

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

**Wednesday 6 March 2013
1 – 2pm**

Attendance: Mary Fee MSP, Nancy Loucks, Adelle Gardiner, Sarah Roberts, Janice McGowan, Christine Baird, Winnie Delany, Marina Shaw, Donald Miller, Sara Watkin, Nicki Wray, Mark Ballard, Catriona Gibson, Cara Jardine, Viv Dickenson, Kathleen Bryson, Margaret Mortimer, Susan Galloway.

Apologies: Carol Robinson, Shelia Gupta, Elizabeth Benton, Dawn Cairney, John Newton, Kate Philbrick, Hilary Moran, Graham Blout, Anne Pinkman, Ann Darlington, Dinah Aitken, Donald Dickie, Justina Murray, Kerry Watson, Sharon Stirrat

Welcome and apologies

Mary Fee MSP welcomed those in attendance. Apologies were noted prior to meeting and were not read out.

Minutes of last meeting

Minutes of previous meeting were circulated to the group prior to the meeting. Amendments were noted from Robert McGeachy. The minutes have since been updated and will be recirculated.

Action: Michelle to recirculate minutes of last meeting

Update on Parliamentary Business

Ms Fee informed the group that the Cabinet Secretary for Justice Kenny MacAskill MSP has agreed to attend a Cross Party Group meeting, and Ms Fee's office has arranged for Mr MacAskill to attend a meeting on the 4 June arranged for 6-7.30pm. Ms Fee suggested that a theme for this meeting be decided and suggested Child Impact Statements as a focus. Ms Fee suggested that the next meeting of the CPG be used as a planning meeting to decide what questions would be asked and by whom.

Ms Fee has put in a motion in an attempt to secure a members' debate on utilising prisoners' assets and is in need of cross-party support. At present, Ms Fee has sixteen signatures for the members' debate and is hoping to secure more Tory support. Ms Fee will look at possible dates for a members' debate after the next CPG meeting.

Ms Fee has put in a number of Parliamentary Questions and Freedom of Information requests. Questions and answers are included at the end of the minutes. Ms Fee had previously asked the Scottish Parliament whether offenders' families are involved in reviews of sentencing, care in custody, and other aspects of offenders' care. Mr MacAskill responded that the Scottish Prison Service actively encourages offenders and their families to contribute to the prison Integrated Case Management process and to attend their annual case conference. Ms Fee raised concerns that this was not happening in practice and requested that any members that had any involvement in this to contact her office so she could respond to Mr MacAskill.

Ms Fee informed the group that she attended a reception at the Scottish Parliament showing the film *The Road from Crime*, hosted by Christine Graham, Convenor of the Justice Committee. Ms Fee introduced herself to Colin McConnell at the reception and was pleased to inform the group that he was very supportive of the group and welcoming of the work the CPG is doing. Mr McConnell suggested that he could be contacted about any particular issues and happy to work with the Group on any initiatives.

Ms Fee informed the group that Daniel had conducted some research on payments into prisons and had provided a brief on the electronic system available in some prisons in England. The group agreed to raise this issue at the meeting with Mr MacAskill. The briefing paper is attached at the end of the minutes.

Presentation and discussion:

Nancy Loucks informed the group that Peter McNamara sent his apologies for not being able to speak about the role of CJAs in supporting families and welcomed Adelle Gardner, who discussed the work she is doing with Families Outside and Lothian and Borders CJA developing a framework of how different agencies can engage with children and families to provide the support they need when someone goes to prison.

Adelle informed the group that the Framework of Support for Families of Offenders was still in draft format and welcomed any comments or suggestions from the group. Adelle informed the group that she would provide some background towards developing the document and where it stood at present.

Adelle told the group that idea for the development of the framework was born out of the Ministry of Justice report entitled "Reducing re-offending: supporting families, creating better futures: A Framework for improving the local delivery of support for the families of offenders" published in 2009. Adelle informed the group that this document set out to improve support for offenders' children and families through intervention at each stage of the criminal justice system, outlining what can be done by the different agencies to work with offenders families and children.

