

**Minutes – Cross Party Group on
Children and Families Affected by Imprisonment**

Wednesday 23rd May 2012

Attendance- Mary Fee MSP, Richard Lyle MSP, Margaret MacDougall MSP, Dr Richard Simpson MSP, Nancy Loucks, Alan Montgomery, Andrew Sim, Don Millar, Donald Dickie, Helen Jones, Janice McGowan, Joanna Mclaughlin, Justina Murray, Kerry Watson, Marina Shaw, Mark Ballard, Oliver Aldridge, Sue Maxwell, Tim Parkinson, Tina Everington, Margaret Mortimer, Gareth Brown, Daniel Cairns.

Apologies- Alastair MacKinnon, Alec Spencer, Amanda Steele, Ann Darlington, Christine Scullion, Graham Blount, Jeanie Hill, Kate Philbrick, Katrina Allen, Mhairi Gilfillan, Nick McGeorge, Sarah Roberts, William Brown, Shirley Green, Viv Dickinson, Mary Beglan, Dinah Aitken, Drew Smith MSP and Kezia Dugdale MSP

1. Mary Fee MSP welcomed the Cross Party Group
Apologies were noted prior to meeting and were not read out.
Ms Fee apologised to the group that MSPs could not stay for the whole of the meeting and would be required to leave at 2.30pm.
2. Minutes of previous meeting (14th March 2012) were agreed unanimously.
3. Mary Fee MSP gave an update on Parliamentary Business. Copies of the questions Ms Fee has asked in Parliament were circulated at the meeting. Ms Fee gave a brief summary of her visit to HMP Cornton Vale as convenor of Equal Opportunities Committee. Ms Fee also spoke about the launch event of the Commission on Women Offenders report and the launch event for Contact Cards by the South West Community Justice Authority and Strathclyde Police. Ms Fee updated the CPG on the movement of child and family impact assessments where the issue was discussed in a recent debate to Parliament (26th April 2012). She then revealed that the Justice Minister Kenny MacAskill has agreed to meet with her and the Shadow Justice Minister Lewis Macdonald on a date to be decided. Next Ms Fee provided a summary on her attendance at a meeting called 'Finns Can Only Get Better'. This seminar looked at how the Justice System in Finland has reformed over the past 40 years. The podcast of the lecture can be found at:

<http://www.nordichorizons.org/2012/05/finns-can-only-get-better-the-podcast.html>

Ms Fee then introduced Dr Nancy Loucks to give her response on the Angiolini Commission on Women Offenders Report.

4. Dr Nancy Loucks stated that she was pleased with the commission's report, which gave 38 recommendations including alternatives to prisons and community integration. Dr Loucks highlighted that the report does provide something different from what has gone before, namely that it goes beyond and looks at the structural changes. Dr Loucks then went on to focus specifically on the interests of the CPG. Child impact assessments were not part of the report because the Commission felt that criminal justice social work reports were enough, however as a group we believe that they are not. The commission did make a recommendation about having child friendly visitor centres. However the report conflates visitor's centres and visits halls, and Dr Loucks has asked for clarification and the response received continued to conflate the terms. The commission then informed Dr Loucks that the recommendation on visitor centres coincides with the recommendation from the Report on Cornton Vale from Brigadier Hugh Munro. Dr Loucks noted that it offered Families Outside some comfort because they knew exactly what Hugh Munro intended.

<http://www.scotland.gov.uk/Publications/2010/01/15135941/0>

Dr Loucks then went on to say that the emphasis on the need to decrease imprisonment in general is welcome. However Families Outside are concerned that it made no mention of children in its otherwise full discussion of housing, despite the fact that housing is crucial in relation to women regaining custody of their children.

<http://www.ihra.net/contents/811>

Dr Loucks circulated copies of the UN's Bangkok rules on the treatment of women offenders. One rule in the document is that women who are arrested should be given the chance to make arrangements for the care of their children. The UK has signed up to these but there has been no movement on this provision.

Dr Loucks proposed to the group that it would be useful for the CPG to submit a formal response to the Cabinet Secretary for Justice on the report published by the Commission on Women's Offenders. The CPG agreed and the formal response was submitted on the 15th June 2012 (see appendix 1).

