'asks' from the event to the head of Community Justice, at his request.</p> <p>A Children's Voices conference will be taking place in London on the 7<sup>th</sup> of March, which is a conference specifically for children of prisoners themselves. Meanwhile the annual Children of Prisoners Europe conference takes place in Krakow on the 3<sup>rd</sup> of May, and the INCCIP conference (International Coalition for Children of Incarcerated Parents) takes place at the University of Huddersfield from 12-15 August 2019. Ben Raikes, who is organising the INCCIP conference, and Lucy Baldwin, are also compiling a collection of poems from children of prisoners are encourage people to submit poems to them.</p> <p>People who wish to receive more information about any of these events and opportunities should contact Nancy.</p>	<p><b>All</b></p>

**Date of next meeting:** Wednesday 6 February 2019, 6pm