Adelle informed the group that the Scottish version differed from the MOJ report as it moved away from the focus on reducing reoffending, with the central focus being instead on the needs of families. The Framework will also take a broad understanding of families, not just focusing on children and appropriate for all the relationships that can exist e.g. spouses, parents and grandparents, and so on. Adelle suggested that they wanted the document to be an 'aspirational document' that would set out a baseline standard of services family members should be able to expect throughout Lothian & Borders. Adelle suggested that the framework will hopefully be a resource that could be utilised by any professional working with this client group.

Adelle provided an overview of how the document was looking at present. Adelle explained that document sets out a series of outcomes that will support improved experience of families of offenders. The outcomes were identified after reviewing research and policy guidance that surrounds working with families of offenders and similar frameworks that exist globally. The outcomes are organised into four key themes. Theme One is 'Informed Practice', which includes outcomes around the training and accreditation of staff working with families, ensuring families are considered when creating policy and practice guidance,

gathering information about families' needs and the sharing of information between agencies. Theme Two is 'Families are included and engaged', covering support for families at each stage of the process and ensuring that they are fully aware of the range of the support that is available to them and how they can access it. This theme also covers ensuring families are consulted about decisions that will affect them and highlights involvement in Integrated Case Management. The third theme is 'Families are Connected', which covers visits and other forms of contact. The fourth theme is 'Families are Safe and Well'. Broadly, this outcomes refers to supporting the good physical and emotional health of families of offenders and protecting them from physical and emotional harm.

Under each of these four themes are 'Activities', which are breakdowns of the outcomes and how they might be achieved by the different agencies. The Activities are organised by the stages of the criminal justice system. The stages are broken in to 'All Stages', 'Arrest and Charge', 'Court and Sentencing', and 'Custodial and Non-Custodial Measures'. While the document will not list individual organisations that would be responsible for meeting these outcomes, the document will highlight examples.

Going forward, Adelle suggested that a supporting document would be developed to be read alongside the Framework that will have the theoretical background information from the policy and research that exemplifies why these outcomes are important. Adelle asked for feedback from the group on how best to roll out the Framework and ensure it becomes a useful document to professional working with families. Adelle asked for any comments, questions, or opinions on what would be useful to be included in the document.

Nancy highlighted that the Ministry of Justice and the Department of Children, Schools and Families co-authored the 2009 report and set it out to follow that stages of the criminal justice system, outlining key agencies that would be involved. Nancy suggested that this Framework was reluctant to highlight key agencies, as there might be a tendency for each organisation to refer only to the sections that had their name beside it.

Maggie Mellon asked if families could access the document and use it as a guide as they pass through each stage of the criminal justice system. Adelle suggested that families hadn't yet been consulted in the development of the Framework, however she was keen to hear their views. Maggie suggested aiming the Framework for families also highlighted the role of schools in supporting children and families. Nancy voiced concerns that it might create a sense of entitlement with families and highlighted that they were standards and not formal rights, however the guidance did link the standards to relevant legislation.

Marina Shaw suggested the Framework might be useful as a 'go to' document for young people leaving secure care. Marina suggested it had been her experiences that, when young people are sent to a secure unit, families feel extremely alienated, helpless, and lost in a systems that traverses both children and families and adult sector, which can making it even more overwhelming for families. Adelle suggested this could be highlighted in to the introduction so that it wasn't just adult-focused. Nancy highlighted that Margaret Malloch from the University of Stirling was currently conducting research on support to families when someone is in secure care. The research is due to finish at the end of April and could be fed into the Framework.

Sara Watkin highlighted the usefulness of naming what support was available to families, using an example about child contact with adoptive and biological families.