Questions on the report were answered by Dr Loucks.

1. Justina Murray (South West Criminal Justice Association) asked “from the CJA point of view we released a press release welcoming the report and the overall message and the submission we had put in individually and collectively. Women are victims and not offenders were a strong message, proposals such as key workers we felt were really positive. However the report could have more relating to the judiciary.”
2. Marina Shaw (Circle Families Affected by Imprisonment team) had two issues from report. The first was “the problem-solving court”. Ms Shaw noted that “once somebody is designated as a problem they are kept as a problem, the courts need to focus on solutions, namely what issues the women have and get them into appropriate services straight away. The really promising thing is if the person does everything that is expected of them and they move forward and the offence does not go forward to be prosecuted, this give increased life chances.” The second issue covered ‘one-stop shops’. Ms Shaw said “I took women to some of the centres modelled on the throughcare and aftercare; the people who were just being introduced were being mixed with old hats”. One-stop shops take people who are already vulnerable and put them back into the social and environmental circles that they were in previous to their incarceration. New peer groups would be better suited, and it would provide a new kind of support. Marina then proposed that specific women’s centres should be introduced.

Ms Fee agreed saying the ‘One-stop shops’ are a good thing and then asked what should be put in place to make it work.

Ms Shaw continued by saying that where you place one-stop shops is key, putting them in a place of normality, and crucially people should be there to find work, trying to do it in an atmosphere of normality. Ms Shaw particularly thinks women from small communities are much more easily identified, so differences in appropriate provision between rural and urban communities should be taken into account.

Dr Loucks felt it was useful to create women’s centres that are more specific, combining things like Women’s Aid, health, and criminal justice to reduce the stigma.

3. Kerry Watson (Salvation Army, HMP Edinburgh) agreed that people who were affected by substance misuse are trying to move on with their lives yet have to go out and find the services. Society is not normalising the environment for these women by setting up one stop shops. Ms Watson explained that she has concerns about one stop shops because there is not a chance to set up a positive support network.

4. Mark Ballard (Barnardo's Scotland) talked about the overlap of this discussion with the Children's Services Bill "If you are setting up a non-stigmatising service that could meet some of those needs, not just for women, but for families". 'One-stop shops' could help families and offender by offering children's services as well as women's services. Mr Ballard added that one interesting avenue appears to be the rolling out of the children's rights impact assessments.

Mary Fee agreed.

5. Oliver Aldridge (NHS Lothian Addictions – DTTOs) pointed out that breach of community disposal is a common road into custody but that breach is not as simple as people imagine. A regular review helps, and a lot of the people don't end up into custody because they make enough progress to prevent this.
6. Dr Richard Simpson MSP added that "we are dealing with a group that are damaged. Their approach to life will be chaotic, there needs to be a continuous support because there will be time when it goes downhill". Dr Simpson felt it was an excellent report.

Ms Fee commented that it would be important to make a submission regarding the commission's report.

5. Justina Murray (South West Community Justice Authority) then gave a brief talk about the new contact card launched by the CJA, Strathclyde Police, Families Outside, and the Lighthouse Foundation. The card is very simple and police officers can carry it and in an appropriate situation hand it over. It is already implemented across Ayrshire, and the CJA is keen to see how it works for families and police.

Mary Fee agreed, saying the policeman at the launch were enthusiastic about it and committed to making it work. Ms Fee then asked how will it be monitored.

Dr Loucks agreed, saying it is useful local information; it's a card that belongs to the police, and they are promoting it themselves. Don Miller (Families Outside) said that Families Outside can monitor any response that comes in to its Helpline and Family Support team.

Sue Maxwell (Relationships Scotland) asked whether it had an impact on police thinking through the arrest and whether it went any further than this. Ms Murray replied that it's the start of looking at police relationship with arrest, looking at the whole experience.

6. Dr Loucks provided the CPG with an update on the submission to the UN's Universal Periodic Review of Human Rights. Dr Loucks informed the group that the submission from Together Scotland, Scotland's Commissioner for Children and Young People, and Families Outside had received interest from Uruguay, Slovenia and Germany. Dr Loucks highlighted that it was promising that Uruguay showed interest as the Uruguayan President of the Human Rights Council was the daughter of a political prisoner. The UPR for the United Kingdom took place on Thursday 24th May and the CPG will be informed of the outcome at the next meeting.