Ms Fee highlighted that the South West Scotland CJA launched a postcard for families affected by imprisonment with contact details of relevant organisation and suggested that any tool that gives useful information is valuable.

Don Millar suggested that he had previously been involved in distributing information about Domestic Violence and highlighted that professionals are often weighed down by national standards and suggested creating a leaflet with the key points that might be more easily distributed. Adelle suggested this was a good idea to remind individuals about the document, as she was concerned about how to make the Framework a valuable tool of professionals.

Maggie Mellon suggested including information about confidentiality and appropriate sharing of information. Adelle suggested that this would be included in the document.

Mark Ballard asked how the document would work with Single Child Plans, Named Persons, and the proposals in the Children & Young People's Bill, as he felt there was some overlap. Adelle suggested that there were still a number of gaps in the draft Framework and suggested that this hadn't been covered but would be happy to look at incorporating this.

One member asked if this Framework was intended to be used by other CJAs. Adelle suggested that there hadn't been any consultations with any other CJAs as yet, as they were focusing on (and funded by) Lothian & Borders. Nancy hoped that it might be rolled out to other CJAs but noted that much would depend on the redesigning of CJAs. One member asked how focused the Framework was on national or local services. Adelle suggested at present it was very broad and was unsure how much local information would be included.

Marina suggested a potential for synchronicity between the Scottish Government database of services for offenders and the Framework.

Ms Fee asked at what point the Framework would be rolled out and how would it be reviewed and monitored. Nancy suggested that this would be discussed at the meeting to be held with Lothian & Borders CJA on 7 March. Nancy suggest that Rob Strachan plans to launch the Framework next August and highlighted that much of the delay was due to funding, with more being available in the new financial year.

Ms Fee suggested that it would be good to take best practice from across the CJAs and incorporate into one document.

Cara Jardine voiced support for the structure of the document in setting outcomes and outlining how they will improve experiences for families. Cara asked how much of the document will outline general principles or specific local information and suggested general principles would help to ensure that the Framework didn't go out of date. Cara highlighted that only providing general principles can have the potential of the loss of ownership. Adelle suggested there was a balance to be struck and felt that the Outcomes that are being set out shouldn't need to be updated and that most of the Activities are fairly static. However, she noted that some things would change and felt it was important to make sure that Framework is easy to update.

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Nancy informed the group that Scottish Prison Service Standards for Families would be launched on the 1st of April. The SPS has also commissioned a review of parenting programmes and has conducted a review of children's visits, due to be released shortly. Nancy updated the group about a situation at Shotts where bonding visits had been removed as a form of punishment, which had previously been raised at the CPG. Nancy informed the group that this had now been resolved with HMP Shotts, with the Children and Family Strategy group announcing that father and child visits were no longer to be treated as a privilege and could not be removed. They were also looking at extending child visits to other family members to include other relationships such as siblings, grandchildren, and so on. There is a piece of research on the approach to children and families at Low Moss that will finish on the 30th of April and is looking at new initiatives they have adopted.

Nancy informed the group that a part-time secondee, Erica Clarkson from the Scottish Government, was now working with the Church of Scotland looking at prison Visitor Centres. The SPS review of women in custody is looking at provision for children and families including overnight stays at the units at HMP Inverclyde and HMP Edinburgh. The Prison Reform Trust and the Prison Education Trust held a meeting in London in February on the role of information technology in connecting families. They have looked at using facilities such as Skype, electronic payments into prisons, online booking for visits, and prisoners using email. The report will hopefully be available in the next couple of months. The COPING study is now at final stages of review from funders and should hopefully be available in the next couple of weeks. Nancy informed the group that there had been some progress with a Private Member's Bill in relation to Child Impact Assessments, and some members of the CPG would be meeting to discuss this on Friday 8 March. Together Scotland is doing a consultation on Children's Rights which was circulated prior to the CPG meeting. Nancy asked that the group members respond to this.

Nancy informed the group that she had had some feedback from a CPG member suggesting that the CPG should be focusing more on 'front line' issues such as cost of phone calls and cost of items in the canteen. Nancy suggested that the meeting could alternate to include high level and front line issues.

Susan Galloway from the NSPCC provided some information on research she was doing on the impact on offending on babies and was keen to hear of any interventions or services in this area. The group suggested she made contact the Child and Development worker from Aberlour based in Cornton Vale. Kathleen Bryson suggested speaking to families who are kinship carers as they often look after prisoners' small children. Sarah noted that parents who were medicated, for depression for example, fail to tailor their responses to children and suggested the need to review how individuals that are distressed are being medicated. Dr Christine Puckering at the University of Glasgow and Dr Mary Hepburn were suggested as two useful contacts. It was suggested that Susan may wish to acquire anecdotal evidence from children in looked after accommodation and schools.

Nancy informed the group that the film *Everyday* was showing at Glasgow Film Festival on 6 March with a question and answer session with Shirley Henderson and on the 7 March at Edinburgh Filmhouse. Nancy also highlighted that Families Outside was now taking bookings for the Conference on 9 May at Hampden Park and noted that the University of the West of Scotland also had an academic conference on the 31 May.

Maggie Mellon informed the group that she had been in touch with Judicial Institute with regards to Child Impact Assessments and would be delighted to take part in an event. Nancy suggested that the next meeting of the CPG would be a good opportunity to discuss whether it would be appropriate to invite them to the aforementioned event with Mr MacAskil or whether there should be two separate events.

Mark Ballard suggested that a short discussion of the Children & Young People's Bill at the next meeting of the CPG.

Dates of Next Meeting: Wednesday 8 May 2013

Question S4O-02036: Mary Fee, West Scotland, Scottish Labour, Date Lodged:
17/04/2013

To ask the Scottish Government how it evaluates the throughcare and support given to prisoners.

Current Status: Taken in the Chamber on 25/04/2013

Question S4O-01992: Mary Fee, West Scotland, Scottish Labour, Date Lodged:
10/04/2013

To ask the Scottish Government what support it gives to prisoners wanting to study for educational qualifications.

Current Status: Taken in the Chamber on 17/04/2013

Question S4W-13412: Mary Fee, West Scotland, Scottish Labour, Date Lodged:
04/03/2013

To ask the Scottish Government how many first-time offenders there have been in each year since 2007.

Answered by Kenny MacAskill (15/03/2013):

The information requested is shown in the following table.

Number of individuals convicted during the period with no prior convictions in previous 10 years: 2006-07 to 2011-12

2006-07

18,939

2007-08

18,695

2008-09

17,304

2009-10

16,350

2010-11

15,053

2011-12

13,607

Source: Scottish Government Justice Analytical Services criminal proceedings database.

Notes:

1. Figures include criminal court convictions during past 10 years for crimes or common assault, breach of the peace, racially aggravated conduct or harassment, firearms offences or social security offences. Convictions outwith Scotland are excluded.

2. The data presented in this publication are drawn from an administrative IT system. Although care is taken when processing and analysing the data, they are subject to the inaccuracies inherent in any large scale recording system. While the figures shown have been checked as far as practicable, they should be regarded as approximate and not necessarily accurate to the last whole number shown in the tables. They are also updated and quality assured on an on-going basis, and the figures shown here may therefore differ slightly from those published previously.

Current Status: Answered by Kenny MacAskill on 15/03/2013

Question S4W-13411: Mary Fee, West Scotland, Scottish Labour, Date Lodged: 04/03/2013

To ask the Scottish Government how many prisoners have passed the Scottish Credit and Qualifications Framework level 4 in each year since 2007.

Answered by Kenny MacAskill (15/03/2013):

I have asked Colin McConnell, Chief Executive of the Scottish Prison Service, to respond. His response is as follows.