7. Dr Loucks then gave an update on the annual meeting of EUROCHIPS and explained that it is an organisation to lobby other countries in Europe regarding prisoners with children. Dr Loucks told the group that the concerns of the group are remarkably similar to other countries. Dr Loucks said that the annual meeting of EUROCHIPS moves to different city each year and they have asked Edinburgh to host in May 2014 and it was suggested that the CPG could help co-ordinate that.

Ms Fee agreed.

8. AOCB.

Dr Loucks concluded that the next meeting should focus on schools and the new chief executive of SPS will also be invited.

Gareth Brown suggested that he invite all local authority education conveners to the group.

9. The next meeting will be held on the 12th of September 2012 from 1-3pm.

Appendix 1

Response to the Scottish Government:

Angiolini Commission on Women Offenders

Cross-Party Group on

Children & Families Affected by Imprisonment

The Cross-Party Group on Children & Families Affected by Imprisonment was established in 2011 to raise awareness of and take action to support children and families with a family member in prison. The Group is convened by Mary Fee MSP, supported by Families Outside, and has a large, regular attendance from interest groups, individuals and MSPs from throughout Scotland. The imprisonment of women has a particularly powerful impact on their children and families, and we commend any efforts to examine the use of imprisonment for women and alternatives to this.

We are grateful for the opportunity to respond to the Angiolini Commission's report on Women Offenders, as the recommendations have significant implications for the children and families of these women. We are happy to elaborate on any of these should the Government require additional information.

General comments

The Cross-Party Group on Children & Families Affected by Imprisonment broadly supports the recommendations in the Angiolini Commission's report. The emphasis on addressing the needs of women who offend and on using custodial measures as a last resort is welcome, especially in view of the impact of women's imprisonment on people who have not committed any offence, namely the children and families of these women. Children in particular suffer the consequences of a woman's imprisonment, with implications for housing and care arrangements, disruption to schooling, psychological distress and trauma, attachment difficulties, and longer-term risks relating to substance misuse and offending.

In view of the disproportionate impact on children, we would have expected the Commission's report to place a greater emphasis on children and families, not least due to the implications for children's rights when a mother enters custody. For example, discussion and recommendations relating to housing and supported accommodation on release (e.g. Recommendation 31) made no reference to the implications of housing in relation to custody of children. Housing on release poses major problems for women, who will not be able to regain custody of children until they can obtain accommodation suitable for this. Related to this, Child & Family Impact Assessments, or indeed Children's Rights Impact Assessments, disappointingly did not feature in the report.

Despite this, we believe the recommendations in the report are largely positive. Our comments relating to specific recommendations in the report are as follows:

Recommendations 1, 2, 14, 15, and 17: Community Justice Centres

We broadly welcome the introduction of Community Justice Centres along the lines of the 218 Centre, the Willow Project, and Women's Centres in England and Wales. A 'one-stop shop' provides a welcome to change for women who face multiple difficulties and consequently a confusing morass of services and workers. However, we have a number of concerns about the implications of creating such Centres.

First, a 'one-stop shop' focused exclusively on women who offend is potentially stigmatising. In a larger city such as Glasgow, this will pose less of a problem than it will in smaller rural communities. Such centres need to be accessible in order to reach the women who need them, but this must not be at the cost of labelling and stigmatising these women further, when they may already be excluded from their communities. A broader model that embraces a range of services for women rather than purely for women who offend, similar to the Women's Centre model in England and Wales, may therefore be more appropriate.

Second, such Centres potentially play a useful role in introducing women to new, positive social networks. Focusing services solely on women who offend removes this potential and indeed risks reinforcing networks of offending. Again, the broader Women's Centre model may prove more useful.

Finally, another model worth considering is one that merges children's services and women's services. Such a model may increase engagement from women, as evident in family addiction programmes in the United States (see <http://www.rebeccaproject.org/>), while providing an opportunity to assess the needs and rights of any children who may be caught up as a result of their mother's involvement in offending.