The SPS Learning and Skills Providers and SPS staff both deliver qualifications under the Scottish Credit and Qualifications Framework.

SPS does not collate information regarding how many prisoners have passed the Scottish Credit and Qualifications Framework Level 4 delivered by SPS staff, however, SPS Learning and Skills providers do record this information.

The following table details the number of prisoners who have passed the Scottish Credit and Qualifications Framework level 4, delivered by SPS Learning and Skills providers in each academic year (1 August-31 July) since 2007.

No of Prisoners who Passed SQA Level 4 – per Academic Year

2007-08:	871
2008-09:	1,240
2009-10:	1,053
2010-11:	1,262
2011-12:	1,084
2012-13:	628

Current Status: Answered by Kenny MacAskill on 15/03/2013

Question S4W-13410: Mary Fee, West Scotland, Scottish Labour, Date Lodged: 04/03/2013

To ask the Scottish Government when it plans to set up a Scottish sentencing council.

Answered by Kenny MacAskill (15/03/2013):

We are discussing with the Lord President arrangements for establishing, before the end of this Parliament, a Scottish Sentencing Council.

Current Status: Answered by Kenny MacAskill on 15/03/2013

Question S4W-13409: Mary Fee, West Scotland, Scottish Labour, Date Lodged: 04/03/2013

To ask the Scottish Government, further to the answer to question S4W-12231 by Kenny MacAskill on 24 January 2013, whether (a) it or (b) the Scottish Prison Service plans to evaluate the effectiveness of rehabilitation programmes in prison.

Answered by Kenny MacAskill (15/03/2013):

I have asked Colin McConnell, Chief Executive of the Scottish Prison Service, to respond. His response is as follows:

SPS will over the next three years submit its rehabilitation programmes to the Scottish Advisory Panel for Offender Rehabilitation (SAPOR) for accreditation. A key element of the accreditation process is that SPS evidence how it will evaluate the effectiveness of these.

Current Status: Answered by Kenny MacAskill on 15/03/2013

Question S4W-13408: Mary Fee, West Scotland, Scottish Labour, Date Lodged: 04/03/2013

To ask the Scottish Government, further to the answer to question S4W-12231 by Kenny MacAskill on 24 January 2013, from what countries the research comes that evaluates the effectiveness of rehabilitation programmes.

Answered by Kenny MacAskill (15/03/2013):

I have asked Colin McConnell, Chief Executive of the Scottish Prison Service, to respond. His response is as follows:

There are a number of countries that, over many years, have contributed to the research evidence available in relation to the effectiveness of rehabilitation programmes. The main contributors to what is known come from North America – the United States and Canada – and the United Kingdom and Germany. Whilst this list is not exhaustive, academics and practitioners from these countries have been

seminal in progressing our understanding of the effectiveness of these types of programme.

Current Status: Answered by Kenny MacAskill on 15/03/2013

Question S4W-13407: Mary Fee, West Scotland, Scottish Labour, Date Lodged: 04/03/2013

To ask the Scottish Government how much it has spent on reducing reoffending in each year since 2007.

Answered by Kenny MacAskill (15/03/2013):

A number of Ministerial portfolios including justice, housing, health and education make important contributions towards reducing reoffending. However, we do not hold an aggregate figure for those contributions.

Within justice, a number of budgets contribute to reducing reoffending including those of Community Justice Authorities (CJAs) and the Scottish Prison Service (SPS). This funding is used to provide a range of services delivered by Local Authority Criminal Justice Social Work, the SPS itself and Third Sector partner organisations.

CJAs were established by the Management of Offenders etc. (Scotland) Act 2005 to help reduce reoffending. Their responsibilities include the co-ordination of work across partner organisations, the promotion of good practice with a view to reducing reoffending and the appropriate allocation of funding to relevant local authorities.

Funding provided to CJAs over the last five years is provided in the following table.

Financial Year

Community Justice Authority Budget (£)

2008-09

92,786,314

2009-10

95,726,923

2010-11

98,863,003

2011-12

97,934,246

2012-13

96,832,691

The Government has also established the Reducing Reoffending Change Fund which will issue £10 million in grant funding in 2012-2015, to support organisations that deliver mentoring services to offenders, providing practical, one to one support to help offenders rehabilitate themselves and to desist from crime.

It is not possible to extract from the overall SPS budget the amount dedicated to reducing reoffending.

Current Status: Answered by Kenny MacAskill on 15/03/2013

Question S4W-13406: Mary Fee, West Scotland, Scottish Labour, Date Lodged: 04/03/2013

To ask the Scottish Government what guidance social workers are given regarding preparing social enquiry reports for courts in relation to children of convicted offenders in order to assist sentencing.

Answered by Kenny MacAskill (11/03/2013):

Social Enquiry Reports were replaced in February 2011 by Criminal Justice Social Work Reports (CJSWRs). Practice guidance for report writers and managers was published in December 2010 and is available on the Scottish Government website at:

<http://www.scotland.gov.uk/Topics/Justice/public-safety/offender-management/offender/community/16910/Standards/GuidanceCJSWR>.

In detailing an offenders' personal and social circumstances, report writers are encouraged to include any caring responsibilities that the individual may have (including part-time or weekend contact) and whether any significant family relationships are at risk of breaking down as a consequence of any relevant sentencing option (paragraph 6.17.1).

Additionally, where a custodial sentence is possible, the guidance notes that report writers should consider the likely impact of such a sentence on the individual's family, including any children, taking into account such variables as whether they are the sole breadwinner, if the family home may be in jeopardy, and if caring responsibilities could no longer be fulfilled (paragraph 6.25.1).

Current Status: Answered by Kenny MacAskill on 11/03/2013

Question S4W-13405: Mary Fee, West Scotland, Scottish Labour, Date Lodged: 04/03/2013

To ask the Scottish Government what costs have been incurred in each year since 2007 as a result of children being taken into care following a parent being sent to prison.

Answered by Aileen Campbell (14/03/2013):

The Scottish Government does not collect this data centrally and has made no estimate of these costs.

Current Status: Answered by Aileen Campbell on 14/03/2013

Question S4W-13404: Mary Fee, West Scotland, Scottish Labour, Date Lodged: 04/03/2013

To ask the Scottish Government how many children with a parent in prison are in (a) foster, (b) residential and (c) kinship care.

Answered by Aileen Campbell (14/03/2013):

The Scottish Government does not collect this data.

Current Status: Answered by Aileen Campbell on 14/03/2013

Motion S4M-05789: Mary Fee, West Scotland, Scottish Labour, Date Lodged: 01/03/2013

Using Prisoners' Assets to Reduce Reoffending

That the Parliament welcomes the decision of the Scottish Prison Service to invest £70,000 in a pilot through-care service in HMP Greenock to tackle reoffending and assist offenders in settling back into their communities; considers that reoffending costs the Scottish economy £3 billion per year; understands that there is no single solution to tackling reoffending; regrets that 61% of prisoners with a sentence of less than one year will reoffend within two years of release, and hopes that using prisoners' assets to reduce reoffending by engaging the prisoners with their families, by working with their skills, hobbies, employment history and educational outcomes will provide better rehabilitation and educational programmes.

Supported by: Hanzala Malik, Elaine Murray, Margaret McCulloch, Neil Findlay, Graeme Pearson, Patricia Ferguson, Richard Lyle, Richard Simpson, Jackie Baillie, Bob Doris, Mike MacKenzie, Stuart McMillan, Anne McTaggart, Dave Thompson, Duncan McNeil, Maureen Watt, Jamie Hepburn, Christine Grahame, Gil Paterson, Annabel Goldie, Margaret McDougall, Colin Keir, John Scott

Current Status: Achieved Cross Party Support