Recommendations 13, 14, and 23: composite diversion orders, conditional cautions, and composite and suspended sentences

We welcome measures to address the underlying reasons for women's offending and, of course, diversion from prosecution and imprisonment. In saying this, we are wary of imposing too many conditions on women unless: 1) they receive adequate support to comply with these conditions, and 2) prison is not the automatic recourse in the event of breach. The more conditions placed on women (or indeed men), the more likely they are to breach those conditions and end up in custody for offences that did not merit custody in the first instance. Women are more likely than men to breach conditions of community-based orders for reasons other than offending. Consequently, we need to make sure that additional conditions – 'supportive' or otherwise - are not setting them up to fail.

In saying this, we appreciate that a decision to breach is subject to a process of review. The point is that we need to rethink prison as the ultimate sanction in cases that would not have merited a custodial penalty in the first instance.

Recommendation 20: Problem Solving Courts

The Cross-Party Group welcomes a fresh approach to sentencing that recognises multiple and complex needs and consequently addresses the issues that underlie offending. However we prefer the term 'solution focused' rather than 'problem solving' courts. This would reduce the continued labelling of women who offend as 'problems' and focus instead on identifying positive ways forward.

Recommendation 21: Rapid Reports

We welcome the use of Rapid Reports where this reduces the use of custodial remands. We suggest that this may be an opportune moment to use a Brief Child & Family Impact Assessment to gain further information about the implications of custody on any dependents, especially as a Rapid Report on its own is unlikely to provide much detail about this.

Recommendation 24: training for the judiciary

This recommendation is particularly welcome, as it emphasises the need for the judiciary to have a greater understanding of gender-related differences in offending and response to community and custodial penalties. Such training would also provide opportunities to raise awareness amongst the judiciary about the impact of imprisonment on children and families, including the implications for children's rights under European and international Conventions, with particular regard to women who offend. The Angiolini Commission made little reference to the terms of the Bangkok Rules (United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders), for example, which set out specific implications for the rights of children when a woman comes before the court.

Recommendation 26: new national prison

The Cross-Party Group is grateful to the Commission for recommending "a family-friendly visitor centre with an outside play area for children". While the text of the report conflates the terms "visitors' centre" and "visits hall", subsequent clarification with the Commission confirms that this recommendation was intended to be commensurate with that in the HMCIP report on Cornton Vale (paragraph 5.9 of the Full Inspection Report of September 2009). The exact recommendation made by the Inspectorate is that "a purpose built visits facility including a visitor centre as a national resource for Cornton Vale is created."

The Cross-Party Group believes that prison visitors' centres (resource areas outside the secure perimeter to provide information, support, advocacy and respite for visitors to

prisons) provide a critical means of support to children and families. They also provide a venue for specialist services to access families who otherwise tend not to seek support for the considerable difficulties they face as a result of a family member's imprisonment.

Recommendation 27: placement in locally-based establishments

We commend a move for the majority of the population of female prisoners to facilities in their local area. This facilitates resettlement for prisoners and, importantly, improves access for families who wish to maintain contact. Currently about half of prisoners lose contact with their families as a result of imprisonment – a problem exacerbated for women in prison, who are currently more likely than men to be located in a facility away from their home area.

In saying this, a move to local establishments must not unduly restrict the regime for women in prison, who risk experiencing an impoverished regime where they share facilities with a predominantly male prison population. We commend the work of the Scottish Prison Service thus far, such as in HMPs Edinburgh and Greenock, in its efforts to provide positive regimes for women in local establishments.

Conclusions

In sum, the report of the Angiolini Commission is most welcome and contains a range of recommendations that emphasise the need to think differently about how Scotland addresses women's offending. Importantly, it also explores the structural changes that may be necessary to implement such an approach. The impact of women's offending on those closest to them did not receive the attention we would have liked, but a number of recommendations would nevertheless make a material difference to the children and families we support.

Again, we appreciate the opportunity to comment and are happy to provide additional information should this be required.

Mary Fee MSP

Convenor, Cross-Party Group on

Children & Families Affected by Imprisonment

Prof Nancy Loucks

Chief Executive

Families Outside